

NO. 18

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, FEBRUARY 9, 2022

**Wednesday, February 9, 2022
(Statewide Session)**

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.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:

Joshua 24:14

Speaking to his people Joshua said: "Now therefore revere the Lord and serve him in sincerity and in faithfulness. . . ."

Please join your heart with mine as we pray: Gracious Lord, here in this bold 21st century that we're living through, there are all sorts of alluring, tempting voices that call to us again and again. And hearing such, many women and men might find themselves lost and adrift. Yet we are confident, Lord, that if all who serve You in this Senate will only turn to You and follow You, then assuredly their way will be straight and true. After all, only through becoming Your servants first of all will these leaders truly achieve the best results for this State we all love.

Further, O God, during these perilous times, keep safe our women and men in uniform serving around the globe and here at home. And use us all to Your glory. In Your wondrous name we pray, Lord. Amen.

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

Point of Quorum

At 11:03 A.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 SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Cash
Climer	Corbin	Cromer
Fanning	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Martin

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Massey	Peeler	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator McELVEEN introduced Dr. Gary Culberson of Sumter, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 11:07 A.M., Senator VERDIN was granted a leave of until 11:30 A.M.

Leave of Absence

On motion of Senator SHEALY, at 11:07 A.M., Senator MATTHEWS was granted a leave until 1:00 P.M.

Leave of Absence

On motion of Senator McELVEEN, at 11:07 A.M., Senator McLEOD was granted a leave until 11:30 A.M.

Leave of Absence

On motion of Senator GARRETT, at 11:17 A.M., Senator GAMBRELL was granted a leave of absence for today.

Leave of Absence

On motion of Senator MARTIN, at 11:17 A.M., Senator MALLOY was granted a leave until 1:00 P.M.

CO-SPONSORS ADDED

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

S. 248 Sen. Shealy
S. 1039 Sen. Kimpson and McElveen

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1066 -- Senators Garrett, Adams, Cash and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "YOUTH PROTECTION FROM INTERNET PORNOGRAPHY ACT", BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 63 SO AS TO PROVIDE PROTECTIONS FOR CHILDREN AGAINST UNFILTERED DEVICES; TO PROVIDE NECESSARY DEFINITIONS; TO REQUIRE MANUFACTURERS TO PROVIDE AUTOMATIC FILTERING CAPABILITIES ON DEVICES ACTIVATED IN THIS STATE; TO SUBJECT MANUFACTURERS TO CIVIL AND CRIMINAL LIABILITY FOR VIOLATIONS OF THIS ARTICLE; AND TO SUBJECT INDIVIDUALS TO CRIMINAL AND CIVIL LIABILITY FOR VIOLATIONS OF THIS ARTICLE; TO AMEND SECTION 16-17-490, RELATING TO CONTRIBUTING TO THE DELINQUENCY OF A MINOR, SO AS TO PROHIBIT PROVIDING A PASSCODE TO REMOVE THE PORNOGRAPHY FILTER FOR AN INTERNET-ACCESSIBLE DEVICE BY SOMEONE OTHER THAN A MINOR'S PARENT OR LEGAL GUARDIAN; AND TO DESIGNATE SECTIONS 63-1-10 THROUGH 63-1-50 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

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Read the first time and referred to the Committee on Judiciary.

S. 1067 -- Senator Stephens: A SENATE RESOLUTION TO CONGRATULATE MAYBELLE GREEN-LITTLES ON THE OCCASION OF HER ONE HUNDRED AND FIRST BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

H. 4570 -- Reps. Calhoon, Bustos, McGarry, W. Cox, Erickson and Bradley: A BILL TO AMEND SECTION 56-3-14970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO SERVICE MEMBERS ASSOCIATED WITH VARIOUS MILITARY COMPONENTS OR DESIGNATIONS, SO AS TO PROVIDE FOR THE ISSUANCE OF "UNITED STATES SPACE FORCE" SPECIAL LICENSE PLATES.

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Read the first time and referred to the Committee on Transportation.

H. 4766 -- Reps. Allison, Lucas, Felder and Alexander: A BILL TO AMEND SECTION 13-1-2030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, SO AS TO DELETE REFERENCES TO DESIGNEES ON THE COORDINATING COUNCIL.

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

H. 4797 -- Reps. Elliott, Erickson and Bradley: A BILL TO AMEND SECTION 56-3-5010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF "PUBLIC EDUCATION: A GREAT INVESTMENT" MOTOR VEHICLE LICENSE PLATES, SO AS TO PROVIDE THE REVISED PURPOSE OF ISSUANCE OF THE LICENSE PLATES IS TO ESTABLISH A FUND FOR THE PURPOSE OF PROVIDING CLASSROOM TECHNOLOGY TO PUBLIC SCHOOLS.

Read the first time and referred to the Committee on Transportation.

REPORT OF STANDING COMMITTEE

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 956 -- Senators Peeler, Alexander, Hutto, Young and Setzler: A JOINT RESOLUTION TO APPROPRIATE SETTLEMENT FUNDS PAID TO THIS STATE BY THE FEDERAL GOVERNMENT FOR STORING PLUTONIUM AT THE SAVANNAH RIVER SITE.

Ordered for consideration tomorrow.

Appointments Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointments

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Nick A. Mesenburg, 60 Grand Oaks Way, Beaufort, SC 29907-1183
VICE Ronald F. Taylor

Received as information.

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Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

Veterans' Service Organization:

Melvin Poole, 1634 Crestdale Road, Rock Hill, SC 29732-1498

Received as information.

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Ada D. Stewart, 1313 Ashland Drive, Columbia, SC 29229-8414

Received as information.

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Brenda Lopez Stewart, 110 Devon Road, Clinton, SC 29325-5208
VICE James R. Lorraine

Received as information.

Initial Appointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2018, and to expire June 30, 2022

4th Congressional District:

Jane W. Daniel, 107 East Shallowstone Road, Greer, SC 29650 *VICE*
Monica G. Hill

Received as information.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2022, and to expire June 30, 2026

4th Congressional District:

Jane W. Daniel, 107 East Shallowstone Road, Greer, SC 29650

Received as information.

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Initial Appointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2020, and to expire June 30, 2024

5th Congressional District:

Mary D. Long, 508 Indigo Court, Camden, SC 29020 *VICE* Ms. Martha W. Brock

Received as information.

Message from the House

Columbia, S.C., February 9, 2022

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.120, S. 836 by a vote of 92 to 1:

(R120, S836) -- Senators Martin, Peeler and Cromer: AN ACT TO AMEND ACT 124 OF 1969, AS AMENDED, RELATING TO THE CREATION OF THE SCHOOL DISTRICT OF UNION COUNTY, SO AS TO REQUIRE THE SCHOOL DISTRICT OF UNION COUNTY TO RECOGNIZE MEMORIAL DAY AS A HOLIDAY AND ALL DISTRICT SCHOOLS AND OFFICES MUST BE CLOSED ON THAT DATE.

Very respectfully,
Speaker of the House

Received as information.

Message from the House

Columbia, S.C., February 9, 2022

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.122, S. 948 by a vote of 90 to 13:

(R122, S948) -- Senator Williams: A JOINT RESOLUTION TO MOVE THE DATE OF THE 2022 ELECTION FOR THE MARION COUNTY BOARD OF EDUCATION FROM THE SECOND TUESDAY IN APRIL OF 2022 TO THE SECOND TUESDAY IN MAY OF 2022, AND TO ADJUST THE CANDIDATE FILING PERIOD ACCORDINGLY.

Very respectfully,
Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., February 9, 2022

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with Senate amendments amended:

H. 3444 -- Reps. Lucas, McGarry, Burns, Haddon, Pope, McCravy, Forrest, Hosey, Caskey, McGinnis, Hixon, Hewitt, Bailey, W. Newton, Herbkersman, J.E. Johnson, Brittain, Erickson, Bradley, B. Newton, Fry, Crawford, S. Williams, Taylor, Huggins, Bryant, Blackwell and M.M. Smith: A BILL TO AMEND SECTION 7-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION, COMPOSITION, POWERS, AND DUTIES OF THE STATE ELECTION COMMISSION, SO AS TO RECONSTITUTE THE STATE ELECTION COMMISSION AND REVISE THE COMMISSION'S COMPOSITION, POWERS, AND DUTIES; AND TO AMEND SECTIONS 7-17-70 AND 7-17-220, BOTH RELATING TO MEETINGS OF THE STATE BOARD, SO AS TO MAKE CONFORMING CHANGES.

Very respectfully,
Speaker of the House

Received as information.

RECOMMITTED TO COMMITTEE

In accordance with Rule 32C, the Bill was recommitted to the Committee on Judiciary.

HOUSE CONCURRENCES

S. 1057 -- Senators Scott, Harpootlian, Jackson, McElveen and McLeod: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND JAMES C. BROWN FOR HIS TWENTY-SEVEN YEARS OF DISTINGUISHED SERVICE TO THE PEOPLE OF THE PALMETTO STATE AS RICHLAND COUNTY VETERANS AFFAIRS OFFICER AND EXECUTIVE DIRECTOR OF THE RICHLAND LEGISLATIVE DELEGATION OFFICE AND, AS HE BEGINS HIS RETIREMENT, TO EXTEND BEST WISHES FOR CONTINUED SUCCESS AND FULFILLMENT IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

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S. 1064 -- Senators McElveen, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McLeod, Peeler, Rankin, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 12, 2022 AS "WORLD CHOLANGIOCARCINOMA DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4576 -- Reps. Tedder, G.R. Smith, Govan, B. Newton and Thigpen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-260 SO AS TO DECLARE THE THIRD TUESDAY IN FEBRUARY OF EACH YEAR AS "HISTORICALLY BLACK COLLEGES AND UNIVERSITIES DAY".

The Senate proceeded to a consideration of the Bill.

The question then being third reading the Bill.

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

Ayes 38; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Martin	Massey
McElveen	Peeler	Rankin

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Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

Total--38

NAYS

Total--0

The Bill was read the third time, passed and enrolled for Ratification.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 150 -- Senators Davis, Hutto, Malloy, Rankin, Goldfinch, Harpootlian, Fanning, Matthews, Kimpson, Jackson, Leatherman, Grooms, Stephens, Shealy and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; TO AMEND CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; TO AMEND SECTION 12-36-2120(69) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA SALES AND USE TAX, TO PROVIDE THAT CANNABIS SOLD BY A DISPENSARY TO A CARDHOLDER IS EXEMPT FROM A CERTAIN SALES TAX; TO REPEAL ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

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

Amendment No. 48

Senator CASH proposed the following amendment (150R060.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2010(25)(b).

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Renumber sections to conform.
Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 49

Senator CASH proposed the following amendment (150R099.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2350(A)(2)(b)(i).

Renumber sections to conform.
Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 50

Senator CASH proposed the following amendment (150R062.SP.RJC), which was adopted:

Amend the bill, as and if amended, by Section 44-53-2130(A), by adding an appropriately numbered new item to read:

/() an applicant's job title and description of the applicant's job, provided that an applicant may not receive or keep a registry identification card if the applicant is employed in public safety, commercial transportation, or commercial machinery. A false representation of an applicant's job title or description is a felony, and upon conviction, the applicant's registry identification card shall be revoked. The offense is punishable of a fine of not more than five thousand dollars, imprisonment of not more than five years, or both. The department must include a notice on the application that employment in public safety, commercial transportation, or commercial machinery is a prohibition on receiving a registry identification card, and that a false representation is a felony. /

Renumber sections to conform.

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Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 51

Senator CASH proposed the following amendment (150R063.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2390(D) and inserting:

/(D) No license issued to a medical cannabis establishment is transferable until the expiration of thirty-six months from the date of issuance by the department, and until at least twenty-four months have passed since the medical establishment began operations. The license shall not be transferrable to any person who has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense. /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 52

Senator CASH proposed the following amendment (150R064.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2020(B)(2) through (5) and inserting:

/(2) ten percent to local providers operating under the auspices of Act 301 of 1973 for purposes related to alcohol and drug abuse prevention, education, early intervention, and treatment services;

(3) five percent to SLED;

(4) two percent to the South Carolina Department of Education to be used for drug safety education;

(5) seventy-five percent to the state general fund; and /

Re-number sections to conform.

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Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 53

Senator CAMPSEN proposed the following amendment (150R065.SP.GEC), which was carried over:

Amend the bill, as and if amended, by striking Section 44-53-2096(C) and inserting:

/(C) The Board of Pharmacy shall develop a process and promulgate regulations for issuing a permit to a therapeutic cannabis pharmacy, including the establishment of associated fees. The Board of Pharmacy shall not prohibit a pharmacist who owns a non-therapeutic cannabis pharmacy from obtaining a permit to own and operate a therapeutic cannabis pharmacy, provided that the pharmacies must be located in independent structures that are at least one quarter mile apart from the other. /

Re-number sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was carried over.

Amendment No. 54

Senator SENN proposed the following amendment (150R054.SP.SS), which was tabled:

Amend the bill, as and if amended, beginning on page 2, lines 40 through 43, and on page 3, lines 1 through 11, by striking Section 44-53-2010(1)(a) and inserting:

/(1)(a) 'Allowable amount of medical cannabis' or 'allowable amount of cannabis products' means the total amount of one or more cannabis products not exceeding a total of seventy milligrams of a delta-9-tetrahydrocannabinol per day for a fourteen-day period; /

Re-number sections to conform.

Amend title to conform.

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Senator SENN explained the amendment.
Senator CASH spoke on the amendment.
Senator DAVIS spoke on the amendment.

Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 55A

Senator SENN proposed the following amendment (150R074.SP.SS), which was adopted:

Amend the bill, as and if amended, on page 28, Section 44-53-2230(B), by striking lines 36 through 40 and inserting:

/(B) Nothing in this article may be construed to prevent the arrest or prosecution of a qualifying patient for reckless driving or driving under the influence of cannabis products if probable cause exists. The mere presence of cannabis metabolites shall not automatically deem a person under the influence. If a qualified patient refuses to submit to a blood sample test, as provided in Section 56-5-2950, then the qualified patient's privilege to drive is suspended for at least six months and his registry identification card is suspended for six months. The qualified patient has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension. If the person does not request a contested case hearing for all issues, including, but not limited to probable cause, the refusal of, or compliance with Section 56-5-2950, or if the qualified patient's suspension is upheld at the contested case hearing, then the qualified patient shall enroll in an Alcohol and Drug Safety Action Program. Upon completion of the suspension period and the Alcohol and Drug Safety Action Program, the qualified patient pay reapply for a registry identification card. /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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Amendment No. 56A

Senator SENN proposed the following amendment (150R073.SP.SS), which was adopted:

Amend the bill, as and if amended, in between Sections 44-53-2230 and 44-53-2240 by inserting a new Section to read:

/Section 44-53-2235. It is unlawful for a qualified patient, designated caregiver, or transporter to have in his possession, except in the trunk, glove compartment, closed console, or luggage compartment, a cannabis product in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this State. A person who violates the provisions of this section shall have his registry identification card suspended and is guilty of a misdemeanor. Upon conviction, the qualified patient must be fined not more than one hundred dollars or imprisoned not more than thirty days. Upon the satisfaction of the fine, or imprisonment, or both, the qualified patient may reapply for a registry identification card. /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 57

Senator SENN proposed the following amendment (CM\150C001.GT.CM22), which was adopted:

Amend the bill, as and if amended, Section 44-53-2080(A)(3), as contained in SECTION 3, by adding the following appropriately lettered subitems to read:

/ () that the physician has either objectively diagnosed the debilitating disease himself or has verified the diagnosis with the treating physician;

() that the physician has independently verified evidence provided under Section 44-53-2100(A)(4); /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

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The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 58

Senator GARRETT proposed the following amendment (150R072.SP.BG), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2010(7) and inserting:

/(7) ‘Cultivation center’ means a facility located in South Carolina operated by an organization or business that is licensed by the department pursuant to this article to cultivate, possess, and distribute cannabis products to processing facilities, dispensaries, and independent testing laboratories. Land used for cultivation may not exceed a total of two acres per license as provided in Section 44-53-2390 and cannot be a multi-level facility. /

Re-number sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 59

Senator GARRETT proposed the following amendment (ZW\150C001.AR.ZW22), which was carried over:

Amend the bill, as and if amended, SECTION 3, page 8, after line 19, by adding an appropriately numbered subsection to read:

/ () ‘Standard of care for dispensing or certifying a patient for medical marijuana’ means the level and type of care that a reasonably competent and skilled health care professional with a similar background and in the same medical community would provide but must include providing specific dosage units and concentration levels of each dosage unit for medical cannabis products dispensed or certified. /

Amend the bill further, as and if amended, page 30, after line 20, by adding an appropriately lettered subsection to read:

/ () The department shall establish by regulation reporting requirements for emergency room treatment facilities for medical

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cannabis incidents involving qualified patients to be listed on the web-based verification system. /

Amend the bill further, as and if amended, page 56, subsection (C)(1)(b), by striking lines 6-9 and inserting:

/ (b) the percentage of tetrahydrocannabinol and the percentage of cannabidiol within a profile tolerance range of one percent. For edible cannabis products, the cannabinoid profile should be listed by milligrams per serving; /

Re-number sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

On motion of Senator GARRETT, the amendment was carried over.

Amendment No. 11

Senator CORBIN proposed the following amendment (150R021.SP.TDC), which was adopted:

Amend the bill, as and if amended, on page 12, by striking lines 15 through 17 and inserting:

/(i) a review of other measures attempted to ease the suffering caused by the debilitating medical condition that do not involve cannabis products for medical use, including chiropractic interventions; /

Re-number sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator SENN, with unanimous consent, Amendment Nos. 14, 16 and 27 were withdrawn.

Amendment No. 15

Senator SENN proposed the following amendment (150R028.SP.SS), which was carried over:

Amend the bill, as and if amended, on page 44, Section 44-53-2390(A)(4), by striking lines 17 and 18 and inserting:

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/ (4) no more than two dispensaries in any single county; and/
Renummer sections to conform.
Amend title to conform.

Senator SENN spoke on the amendment.
Senator DAVIS spoke on the amendment.

On motion of Senator SENN, the amendment was carried over.

Amendment No. 22

Senator HEMBREE proposed the following amendment (150R010.SP.GH), which was carried over:

Amend the bill, as and if amended, on page 5, by striking lines 14 through 17 and inserting:

/(11)‘Dispensary’ means a facility operated by an organization or business licensed by the department pursuant to this article that possesses and dispenses cannabis products, industrial hemp for human consumption, or paraphernalia to cardholders. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a dispensary until July 1, 2032. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Amend the bill further, as and if amended, beginning on page 5, by striking lines 41 and 42, and on page 6, by striking lines 1 through 10 and inserting:

/(18)‘Medical cannabis establishment’ means a cultivation center, dispensary, transporter, independent testing laboratory, or processing facility licensed by the department pursuant to this article. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a medical cannabis establishment until July 1, 2032. This exclusion does not apply to members and their families if the member recused himself from voting on this act.

(19) ‘Medical cannabis establishment agent’ means a board member, owner, officer, employee, or volunteer of a medical cannabis establishment. Members of the General Assembly and family members, as defined in Section 8-13-100(15), are prohibited from being a medical cannabis establishment agent. This exclusion does not apply to members and their families if the member recused himself from voting on this act.

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(20) ‘Medical cannabis establishment principal’ means a person who is designated as having responsibility over the actions of a board member, owner, officer, employee, volunteer, or agent of a medical cannabis establishment and who also has responsibility and control over any liability for any financial accounts. Members of the General Assembly and family members, as defined in Section 8-13-100(15), are prohibited from being a medical cannabis establishment principal. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Amend the bill further, as and if amended, on page 7, by striking lines 18 through 21 and inserting:

/(26)‘Processing facility’ means a facility licensed by the department pursuant to this article that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products for human consumption to a dispensary. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a processing facility until July 1, 2032. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Amend the bill further, as and if amended, on page 7, by striking lines 38 through 42 and inserting:

/(32)‘Transporter’ means an entity licensed by the department pursuant to this article that acquires, possesses, and stores cannabis and cannabis products for human consumption and delivers, transfers, and transports cannabis products between medical cannabis establishments. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a transporter until July 1, 2032. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

On motion of Senator HEMBREE, the amendment was carried over.

On motion of Senator SENN, with unanimous consent, Amendment Nos. 17A, 21, 24, 26 and 27 were withdrawn.

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Amendment No. 28

Senator CASH proposed the following amendment (150R047.SP.RJC), which was adopted:

Amend the bill, as and if amended, on page 3, lines 12 through 15, by striking Section 44-53-2010(1)(b) and inserting:

/(b)(i) In any case in which a physician has specified a certain amount of cannabis products pursuant to Section 44-53-2080(B), an allowable amount of cannabis products is the amount of cannabis products specified for a fourteen-day period.

(ii) In any case in which a physician has not specified a certain amount of cannabis products, an allowable amount of cannabis products is the amount of cannabis products specified for a fourteen-day period as provided in either subitems (i), (ii), (iii), or (iv). /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 29

Senator CASH proposed the following amendment (150R035.SP.RJC), which was adopted:

Amend the bill, as and if amended, on page 7, Section 44-53-2010(25)(a)(i). by striking lines 1 and 2 and inserting:

/(a)(i) is a physician as defined in Section 40-47-20 is authorized to prescribe /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 30

Senator CASH proposed the following amendment (150R049.SP.RJC), which was adopted:

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Amend the bill, as and if amended, on page 10, lines 29 through 31, by striking Section 44-53-2060(B) and inserting:

/(B) The advisory board shall meet at least once per year for the purpose of reviewing petitions to add or remove debilitating medical conditions. The advisory board shall consult with experts in South Carolina and other states with medical cannabis programs, as well as any available research. If necessary, the advisory board may hold public hearings before voting on whether to add or remove a certain condition as a debilitating medical condition.” /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 31

Senator CASH proposed the following amendment (150R050.SP.RJC), which was adopted:

Amend the bill, as and if amended, on page 10, lines 32 through 37, by striking Section 44-53-2060(C) and inserting:

/(C) The advisory board shall have a chairman who is appointed by the Governor. The chairman shall be responsible for scheduling advisory board meetings, presiding over all advisory board meetings, and determining whether a public hearing should be held in conjunction with an advisory board meeting. /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 32

Senator CASH proposed the following amendment (150R051.SP.RJC), which was adopted:

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Amend the bill, as and if amended, on page 14, lines 18 through 24, by striking Section 44-53-2090(A)(5)(b) and inserting:

/(b) attest to the completion of the course electronically or as otherwise specified by the department prior to writing any certifications./

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 33

Senator CASH proposed the following amendment (150R052.SP.RJC), which was adopted:

Amend the bill, as and if amended, beginning on page 27, lines 29 through 43, and on page 28, lines 1 through 6, by striking Section 44-53-2220(B) in its entirety and inserting:

/(B) It is unlawful for a cardholder to possess cannabis in plant form or to smoke cannabis or use a device to facilitate the smoking of cannabis. A person in violation of this subsection is subject to the applicable provisions of law for unlawful possession of marijuana. /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 34

Senator CASH proposed the following amendment (150R048.SP.RJC), which was carried over:

Amend the bill, as and if amended, on page 35, lines 3 through 16, by striking Section 44-53-2350(A)(3) and (4).

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

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Senator KIMPSON spoke on the amendment.

On motion of Senator CASH, the amendment was carried over.

Amendment No. 35

Senator CASH proposed the following amendment (150R045.SP.RJC), which was adopted:

Amend the bill, as and if amended, on page 39, lines 18 through 21, by striking Section 44-53-2350(B). /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 36

Senator CASH proposed the following amendment (150R053.SP.RJC), which was adopted:

Amend the bill, as and if amended, on page 46, lines 34 through 41, by striking Section 44-53-2390(I) and inserting:

/(I) The department shall deny, suspend, or revoke a medical cannabis establishment license if any medical cannabis establishment principal applicant or medical cannabis establishment principal has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense. /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 37

Senator CASH proposed the following amendment (150R044.SP.RJC), which was adopted:

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Amend the bill, as and if amended, on page 47, in Section 44-53-2400(C)(2), by striking line 18 and inserting:

/supervised release, at least ten years prior; /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 38

Senator CASH proposed the following amendment (150R043.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, on page 48, lines 40 through 43, by striking Section 44-53-2430(B).

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

On motion of Senator CASH, with unanimous consent, the amendment was withdrawn.

Amendment No. 39

Senator CASH proposed the following amendment (150R042.SP.RJC), which was adopted:

Amend the bill, as and if amended, on page 53, by striking line 41 and inserting:

/(C) After four years, the department shall evaluate the efficacy /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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Amendment No. 43

Senator ADAMS proposed the following amendment (150R058.SP.BA), which was withdrawn:

Amend the bill, as and if amended, on page 49, by striking Section 44-53-2440(A) in lines 8 through 14 and inserting:

/Section 44-53-2440. (A) Medical cannabis establishments shall employ a former or retired law enforcement officer in good standing to provide security to deter and prevent the theft of cannabis and cannabis products and unauthorized entrance into areas containing cannabis or cannabis products. The department shall consult with SLED to promulgate regulations regarding the qualifications for former or retired law enforcement officers in good standing, including requirements that the officer must have experience in securing and protecting controlled substances or similar products. /

Re-number sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

On motion of Senator ADAMS, the amendment was withdrawn.

Amendment No. 43A

Senator ADAMS proposed the following amendment (150R069.SP.BA), which was adopted:

Amend the bill, as and if amended, on page 49, by striking Section 44-53-2440(A) in lines 8 through 14 and inserting:

/Section 44-53-2440. (A) Medical cannabis establishments shall employ a former or retired law enforcement officer in good standing, former or retired military personnel, or a security service agency with the ability to provide security to deter and prevent the theft of cannabis and cannabis products and unauthorized entrance into areas containing cannabis or cannabis products. The department shall consult with SLED to promulgate regulations regarding the qualifications for former or retired law enforcement officers in good standing, including requirements that the officer must have experience in securing and protecting controlled substances or similar products. /

Re-number sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

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The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 41

Senators HEMBREE and GARRETT proposed the following amendment (150R018.SP.GH), which was tabled:

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

/SECTION 1. Sections 44-53-1810, 44-53-1820, and 44-53-1830 of the 1976 Code are amended to read:

“Section 44-53-1810. As used in this article:

(1) ‘Academic medical center’ means a research hospital that operates a medical residency program for physicians and conducts research that involves human subjects, and other hospital research programs conducting research as a subrecipient with the academic medical center as the prime awardee.

(2) ‘Approved source’ means a provider approved by the United States Food and Drug Administration which produces ~~cannabidiol~~ cannabis that:

~~(a) has been manufactured and tested in a facility approved or certified by the United States Food and Drug Administration or similar national regulatory agency in another country which has been approved by the United States Food and Drug Administration; and~~

~~(b) has been tested in animals to demonstrate preliminary effectiveness and to ensure that it is safe to administer to humans.~~

~~(3)(a) ‘Cannabidiol’ means a finished preparation containing, of its total cannabinoid content, at least 98 percent cannabidiol and not more than 0.90 percent tetrahydrocannabinol by volume that has been extracted from marijuana or synthesized in a laboratory. ‘Cannabis’ means:~~

~~(i) all parts of any plant of the cannabis genus of plants, whether growing or not;~~

~~(ii) the seeds of the plant;~~

~~(iii) the resin extracted from any part of the plant; and~~

~~(iv) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.~~

~~(b) ‘Cannabis’ does not mean:~~

~~(i) the mature stalks of the plant;~~

~~(ii) fiber produced from the stalks;~~

~~(iii) oil or cake made from the seeds of the plant;~~

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(iv) a product approved as a prescription medication by the United States Food and Drug Administration; or

(v) the sterilized seeds of the plant that are incapable of germination.

~~(4) ‘Designated caregiver’ means a person who provides informal or formal care to a qualifying patient, with or without compensation, on a temporary or permanent or full time or part time basis and includes a relative, household member, day care personnel, and personnel of a public or private institution or facility. ‘Debilitating medical condition’ means a diagnosis of one or more of the following that also results in a debilitated condition:~~

~~(a) cancer;~~

~~(b) multiple sclerosis;~~

~~(c) a neurological disease or disorder, including epilepsy;~~

~~(d) glaucoma;~~

~~(e) post-traumatic stress disorder;~~

~~(f) Crohn’s disease;~~

~~(g) sickle cell anemia;~~

~~(h) ulcerative colitis;~~

~~(i) cachexia or wasting syndrome;~~

~~(j) autism;~~

~~(k) severe or persistent nausea in a person who is not pregnant that is related to end-of-life or hospice care, or who is bedridden or homebound because of a condition;~~

~~(l) a chronic medical condition causing severe and persistent muscle spasms;~~

~~(m) a chronic medical condition causing severe and persistent pain;~~
or

~~(n) a terminal illness with a life expectancy of less than one year in the opinion of the person’s treating physician.~~

~~(5) ‘Pharmacist’ means an individual health care provider licensed by this State to engage in the practice of pharmacy.~~

~~(6) ‘Physician’ means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.~~

~~(7)(6) ‘Qualifying patient’ means a person with a debilitating medical condition anyone who suffers from Lennox-Gastaut Syndrome, Dravet Syndrome, also known as severe myoclonic epilepsy of infancy, or any other form of refractory epilepsy that is not adequately treated by traditional medical therapies.~~

Section 44-53-1820. (A) A statewide investigational new drug application may be established in this State, if approved by the United

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States Food and Drug Administration to conduct expanded access clinical trials using cannabis ~~cannabidiol~~ on qualifying patients pursuant to an investigational new drug application (IND) ~~with severe forms of epilepsy.~~

(B) Any physician who is board certified and practicing in an academic medical center in this State and treating patients with ~~severe forms of epilepsy~~ one or more debilitating medical conditions may serve as the principal investigator for such clinical trials if such physician:

(1) applies to and is approved by the United States Food and Drug Administration as the principal investigator in a statewide investigational new drug application; and

(2) receives a license from the United States Drug Enforcement Administration.

(C) Such physician, acting as principal investigator, may include subinvestigators who are also board certified ~~and who practice in an academic medical center in this State~~ and treat patients with debilitating medical conditions ~~severe forms of epilepsy. Such subinvestigators shall comply with subsection (B)(2) of this section.~~

(D) The principal investigator and all subinvestigators shall adhere to the rules and regulations established by ~~the relevant institutional review board for each participating academic medical center and by~~ the United States Food and Drug Administration, the United States Drug Enforcement Administration, and the National Institute on Drug Abuse.

(E) Nothing in this article prohibits a physician licensed in South Carolina from applying for Investigational New Drug authorization from the United States Food and Drug Administration.

Section 44-53-1830. (A) Expanded access clinical trials conducted pursuant to a statewide investigational new drug application established pursuant to this chapter only shall utilize ~~cannabidiol~~ cannabis which is:

(1) from an approved source; and

(2) approved by the United States Food and Drug Administration to be used for treatment of a condition specified in an investigational new drug application.

(B) The principal investigator and any subinvestigator may receive ~~cannabidiol~~ cannabis directly from an approved source or authorized distributor for an approved source for use in the expanded access clinical trials.”

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

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE explained the amendment.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, Senators HUTTO, JACKSON, TALLEY, RICE and MASSEY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator HEMBREE resumed speaking on the amendment.

OBJECTION

Senator MASSEY asked unanimous consent that all amendments be cut off at 3:45 except members may substitute existing amendments that have not yet been published in order to make minor, technical and conforming amendments, and that there be one additional conforming and technical amendment offered by Senator DAVIS.

Senator CASH objected.

Senator HEMBREE resumed speaking on the amendment.

Remarks to be Printed

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

Senator DAVIS spoke on the amendment.

Remarks to be Printed

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

Senator K. JOHNSON spoke on the amendment.

Remarks to be Printed

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

Senator MALLOY spoke on the amendment.

Senator McLEOD spoke on the amendment.

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Remarks to be Printed

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

Senator GROOMS spoke on the amendment.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Motion Failed

Pursuant to Rule 15A, Senator GROOMS moved that a time certain be set on the entire matter in Interrupted Debate, S.150, at 5:45 P.M. on Wednesday, February 9, 2022; that the Clerk be prohibited from receiving further amendments, other than technical or correcting amendments, and debate on the pending amendments be limited to 5 minutes for proponents and 5 minutes for opponents, then debate on the main question be limited to 15 minutes for proponents and 15 minutes for opponents.

The question then was the adoption of the motion.

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

Ayes 3; Nays 39

AYES

Corbin	Goldfinch	Grooms
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Total--3

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Garrett	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--39

Having failed to receive the necessary votes, the motion failed.

Senator DAVIS moved to lay the amendment on the table.

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

Ayes 26; Nays 18

AYES

Adams	Allen	Climer
Cromer	Davis	Fanning
Goldfinch	Grooms	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Matthews
McElveen	McLeod	Rankin
Sabb	Shealy	Stephens

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Talley Verdin

Total--26

NAYS

Alexander	Bennett	Campsen
Cash	Corbin	Garrett
Hembree	<i>Johnson, Kevin</i>	Loftis
Massey	Peeler	Rice
Scott	Senn	Setzler
Turner	Williams	Young

Total--18

The amendment was laid on the table.

Motion Adopted

Senator MASSEY asked unanimous consent that all amendments be cut off at 3:45 except members may substitute existing amendments that have not yet been published in order to make minor, technical and conforming amendments, and that there be one additional conforming and technical amendment offered by Senator DAVIS and that Senator CASH may offer one additional amendment.

Amendment No. 53

Senator CAMPSEN proposed the following amendment (150R065.SP.GEC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2096(C) and inserting:

/(C) The Board of Pharmacy shall develop a process and promulgate regulations for issuing a permit to a therapeutic cannabis pharmacy, including the establishment of associated fees. The Board of Pharmacy shall not prohibit a pharmacist who owns a non-therapeutic cannabis pharmacy from obtaining a permit to own and operate a therapeutic cannabis pharmacy, provided that the pharmacies must be located in independent structures that are at least one quarter mile apart from the other. /

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 60A

Senator SENN proposed the following amendment (150R085.SP.SS), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2060 inserting:

/Section 44-53-2060. (A) There is created a Medical Cannabis Advisory Board, which must be comprised of:

(1) one member appointed by the director of the department, or his designee;

(2) the following members appointed by the Governor, upon the advice and consent of the Senate:

(a) two licensed medical doctors authorized by the State to practice medicine who do not authorize medical cannabis;

(b) two licensed doctors of osteopathic medicine who do not authorize medical cannabis;

(c) one licensed medical doctors who is board-certified to practice addiction medicine in South Carolina;

(d) one research scientist with expertise in the field of cannabinoid medicine;

(e) two licensed pharmacists who do not dispense a medical cannabis product;

(f) two licensed pharmacists who dispenses a medical cannabis product;

(g) one cardholder and one parent of a minor qualifying patient. For an appointment made before registry identification cards are issued, this provision applies to one cardholder or one parent of a minor with a debilitating medical condition who intends to use medical cannabis; and

(B) The advisory board shall meet at least two times per year for the purpose of reviewing petitions to add or remove debilitating medical conditions.

(C) At least once every one hundred eighty days, the advisory board shall review petitions; consult with experts in South Carolina and other states with medical cannabis programs, as well as any available research; and, if necessary, hold public hearings before voting on whether to add or remove a certain condition as a debilitating medical condition.

(D) Members of the advisory board serve a term of four years or until their successors are appointed and qualify. A vacancy on the advisory

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board must be filled in the manner of the original appointment for the remainder of the unexpired term.

(E) Members of the advisory board may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees.

(F) Except as designated in subsection (A)(2)(g), members of the advisory board may not also be a qualified patient and in possession of a registration identification card. Prior to being appointed to the advisory board, the department shall certify that the appointee does not have a current registration identification card. The department shall advise the Governor of any appointee who has previously had a registration identification card and the circumstances under which the card is no longer valid. If a member of the advisory board becomes a qualified patient, then he shall resign from the advisory board and notify the department and the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 61

Senator SENN proposed the following amendment (150R077.SP.SS), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2470(A) and inserting:

/Section 44-53-2470. (A) Each therapeutic cannabis pharmacy must employ a pharmacist-in-charge who is licensed by the state as a pharmacist and who completed a medical cannabis continuing education course approved by the South Carolina Board of Pharmacy as provided by Section 44-53-2095. A pharmacist must be reasonably available during business hours to advise and educate patients in person and, in connection with providing such advice and education, shall be subject to being sued by a patient for negligence in the event that the pharmacist violates the applicable standard of care. A pharmacist must be physically on premises during dispensing hours. /

Renumber sections to conform.

Amend title to conform.

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Senator SENN explained the amendment.
Senator K. JOHNSON spoke on the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 62A

Senator SENN proposed the following amendment (150R084.SP.SS), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2290 and inserting:

/Section 44-53-2290. (A) A physician is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege, including, but not limited to, disciplinary action by the South Carolina Board of Medical Examiners or any other occupational or professional licensing entity, for providing a written certification as authorized by state law. A physician may not be sued for medical malpractice solely as a result of certifying a qualifying patient's medical use of cannabis products in accordance with this article, but this section shall not be construed to prevent a physician from being penalized or sued for violating the standard of care or for any violations of this article, including certifying a person for medical cannabis products who does not have a debilitating medical condition.

(B) A pharmacist is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege, including, but not limited to, disciplinary action by the South Carolina Board of Pharmacy or any other occupational or professional licensing entity, for dispensing an authorization for cannabis products as authorized by state law. A pharmacist may not be sued for malpractice solely as a result of dispensing a qualifying patient's medical cannabis products in accordance with this article, but this section shall not be construed to prevent a pharmacist from being penalized or sued for violating the standard of care or for any violations of this article, including dispensing medical cannabis products to a person who does not have a debilitating medical condition. /

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

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The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 63

Senator CASH proposed the following amendment (150R080.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2100(A)(4) and inserting:

/(4) Acceptable evidence must include, but is not limited to, proof of military service in an active combat zone, that the person was the victim of a violent or sexual crime, or that the person was a first responder. /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 64

Senator CASH proposed the following amendment (150R082.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2370(B)(11).

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 65A

Senator SENN proposed the following amendment (150R086.SP.SS), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2010(A)(12) and inserting:

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/(12)'Edible cannabis product' means an individually packaged food or potable liquid into which has been incorporated a cannabinoid concentrate or extract or the dried leaves or flowers of cannabis with a tetrahydrocannabinol concentration of not more than ten milligrams per serving and may include a gelatin-based chewable product; however, an edible cannabis product cannot resemble or taste like commercially sold candies or other food that is typically marketing to children. An edible cannabis product cannot be in the shape of cartoons, toys, animals, or people. An edible cannabis product cannot include baked goods that would be attractive to children. /

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 66

Senator CASH proposed the following amendment (150R079.SP.RJC), which was tabled:

Amend the bill, as and if amended, on page 14, after Section 44-53-2080(D), at line 8, and inserting and new subsection to read:

/ (E) A physician authorized to issue written certifications can write no more than a total of five hundred certifications for post-traumatic stress disorder, chronic pain, or severe pain for qualifying patients per year. /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

Ayes 34; Nays 10

AYES

Adams

Alexander

Allen

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Bennett	Campsen	Climer
Cromer	Davis	Fanning
Goldfinch	Grooms	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Rankin	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Young		

Total--34

NAYS

Cash	Corbin	Garrett
Hembree	<i>Johnson, Kevin</i>	Loftis
Peeler	Rice	Senn
Williams		

Total--10

The amendment was laid on the table.

Amendment No. 67

Senator HEMBREE proposed the following amendment (150R087.SP.GH), which was tabled:

Amend the bill, as and if amended, by striking Section 44-53-2020(B) and inserting:

/(B) Revenues generated in excess of the amount needed to implement, administer, and enforce this article must be annually distributed as follows:

- (1) twenty percent to SLED;
- (2) sixty percent for treatment of substance abuse addiction; and
- (3) twenty percent to the Commission on Higher Education to provide scholarships to South Carolina residents seeking a degree in the substance abuse and mental health treatment fields. /

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

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Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 68

Senator CASH proposed the following amendment (150R088.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2350(A)(3) and (4)(c).

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 69

Senator HEMBREE proposed the following amendment (JUD0150.001), which was withdrawn:

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

/ SECTION 1. Article 1, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44-53-373. (A) It shall be an affirmative defense for any person charged with a violation of Section 44-53-370(d)(4) with respect to twenty-eight grams or one ounce or less of marijuana that he has been diagnosed with a debilitating medical condition by a licensed physician and that the patient and physician have pursued all other U.S. Food and Drug Administration approved treatment options.

(B) For purposes of this section:

(1) ‘Debilitating medical condition’ means:

(a) a diagnosis of one or more of the following that also results in a debilitated condition:

- (i) cancer;
- (ii) multiple sclerosis;
- (iii) a neurological disease or disorder, including epilepsy;
- (iv) glaucoma;
- (v) post-traumatic stress disorder;
- (vi) Crohn’s disease;

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- (vii) sickle cell anemia;
- (viii) ulcerative colitis;
- (ix) cachexia or wasting syndrome;
- (x) autism;
- (xi) severe or persistent nausea in a person who is not pregnant that is related to end-of-life or hospice care, or who is bedridden or homebound because of a condition; or
- (xii) a chronic medical condition causing severe and persistent muscle spasms; or
- (b) a terminal illness with a life expectancy of less than one year in the opinion of the person's treating physician."

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

On motion of Senator HEMBREE, with unanimous consent, the amendment was withdrawn.

Amendment No. 70

Senator CASH proposed the following amendment (150R089.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately lettered new subitem to Section 44-53-2350(A)(5) to read:

/() requirements that cannabis products that are taken in edible forms be made with a taste and odor that are neutral insofar as possible.

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

On motion of Senator CASH, with unanimous consent, the amendment was withdrawn.

Amendment No. 71A

Senator CASH proposed the following amendment (150R096.SP.RJC), which was adopted:

Amend the bill, as and if amended, at the end of SECTION 3, by adding a new Section to read:

/Section 44-53-2520. The department shall require annually from a medical cannabis establishment proof of liability coverage of no less than one million dollars. /

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Renumber sections to conform.
Amend title to conform.

Senator CASH explained the amendment.

The amendment was adopted.

RECESS

At 7:15 P.M., on motion of Senator MASSEY, the Senate recessed for 20 minutes.

At 7:41 P.M., the Senate resumed.

Amendment No. 72

Senator CASH proposed the following amendment (150R090.SP.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2090(A)(5)(a) and inserting:

/(5)(a) complete a three-hour continuing medical education course on medical cannabis on a yearly basis, including an online course, that is approved by the South Carolina Board of Medical Examiners; and /

Amend the bill further, as and if amended, by striking Section 44-53-2095(A)(4)(a) and inserting:

/(4)(a) complete a three-hour continuing education course on medical cannabis on a yearly basis that is approved by the South Carolina Board of Pharmacy, which must include best practices regarding dosage, based upon medical conditions or symptoms, modes of administration, and cannabinoid profiles; and /

Amend the bill further, as and if amended, by adding an appropriately lettered subsection to Section 44-53-2095 to read:

/() The continuing education requirements included in subsection (A)(4)(a) are applicable to all pharmacy employees who assist the pharmacist in the preparation or dispensing of cannabis products or who interact with qualifying patients or designated caregivers. /

Renumber sections to conform.
Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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Amendment No. 73

Senator CASH proposed the following amendment (150R093.KMM.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2510(B)(3) and inserting:

/ (3) the nature of the debilitating medical conditions of the qualifying patients by percentage, and a breakdown of qualifying patients by the following age groups:

- (a) 0 to 10 years of age;
- (b) 11 to 17 years of age;
- (c) 18 to 23 years of age;
- (d) 24 to 35 years of age;
- (e) 36 to 49 years of age;
- (f) 50 to 65 years of age;
- (g) over 65 years of age.

Within each age group, the report must provide a breakdown, by percentage, of debilitating medical conditions of the qualifying patients.

/

Amend the bill further, as and if amended, by striking Section 44-53-2510(B)(6) and inserting:

/ (6) the number of physicians providing written certifications for qualifying patients and a breakdown of how many physicians wrote certifications in the following numbers:

- (a) 1 to 100;
- (b) 101 to 249;
- (c) 250 to 500;
- (d) 501 to 750;
- (e) 751 to 1,000; and
- (f) over 1000. /

Amend the bill further, as and if amended, by adding to the end of Section 44-53-2510(B):

“ (8) The percentage of all physicians providing written certifications who accounted for eighty percent of the total annual prescriptions written;

(9) The total revenue of the South Carolina Medical Cannabis Program fund, the total expenses of the department in administering the program, the net revenue, and the amount distributed to each of the recipients in Section 44-53-2020(B); and

(10) A year-by-year chart showing the total number of annual certifications, the total number of registry identification cards issued, and the total number of fourteen-day supply purchases made. /

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Renumber sections to conform.
Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 74

Senators CASH proposed the following amendment (150R094.SP.RJC), which was adopted:

Amend the bill, as and if amended, adding and appropriately numbered new SECTION to read:

/SECTION __. Sections 44-53-1810, 44-53-1820, and 44-53-1830 of the 1976 Code are amended to read:

“Section 44-53-1810. As used in this article:

(1) ‘Academic medical center’ means a research hospital that operates a medical residency program for physicians and conducts research that involves human subjects, and other hospital research programs conducting research as a subrecipient with the academic medical center as the prime awardee. A South Carolina research university shall be considered an ‘academic medical center’ for the purpose of this article.

(2) ‘Approved source’ means a provider approved by the United States Food and Drug Administration which produces ~~cannabidiol~~ cannabis that:

~~(a) has been manufactured and tested in a facility approved or certified by the United States Food and Drug Administration or similar national regulatory agency in another country which has been approved by the United States Food and Drug Administration; and~~

~~(b) has been tested in animals to demonstrate preliminary effectiveness and to ensure that it is safe to administer to humans.~~

(3)(a) ~~‘Cannabidiol’ means a finished preparation containing, of its total cannabinoid content, at least 98 percent cannabidiol and not more than 0.90 percent tetrahydrocannabinol by volume that has been extracted from marijuana or synthesized in a laboratory. ‘Cannabis’ means:~~

(i) all parts of any plant of the cannabis genus of plants, whether growing or not;

(ii) the seeds of the plant;

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(iii) the resin extracted from any part of the plant; and
(iv) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(b) 'Cannabis' does not mean:

(i) the mature stalks of the plant;

(ii) fiber produced from the stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) a product approved as a prescription medication by the United States Food and Drug Administration; or

(v) the sterilized seeds of the plant that are incapable of germination.

~~(4) 'Designated caregiver' means a person who provides informal or formal care to a qualifying patient, with or without compensation, on a temporary or permanent or full time or part time basis and includes a relative, household member, day care personnel, and personnel of a public or private institution or facility. 'Debilitating medical condition' means a diagnosis of one or more of the following that also results in a debilitated condition:~~

~~(a) cancer;~~

~~(b) multiple sclerosis;~~

~~(c) a neurological disease or disorder, including epilepsy;~~

~~(d) glaucoma;~~

~~(e) post-traumatic stress disorder;~~

~~(f) Crohn's disease;~~

~~(g) sickle cell anemia;~~

~~(h) ulcerative colitis;~~

~~(i) cachexia or wasting syndrome;~~

~~(j) autism;~~

~~(k) severe or persistent nausea in a person who is not pregnant that is related to end-of-life or hospice care, or who is bedridden or homebound because of a condition;~~

~~(l) a chronic medical condition causing severe and persistent muscle spasms;~~

~~(m) a chronic medical condition causing severe and persistent pain;~~
~~or~~

~~(n) a terminal illness with a life expectancy of less than one year in the opinion of the person's treating physician.~~

~~(5) 'Pharmacist' means an individual health care provider licensed by this State to engage in the practice of pharmacy.~~

~~(6) 'Physician' means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.~~

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~~(7)(6) 'Qualifying patient' means a person with a debilitating medical condition anyone who suffers from Lennox-Gastaut Syndrome, Dravet Syndrome, also known as severe myoclonic epilepsy of infancy, or any other form of refractory epilepsy that is not adequately treated by traditional medical therapies.~~

Section 44-53-1820. (A) A statewide investigational new drug application may be established in this State, if approved by the United States Food and Drug Administration to conduct expanded access clinical trials using cannabis ~~cannabidiol~~ on qualifying patients pursuant to an investigational new drug application (IND) ~~with severe forms of epilepsy.~~

(B) Any physician who is board certified and practicing in an academic medical center in this State and treating patients with ~~severe forms of epilepsy~~ one or more debilitating medical conditions may serve as the principal investigator for such clinical trials if such physician:

(1) applies to and is approved by the United States Food and Drug Administration as the principal investigator in a statewide investigational new drug application; and

(2) receives a license from the United States Drug Enforcement Administration.

(C) Such physician, acting as principal investigator, may include subinvestigators who are also board certified ~~and who practice in an academic medical center in this State~~ and treat patients with debilitating medical conditions ~~severe forms of epilepsy. Such subinvestigators shall comply with subsection (B)(2) of this section.~~

(D) The principal investigator and all subinvestigators shall adhere to the rules and regulations established by ~~the relevant institutional review board for each participating academic medical center and by~~ the United States Food and Drug Administration, the United States Drug Enforcement Administration, and the National Institute on Drug Abuse.

(E) Nothing in this article prohibits a physician licensed in South Carolina from applying for Investigational New Drug authorization from the United States Food and Drug Administration.

Section 44-53-1830. (A) Expanded access clinical trials conducted pursuant to a statewide investigational new drug application established pursuant to this chapter only shall utilize ~~cannabidiol~~ cannabis which is:

(1) from an approved source; and

(2) approved by the United States Food and Drug Administration to be used for treatment of a condition specified in an investigational new drug application.

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(B) The principal investigator and any subinvestigator may receive ~~cannabidiol~~ cannabis directly from an approved source or authorized distributor for an approved source for use in the expanded access clinical trials.” /

Renumber sections to conform.
Amend title to conform.

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 75

Senator CROMER proposed the following amendment (WAB\150C001.JN.WAB22), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2290(B) and inserting:

/ (B) A pharmacist is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege, including, but not limited to, disciplinary action by the South Carolina Board of Pharmacy of any other occupational or professional licensing entity, for dispensing an authorization for cannabis products as authorized by state law. A pharmacist may not be sued for malpractice solely as a result of dispensing a qualifying patient’s medical cannabis products in accordance with this article, but this section shall not be construed to prevent a pharmacist from being penalized or sued for violating the standard of care or for any violations of this article, including but not limited to, dispensing medical cannabis products to a person who does not have a cannabis certification card. /

Renumber sections to conform.
Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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Amendment No. 76

Senator GARRETT proposed the following amendment (WAB\150C002.JN.WAB22), which was adopted:

Amend the bill, as and if amended, SECTION 3, page 8, after line 19, by adding an appropriately numbered subsection to read:

/ () ‘Standard of care for dispensing or certifying a patient for medical marijuana’ means the level and type of care that a reasonably competent and skilled health care professional with a similar background and in the same medical community would provide, which must include whether the physician exercised a standard of care in connection with the authorization of a cannabis product, to a qualified patient, pursuant to Section 44-53-2080. /

Amend the bill further, as and if amended, page 30, after line 20, by adding an appropriately lettered subsection to read:

/ () The department shall establish by regulation reporting requirements for emergency room treatment facilities for medical cannabis incidents involving qualified patients to be listed on the web-based verification system. /

Amend the bill further, as and if amended, page 56, subsection (C)(1)(b), by striking lines 6-9 and inserting:

/ (b) the percentage of tetrahydrocannabinol and the percentage of cannabidiol within a profile tolerance range of five percent. For edible cannabis products, the cannabinoid profile should be listed by milligrams per serving; /

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 13

Senator SENN proposed the following amendment (150R031.SP.SS), which was withdrawn:

Amend the bill, as and if amended, beginning on page 4, Section 44-53-2010(8)(a), by striking lines 15 through 16 and inserting:

/(a) a diagnosis that has been determined by a physician of one or more of the following that also results in a debilitated condition: /

Renumber sections to conform.

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Amend title to conform.

On motion of Senator SENN, with unanimous consent, the amendment was withdrawn.

Amendment No. 15

Senator SENN proposed the following amendment (150R028.SP.SS), which was withdrawn:

Amend the bill, as and if amended, on page 44, Section 44-53-2390(A)(4), by striking lines 17 and 18 and inserting:

/ (4) no more than two dispensaries in any single county; and/

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

On motion of Senator DAVIS, with unanimous consent, the amendment was withdrawn.

Amendment No. 22A

Senator HEMBREE proposed the following amendment (150R097.SP.GH), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2010(A)(11) and inserting:

/(32)‘Therapeutic cannabis pharmacy’ means a location for which a pharmacy permit is has been issued by the Board of Pharmacy and in which cannabis products, industrial hemp for human consumption, and paraphernalia are maintained, compounded, and dispensed for cardholders by a pharmacist. Each therapeutic cannabis pharmacy shall be issued a registration and a registry identification number by the department. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a dispensary until July 1, 2028. This exclusion does not apply to members and their families if the member recused himself from voting on this act.

/

Amend the bill further, as and if amended, by striking Section 44-53-2010(A)(17) through (19) and inserting:

/(17)‘Medical cannabis establishment’ means a cultivation center, therapeutic cannabis pharmacy, transporter, independent testing laboratory, or processing facility licensed by the department pursuant to

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this article. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a medical cannabis establishment until July 1, 2028. This exclusion does not apply to members and their families if the member recused himself from voting on this act.

(18) ‘Medical cannabis establishment agent’ means a board member, owner, officer, pharmacist, employee, or volunteer of a medical cannabis establishment. Members of the General Assembly and family members, as defined in Section 8-13-100(15), are prohibited from being a medical cannabis establishment agent. This exclusion does not apply to members and their families if the member recused himself from voting on this act.

(19) ‘Medical cannabis establishment principal’ means a person who is designated as having responsibility over the actions of a board member, owner, officer, pharmacist, employee, volunteer, or agent of a medical cannabis establishment and who also has responsibility and control over any liability for any financial accounts. Members of the General Assembly and family members, as defined in Section 8-13-100(15), are prohibited from being a medical cannabis establishment principal. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Amend the bill further, as and if amended, by striking Section 44-53-2010(A)(26) and inserting:

/(26) ‘Processing facility’ means a facility located in South Carolina and operated by an organization or business that is licensed by the department pursuant to this article that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products for human consumption to a dispensary. Members of the General Assembly and family members as defined in Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a processing facility until July 1, 2028. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Amend the bill, as and if amended, by striking Section 44-53-2010(A)(32) and inserting:

/(33) ‘Transporter’ means an entity licensed by the department pursuant to this article that acquires, possesses, and stores cannabis and cannabis products for human consumption and delivers, transfers, and transports cannabis products between medical cannabis establishments. Members of the General Assembly and family members as defined in

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Section 8-13-100(15), may not operate, directly or indirectly receive financial payments of any kind, or directly or indirectly own a transporter until July 1, 2028. This exclusion does not apply to members and their families if the member recused himself from voting on this act. /

Renumber sections to conform.
Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 34

Senator CASH proposed the following amendment (150R048.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, on page 35, lines 3 through 16, by striking Section 44-53-2350(A)(3) and (4).

Renumber sections to conform.
Amend title to conform.

On motion of Senator CASH, with unanimous consent, the amendment was withdrawn.

Amendment No. 77

Senator DAVIS proposed the following amendment (150R066.SP.TD), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-2010(8)(a) and inserting:

/(8) 'Debilitating medical condition' means:

(a) a diagnosis of one or more of the following that also results in a debilitated condition to the individual patient:

- (i) cancer;
- (ii) multiple sclerosis;
- (iii) a neurological disease or disorder, including epilepsy;
- (iv) post-traumatic stress disorder, subject, however, to the evidentiary requirements in Section 44-53-2100(A)(4) to confirm that the applicant has experienced one or more traumatic events;
- (v) Crohn's disease;
- (vi) sickle cell anemia;
- (vii) ulcerative colitis;

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(viii) cachexia or wasting syndrome;

(ix) autism;

(x) severe or persistent nausea in a person who is not pregnant that is related to end-of-life or hospice care, or who is bedridden or homebound because of a condition;

(xi) a chronic medical condition causing severe and persistent muscle spasms; or

(xii) any chronic or debilitating disease or medical condition for which an opioid is currently or could be prescribed by a physician based on generally accepted standards of care, subject, however, to the requirements of Section 44-53-2080(A)(3)(h)(i) and (ii) as to a physician's attestation regarding objective proof of the etiology of the patient's pain or regarding the patient having been diagnosed with a specific medical condition or disease that causes the patient severe pain;

/

Amend the bill further, as and if amended, by striking Section 44-53-2010(11) and inserting:

/(11)'Diversion' means the obtaining or transferring of cannabis products from a legal possession or use to an illegal use. /

Amend the bill further, as and if amended, by striking Section 44-53-2010(15) and inserting:

/(15)'Independent testing laboratory' means a facility licensed by the department pursuant to this article to offer or perform testing related to cannabis or cannabis products that is independent of cultivation centers, processing facilities, therapeutic cannabis pharmacies, and physicians who authorize the use of medical cannabis. /

Amend the bill further, as and if amended, by striking Section 44-53-2020(B)(1) and inserting:

/(1) three percent for research conducted by the University of South Carolina's College of Pharmacy and School of Medicine, the Medical University of South Carolina, or both for research to improve detection and training methods to detect drivers impaired by cannabis, prescription medications, and other drugs, until SLED affirms that no additional research is needed;

Amend the bill further, as and if amended, by striking Section 44-53-2080(A)(3)(f) and (g) and inserting

(f) notification of the patient or caregiver that medical cannabis products are for the qualifying patient's use only and that cannabis products must not be donated or otherwise supplied to another individual;

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(g) that the physician has discussed the risks and benefits of the use of medical cannabis products with the patient or caregiver, including the variability and lack of standardization of cannabis preparations, their potential effects, and an admonition that qualifying patients must not drive or operate heavy machinery while under the influence of medical cannabis; and /

Amend the bill further, as and if amended, by striking Section 44-53-2080(A)(7) and inserting:

/(7) an acknowledgement that the physician has considered that any patient who has a history of substance use disorder or a co-occurring mental health disorder shall require specialized assessment and treatment; in those instances, the physician must seek a consultation with or refer the patient to a pain management, psychiatric, addiction, or mental health specialist as needed. /

Amend the bill further, as and if amended, by striking Section 44-53-2100(A)(2) and inserting:

/(2) establishing reasonable application and renewal fees for registry identification cards, provided that:

(a) the fees charged to qualifying patients and designated caregivers must be no greater than the costs of processing the applications and issuing registry identification cards; and

(b) the department shall provide optional discounts for qualifying patient application and renewal fees based upon a qualifying patient's household income and shall waive all applicable fees for veterans; /

Amend the bill further, as and if amended, by striking Section 44-53-2110(A)(8) and inserting:

/(8) a photograph of the cardholder. /

Amend the bill further, as and if amended, by striking Section 44-53-2130(A)(7) and inserting:

/(7)(a) a statement signed by the qualifying patient applicant agreeing not to divert cannabis products to anyone and acknowledging that the diversion of cannabis products is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the qualifying patient to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both;

(b) an attestation that the individual is not employed in, or contracted to perform, any job:

(i) in which the person will carry a weapon, including a firearm;

(ii) requiring a law enforcement credential;

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(iii) requiring a commercial driver's license, charter boat license, or a pilot's license;

(iv) involving operation of trains, buses, or any form of public transportation; or

(v) involving the operation of heavy machinery; /

Amend the bill further, as and if amended, by striking 44-53-2130(B)(1)(e) and inserting:

/(e) a statement signed by the designated caregiver applicant agreeing not to divert cannabis products to anyone other than the qualifying patients to whom the designated caregiver is associated and acknowledging that the diversion of cannabis products is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the designated caregiver to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both; and /

Amend the bill further, as and if amended, by striking Section 44-53-2140(D) and inserting:

/(D)(1) The department may not issue a registry identification card to a person who is employed in or contracted for any job:

(a) in which the individual will carry a weapon, including a firearm;

(b) requiring a law enforcement credential;

(c) requiring a commercial driver's license, a charter boat license, or a pilot's license;

(d) involving the operation of trains, buses, or any form of public transportation; or

(e) involving the operation of heavy machinery.

(2) The department may compare applicants for registry identification cards to any professional, licensing, or other relevant database to ensure compliance with this Section. /

Amend the bill further, as and if amended, by adding an appropriately numbered new item to Section 44-53-2180(A) to read:

/() A qualifying patient shall notify the department and surrender his registry identification card before starting any job or contract:

(a) in which he will carry a weapon, including a firearm;

(b) requiring a law enforcement credential;

(c) requiring a commercial driver's license, a charter boat license, or a pilot's license;

(d) involving operation of trains, buses, or any forms of public transportation; or

(e) involving the operation of heavy machinery. /

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Amend the bill further, as and if amended, by striking Section 44-53-2195(E) and inserting:

/(E) The department must provide medical cannabis product information to the following persons:

(1) a physician who requests information and certifies that the requested medical cannabis product information is for the purpose of providing medical or pharmaceutical treatment in the course of a bona fide physician-patient relationship;

(2) a qualifying patient or designated caregiver who requests his own medical cannabis product information;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of any person authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(4) a local or state law enforcement or prosecutorial official pursuant to a court-ordered search warrant issued in connection with a crime or civil investigation involving a designated person;

(5) a properly convened grand jury pursuant to a subpoena properly issued for the records;

(6) personnel of the department for the purposes of the administration and enforcement of this article;

(7) qualified personnel for the purpose of bona fide research, except that the department may only provide the names and contact information for qualifying patients who volunteer to participate in bona fide research, including observational studies or other data collection on medical cannabis product pursuant to Section 44-53-2130(D). Release of the information may only be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this subsection;

(8) a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in a specific inquiry into the cause and manner of death of a designated person pursuant to Chapter 5, Title 17;

(9) a physician who requests the physician's own written certification history; or

(10) the presiding judge of a court pertaining to a specific case involving a designated person. /

Amend the bill further, as and if amended, by striking Section 44-53-2250(B) and inserting:

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/(B) The department shall notify a law enforcement officer about falsified or fraudulent information submitted to the department./

Amend the bill further, as and if amended, by striking Section 44-53-2260(A) and inserting:

/Section 44-53-2260. (A) Except as provided in this article, a qualifying patient who uses cannabis products for medical use must be afforded the same rights under state and local law, including those guaranteed pursuant to Section 1-13-10, et seq., as the person would be afforded if the person was solely prescribed pharmaceutical medications, as pertaining to drug testing required by any state or local law, agency, governmental official, or state or local governmental employer./

Amend the bill further, as and if amended, by striking Section 44-53-2310(2) and inserting:

/(2) being in the presence of a medical cannabis product /

Amend the bill further, as and if amended, by adding an appropriately lettered new subsection to Section 44-53-2360 to read:

/() No principal, manager, employee, or agent of an independent testing laboratory may work for, contract with, receive compensation from, or have an equity interest in any medical cannabis establishment.

/

Amend the bill further, as and if amended, by striking Section 44-53-2380(G) and inserting:

/ (G) It is not unlawful for the University of South Carolina's College of Pharmacy and School of Medicine, the Medical University of South Carolina, or a professor or student working on an advanced degree who is conducting Institutional Review Board-approved research to possess, store, or administer medical cannabis or cannabinoids to human or animal subjects in accordance with any department rules.

Amend the bill further, as and if amended, by striking Section 44-53-2510(B)(4) and inserting:

/(4) the efficacy of, and side effects reported to, or satisfaction or dissatisfaction with medical cannabis products on a yes-no questionnaire as submitted by qualifying patients in a voluntary, anonymous survey, which may be conducted online by the department; /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The question then was the adoption of the amendment.

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The amendment was adopted.

Senator BENNETT spoke on the Bill.

Remarks to be Printed

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

Senator CROMER spoke on the Bill.

Senator CASH spoke on the amendment.

The question then was second reading of the Bill.

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

Ayes 28; Nays 15; Abstain 1

AYES

Adams	Allen	Bennett
Cash	Climer	Davis
Fanning	Goldfinch	Grooms
Gustafson	Harpootlian	Hutto
Jackson	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	Matthews	McLeod
Rankin	Sabb	Shealy
Stephens	Talley	Turner
Verdin		

Total--28

NAYS

Alexander	Campsen	Corbin
Garrett	Hembree	<i>Johnson, Kevin</i>
Loftis	McElveen	Peeler
Rice	Scott	Senn
Setzler	Williams	Young

Total--15

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ABSTAIN

Cromer

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Statement by Senator CROMER

I abstained from voting on second reading of S. 150 because of my long standing practice of abstaining from Bills that impact pharmacies and pharmacists.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator JACKSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Cynthia White Williams of Columbia, S.C. Cynthia was a member of Bible Way Church where she was active in woman's ministry and was the founder of My Heart, My Breast Foundation. She was a paralegal at Bernstein and Bernstein Law Firm in Columbia. Cynthia was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator GUSTAFSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ginny DeWitt Zemp of Camden, S.C. Ginny was the executive director for Historic Camden and worked hard for her community. She loved adventure, history, art, music and the Lord. She was a joy to all who knew her. Ginny was a loving wife, devoted mother and doting grandmother who will be dearly missed.

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ADJOURNMENT

At 8:28 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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