NO. 70

JOURNAL

OF THE

SENATE

OF THE

STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, MAY 11, 2022

Wednesday, May 11, 2022 (Statewide Session)

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 10:00 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:

I John 2:7

In the writings of John the Apostle we read: "Beloved, I am writing you no new commandment, but an old commandment that you have had from the beginning: the old commandment is the word that you have heard."

Let us pray: Dear God, it truly seems to be a commonplace that there is hardly anything really new under the sun. We think of Your commandments, of the lessons from history that we still haven't learned, of the many truths which we blithely take for granted and then ignore. Life's signposts from previous eras ought to prove beneficial to us. Yet we often gloss right over them all. So Lord, we pray today asking Your forgiveness for our human arrogance. We plea for You to grant us afresh Your vision of how life yet can be for all of Your children. And we urge You to fill each of these Senators with a determination to face today's challenges and to lead our citizens into the bold new age before us. May it be so, Lord, may it be so. In Your name and with hearts of hope we pray this. Amen.

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Johnson, Kevin
Johnson, Michael	Kimbrell	Loftis

Martin	Massey	Matthews
McElveen	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, South Carolina Department of Transportation Commission, with the term to commence February 15, 2022, and to expire February 15, 2026 4th Congressional District: Maxson K. Metcalf, 1128 Edwards Road, Greenville, SC 29615-1638 VICE Woodrow Wilson Willard, Jr.

Referred to the Committee on Transportation.

Doctor of the Day

Senator TURNER introduced Dr. Christian Mabry of Greenville, S.C., Doctor of the Day.

Doctor of the Day

Senator CASH introduced Dr. Amanda Davis of Anderson, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator STEPHENS, at 10:16 A.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

At 11:59 A.M., Senator SETZLER requested a leave of absence from 6:00 P.M. - 7:00 P.M.

Leave of Absence

On motion of Senator VERDIN, at 5:40 P.M., Senator GROOMS was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator FANNING, at 5:40 P.M., Senators McLEOD and STEPHENS were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator FANNING, at 5:40 P.M., Senator KIMBRELL was granted a leave of absence until 7:00 P.M.

Leave of Absence

On motion of Senator McELVEEN, at 6:32 P.M., Senator SCOTT was granted a leave of absence until 8:00 P.M..

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill: S. 108 Sen. Scott

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill: S. 1087 Sen. Gustafson

RECALLED

H. 4617 -- Reps. Jones, Willis, Gilliam and McCravy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME LAKE STREET (S-30-145) IN LAURENS COUNTY "BILL RAMEY WAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5285 -- Reps. Dabney, J.L. Johnson and Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 1056 EHRENCLOU DRIVE IN THE CITY OF CAMDEN IN KERSHAW COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT SERGEANT MAJOR AND MRS. THOMAS PATRICK PAYNE.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1328 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE LEXINGTON HIGH SCHOOL'S VARSITY COLOR GUARD, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR PLACING IN THE TOP TWENTY OVERALL IN THE WORLD AT THE COLOR GUARD WORLD CHAMPIONSHIPS.

l:\s-res\ks\069lexi.kmm.ks.docx

The Senate Resolution was adopted.

S. 1329 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE DR. RONALD E. "RONNIE" CHRESTMAN UPON THE OCCASION OF HIS RETIREMENT AS STATISTICIAN AND LEAD RESEARCH ANALYST IN THE DEPARTMENT FOR INSTITUTIONAL RESEARCH, TO COMMEND HIM FOR HIS THIRTY-FIVE YEARS OF DEDICATED SERVICE TO CLEMSON UNIVERSITY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

l:\s-res\tca\083ronn.kmm.tca.docx

The Senate Resolution was adopted.

S. 1330 -- Senator Sabb: A SENATE RESOLUTION TO CONGRATULATE ETHEL S. MCGILL UPON THE OCCASION OF HER RETIREMENT AS CLERK OF THE WILLIAMSBURG

COUNTY TAX COLLECTOR'S OFFICE, TO COMMEND HER FOR HER TWENTY-THREE YEARS OF DEDICATED SERVICE TO WILLIAMSBURG, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD. 1:\s-res\ras\009ethe.kmm.ras.docx

The Senate Resolution was adopted.

Appointment Reported

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

Statewide Appointments

Reappointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor Veterans Service Organization: Jimmy E. Hawk, P. O. Box 349, Irmo, SC 29063-0349

Received as information.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

<u>Reappointment, Sumter County Master in Equity, with term to</u> commence December 31, 2022, and to expire December 31, 2028:

The Honorable Michael M. Jordan, 10 Law Range, Sumter, S.C., 29150

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 1304 -- Senator Rice: A CONCURRENT RESOLUTION TO CONGRATULATE THE PICKENS COUNTY BOARD OF DISABILITIES AND SPECIAL NEEDS UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED

SERVICE TO THE PICKENS COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence. Received as information.

S. 1325 -- Senators Alexander and Malloy: A CONCURRENT **RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9,** ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 12, 2022, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON WEDNESDAY, JUNE 15, 2022, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON FRIDAY, JUNE 17, 2022, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 28, 2022, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 30, 2022, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE ON THURSDAY, JUNE 30, 2022, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND IN RECESS SUBJECT TO THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF TIMES REPRESENTATIVES AT THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 13, 2022, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE. Returned with concurrence. Received as information.

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

CARRIED OVER

S. 458 -- Senators Adams, Talley, Bennett, Senn, Alexander and Loftis: A BILL TO AMEND SECTIONS 44-53-190(B) AND 44-53-370(e) OF THE 1976 CODE, RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", AND TO DEFINE NECESSARY TERMS.

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

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3037 -- Reps. Garvin, Robinson, Cobb-Hunter, Hosey, J.L. Johnson, Matthews, S. Williams, Rivers, Jefferson, R. Williams, Govan and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-117 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS AND TO PROVIDE THE CRIMINAL JUSTICE ACADEMY SHALL OFFER COURSES TO TRAIN LAW ENFORCEMENT OFFICERS ON HANDLING SITUATIONS THAT MAY ARISE FROM THE ENFORCEMENT OF THIS PROVISION.

CARRIED OVER

H. 4775 -- Reps. Hiott, Bailey, Carter, Erickson and Bradley: A BILL TO AMEND CHAPTER 60, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING ΤO MANUFACTURER RESPONSIBILITY FOR THE RECOVERY AND RECYCLING OF CERTAIN ELECTRONIC WASTE, SO AS TO ADD AND CHANGE DEFINITIONAL TERMS: TO REOUIRE MANUFACTURERS OF COVERED DEVICES TO OFFER AN ELECTRONIC WASTE RECOVERY PROGRAM AND TO ESTABLISH MINIMUM REQUIREMENTS OF SUCH RECOVERY PROGRAMS; TO ESTABLISH TELEVISION AND COMPUTER MONITOR COLLECTION SITE CONVENIENCE STANDARDS BASED ON COUNTY POPULATION; TO REQUIRE TELEVISION AND COMPUTER MONITOR MANUFACTURERS TO SUBMIT AN ANNUAL MANUFACTURER RECOVERY PLAN TO THE

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR REVIEW AND APPROVAL AND TO ESTABLISH MINIMUM PLAN REQUIREMENTS; TO ALLOW MANUFACTURER CLEARINGHOUSES, ACTING ON BEHALF OF CERTAIN MANUFACTURERS, TO COMPLY WITH THE CHAPTER'S PROVISIONS AND TO ESTABLISH CERTAIN REQUIREMENTS APPLICABLE TO MANUFACTURER CLEARINGHOUSES; TO SET FORTH POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO CREATE AND CHANGE CERTAIN FEES AND PENALTIES; TO PROVIDE FOR PERIODIC REVIEW OF THE CHAPTER'S PROVISIONS BY A STAKEHOLDER GROUP; AND FOR OTHER PURPOSES; AND TO REPEAL SECTION 14 OF ACT 129 OF 2014, AS AMENDED, RELATING TO A SUNSET PROVISION.

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

READ THE THIRD TIME SENT TO THE HOUSE

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 614 -- Senators Corbin, Loftis, Kimbrell, Garrett, Rice, Adams, Gustafson, Verdin, Cromer and Martin: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE MILITARY CODE, BY ADDING SECTION 25-1-80, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA UNORGANIZED MILITIA.

Recorded Vote

Senator MARTIN desired to be recorded as voting in favor of the third reading of the Bill.

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. 3833 -- Reps. Erickson, Bradley, Herbkersman, Dabney, Brawley, King, Gilliard, Jefferson, Howard, S. Williams, Henegan and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)" BY ADDING ARTICLE 3 TO CHAPTER 55, TITLE 40 SO AS TO PROVIDE FOR THE ENTRY OF SOUTH

CAROLINA INTO THIS MULTISTATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 55, TITLE 40 AS ARTICLE 1 ENTITLED "GENERAL PROVISIONS"; AND TO AMEND SECTIONS 40-55-60 AND 40-55-80, RELATING TO THE STATE BOARD OF EXAMINERS IN PSYCHOLOGY AND QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

H. 4220 -- Reps. Sandifer and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-63-230 SO AS TO PROVIDE FOR MUTUAL RESCISSION OF INDIVIDUAL LIFE INSURANCE POLICIES; AND TO AMEND SECTION 38-6-220, RELATING TO REQUIRED INDIVIDUAL LIFE INSURANCE POLICY PROVISIONS, SO AS TO ALLOW FOR THE MUTUAL DECISION TO TERMINATE OR RESCIND A POLICY OF INSURANCE.

H. 4889 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-79-215 SO AS TO PROHIBIT AN ALARM BUSINESS OR CONTRACTOR FROM BEING FINED FOR A FALSE ALARM NOT ATTRIBUTED TO IMPROPER INSTALLATION, DEFECTIVE EQUIPMENT, OR OPERATIONAL ERROR BY THE ALARM BUSINESS OR CONTRACTOR.

H. 3340 -- Reps. Bailey, Hardee, Atkinson, Hayes, Brittain and Weeks: A BILL TO AMEND SECTION 12-20-105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATE LICENSE TAX CREDITS ALLOWED CERTAIN **CONTRIBUTIONS** TO TAXPAYERS FOR **OUALIFYING ECONOMIC INFRASTRUCTURE** AND DEVELOPMENT PROJECTS, SO AS TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM FOUR HUNDRED THOUSAND TO SIX HUNDRED THOUSAND DOLLARS, TO PROVIDE ADDITIONAL

ANNUAL CREDIT AMOUNTS OF FIFTY THOUSAND DOLLARS, ONE HUNDRED THOUSAND DOLLARS, AND ONE HUNDRED DOLLARS, RESPECTIVELY, FIFTY THOUSAND FOR QUALIFYING PROJECTS LOCATED IN COUNTIES CLASSIFIED FOR THE TARGETED JOBS TAX CREDIT AS TIER II, III, AND IV COUNTIES, TO PROVIDE **ADDITIONAL** ELIGIBILITY REQUIREMENTS FOR THESE INCREASED CREDIT AMOUNTS, AND TO ALLOW UNUSED CREDITS TO BE CARRIED FORWARD TO THE THREE SUCCEEDING TAX YEARS.

The Senate proceeded to a consideration of the Bill.

The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 36; Nays 5

. _ _ _ _

	AYES	
Adams	Alexander	Allen
Cash	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Harpootlian	Hembree	Johnson, Kevin
Johnson, Michael	Kimbrell	Loftis
Martin	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

	NAYS	
Bennett	Campsen	Climer
Gustafson	Massey	

Total--5

The Bill was read the third time, passed and ordered returned to the House.

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. 3948 -- Reps. Stavrinakis, Murphy and Dillard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-37-60 SO AS TO PROVIDE THAT A COUNTY THAT HAS IMPOSED A TAX PURSUANT TO CHAPTER 37, TITLE 4, ALSO MAY IMPOSE ANOTHER SALES AND USE TAX.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being third reading of the Bill as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 26; Nays 17

AYES			
Adams	Alexander	Allen	
Bennett	Campsen	Davis	
Fanning	Gambrell	Garrett	
Goldfinch	Grooms	Harpootlian	
Hembree	Jackson	Johnson, Kevin	
Malloy	Matthews	McElveen	
McLeod	Rankin	Sabb	
Scott	Senn	Stephens	
Turner	Williams		
Total26			
NAYS			
Cash	Climer	Corbin	
Cromer	Gustafson	Johnson, Michael	
Kimbrell	Loftis	Martin	
Massey	Peeler	Reichenbach	
Rice	Shealy	Talley	
Verdin	Young		

Total--17

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

AMENDED, CARRIED OVER

H. 3291 -- Reps. Pope, Burns, Chumley, Bryant, V.S. Moss, Haddon, Forrest and Ligon: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

The Senate proceeded to a consideration of the Bill.

Senators HUTTO and CAMPSEN proposed the following amendment (JUD3291.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 24 through 37, in Section 16-11-600, as contained in SECTION 1, and inserting therein the following:

/ "Section 16-11-600. (A) Every entry upon the lands of another where any horse, mule, cow, hog, or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant <u>has been</u> <u>posted or given</u> prohibiting such entry, shall be is a misdemeanor and <u>must</u> be punished by a fine <u>of</u> not to exceed <u>more than</u> one hundred dollars, or by imprisonment with hard labor on the public works of the county for not exceeding <u>more than</u> thirty days. When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.

(B) <u>The owner or tenant of any lands may accomplish the posting of</u> notice as follows: /

Renumber sections to conform. Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

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. 3599 -- Reps. B. Newton, McGarry, Dabney, Brawley, Gilliard, King, Jefferson, Howard, S. Williams, Carter, Erickson and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 36, TITLE 40 SO AS TO ENACT THE "OCCUPATIONAL THERAPY LICENSURE COMPACT" WHICH ENTERS SOUTH CAROLINA INTO A MULTISTATE OCCUPATIONAL LICENSURE COMPACT TO RECIPROCAL PROVIDE FOR THE PRACTICE OF OCCUPATIONAL THERAPY AMONG THE STATES THAT ARE PARTIES TO THE COMPACT; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 36 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

H. 3775 -- Reps. Robinson, Dillard, Elliott, Erickson, Parks, Martin, Fry, Matthews, V.S. Moss, G.R. Smith, Brawley, Rose, Stavrinakis and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-144 SO AS TO PROVIDE DEFINITIONS AND THAT NO HEALTH BENEFIT PLAN MAY REQUIRE AN INSURED TO FAIL TO SUCCESSFULLY RESPOND TO A DRUG OR DRUGS FOR STAGE FOUR ADVANCED, METASTATIC CANCER PRIOR TO THE APPROVAL OF A DRUG PRESCRIBED BY HIS OR HER PHYSICIAN.

H. 4048 -- Rep. G.M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-11-445 SO AS PROVIDE THAT THE STATE OF SOUTH CAROLINA MUST PROVIDE A LEGAL DEFENSE FOR AND INDEMNIFICATION TO A STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY AGAINST A CLAIM OR SUIT THAT ARISES OUT OF OR BY VIRTUE OF THE PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF A STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY, AND TO PROVIDE A SIMILAR DEFENSE AND INDEMNIFICATION TO BOARD

MEMBERS AND EMPLOYEES, AND OFFICERS OF THE ENTITY; TO REPEAL SECTION 1-11-440 RELATING TO LEGAL DEFENSES AND INDEMNIFICATIONS PROVIDED TO MEMBERS OF THE FISCAL ACCOUNTABILITY AUTHORITY AND ITS DIRECTOR; AND TO REPEAL SECTION 12-4-325 RELATING TO LEGAL DEFENSES AND INDEMNIFICATION PROVIDED TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF REVENUE.

H. 3166 -- Reps. King, Robinson, Thigpen, Cobb-Hunter, Anderson, Brawley, Govan and G.M. Smith: A BILL TO AMEND CHAPTER 33, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SICKLE CELL DISEASE, SO AS TO ENACT THE "RENA GRANT SICKLE CELL DISEASE VOLUNTARY PATIENT REGISTRY ACT"; TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP AND MAINTAIN A SICKLE CELL DISEASE VOLUNTARY PATIENT REGISTRY IN WHICH PATIENTS DIAGNOSED WITH SICKLE CELL DISEASE MAY REGISTER; TO ESTABLISH REQUIREMENTS FOR A PHYSICIAN TO SUBMIT THE NAME AND OTHER IDENTIFYING INFORMATION OF A PATIENT DIAGNOSED WITH SICKLE CELL DISEASE TO THE REGISTRY; TO PROHIBIT RELEASE OF INFORMATION CONTAINED IN THE REGISTRY, WITH EXCEPTIONS; TO ALLOW ACCESS TO INFORMATION IN THE REGISTRY BY, AMONG OTHERS, TREATING PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS TO VERIFY PATIENT REGISTRATION AND HEALTH CARE RESEARCHERS; TO ALLOW A PATIENT TO REVOKE A REGISTRATION; AND FOR OTHER PURPOSES.

AMENDMENTS WITHDRAWN 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. 3247 -- Reps. G.M. Smith, B. Cox, V.S. Moss, Yow, Huggins, Erickson, Bradley, Allison, Felder, B. Newton, W. Newton, Herbkersman, Ballentine, Davis, Weeks, McGarry, White, W. Cox, R. Williams, Blackwell, Crawford, Fry and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO

AS TO ENACT THE "WORKFORCE ENHANCEMENT AND MILITARY RECOGNITION ACT"; TO AMEND SECTION 12-6-1171, RELATING TO THE MILITARY RETIREMENT INCOME DEDUCTION, SO AS TO PHASE-IN THE REMOVAL OF CERTAIN LIMITS.

Having voted on the prevailing side, Senator PEELER moved to reconsider the vote whereby the report of the Committee on Finance was adopted on May 10, 2022.

The motion was adopted.

Senator PEELER moved to withdraw the committee amendment.

The committee amendment was withdrawn.

The question then being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 43; Nays 0

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

Total--43

NAYS

Total--0

There being no further amendments, the Bill was read the third time and ordered enrolled for Ratification.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3325 -- Reps. King, Murray, Rivers, M.M. Smith and Parks: A BILL TO AMEND SECTION 44-63-74, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ELIMINATE EXEMPTIONS FOR PHYSICIANS WHO CERTIFY FEWER THAN TWELVE DEATHS ANNUALLY.

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. 3840 -- Reps. Erickson, Herbkersman, Bradley, W. Newton, Wooten, Caskey, B. Cox, Blackwell, Dabney, King, Jefferson, Brawley, Howard, S. Williams, G.R. Smith, Huggins, Murray and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 67, TITLE 40 SO AS TO ESTABLISH THE "AUDIOLOGY AND SPEECH-LANGUAGE INTERSTATE COMPACT ACT", TO STATE THE PURPOSE OF THE ACT, TO PROVIDE DEFINITIONS, TO OUTLINE STATE PARTICIPATION, TO **OUTLINE** PRIVILEGES FOR AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS RESULTING FROM THE COMPACT, TO ALLOW FOR THE PRACTICE OF TELEHEALTH. TO PROVIDE ACCOMMODATIONS FOR MILITARY ACTIVE DUTY PERSONNEL AND THEIR SPOUSES, TO PROVIDE Α MECHANISM FOR TAKING ADVERSE ACTIONS AGAINST ESTABLISH "AUDIOLOGY LICENSEES, TO THE AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION", TO ESTABLISH A DATA SYSTEM, TO OUTLINE THE RULEMAKING PROCESS, TO ADDRESS OVERSIGHT, DISPUTE RESOLUTION, AND **ENFORCEMENT** DUTIES AND

RESPONSIBILITIES, DATE TO ESTABLISH THE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY, RULES, WITHDRAWAL, AND AMENDMENT. ΤO ADDRESS STATUTORY CONSTRUCTION, SEVERABILITY, AND BINDING EFFECT OF THE COMPACT; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

CARRIED OVER

H. 4999 -- Rep. Hiott: A BILL TO AMEND SECTION 44-56-200 CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HAZARDOUS WASTE CLEANUP, SO AS TO PROVIDE STANDARDS FOR CONDUCTING CERTAIN CLEANUP, REMOVAL, REMEDIATION, OR OTHER RESPONSES; TO PROVIDE SITE-SPECIFIC REMEDIATION STANDARDS; AND TO DEFINE NECESSARY TERMS.

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

CARRIED OVER

H. 5000 -- Reps. Matthews, Caskey, Wooten and May: A BILL TO AMEND SECTION 44-63-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF ADULT ADOPTED PERSONS TO ACCESS THEIR ORIGINAL BIRTH CERTIFICATES IN CERTAIN CIRCUMSTANCES, SO AS TO APPLY RETROACTIVELY.

On motion of Senator MATTHEWS, the Bill was carried over.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 5182 -- Reps. Lucas, Fry, Hewitt, Bailey, Erickson, Dillard, Huggins, Wooten, Caskey, Ballentine, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA OPIOID RECOVERY ACT" BY ADDING CHAPTER 50 TO TITLE 44 SO AS TO PROVIDE FOR PURPOSES OF THE ACT, PROVIDE DEFINITIONS, ESTABLISH THE SOUTH CAROLINA OPIOID RECOVERY FUND, ESTABLISH THE DISCRETIONARY SUBFUND, ESTABLISH THE GUARANTEED POLITICAL SUBDIVISION SUBFUND, ESTABLISH THE ADMINISTRATIVE SUBFUND, ESTABLISH

THE SOUTH CAROLINA OPIOID RECOVERY FUND BOARD, PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY IS RESPONSIBLE FOR ADMINISTRATIVE OPERATIONS, PROVIDE FOR CERTAIN RESTRICTIONS ON BRINGING CERTAIN CLAIMS, AND TO PROVIDE THAT THIS ACT MUST BE LIBERALLY CONSTRUED.

The Senate proceeded to a consideration of the Bill.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 37; Nays 0; Abstain 5

	AYES	
Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Jackson	Johnson, Kevin
Johnson, Michael	Kimbrell	Loftis
Martin	Massey	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams		
	Total37	
	NAYS	
	Total0	
	ABSTAIN	
Davis	Matthews	McElveen
Senn	Young	
	Total5	

The Bill was read the third time, passed and ordered returned to the House.

CARRIED OVER

S. 1034 -- Senator Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-195 SO AS TO AUTHORIZE CENTRAL FILL PHARMACIES TO BE ESTABLISHED IN THIS STATE FOR THE PURPOSE OF FILLING PRESCRIPTIONS FOR, AND AT THE REQUEST OF, AN PHARMACY; ORIGINATING TO ESTABLISH CERTAIN OPERATING PROCEDURES AND REQUIREMENTS FOR CENTRAL FILL PHARMACIES INCLUDING, AMONG OTHER THINGS, OBTAINING A CENTRAL FILL PHARMACY PERMIT AND A CONTROLLED SUBSTANCES REGISTRATION, IF APPROPRIATE, NOTIFYING PATIENTS OF CENTRAL FILL PROCESSING PROCEDURES, REQUIRING WRITTEN PRESCRIPTION DRUG INFORMATION AND A TOLL-FREE NUMBER. PROVIDING PRESCRIPTION LABELING AND RECORD KEEPING REQUIREMENTS, AND REQUIRING POLICIES AND PROCEDURES MANUALS.

On motion of Senator CROMER, the Bill was carried over.

READ THE SECOND TIME

H. 4831 -- Reps. Elliott, B. Cox, Caskey, Ballentine, Wooten, McGarry, Forrest, Erickson, Bernstein, Wetmore, Carter, Atkinson, Cogswell, W. Cox, Weeks, Wheeler, Henegan and Murray: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF COMMERCE TO CONDUCT AN ECONOMIC DEVELOPMENT STUDY TO EVALUATE THE STATE'S BUSINESS ADVANTAGES, ECONOMIC CLIMATE, WORKFORCE READINESS, AND ANY OTHER RELEVANT STATE ASSETS TO CREATE A ROADMAP TO EFFECTIVELY COMPETE IN ATTRACTING OFFSHORE WIND ENERGY SUPPLY CHAIN INDUSTRIES TO THE STATE: AND TO PROVIDE FOR THE PURPOSE AND DUTIES OF THE STUDY.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS proposed the following amendment (PH\ 4831C001.JN.PH22), which was withdrawn:

Amend the joint resolution, as and if amended, by striking SECTION 5, and inserting:

/ SECTION 5. A.The General Assembly hereby finds and declares that:

(1) the economic and financial well-being of South Carolina and its citizens depends upon continued economic development and opportunities for employment;

(2) the cost of electricity and the availability of renewable energy sources for electricity are important factors in the decision for a commercial and industrial entity to locate or expand their existing establishments in South Carolina;

(3) competitive electric rates, terms, and conditions and the ability to utilize renewable energy sources for electric power generation are necessary to attract prospective commercial or industrial entities to invest in South Carolina and to encourage and incent robust economic growth in the State;

(4) the Public Service Commission of South Carolina should weigh and consider any quantifiable net benefits that may result from economic development opportunities resulting from prospective commercial or industrial entities in determining whether rates, terms, and conditions proposed by an electrical utility as defined by Section 58-27-10(7) are reasonable, prudent, and in the best interest of the electrical utility's general body of retail customers; and

(5) rates proposed by electrical utilities for prospective commercial or industrial entities that are at or greater than the electrical utility's marginal cost should be presumed reasonable.

B. For the purposes of this act unless otherwise specified:

(1) "Commission" means Public Service Commission of South Carolina.

(2) "Electrical utility" has the same meaning as provided in Section 58-27-10(7).

(3) "Prospective manufacturing entity" means a commercial or industrial entity that proposes to:

(a) request new, permanent electric service to a new establishment or location in an electrical utility's service territory;

(b) expand an existing establishment in an electrical utility's service territory that has existing permanent electric service and which expansion will result in additional electrical load on the electrical utility's system; or

(c) locate in an existing establishment and establish a new customer service account with the electrical utility for which expansion will result in additional electrical load on the electrical utility's system;

(4) "Marginal cost" means the electrical utility's marginal cost for producing energy.

(5) "Rate proposal" means a written document that identifies the rates, terms, and conditions for electric service offered by an electrical utility to a prospective manufacturing entity.

(6) "Contracts" shall have the same meaning as the term is used in Section 58-27-980.

(7) "Qualifying customer" means a commercial or industrial customer that agrees to locate its operations in South Carolina; or expand its existing establishment; and such location or expansion results in the addition of a minimum of:

(a) 500 kilowatts at one point of delivery;

(b) one hundred new employees; and

(c) capital investment of four hundred thousand dollars following the electrical utility's approval for service.

(8) "Renewable energy facility" means a solar array or other facility constructed by or on behalf of a qualifying customer for the exclusive purpose of supplementing electric power generation from a renewable energy source for its economic development location or expansion.

C. (A) Notwithstanding any other provision of law, an electrical utility may provide the South Carolina Department of Commerce or a prospective manufacturing entity with a rate proposal containing terms and conditions that would incentivize and encourage the prospective manufacturing entity to employ additional workforce and to make capital investments in the electrical utility's service territory. The rate proposal provided by an electrical utility may differ from the final contract, rate, terms, and conditions with the qualifying customer.

(B) The electrical utility shall file the rate proposal with the commission for review and acceptance. The rate proposal is determined to be presumptively reasonable if the rates, terms, and conditions are equal to or greater than the electrical utility's marginal cost.

D. (A) Nothing in this act shall restrict the commission's authority to regulate rates and charges or review contracts entered into by, or supervise the operations of electrical utilities.

(B) An electrical utility may offer economic development rates to a qualifying customer that may be lower than the rate or rates that the qualifying customer otherwise would be or is subject to under the electrical utility's commission-approved tariffs in effect at the time; provided, however, that the economic development rate must not be lower than the electrical utility's marginal cost of providing service to the qualifying customer.

(C) An electrical utility may negotiate and enter into agreements that contain economic development rates with a qualifying customer, which agreements and rates shall be subject to commission approval, and which shall be for a term not exceeding ten years. The electrical utility may offer the qualifying customer real-time pricing options or riders for other clean energy attributes which may support the qualifying customer's sustainability goals.

(D) In the commission's determination of the public interest for any economic development rate or contract, the electrical utility bears the burden of proof to establish that:

(1) the rates or charges assessed to the electrical utility's other customers do not subsidize the cost of providing economic development rates to a qualifying customer;

(2) the rates of other electrical utility operations do not increase; and

(3) other customers of the electrical utility do not experience a rate increase due to a rate or rates offered to a qualifying customer.

E. In compliance with federal and state law, the utility may expedite interconnection of a proposed renewable energy facility to be constructed by a qualifying customer to support electric power generation at its economic development location or expansion where high-quality and reliable electric service are not adversely impacted.

F. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

SECTION 6. This joint resolution takes effect upon approval by the Governor.

Renumber sections to conform. Amend title to conform.

The amendment was withdrawn.

Senators DAVIS and YOUNG proposed the following amendment (WAB\4831C001.RT.WAB22), which was withdrawn:

Amend the joint resolution, as and if amended, by striking SECTION 5, and inserting:

/ SECTION 5. A.The General Assembly hereby finds and declares that:

(1) the economic and financial well-being of South Carolina and its citizens depends upon continued economic development and opportunities for employment;

(2) the cost of electricity and the availability of renewable energy sources for electricity are important factors in the decision for a commercial and industrial entity to locate or expand their existing establishments in South Carolina;

(3) competitive electric rates, terms, and conditions and the ability to utilize renewable energy sources for electric power generation are necessary to attract prospective commercial or industrial entities to invest in South Carolina and to encourage and incent robust economic growth in the State;

(4) the Public Service Commission of South Carolina should weigh and consider any quantifiable net benefits that may result from economic development opportunities resulting from prospective commercial or industrial entities in determining whether rates, terms, and conditions proposed by an electrical utility as defined by Section 58-27-10(7) are reasonable, prudent, and in the best interest of the electrical utility's general body of retail customers; and

(5) rates proposed by electrical utilities for prospective commercial or industrial entities that are at or greater than the electrical utility's marginal cost should be presumed reasonable.

B. For the purposes of this act unless otherwise specified:

(1) "Commission" means Public Service Commission of South Carolina.

(2) "Electrical utility" has the same meaning as provided in Section 58-27-10(7).

(3) "Prospective manufacturing entity" means a commercial or industrial entity that proposes to:

(a) request new, permanent electric service to a new establishment or location in an electrical utility's service territory;

(b) expand an existing establishment in an electrical utility's service territory that has existing permanent electric service and which expansion will result in additional electrical load on the electrical utility's system; or

(c) locate in an existing establishment and establish a new customer service account with the electrical utility for which expansion will result in additional electrical load on the electrical utility's system;

(4) "Marginal cost" means the electrical utility's marginal cost for producing energy.

(5) "Rate proposal" means a written document that identifies the rates, terms, and conditions for electric service offered by an electrical utility to a prospective manufacturing entity.

(6) "Contracts" shall have the same meaning as the term is used in Section 58-27-980.

(7) "Qualifying customer" means a commercial or industrial customer that agrees to locate its operations in South Carolina; or expand its existing establishment; and such location or expansion results in the addition of a minimum of:

(a) 500 kilowatts at one point of delivery;

(b) one hundred new employees; and

(c) capital investment of four hundred thousand dollars following the electrical utility's approval for service.

(8) "Renewable energy facility" means a solar array or other facility constructed by or on behalf of a qualifying customer for the exclusive purpose of supplementing electric power generation from a renewable energy source for its economic development location or expansion.

C. (A) Notwithstanding any other provision of law, an electrical utility may provide the South Carolina Department of Commerce or a prospective manufacturing entity with a rate proposal containing terms and conditions that would incentivize and encourage the prospective manufacturing entity to employ additional workforce and to make capital investments in the electrical utility's service territory. The rate proposal provided by an electrical utility may differ from the final contract, rate, terms, and conditions with the qualifying customer.

(B) The electrical utility shall file the rate proposal with the commission for review and acceptance. The rate proposal is determined to be presumptively reasonable if the rates, terms, and conditions are equal to or greater than the electrical utility's marginal cost.

D. (A) Nothing in this act shall restrict the commission's authority to regulate rates and charges or review contracts entered into by, or supervise the operations of electrical utilities.

(B) An electrical utility may offer economic development rates to a qualifying customer that may be lower than the rate or rates that the qualifying customer otherwise would be or is subject to under the electrical utility's commission-approved tariffs in effect at the time; provided, however, that the economic development rate must not be lower than the electrical utility's marginal cost of providing service to the qualifying customer.

(C) An electrical utility may negotiate and enter into agreements that contain economic development rates with a qualifying customer, which agreements and rates shall be subject to commission approval, and which shall be for a term not exceeding ten years. The electrical utility may offer the qualifying customer real-time pricing options or riders for other

clean energy attributes which may support the qualifying customer's sustainability goals.

(D) In the commission's determination of the public interest for any economic development rate or contract, the electrical utility bears the burden of proof to establish that:

(1) the rates or charges assessed to the electrical utility's other customers do not subsidize the cost of providing economic development rates to a qualifying customer;

(2) the rates of other electrical utility operations do not increase; and

(3) other customers of the electrical utility do not experience a rate increase due to a rate or rates offered to a qualifying customer.

E. (1) The construction of a proposed renewable energy facility by or on behalf of a qualifying customer to support electric power generation at its economic development location or expansion must comply with federal, state, and local laws and ordinances.

(2) In compliance with federal, state, and local laws and ordinances, the utility may expedite interconnection of a proposed renewable energy facility to be constructed by a qualifying customer to support electric power generation at its economic development location or expansion where high-quality and reliable electric service are not adversely impacted.

F. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

SECTION 6. This joint resolution takes effect upon approval by the Governor.

Renumber sections to conform. Amend title to conform.

The amendment was withdrawn.

The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 45; Nays 0

AYES	
Alexander	Allen
Campsen	Cash
Corbin	Cromer
Fanning	Gambrell
	Alexander Campsen Corbin

²⁵

Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	Johnson, Kevin
Johnson, Michael	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDMENT PROPOSED, READ THE SECOND TIME

H. 3788 -- Reps. G.M. Smith and Murphy: A BILL TO AMEND SECTION 1-7-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE COMMISSION ON PROSECUTION COORDINATION, SO AS TO ADD THE ATTORNEY GENERAL FOR THE TERM FOR WHICH HE IS ELECTED OR HIS DESIGNEE TO THE MEMBERSHIP OF THE COMMISSION.

The Senate proceeded to a consideration of the Bill.

Senator HARPOOTLIAN proposed the following amendment (3788R001.SP.RAH):

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. A.Section 1-7-920 of the 1976 Code is amended to read:

"Section 1-7-920. (A) The commission is composed of the following persons for terms as indicated:

(1) the Chairmen of the Senate and House Judiciary Committees for the terms for which they are elected or their legislative designees;

(2) <u>the Attorney General for the term for which he is elected or his</u> designee;

(3) the Chief of the South Carolina Law Enforcement Division for the term for which he is appointed;

(3)(4) the Director of the Department of Public Safety shall serve during the term for which he is appointed;

(4)(5) a Director of a Judicial Circuit Pretrial Intervention Program appointed by the Governor for a term of two years;

(5)(6) a Judicial Circuit Victim-Witness Assistance Advocate appointed by the Governor for a term of two years;

(6)(7) five judicial circuit solicitors appointed by the Governor for a term of four years. However, upon initial appointment, the Governor shall select one for a two year term, two for a three year term, and two for a four year term. If a solicitor appointed to the commission is not re-elected, a vacancy occurs and it must be filled pursuant to the provisions of Section 1-7-930.

(B) <u>The Attorney General shall serve as the chairman of the commission.</u>"

B.Section 1-7-950 of the 1976 Code is amended to read:

"Section 1-7-950. The <u>The Attorney General shall serve as the</u> chairman of the commission must be elected by a majority vote of the membership of the commission for a two year term. A majority of the entire membership constitutes a quorum. Other officers as needed by the commission must be elected in the same manner." /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The question then being second reading of the Bill, as amended.

Motion Adopted

Senator HARPOOTLIAN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED AMENDED, READ THE SECOND TIME

H. 4062 -- Reps. Sandifer and West: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-3-65 SO AS TO ALLOW THE PUBLIC SERVICE COMMISSION TO HIRE QUALIFIED, INDEPENDENT THIRD-PARTY EXPERTS AND CONSULTANTS; AND TO AMEND SECTION 58-41-20, RELATING TO REVIEW AND APPROVAL PROCEEDINGS FOR ELECTRICAL UTILITIES, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD4062.002), which was adopted:

Amend the bill, as and if amended, beginning on page 1, line 24, and ending on page 3, line 8, by striking SECTION 1 and SECTION 2 in their entirety.

Amend the bill further, as and if amended, page 3, by striking lines 26-28 and inserting:

/ Section 58-3-22. Members of the Public Service Commission may meet together to receive technical and legal advice from the commission's staff on matters pending on the commission's docket, provided that the:

(1) advice is to aid the members in carrying out their responsibilities on the commission;

(2) advice is provided in a manner consistent with the South Carolina Code of Judicial Conduct; and

(3) members who attend such a meeting are not authorized to make recommendations to or transact any business for the Public Service Commission.

A meeting between the members of the Public Service Commission and commission staff pursuant to this section does not constitute a "public meeting" for purposes of the Freedom of Information Act." /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (JUD4062.004), which was adopted:

Amend the bill, as and if amended, page 5, line 31, by striking SECTION 5 in its entirety, which contains the effective date provisions, and inserting:

/ SECTION 5. A.The General Assembly hereby finds and declares that:

(1) the economic and financial well being of South Carolina and its citizens depends upon continued economic development and opportunities for employment;

(2) the cost of electricity and the availability of renewable energy sources for electricity are important factors in the decision for a commercial and industrial entity to locate or expand their existing establishments in South Carolina;

(3) competitive electric rates, terms, and conditions and the ability to utilize renewable energy sources for electric power generation are necessary to attract prospective commercial or industrial entities to invest in South Carolina and to encourage and incent robust economic growth in the State;

(4) the Public Service Commission of South Carolina should weigh and consider any quantifiable net benefits that may result from economic development opportunities resulting from prospective commercial or industrial entities in determining whether rates, terms, and conditions proposed by an electrical utility as defined by Section 58 27 10(7) are reasonable, prudent, and in the best interest of the electrical utility's general body of retail customers; and

(5) rates proposed by electrical utilities for prospective commercial or industrial entities that are at or greater than the electrical utility's marginal cost should be presumed reasonable.

B.For the purposes of SECTION 5 unless otherwise specified:

(1) "Commission" means Public Service Commission of South Carolina.

(2) "Electrical utility" has the same meaning as provided in Section 58 27 10(7).

(3) "Prospective manufacturing entity" means a commercial or industrial entity that proposes to:

(a) request new, permanent electric service to a new establishment or location in an electrical utility's service territory;

(b) expand an existing establishment in an electrical utility's service territory that has existing permanent electric service and which

expansion will result in additional electrical load on the electrical utility's system; or

(c) locate in an existing establishment and establish a new customer service account with the electrical utility for which expansion will result in additional electrical load on the electrical utility's system;

(4) "Marginal cost" means the electrical utility's marginal cost for producing energy.

(5) "Rate proposal" means a written document that identifies the rates, terms, and conditions for electric service offered by an electrical utility to a prospective manufacturing entity.

(6) "Contracts" shall have the same meaning as the term is used in Section 58 27 980.

(7) "Qualifying customer" means a commercial or industrial customer that agrees to locate its operations in South Carolina; or expand its existing establishment; and such location or expansion results in the addition of a minimum of:

(a) 500 kilowatts at one point of delivery;

(b) one hundred new employees; and

(c) capital investment of four hundred thousand dollars following the electrical utility's approval for service.

(8) "Renewable energy facility" means a solar array or other facility constructed by or on behalf of a qualifying customer for the exclusive purpose of supplementing electric power generation from a renewable energy source for its economic development location or expansion.

C.(A) Notwithstanding any other provision of law, an electrical utility may provide the South Carolina Department of Commerce or a prospective manufacturing entity with a rate proposal containing terms and conditions that would incentivize and encourage the prospective manufacturing entity to employ additional workforce and to make capital investments in the electrical utility's service territory. The rate proposal provided by an electrical utility may differ from the final contract, rate, terms, and conditions with the qualifying customer.

(B) The electrical utility shall file the rate proposal with the commission for review and acceptance. The rate proposal is determined to be presumptively reasonable if the rates, terms, and conditions are equal to or greater than the electrical utility's marginal cost.

D.(A) Nothing in this act shall restrict the commission's authority to regulate rates and charges or review contracts entered into by, or supervise the operations of electrical utilities.

(B) An electrical utility may offer economic development rates to a qualifying customer that may be lower than the rate or rates that the

qualifying customer otherwise would be or is subject to under the electrical utility's commission approved tariffs in effect at the time; provided, however, that the economic development rate must not be lower than the electrical utility's marginal cost of providing service to the qualifying customer.

(C) An electrical utility may negotiate and enter into agreements that contain economic development rates with a qualifying customer, which agreements and rates shall be subject to commission approval, and which shall be for a term not exceeding ten years. The electrical utility may offer the qualifying customer real time pricing options or riders for other clean energy attributes which may support the qualifying customer's sustainability goals.

(D) In the commission's determination of the public interest for any economic development rate or contract, the electrical utility bears the burden of proof to establish that:

(1) the rates or charges assessed to the electrical utility's other customers do not subsidize the cost of providing economic development rates to a qualifying customer;

(2) the rates of other electrical utility operations do not increase; and

(3) other customers of the electrical utility do not experience a rate increase due to a rate or rates offered to a qualifying customer.

E.(1) The construction of a proposed renewable energy facility by or on behalf of a qualifying customer to support electric power generation at its economic development location or expansion must comply with federal, state, and local laws and ordinances.

(2) In compliance with federal, state, and local laws and ordinances, the utility may expedite interconnection of a proposed renewable energy facility to be constructed by a qualifying customer to support electric power generation at its economic development location or expansion where high quality and reliable electric service are not adversely impacted.

F. The provisions of SECTION 5 must be liberally construed to effectuate the purposes of this SECTION.

SECTION 6. This act takes effect upon approval by the Governor. The provisions of SECTION 5 expire on July 1, 2026.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.



The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 45; Nays 0

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

Total--45

NAYS

Total--0

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

READ THE SECOND TIME

H. 3106 -- Reps. Bannister, G.R. Smith, Dillard, Elliott, Hosey and Willis: A BILL TO AMEND SECTIONS 9-1-1085 AND 9-11-225, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTION RATES UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE POLICE OFFICERS RETIREMENT SYSTEM RESPECTIVELY, SO AS TO PROVIDE THAT AN EMPLOYER, UP

TO CERTAIN LIMITS, MAY ELECT TO PAY ALL OR A PORTION OF REQUIRED EMPLOYEE CONTRIBUTIONS DURING A FISCAL YEAR.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 5036 -- Reps. Sandifer, West, Thigpen, Hardee, Jordan, Anderson, Bailey, Gagnon, Simrill, Thayer, White and Atkinson: A BILL TO AMEND ARTICLE 3 OF CHAPTER 15, TITLE 31, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDINGS UNFIT FOR HABITATION IN COUNTIES, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO BUILDINGS UNFIT FOR OCCUPATION, TO ADD A CAUSE FOR WHICH POLICE POWERS MAY BE USED REGARDING RUBBISH, AND TO DELETE AN APPROVAL REQUIREMENT.

On motion of Senator MASSEY, the Bill was carried over.

AMENDED, READ THE SECOND TIME

H. 3998 -- Reps. Fry, Dillard, Erickson, Davis, Wooten, Trantham and Hewitt: A BILL TO AMEND SECTIONS 44-53-1630 AND 44-53-1640, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD SCHEDULE V CONTROLLED SUBSTANCES TO THE PRESCRIBED AND DISPENSED CONTROLLED SUBSTANCES MONITORED UNDER THE PROGRAM.

The Senate proceeded to a consideration of the Bill.

Senator SENN proposed the following amendment (JUD3998.001), which was adopted:

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

/ SECTION 1. Section 44 53 190(B) of the 1976 Code is amended by adding appropriately numbered new items at the end to read:

"____. Fentanyl related substances. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

a. replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

b. substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;

c. substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

d. replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

e. replacement of the N-propionyl group by another acyl group or hydrogen.

This definition includes, but is not limited to, the following substances: Methylacetyl fentanyl, Alpha methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta hydroxyfentanyl, Beta hydroxy 3 methylfentanyl, 3 Methylfentanyl, Methylthiofentanyl, Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanovl fentanvl, Cyclopentyl fentanvl, Isobutyryl fentanvl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fenantyl.

. Benzamidazole-compounds to include:

a. 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,Ndiethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: butonitazene);

b. 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,Ndiethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other names: etodesnitazene, etazene);

c. N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: flunitazene);

d. N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: metodesnitazene);

e. N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: metonitazene);

f. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1Hbenzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other names: N-pyrrolidino etonitazene, etonitazepyne);

g. N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1Hbenzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: protonitazene)."

SECTION 2. Section 44 53 370(e) of the 1976 Code is amended by adding an appropriately numbered new item at the end to read:

"() four grams or more of any fentanyl or fentanyl-related substance, or benzimidazole compound, as described in Section 44-53-190 or 44-53-210, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, or a benzimidazole compound, is guilty of a felony which is known as 'trafficking in fentanyl' and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not more than twenty years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars; or

(b) for a second or subsequent offense, a term of imprisonment of not more than thirty years, no part of which may be suspended or probation granted, and a fine of one hundred thousand dollars."

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or

amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor. / Renumber sections to conform. Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

Motion Adopted

Senator SENN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The question then being second reading of the Bill, as amended.

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

RECOMMITTED

H. 5337 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF MOTOR VEHICLES, RELATING TO DRIVER TRAINING SCHOOLS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5105, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator GROOMS, the Resolution was recommitted to Committee on Transportation.

READ THE SECOND TIME

H. 5338 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SECRETARY OF STATE, RELATING TO PROMULGATION OF

REGULATIONS PURSUANT TO THE SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 5104, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator M. JOHNSON explained the Resolution.

The question then being second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 45; Nays 0

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

Total--45

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 5270 -- Reps. Whitmire, Lucas, Finlay and King: А CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY. MAY 4, 2022, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15. WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026.

On motion of Senator MASSEY, the Resolution was carried over.

ADOPTED

H. 4384 -- Reps. Hosey, Rivers, S. Williams, Clyburn and J. Moore: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 321 IN THE TOWN OF FAIRFAX IN

ALLENDALE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 278 TO ITS INTERSECTION WITH SEVENTEENTH STREET "M.F. 'SONNY' RILEY, JR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

AMENDED AND ADOPTED

H. 4757 -- Reps. McGarry, B. Newton, Yow and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 521 FROM ANDREW JACKSON HIGH SCHOOL IN LANCASTER COUNTY TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 "REPRESENTATIVE JIMMY NEAL MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

The Senate proceeded to a consideration of the Resolution.

Senator GUSTAFSON proposed the following amendment (4757R001.KMM.PG), which was adopted:

Amend the concurrent resolution, as and if amended, by striking all after the title and inserting:

/ Whereas, the Honorable James Melvin "Jimmy" Neal of Kershaw was born in Lancaster on April 30, 1943, and departed his earthly life on August 26, 2020. He was the son of the late James Melvin Neal and Annie Mae Horton Neal Smith, and the stepson of the late William Bryant Smith; and

Whereas, Mr. Neal received his undergraduate degree from Clemson University in 1965 and earned a master's degree in education from Winthrop College in 1978; and

Whereas, he served as a teacher, coach, and principal in the Lancaster County School District for more than thirty years; and

Whereas, for fourteen years our former colleague served Lancaster County House District 44 with distinction as a member of the South Carolina House of Representatives; and

Whereas, he also was a board member of the Catawba Regional Council of Governments and the Lancaster Water and Sewer District. He was inducted into the Lancaster County Education Hall of Fame in 2006; and

Whereas, in 1968 he married Harriett Hawkins, who preceded him in death. He leaves to cherish his memories two sons, five grandchildren, and a great-granddaughter; and

Whereas, it would be fitting and proper to pay tribute to Jimmy Neal's memory by naming a portion of United States Highway 521 in Lancaster County in his honor. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring: That the members of the General Assembly request the Department of Transportation rename the portion of United States Highway 521 from Andrew Jackson High School in Lancaster County to its intersection with United States Highway 601 "Representative Jimmy Neal Memorial Highway" and erect appropriate markers or signs along this highway containing these words.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation. /

Renumber sections to conform. Amend title to conform.

Senator GUSTAFSON explained the amendment.

The amendment was adopted.

The Resolution was adopted, ordered returned to the House.

AMENDED AND ADOPTED

H. 5069 -- Reps. Yow, Henegan and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION SOUTH NAME THE PORTION OF CAROLINA HIGHWAY 9 IN THE TOWN OF CHERAW IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH TOWN AND COUNTRY ROAD TO ITS INTERSECTION WITH JOSEPH KERSHAW WINDSOR DRIVE "DR. NEWSOM MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Senate proceeded to a consideration of the Resolution.

Senator GUSTAFSON proposed the following amendment (5069R001.KMM.PG), which was adopted:

Amend the concurrent resolution, as and if amended, by striking all and inserting:

/Whereas, hailing from modest beginnings in Kershaw County, Dr. Joseph Kershaw Newsom went on to become a beloved doctor, community servant, and aviation enthusiast; and

Whereas, born August 2, 1931, the only child of Roger Acra Newsom and Lula Belle McKinnon, Dr. Newsom was raised on the family farm in Lee County. He attended public schools in Bishopville where he played baseball and football and drove a school bus. Following graduation from The Citadel, he married Martha Elizabeth Young of Mayesville. While stationed in Germany, the couple welcomed a son, J.K. "Shaw" Newsom, Jr., to the family; and

Whereas, the young couple later moved to New Orleans while Dr. Newsom attended Tulane School of Medicine. Daughters Shannon Elizabeth and Patricia Seyborn were born into the family while they were there; and

Whereas, upon completing the medical requirements to become a physician, Dr. Newsom returned to South Carolina, establishing the family home in Cheraw. He practiced family medicine for more than fifty years, establishing the first helipad in Chesterfield County, and founding the first urgent care facility; and

Whereas, a later marriage to Barbara Epstein of Cheraw added sons Jacob Andrew and William Alexander to the family. Following her death, he was united in marriage to Nancy Stubbs, also of Cheraw, for twenty-three years until his death; and

Whereas, even in retirement Dr. Newsom continued to make house calls. He never forgot the babies he delivered, following them through school and into adulthood. Oftentimes, he would send a letter and a dollar or two to those children making all A's; and

Whereas, in addition to his patients and his love of medicine, Dr. Newsom's greatest passions were flying and his collection of aircrafts, which included Angel's Playmate, a fighter bomber used in World War II and the Korean War and one of less than 175 operating P-51 Mustangs in the world. He shared his love of flying with others, supporting community events, and working to establish aviation as an important economic driver in the Cheraw community; and

Whereas, an active member of Cheraw First Presbyterian Church, Dr. Newsom also served on numerous local and state boards and commissions throughout his life; and

Whereas, it would be fitting and proper that the life and legacy of Dr. Joseph Kershaw Newsom be memorialized by naming a portion of highway in the Town of Cheraw in his honor. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly request the Department of Transportation name the portion of South Carolina Highway 9 in the Town of Cheraw in Chesterfield County from its intersection with Town and Country Road (S-13 602) to its intersection with Windsor Drive "Dr. Joseph Kershaw Newsom Memorial Highway" and erect appropriate markers or signs along this portion of highway containing these words.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation. /

Renumber sections to conform. Amend title to conform.

Senator GUSTAFSON explained the amendment.

The amendment was adopted.

The Resolution was adopted, ordered returned to the House.

CARRIED OVER

H. 5082 -- Rep. Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE AT THE INTERSECTION OF UNITED STATES HIGHWAY 1 AND YOUNG'S BRIDGE ROAD IN KERSHAW COUNTY "JUDGE THOMAS E. 'TED' DAVIS BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

On motion of Senator MARTIN, the Resolution was carried over.

ADOPTED

H. 5212 -- Reps. Lucas and R. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CASHUA FERRY ROAD IN DARLINGTON COUNTY FROM WILSON CLINIC TO ITS INTERSECTION WITH COGGESHALL ROAD "JAMES 'JIMMY' MCKELVEY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

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

MOTION UNDER RULE 32B ADOPTED

Senator MASSEY, Chairman of the Committee on Rules, under the provisions of Rule 32B, called H. 3681 from the Contested Calendar.

Poll of the Rules Committee Polled 17; Ayes 11; Nays 5; Not Voting 1:

	AYES		
Massey	Cromer	Malloy	
Martin	Allen	Corbin	
Young	Grooms	Hembree	
Goldfinch	Harpootlian		

Sabb

Total--11

NAYS

Campsen Shealy

M. Johnson

Total--5

McLeod

NOT VOTING

Kimpson

Total--1

MOTION ADOPTED

At 12:16 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

RECESS

At 12:20 P.M., on motion of Senator MASSEY, the Senate receded from business until 1:30 P.M. At 1:35 P.M., the Senate resumed.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

NONCONCURRENCE

S. 17 -- Senators Rankin and Loftis: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

The House returned the Resolution with amendments, the question being concurrence in the House amendments.

Senator RANKIN explained the amendments.

On motion of Senator RANKIN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

HOUSE AMENDMENTS AMENDED RETURNED TO THE HOUSE WITH AMENDMENTS

S. 108 -- Senators Campsen and Senn: A BILL TO AMEND SECTION 48-22-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO REQUIRE THE UNIT TO CONDUCT TOPOGRAPHIC MAPPING USING LIGHT DETECTION AND RANGING (LIDAR) DATA COLLECTIONS AND ESTABLISH REQUIREMENTS FOR THE INFORMATION COLLECTED DURING THE TOPOGRAPHIC MAPPING.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator CAMPSEN explained the House amendments.

Senators CAMPSEN, DAVIS and SCOTT proposed the following amendment (JUD0108.002), which was adopted:

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

/ SECTION 1. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

"Section 7-13-25. (A) Notwithstanding the provisions of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of voter registration and elections must establish at least one early voting center and may establish up to seven early voting centers. Each early voting center must be supervised by employees of the county board of voter registration and elections or the State Election Commission.

(E) The early voting period shall be from Monday through Saturday for the two-week period immediately preceding an election.

(F) The county board of voter registration and elections shall provide the hours of operation for the early voting center or centers in accordance with the following:

(1) for statewide general elections, the early voting centers must be open from 8:30 a.m. until 6:00 p.m. on each day of the early voting period;

(2) for any election that is not a statewide general election or runoff election, the early voting centers must be open Monday through Friday from 8:30 a.m. until 5:00 p.m. during the early voting period;

(3) for any runoff election, the early voting centers must be open on the Wednesday through Friday immediately preceding the election and must be open from 8:30 a.m. until 5:00 p.m.; and

(4) for any election, the early voting centers must not be open on Sundays or on legal holidays.

(G)(1) Each county board of voter registration and elections must determine locations for its early voting centers. In selecting locations for early voting centers, the county board of voter registration and elections must consider geography, population, and ADA compliant accessibility. The county board of voter registration and elections must distribute the locations throughout the county to maximize accessibility for all voters in the county to the greatest extent possible.

(2) Each county board of voter registration and elections must identify locations it intends to utilize as early voting centers for a

statewide primary and a statewide general election by March 10 before that primary election.

(3) The Executive Director of the State Election Commission must approve the addition or relocation of early voting centers after March 10, and may, at his discretion, direct the move of early voting centers to ensure proper distribution throughout each county.

(H) The county board of voter registration and elections must publish the location and hours of each early voting center at least fourteen days before the early voting period begins. Publication of the schedule must be made, at a minimum, to a website or webpage managed by, or on behalf of, each respective county board of voter registration and elections.

(I) Each early voting center must have available every ballot style in use in the particular county for that election.

(J) Upon the daily closure of each early voting center, all ballots must be transported to the county board of voter registration and elections and stored in a secure location.

(K) A sign must be posted prominently in each early voting center and shall have printed on it: 'VOTING MORE THAN ONCE IS A FELONY AND, UPON CONVICTION, A PERSON MUST BE FINED NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS AND IMPRISONED NOT MORE THAN FIVE YEARS'.

(L) The provisions of this section do not apply to presidential preference primaries held pursuant to Section 7-11-20."

SECTION 2. A. Section 7-11-10 of the 1976 Code is amended to read:

"Section 7-11-10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition; however, a person who was defeated as a candidate for nomination to an office in a party primary or party convention shall <u>must</u> not have his name placed on the ballot for the ensuing general or special election, except that this section does not prevent a defeated candidate from later becoming his party's nominee for that office in that election if the candidate first selected as the party's nominee dies, resigns, is disqualified, or otherwise ceases to become the party's nominee for that office before the election is held.

(B) A candidate must not file more than one statement of intention of candidacy for a single office for the same election.

(C) <u>A candidate must not be nominated by more than one political</u> party for a single office for the same election."

B.Section 7-13-320(D) of the 1976 Code is amended to read:

"(D) The names of candidates offering for any other another office shall <u>must</u> be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county, or other office. <u>A</u> candidate's name must not appear on the ballot more than once for any single office for the same election."

SECTION 3. Section 7-15-220(A) of the 1976 Code is amended to read:

"(A) The oath, a copy of which is required by Section 7-15-200(2) to be sent each absentee ballot applicant and which is required by Section 7-15-230 to be returned with the absentee ballot applicant's ballot, shall be signed by the absentee ballot applicant and witnessed by a person who is at least eighteen years of age. The oath shall be in the following form:

'I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.'

Signature of Voter		
Dated on this	day of	20
Signature of Witness	Printed Na	me of Witness

Address of Witness"

SECTION 4. Section 7-15-320 of the 1976 Code is amended to read: "Section 7-15-320. (A) Qualified electors in any of the following categories who are unable to vote during early voting hours for the duration of the early voting period, and during the hours the polls are <u>open on election day</u>, must be permitted to vote by absentee ballot in all elections <u>an election</u> when they are absent from their county of residence on election day during the hours the polls are open, to an extent that it prevents them from voting in person:

(1) persons with employment obligations who present written certification of the obligations to the county board of voter registration and elections students, their spouses, and dependents residing with them;

(2) persons who will be attending sick or physically disabled persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed

Forces of the United States, their spouses, and dependents residing with them:

(3) <u>persons confined to a jail or pretrial facility pending</u> <u>disposition of arrest or trial</u> governmental employees, their spouses, and <u>dependents residing with them</u>; <u>or</u>

(4) persons who are going to be absent from their county of residence on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or

(5) overseas citizens.

(B) Qualified electors in the following categories must be permitted to vote by absentee ballot in <u>an election</u>, regardless of whether the elector is able to vote during early voting hours for the duration of the early voting period, and during the hours the polls are open all elections, whether or not they are absent from their county of residence on election day:

(1) physically disabled persons;

(2) <u>persons sixty-five years of age or older persons whose</u> employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county board of voter registration and elections;

(3) <u>members of the Armed Forces and Merchant Marines of the</u> <u>United States, their spouses, and dependents residing with them certified</u> poll watchers, poll managers, county board of voter registration and elections members and staff, county and state election commission members and staff working on election day; or

(4) attending sick or physically disabled persons

-(5) persons admitted to hospitals as emergency patients on the day of an election or within a four-day period before the election, as provided in Section 7-15-330;

(6) persons with a death or funeral in the family within a three day period before the election;

(7) persons who will be serving as jurors in a state or federal court on election day;

(8) persons sixty-five years of age or older;

(9) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

(10) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.

SECTION 5. Section 7-15-330 of the 1976 Code, as last amended by Act 133 of 2020, is amended to read:

"Section 7-15-330. (A) To vote by absentee ballot;

(1) a qualified elector or a member of his immediate family, as defined in Section 7-15-310(8), must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the <u>county</u> board of voter registration and elections as established by the county governing body, for the county of the voter's residence-; or

(2) A person requesting an application for a qualified elector as the qualified elector's authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of <u>an authorized</u> representative. This The signed oath must be kept on file with the <u>county</u> board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate, or a member of a candidate's paid campaign staff, <u>or a including campaign volunteer volunteers reimbursed for time expended on campaign activity</u>, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.

(B)(1) A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held.

(2) <u>A person who makes a request for an application to vote by</u> <u>absentee ballot, either for himself or on behalf of another elector as</u> <u>permitted by this section, must provide the following:</u>

(a) for the elector for whom the request is being made, the elector's:

<u>(i)name;</u>

(ii) date of birth; and

(iii) last four digits of his social security number; and

(b) if someone is making a request on behalf of an elector, the requestor's:

<u>(i)name;</u>

(ii) address;

(iii) date of birth; and

(iv) relation to the elector, as required by subsection (A).

(3) The county board of voter registration and elections must verify the information required in this section for the elector for whom the absentee ballot is being requested, and must record the information

provided for the individual who makes a request on behalf of an elector before providing an absentee ballot application.

(4) <u>A person must not request absentee applications for more than</u> five qualified electors per election, in addition to himself.

(C) However, completed <u>Completed</u> applications must be returned to the county board of voter registration and elections:

in person, by either the elector, a member of the elector's immediate family, or the elector's authorized representative, or by mail, by the elector, to the county board of voter registration and elections no later than before 5:00 p.m. on the fourth eleventh day before the day of the election to vote by absentee ballot. Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7-15-320.

(D) A member of the immediate family of Notwithstanding the provisions of subsection (C), if an elector is a person who is admitted to a hospital as an emergency patient on the day of an election or within a four-day period before the election, then a member of the elector's immediate family may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the <u>county</u> board of voter registration and elections.

(E) The <u>county</u> board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election.

(F) A person who violates the provisions of this section is subject to the penalties provided in Section 7-25-170."

SECTION 6. Section 7-15-380(A) of the 1976 Code is amended to read:

"(A) The oath, which is required by Section 7-15-370 to be imprinted on the return-addressed envelope, furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed

by a person who is at least eighteen years of age. The address, printed name, and signature of the witness shall appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

'I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.'

Signature of Voter		
Dated on this	day of	20

Signature of Witness <u>Printed Name of Witness</u>

Address of Witness"

SECTION 7. Section 7-15-385 of the 1976 Code is amended to read: "Section 7-15-385. (A) Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked 'Ballot Herein' which in turn must be placed in the return-addressed envelope. The applicant must then return the return-addressed envelope to the board of voter registration and elections only by:

(1) mail, to the main office of the county board of voter registration and elections;

(2) by personal delivery, to an election official during office hours at the main office of the county board of voter registration and elections or to an election official during office hours at an early voting center; or

(3) by authorizing another person a member of the applicant's immediate family, as defined in Section 7-15-310(8), or an authorized representative, to return the return-addressed envelope for him to an election official during office hours at the main office of the county board of voter registration and elections or to an election official during office hours at an early voting center.

(B) An applicant who authorizes a member of his immediate family or an authorized representative to return the return-addressed envelope for him pursuant to this section must complete an The authorization must be given in writing on a form prescribed by the State Election Commission and that must be turned in to the board of voter registration

and elections by the immediate family member or authorized representative at the time the return-addressed envelope is returned. The voter applicant must sign the form, or in the event the voter applicant cannot write because of a physical handicap or illiteracy, then the voter applicant must make his mark and have the mark witnessed by someone designated by the voter applicant.

(C) The authorization form prescribed by the State Election Commission must include a designated space in which an election official must record the specific form of government-issued photo identification presented by the immediate family member or authorized representative who is authorized by the applicant to deliver the return-addressed envelope. The authorization form must be preserved as part of the record of the election, and the county board of voter registration and elections must note the time and date of receipt of the authorization form, and the name of the authorized returnee, immediate family member or authorized representative, his relationship to the applicant, and the immediate family member's or authorized representative's form of government-issued photo identification in the record book required by Section 7-15-330.

(D)(1) When an applicant, or an applicant's authorized immediate family member or authorized representative, presents himself to deliver a return-addressed envelope pursuant to this section, he must produce a valid and current:

(a) driver's license issued by a state within the United States;

(b) another form of identification containing a photograph issued by the Department of Motor Vehicles or its equivalent by a state within the United States;

(c) passport;

(d) military identification containing a photograph issued by the federal government; or

(e) <u>South Carolina voter registration card containing a</u> photograph of the voter.

(2) An election official must verify that the name and photograph on the identification is the applicant, or the applicant's authorized immediate family member or authorized representative, as applicable.

(E) An election official must not accept a return-addressed envelope until the provisions of this section have been met.

 (\underline{F}) A candidate or a member of a candidate's paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter's immediate family as defined in

Section 7-15-310. The oath set forth in Section 7-15-380 must be signed and witnessed on each returned envelope. The board of voter registration and elections must record in the record book required by Section 7-15-330 the date the return addressed envelope with witnessed oath and enclosed ballot or ballots is received by the board. The <u>county</u> board <u>of</u> voter registration and elections must securely store the <u>return-addressed</u> envelopes in a locked box <u>boxes</u> within the <u>main</u> office of the <u>county</u> board of voter registration and elections <u>as prescribed by the State</u> <u>Election Commission</u>.

(G) It is unlawful for a person to return more than five return-addressed envelopes in an election, in addition to his own. A person who violates this subsection, upon conviction, must be punished as provided in Section 7-25-190."

SECTION 8. Section 7-15-420 of the 1976 Code, as last amended by Act 133 of 2020, is amended to read:

"Section 7-15-420. (A) The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots.

(B) At 9:00 a.m. Beginning no earlier than 7:00 a.m. on the second day immediately preceding election day, the managers appointed pursuant to Section 7-13-72 7-5-10, and in the presence of any watchers who have been appointed pursuant to Section 7-13-860, may begin the process of examining the return-addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed and witnessed and includes the printed name, signature, and address of the witness. All return-addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7-15-370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked 'Ballot Herein' removed, and placed in a locked box or boxes, and kept secure.

(C) After all return-addressed envelopes have been emptied in this manner, but no earlier than 7:00 a.m. on election day, the managers shall

remove the ballots contained in the envelopes marked 'Ballot Herein', placing each one in the ballot box provided for the applicable contest.

(D) Beginning no earlier than at $9:00 \ 7:00$ a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot.

(E) Results of the <u>absentee ballot</u> tabulation must not be publicly reported until after the polls are closed. <u>An election official, election</u> worker, candidate, or watcher who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.

(F) The processes of examining the return-addressed envelopes, opening the sealed return-addressed envelopes to remove the 'Ballot Herein' envelopes, and removing the ballots from the 'Ballot Herein' envelopes for tabulation must be conducted in the presence of any candidate who elects to be present, and of any watchers who have been appointed pursuant to Section 7-13-860. Provided, any candidates or watchers present must be located a reasonable distance in order to maintain both the right to observe and the secrecy of the ballots."

SECTION 9. Section 7-15-430 of the 1976 Code is amended to read: "Section 7-15-430. (A) Prior to the distribution of voter registration lists to the various precincts, the county board of voter registration and elections shall note, opposite the name of each registered voter, who is provided an absentee ballot and who has returned an absentee ballot has voted by absentee ballot the fact of such voting or that an absentee ballot has been issued to a voter, as the case may be.

(B) No voter whose name is so marked on the registration list as having returned an absentee ballot voted shall be permitted to vote in person in his resident precinct or at an early voting center in his county. and no A voter who is provided an absentee ballot, but who has not returned an been issued an absentee ballot, may cast a provisional ballot at his resident precinct or at an early voting center in his county. The provisional ballot must only be counted if the absentee ballot is not received by the time for the closing of the polls on election day vote whether such ballot has been cast or not, unless he shall furnish to the officials of his resident precinct a certificate from the county board of

voter registration and elections that his absentee ballot has been returned to the board unmarked.

(C) Should any voter be issued an absentee ballot, or should any voter return an absentee ballot, after the board has released the registration books to be used in the election to the county board of voter registration and elections, municipal election commission, county committee, executive committee of any municipal party, or poll managers, the board of voter registration and elections shall immediately notify in writing the county board of voter registration and elections, municipal election commission, county committee, executive committee, executive committee, executive committee, executive committee of any municipal party, or poll manager, as the case may be, of the name, address, and certificate number of each voter who has since been issued an absentee ballot, or who has since returned an absentee ballot, and the registration books must be appropriately marked that the voter has been issued an absentee ballot."

SECTION 10. Section 7-5-170 of the 1976 Code is amended to read:

"Section 7-5-170. (1) Written application required.—A person may not be registered to vote except upon written application or electronic application pursuant to Section 7-5-185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application. — The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath: 'I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence, and that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county.' Any applicant convicted of

fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(3) Date stamp voter registration applications. — The county board of voter registration and elections shall date stamp all voter registration applications delivered in person, electronically, or by mail as of the date received.

(3)(4) Administration of oaths. — Any member of the county board of voter registration and elections, deputy registrar, or any registration clerk must be qualified to administer oaths in connection with the application.

(4)(5) Decisions on applications. — Any member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application."

SECTION 11. Section 7-13-320(A) of the 1976 Code is amended to read:

"(A)Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall incorporate features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector. The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall be of such size and color as directed by the State Election Commission. If more than one ballot is to be used in any election, each such ballot shall be printed upon different colored paper;"

SECTION 12. Section 7-13-610(C) of the 1976 Code is amended to read:

"(C) Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall incorporate features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector. The ballot must be printed on paper of a thickness so that the printing cannot be distinguished from the back and must be of a size and color as directed by the State Election Commission. If more than one ballot is to be used in a primary, each ballot must be printed on different colored paper. The ballot must contain

a voting square opposite the name of each candidate, and the voter shall vote by putting a mark in the voting square opposite the name of the candidate of his choice. The State Election Commission may establish, under Chapter 23 of Title 1, such rules and regulations as are necessary for the proper administration of this section."

SECTION 13. Section 7-13-1330 of the 1976 Code is amended to read:

"Section 7-13-1330. (A) <u>Before a decision is made to procure a</u> <u>statewide voting system, the State Election Commission must provide a</u> <u>public comment period of not less than thirty days. The input must be</u> <u>considered in the procurement of a statewide voting system.</u>

(B) Before any kind of optical scan voting system is used at any election, it must be approved by the State Election Commission, which shall examine the optical scan voting system and make and file in the commission's office a report, attested by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of optical scan voting system examined may be accurately and efficiently used by electors at elections, as provided by law. An optical scan voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of <u>the latest</u> federal voting system standards <u>and guidelines</u>. If the federal voting system standards and guidelines have been amended less than thirty-six months prior to an election, then the State Election Commission may approve and certify a voting system that meets the prior standards after determining:

(1) the effect that such approval would have on the integrity and security of elections; and

(2) the procedure and cost involved to bring the voting system into compliance with the amended standards.

(B)(C) No kind of vote recorder not approved pursuant to this section shall be used at any election and if, upon the reexamination of any type vote recorder previously approved, it appears that the vote recorder so reexamined can no longer be accurately and efficiently used by electors at elections as provided by law, the approval of the vote recorder must immediately be revoked by the State Election Commission, and no such type vote recorder shall thereafter be purchased for use or used in this State.

(C)(D) If a vote recorder, including an optical scan voting system, which was approved for use before July 1, 1999, is improved or otherwise changed in a way since its approval that does not impair its

accuracy, efficiency, or capacity, the vote recorder may be used in elections. However, if the software, hardware, or firmware of the system is improved or otherwise changed, the system must comply with the requirements of subsection (A) (B).

(D)(E) Any person or company who requests an examination of any type of vote recorder or optical scan voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system and a nonrefundable examination fee of five hundred dollars for an upgrade to any existing system to the State Election Commission. The State Election Commission may at any time, in its discretion, reexamine any vote recorder or optical scan voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(E)(F) Any person or company who seeks approval for any vote recorder or optical scan voting system in this State must file with the State Election Commission a list of all states or jurisdictions in which the system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and must disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(F)(G) Any person or company who seeks approval for any vote recorder or optical scan voting system must file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(G)(H) Any person or company who seeks approval for any vote recorder or optical scan voting system must conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting units required for the efficient operation of an election. The test must also demonstrate the accuracy of votes cast and reported on the system.

(H)(I) Before an optical scan voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer, at the manufacturer's expense, with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

(I)(J) After a vote recorder or optical scan voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section; however, this requirement does not apply to the technical capability of a general purpose computer or reader to electronically count and record votes or to a printer to accurately reproduce vote totals.

(J)(K) If the State Election Commission determines that a vote recorder or optical scan voting system that was approved no longer meets the requirements set forth in subsections (A) (B) and (C) (D) or Section 7-13-1340, the commission may decertify that system. A decertified system shall not be used in elections unless the system is reapproved by the commission under subsections (A) (B) and (C) (D).

(K)(L) Neither a member of the State Election Commission, any county board of voter registration and elections or custodian, nor a member of a county governing body shall have any pecuniary interest in any vote recorder, or in the manufacture or sale of the vote recorder.

(M) An optical scan voting system must maintain an image of each ballot that is cast in a manner that protects the integrity of the data and the anonymity of each voter.

(N) <u>All electronic records for a statewide election must be preserved</u> for not less than twenty-four months following the election."

SECTION 14. Section 7-13-1340(k) of the 1976 Code is amended to read:

"(k) if approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1330 (C), is able to electronically transmit vote totals for all elections to the State Election Commission in a format and timeframe specified by the commission disables, at all times while utilized in a current election, the following:

(1) a connection to the Internet or an external network;

(2) the capability to establish a wireless connection to an external network;

(3) the establishment of a connection to an external network through a cable, a wireless modem or any other mechanism or process; and

(4) <u>automatic resolution functionality for ballots flagged for</u> further review."

SECTION 15. Sections 7-13-1620(A) and (G) of the 1976 Code are amended to read:

"(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of the latest federal voting system standards and guidelines. If the federal voting system standards and guidelines have been amended less than thirty-six months prior to an election, then the State Election Commission may approve and certify a voting system that meets the prior standards after determining:

(1) the effect that such approval would have on the integrity and security of elections; and

(2) the procedure and cost involved to bring the voting system into compliance with the amended standards."

"(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot tallying tally reporting."

SECTION 16. Section 7-13-1640(C) of the 1976 Code is amended to read:

"(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections <u>from the county board of voter registration</u> <u>and elections</u> to the State Election Commission in a format and time frame specified by the commission.

(D) Anytime a voter is eligible to cast a ballot, the voting machine and any counting device must have disabled:

(1) a connection to the Internet or an external network;

(2) the capability of establishing a wireless connection;

(3) the establishment of a connection to an external network through a cable, a wireless modem, or any other mechanism or process; and

(4) <u>automatic resolution functionality for ballots flagged for</u> further review."

(E) <u>All electronic records for a statewide election must be preserved</u> for not less than twenty-four months following the election."

SECTION 17. Section 7-13-440 of the 1976 Code is repealed.

SECTION 18. Section 7-3-40 of the 1976 Code is amended to read: "Section 7-3-40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State <u>and all individuals eighteen years of</u> <u>age or older who have died out-of-state since making the previous report</u>. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide this information at no charge."

SECTION 19. Section 7-5-186 of the 1976 Code is amended to read:

"Section 7-5-186. (A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law. The executive director must conduct an annual general registration list maintenance program to maintain accurate voter registration records in the statewide voter registration system.

(2)(a)(B) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity

providing the data, remains confidential while in the possession of the State Election Commission.

(b) Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.

(c) A county board of voter registration and elections shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3)(C) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

(D) A county board of voter registration and elections shall send a notice, as described in Section 7-5-330(F)(2), to a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if a discrepancy exists between information provided under this section and information that is maintained in the statewide voter registration database.

(E) Information provided under this section for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector must only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both."

SECTION 20. Section 7-5-330 of the 1976 Code is amended to read:

"Section 7-5-330. (A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration

form of the applicant must be completed at the Department of Motor Vehicles no later than thirty days before the date of the election.

(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than thirty days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than thirty days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than thirty days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item item (1) is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file within seven days after receipt of the report from the county board of voter registration and elections and may shall remove this elector upon compliance with the provisions of Section 7-5-330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) 'Notice', as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the

qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than thirty days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector's name must be removed from the <u>official</u> list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can re-register to vote.

(3) The county board of voter registration and elections shall correct an <u>the</u> official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election."

SECTION 21. Section 7-5-340 of the 1976 Code is amended to read:

Section 7-5-340. (A) The State Election Commission shall:

(1) ensure that the name of a qualified elector may not be is removed from the official list of eligible voters except within seven days of receipt of information confirming:

(a) at the request of the qualified elector to be removed;

(b) if the elector is adjudicated mentally incompetent by a court of competent jurisdiction; or

(c) as provided under item (2);

(2) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of:

(a) the death of the qualified elector; or

(d) the elector is not a citizen of the United States; or

(b)(e) a change in the residence of the qualified elector to a place outside the county in which the qualified elector is registered when such confirmation is received from the qualified elector in writing;

(3)(2) inform applicants under Sections 7-5-155, 7-5-310, and 7-5-320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

(4)(3) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official lists list of eligible voters in compliance with the provisions of Section 7-5-330(F); this subitem item may not be construed to preclude:

(a) the removal of names from <u>the</u> official <u>lists</u> <u>list</u> of <u>eligible</u> voters on a basis described in <u>items</u> <u>item</u> (1) and (2); or

(b) correction of registration records pursuant to this article."

SECTION 22. Chapter 25, Title 7 of the 1976 Code is amended by adding:

"Section 7-25-30. The State Law Enforcement Division shall establish a public reporting hotline telephone number and email address for receiving reports of possible election fraud or other violations of the election laws of this State. It shall promptly review all reported violations and take action as it determines appropriate."

SECTION 23. Chapter 5, Title 7 of the 1976 Code is amended by adding:

"Section 7-5-350. The State Election Commission shall report to the General Assembly annually regarding the commission's actions taken to maintain the accuracy of the statewide voter registration database and voter registration list maintenance. This report shall include, but is not limited to, the number of: (1) voters removed from the voter registration list and the reason for the removal; (2) voters placed on inactive status; (3) voters placed on archive status; (4) new voter registrations; and (5) voter registration updates, including elector address changes. This annual report must be delivered to the President of the Senate and the Speaker of the House of Representatives by January fifteenth of each year."

SECTION 24. Chapter 1, Title 7 of the 1976 Code is amended by adding:

"Section 7-1-110. (A) The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have an unconditional right to intervene on behalf of their respective bodies in a state court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(B) In a federal court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted, the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have standing to intervene as a party on behalf of their respective bodies, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action.

(C) A federal court presiding over an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted is requested to allow the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, to intervene in any such action as a party.

(D) A request to intervene or the participation of the President of the Senate, on behalf of the Senate, or the Speaker of the House of Representatives, on behalf of the House of Representatives, as a party or otherwise, in an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted does not constitute a waiver of:

(1) legislative immunity or legislative privilege for any individual legislator, legislative officer, or legislative staff member; or

(2) sovereign immunity or any other rights, privileges, or immunities of the State that arise under the United States Constitution or the South Carolina Constitution.

(E) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(F) In an action in which the Senate or the House of Representatives intervenes or participates pursuant to this section, the Senate and the House of Representatives must function independently from each other in the representation of their respective bodies, unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.

(G) The Senate and the House of Representatives may employ attorneys other than the Attorney General to defend any action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(H) The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have standing to bring an action in mandamus in the original jurisdiction of the Supreme Court to compel an election official to faithfully apply, enforce, and defend the election laws of the State."

SECTION 25. Section 7-3-20(C) of the 1976 Code is amended by adding appropriately numbered items to read:

"() establish methods of auditing election results, which may include risk-limiting audits, hand-count audits, results verification through independent third-party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director. Once completed, audit reports must be published on the commission's website;"

SECTION 26. A. Section 7-25-20 of the 1976 Code is amended to read:

"Section 7-25-20. It is unlawful for a person to fraudulently:

(1) procure the registration of a name on the books of registration;

(2) offer or attempt to vote that name;

(3) offer or attempt to vote in violation of this title or under any false pretense as to circumstances affecting his qualifications to vote; or

(4) aid, counsel, or abet another in fraudulent registration or fraudulent offer or attempt to vote.

A person who violates the provisions of this section is guilty of a misdemeanor felony and, upon conviction, must be fined not less than one hundred thousand dollars nor more than five hundred thousand dollars or and imprisoned not more than one year, or both five years."

B.Section 7-25-110 of the 1976 Code is amended to read:

"Section 7-25-110. It is unlawful for a person qualified to vote at any general, special, or primary election for an office whether local, state, or federal to vote more than once at such election, for the same office. A person who violates the provisions of this section is guilty of a misdemeanor felony and, upon conviction, must be fined in the discretion of the court or not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than three five years."

C.Section 7-25-120 of the 1976 Code is amended to read:

"Section 7-25-120. It is unlawful for a person to impersonate or attempt to impersonate another person for the purpose of voting in a general, special, or primary election, whether municipal or State. A person who violates the provisions of this section is guilty of a misdemeanor felony and, upon conviction, must be imprisoned not more than three five years or and fined not less than three hundred one thousand dollars nor more than twelve hundred five thousand dollars, or both. When a person who violates the provisions of this section is placed under bond, the bond may not be less than six hundred dollars nor more than twelve hundred dollars."

D. Section 7-25-160 of the 1976 Code is amended to read:

"Section 7-25-160. A manager at any general, special, or primary election in this State who wilfully violates any of the duties devolved by law upon such position is guilty of a misdemeanor felony and, upon conviction, must be fined not more less than five hundred one thousand dollars or nor more than five thousand dollars and imprisoned not more than three five years. A manager who commits fraud or corruption in the management of such election is guilty of a misdemeanor felony and, upon conviction, must be fined not more less than five hundred one thousand dollars or normal such election is guilty of a misdemeanor felony and, upon conviction, must be fined not more less than five hundred one thousand dollars or normal such election five thousand dollars and imprisoned not more than three five years, or both."

E. Section 7-25-170 of the 1976 Code is amended to read:

"Section 7-25-170. An officer, other than a manager at any election, on whom a duty is imposed by this title, except under Section 7-13-1170, Articles 1 and 3 of Chapter 17 and Chapters 19 and 23 of this title, who wilfully neglects such duty or engages in corrupt conduct in executing it is guilty of a misdemeanor felony and, upon conviction, must be fined not more less than five hundred one thousand dollars or nor more than five thousand dollars and imprisoned not more than three five years."

SECTION 27. A. Section 7-3-10 of the 1976 Code is amended to read:

"Section 7-3-10. (a)(A) There is hereby created the State Election Commission composed of five members, at least one of whom shall be a member of the majority political party represented in the General Assembly and at least one of whom shall be a member of the largest minority political party represented in the General Assembly, to be appointed by the Governor to serve terms of four years and until their successors have been elected appointed and qualify, except of those first appointed three shall serve for terms of two years. Any vacancy on the Commission commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(b)(B) The Governor shall appoint one of the members to serve as chairman and one of the members to serve as vice chairman. The terms of chairman and vice chairman shall be for a term of two years and until his successor has been appointed and qualifies their successors are appointed and qualify. The Commission commission shall select such other officers from among its members as it may deem necessary.

(e)(C) The commission shall meet at its offices in Columbia at least once each month or at such times as considered necessary by the commission. However, the commission may change the location of the meeting if the change is more convenient for the commission or any parties scheduled to appear before the commission.

(d)(D) The Commission commission shall have the powers and duties as enumerated in this title.

(e)(E)(1) No person shall be eligible to be appointed to the commission who:

(a) has not been a registered voter in this State for the five years immediately preceding the term of appointment;

(b) is a member of a candidate's paid campaign staff, or a campaign volunteer;

(c) <u>held an elective public office, was a candidate for an elective</u> public office, or was a lobbyist within the year preceding the start of the term of appointment; or

(d) was an officer of a local or national committee of a political party or an officer in a partisan political club or organization within the year preceding the start of the term of appointment.

(2) No person shall be eligible to continue to serve on the commission who, during the person's term of appointment:

(a) is a candidate for an elective public office, a member of a candidate's paid campaign staff, or a campaign volunteer;

(b) is an officer of a local or national committee of a political party or an officer in a partisan political club or organization;

(c) is a lobbyist;

(d) makes a contribution to a candidate or knowingly attends a fundraiser held for the benefit of a candidate;

(e) takes an official action that contravenes a state election law;

(f) makes a written or oral statement intended for general distribution or dissemination to the public at large discrediting the merit of a state election law; or

(g) fails to supervise and instruct the executive director regarding the execution of the executive director's duties.

(3) A person serving on the commission who was not eligible to be appointed pursuant to item (1), or a person serving on the commission who is no longer eligible to continue to serve pursuant to item (2), is subject to removal:

(a) by the Governor; or

(b) through an action filed in the original jurisdiction of the Supreme Court by the President of the Senate, on behalf of the Senate, or by the Speaker of the House of Representatives, on behalf of the House of Representatives, for a determination of the right of the person to continue to serve on the commission.

No member of the commission may participate in political management or in a political campaign during the member's term of office. No member of the commission may make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate. Violation of this subsection subjects the commissioner to removal by the Governor.

(F) The commission shall promulgate regulations to establish standardized processes for the administration of elections and voter registration that must be followed by the county boards of voter registration and elections. The regulations must take into account unique circumstances around the State, including, but not limited to, population and geographic disparities among the various counties. The commission is prohibited from promulgating emergency regulations pursuant to Section 1-23-130.

(G) The commission shall provide for the supervision of the executive director to ensure that the State Election Commission and the county boards of voter registration and elections comply with applicable state and federal election law."

B.Notwithstanding Section 7-3-10(A), as amended by this act, the expiration dates for the terms of the current members of the commission shall be staggered as follows:

(1) for members with terms expiring on September 15, 2022, the terms will now expire on June 30, 2023; and

(2) for members with terms expiring on September 15, 2024, the terms will now expire on June 30, 2025.

C.Notwithstanding Section 7-3-10(B), as amended by this act, the initial term of the vice chairman must run concurrently with the existing term of the chairman.

D. The provisions of Section 7-3-10(E)(1), as added by the act, applies to a candidate for appointment to the State Election Commission on and after the effective date of this act.

SECTION 28. A. Section 7-3-20 of the 1976 Code is amended to read:

"Section 7-3-20. (A) The State Election Commission shall elect appoint an executive director, upon the advice and consent of the Senate, who shall be directly responsible to the commission and who shall serve at the pleasure of the commission. The executive director shall be the chief administrative officer for the State Election Commission. The term of the executive director is for four years, and he may be reappointed, upon the advice and consent of the Senate, for succeeding terms. In the event of a vacancy in the position of executive director, an interim director must be appointed by the State Election Commission and an appointment for a permanent executive director must be submitted to the Senate as soon as practicable. If a person is appointed by the State Election Commission to be executive director and he is not confirmed by the Senate by the date for the sine die adjournment of the General Assembly following the submission of the appointment, then the person must not serve as an interim or permanent executive director.

(B) The executive director shall receive such compensation and employ such staff, subject to the approval of the State Election Commission, as may be provided by law.

(C)(1) No person shall be eligible to be appointed as the executive director who:

(a) does not possess at least three years' experience in election administration;

(b) is a member of a candidate's paid campaign staff, or a campaign volunteer;

(c) <u>held an elective public office, was a candidate for an elective</u> public office, or was a lobbyist within the year preceding the start of the term of appointment; or

(d) was an officer of a local or national committee of a political party or an officer in a partisan political club or organization within the year preceding the start of the term of appointment.

(2) No person shall be eligible to continue to serve as the executive director who, during the person's term of appointment:

(a) is a candidate for an elective public office, a member of a candidate's paid campaign staff, or a campaign volunteer;

(b) is an officer of a local or national committee of a political party or an officer in a partian political club or organization;

(c) is a lobbyist;

(d) makes a contribution to a candidate or knowingly attends a fundraiser held for the benefit of a candidate;

(e) takes an official action that contravenes a state election law;

(f) makes a written or oral statement intended for general distribution or dissemination to the public at large discrediting the merit of a state election law; or

(g) fails to supervise and instruct the county boards of voter registration and elections regarding compliance with state and federal election laws.

(3) A person serving as the executive director who was not eligible to be appointed pursuant to item (1), or a person serving as the executive director who is no longer eligible to continue to serve pursuant to item (2), is subject to removal through an action filed in the original jurisdiction of the Supreme Court by the President of the Senate, on behalf of the Senate, or by the Speaker of the House of Representatives, on behalf of the House of Representatives, for a determination of the right of the person to continue to serve as the executive director.

(D) The executive director shall:

(1) <u>direct and supervise the implementation of the standardized</u> processes established by the commission pursuant to Section 7-3-10(F);

(2) supervise the conduct of <u>the</u> county <u>board</u> <u>boards</u> of <u>elections</u> and voter registration <u>and elections</u>, as established pursuant to Article 1, Chapter 5, which administers elections and voter registration in the State, and ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(2)(3) conduct reviews, audits, or other postelection analysis of <u>the</u> county <u>board boards</u> of <u>elections and</u> voter registration <u>and elections</u>, as established pursuant to Article 1, Chapter 5, to ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies, <u>and</u> procedures, <u>or standardized</u> <u>processes</u> with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(3)(4) maintain a complete master file of all qualified electors by county and by precincts;

(4)(5) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(5)(6) enter names on the master file as they are reported by the county boards of voter registration and elections;

(6)(7) furnish each county board of voter registration and elections with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(7)(8) maintain all information furnished to his office relating to the inclusion or deletion of names from the master file for four years;

(8)(9) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(9)(10) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(10)(11) obtain information from any other source which may assist him in carrying out the purposes of this section;

(11)(12) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(12)(13) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(13)(14) serve as the chief state election official responsible for implementing and coordinating the state's responsibilities under the National Voter Registration Act of 1993;

(14)(15) serve as the chief state election official responsible for implementing and enforcing the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq.; and

(15)(16) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law-;

(17) promulgate regulations for voter registrations performed by private entities; and

(18) enter into the master file a separate designation for each voter casting an absentee ballot or an early ballot in an election.

(D)(E) The State Election Commission shall publish on the commission's website each change to voting procedures enacted by state or local governments. State and local governments shall file notice of all changes in voting procedures, including, but not limited to, changes to

precincts with the State Election Commission within five days after adoption of the change or thirty-five days prior to the implementation, whichever is earlier. All voting procedure changes must remain on the commission's website at least through the date of the next general election. However, if changes are made within three months prior to the next general election, then the changes shall remain on the commission's website through the date of the following general election."

B. The provisions of Section 7-3-20(C)(1), as added by this act, do not apply to a person who holds the position of executive director on the effective date of this act.

C.Notwithstanding Section 7-3-20(A), as amended by this act, the commission must provide an initial appointment for executive director to the Senate for advice and consent no later than January 10, 2023. The appointment must be made even if there is not a vacancy in the position at that time and the commission desires that the executive director continue to serve as the agency's executive director. The term of the initial appointment expires June 30, 2027.

SECTION 29. Section 7-3-25 of the 1976 Code is amended to read:

"Section 7-3-25. (A) In the event that the State Election Commission, acting through its executive director, determines that a county board of elections and voter registration and elections has failed to comply with applicable state or federal law or State Election Commission policies, and procedures, or standardized processes with regard to the conduct of the election or voter registration process, the State Election Commission, acting through its executive director or other designee, must supervise, pursuant to Section 7-3-20(C)(D)(1) and (2), the county board to the extent necessary to:

(1) identify the failure to comply with state or federal law or State Election Commission policies, and procedures, or standardized processes;

(2) establish a plan to correct the failure; and

(3) implement the plan to correct the failure. The officials and employees of the State Election Commission and the county board must work together, in good faith, to remedy the failure of the county board to adhere to state or federal law <u>or State Election Commission policies</u>, <u>procedures</u>, or <u>standardized processes</u>. In the event of a difference of policy or opinion between a county election official or employee and the State Election Commission or its designee, pertaining to the manner in which particular functions must be performed, the policy or opinion of the State Election Commission shall control.

(B) If a county board of voter registration and elections does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

(C) If the State Election Commission determines that an official or an employee of a county board of voter registration and elections has negligently failed to comply with applicable state or federal law or State Election Commission policies, and procedures, or standardized processes with regard to the election or voter registration process or fails to comply with or cooperate with the corrective plan established by the State Election Commission or its designee under the provisions of subsection (A), the commission may order the decertification of that official or employee and if decertified the commission shall require that official to participate in a retraining program approved by the commission prior to recertification. If the commission finds that the failure to comply with state or federal law or State Election Commission policies, and procedures, or standardized processes by an official is wilful, it shall recommend the termination of that official to the Governor or it shall recommend termination of a staff member to the director of the appropriate county board of voter registration and elections."

SECTION 30. Article 1, Chapter 5, Title 7 of the 1976 Code is amended by adding:

"Section 7-5-50. Notwithstanding another provision of law, the State Election Commission and the county boards of voter registration and elections may not receive, accept, or expend gifts, donations, or funding from private individuals, corporations, partnerships, trusts, or any third party not provided through ordinary state or county appropriations."

SECTION 31. Chapter 5, Title 7 of the 1976 Code of Laws is amended by adding:

"Section 7-5-190. The State Election Commission shall ensure that voter registration information, the voting system, and electronic poll books are protected by security measures that meet or exceed current best practices for protecting data integrity. To do so, the State Election Commission shall consider security standards and best practices issued by federal security and intelligence services, including, but not limited to, the Department of Homeland Security and the Election Assistance Commission. The State Election Commission shall certify on an annual basis to the Governor, the President of the Senate, and the Speaker of the House of Representatives that the agency has substantially complied with the requirements of this section."

SECTION 32. A. Section 7-3-70 of the 1976 Code is amended by adding:

"(c) The Department of Motor Vehicles must furnish the executive director a monthly report of all non-United States citizens who are issued a driver's license or identification card. All reports must contain the name of the driver or identification cardholder, social security number, if any, and date of birth. The department must provide this information at no charge."

B. The first monthly report provided by the Department of Motor Vehicles pursuant to this SECTION must include every non-United States citizen in this State with a driver's license or identification card.

SECTION 33. Section 7-13-35 of the 1976 Code is amended to read:

"Section 7-13-35. The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 2:00 p.m. 7:00 a.m. on the second day immediately preceding election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than two weeks after the first notice."

SECTION 34. Chapter 3, Title 7 of the 1976 Code is amended by adding:

"Section 7-3-45. Each county probate court must furnish to the Executive Director of the State Election Commission a monthly report of all persons eighteen years of age or older who have been declared mentally incapacitated by the county probate court. All reports must include the name, county of residence, social security number or other identification number, and date and place of birth of any incapacitated persons. The county probate court must provide the information to the Executive Director of the State Election Commission free of charge."

SECTION 35. The State Election Commission must establish a voter education program concerning the provisions contained in this

legislation. The State Elections Commission must educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites.

(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held from the effective date of this act until October 21, 2022.

(4) Coordinate with each county board of voter registration and elections so that at least one seminar is conducted with each county's election officials prior to September 16, 2022.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Send a media release describing the changes in this legislation in South Carolina newspapers of general circulation by no later than June 20, 2022.

(7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation.

In addition to the items above, the State Election Commission may implement additional educational programs in its discretion.

SECTION 36. Section 7-15-310 of the 1976 Code is amended to read:

"Section 7-15-310. (7) 'Authorized representative' means a registered elector who, with the voter's permission, acts on behalf of a voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or a voter unable because of a physical handicap to go to his polling place or because of a handicap is unable to vote at his polling place due to existing architectural barriers that deny him physical access to the polling place, voting booth, or voting apparatus or machinery. Under no circumstance shall a candidate, or a member of a candidate's paid campaign staff, or a campaign volunteer volunteers reimbursed for the time they expend on campaign activity be considered an 'authorized representative' of an elector desiring to vote by absentee ballot."

SECTION 37. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

"Section 7-15-400. No absentee ballot application or absentee ballot may be provided by an election official to a qualified elector unless pursuant to a provision of this article or Article 9 of this chapter."

SECTION 38. Chapter 25, Title 7 of the 1976 Code is amended by adding:

"Section 7-25-65. (A) It is unlawful for a person to provide, offer to provide, or accept anything of value in exchange for requesting, collecting, or delivering an absentee ballot. A person who violates this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than five years.

(B) This section does not apply to an election official in the course and scope of the election official's duties or a public or private mail service provider acting in the course and scope of the mail service provider's duties to carry and deliver mail."

SECTION 39. Section 7-25-180 of the 1976 Code of Laws is amended to read:

"Section 7-25-180. (A) It is unlawful on an election day within two hundred feet of any entrance used by the voters to enter the polling place for a person to distribute any type of campaign literature or place any political posters. It is unlawful for a person to distribute any type of campaign literature or place any political posters within five hundred feet of any entrance used by the voters to enter the polling place, during polling hours on an election day and during the early voting period. The poll manager shall use every reasonable means to keep the area within two five hundred feet of any such entrance clear of political literature and displays, and the county and municipal law enforcement officers, upon request of a poll manager, shall remove or cause to be removed any material within two five hundred feet of any such entrance distributed or displayed in violation of this section.

(B) A candidate may wear within two <u>five</u> hundred feet of the polling place a label no larger than four and one-fourth inches by four and one-fourth inches that contains the candidate's name and the office he is seeking. If the candidate enters the polling place, he may not display any of this identification including, but not limited to, campaign stickers or buttons."

SECTION 40. A. Any changes to forms required by this act must be implemented as soon as possible, but not later than May 31, 2022.

B.Notwithstanding the provisions of this act, a county board of voter registration and elections must honor any request made for an absentee ballot for an election during the 2022 calendar year, provided that the

request was: (1) received by the county board of voter registration and elections before 5:00 p.m. on May 31, 2022; and (2) made in accordance with the law as of April 21, 2022.

C.An absentee ballot requested prior to the Governor's approval of this act must not be counted towards the limit on absentee ballot requests as prescribed in Section 7-15-330(B)(4), as added by this act.

D. For the 2022 statewide elections, each county board of voter registration and elections must identify each early voting center it intends to utilize and provide the locations to the State Election Commission Executive Director as follows: (1) for the primary election, no later than May 24, 2022; and (2) for the general election, no later than July 1, 2022. The Executive Director must approve any additions or changes to these early voting centers, and may direct the move of early voting centers to ensure proper distribution throughout each county.

SECTION 41. Section 7-15-470 of the 1976 Code is repealed.

SECTION 42. The General Assembly finds that the sections presented in this act constitute one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of election reform as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 43. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 44. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the

General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 45. A. Except as provided in B., C., and D. below, all SECTIONS shall take effect upon approval by the Governor.

B. SECTION 2 shall take effect on January 1, 2023.

C. SECTIONS 3 and 6 shall take effect on July 1, 2022.

D. The requirement that the printed name of the witness be examined on return-addressed envelopes, pursuant to Section 7-15-420(B), as amended by this act, takes effect on July 1, 2022. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED RETURNED TO THE HOUSE WITH AMENDMENTS

S. 158 -- Senator Scott: A BILL TO AMEND SECTION 40-57-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS, SO AS TO PROVIDE AN EXEMPTION TO THE BIENNIAL CONTINUING EDUCATION REQUIREMENT FOR BROKERS AND SALESPERSONS WHO HAVE TWENTY-FIVE YEARS OF LICENSURE AND ARE SIXTY-FIVE YEARS OF AGE OR OLDER.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator SCOTT explained the House amendments.

Senator SCOTT proposed the following amendment (158R003.SP.JS), which was adopted:

Amend the bill, as and if amended, on page 2, by striking line 25 and inserting:

/years or more of licensure in South Carolina who are sixty-five

Amend the bill further, as and if amended, on page 2, by striking line 31 and inserting:

/ "() A licensee with twenty-five years or more of licensure in / Renumber sections to conform.

Amend title to conform.

/

Senator SCOTT explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Harpootlian
Hembree	Hutto	Jackson
Johnson, Kevin	Johnson, Michael	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41 NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED RETURNED TO THE HOUSE WITH AMENDMENTS

S. 233 -- Senator Turner: A BILL TO AMEND SECTION 12-37-220(B)(1)(b) OF THE 1976 CODE, RELATING TO PROPERTY EXEMPTED FROM AD VALOREM TAXATION, TO PROVIDE THAT A QUALIFIED SURVIVING SPOUSE MAY QUALIFY FOR AN EXEMPTION IF THE QUALIFIED SURVIVING SPOUSE OWNS THE HOUSE.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (DG\ 233C003.NBD.DG22), which was adopted:

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

/ SECTION 1. Section 12-37-220(B)(1) of the 1976 Code is amended to read:

"(1)(a) the house owned by an eligible owner in fee or jointly with a spouse;

(b) the house owned by a qualified surviving spouse acquired from the deceased spouse and a house subsequently acquired by an eligible surviving spouse. The qualified surviving spouse shall inform the Department of Revenue of the address of a subsequent house;

(c) when a trustee holds legal title to a dwelling for a beneficiary and the beneficiary is a person who qualifies otherwise for the exemptions provided in subitems (a) and (b) and the beneficiary uses the dwelling as the beneficiary's domicile, the dwelling is exempt from property taxation in the same amount and manner as dwellings are exempt pursuant to subitems (a) and (b);

(d) The Department of Revenue may require documentation it determines necessary to determine eligibility for the exemption allowed by this item.

(e) <u>A person who owns an interest in a house and meets all other</u> requirements of this item and is otherwise an eligible owner but for the ownership requirement is deemed to be an eligible owner and is eligible for the exemption allowed by this item so long as the county assessor certifies to the Department of Revenue that the house is located on heirs' property and the person is the owner-occupied resident of the house. A person eligible pursuant to this subitem must not claim the special assessment rate allowed pursuant to Section 12-43-220(c) on any other property. For purposes of this item, heirs' property has the same meaning as provided in Section 15-61-320.

(f) As used in this item:

(i) 'eligible owner' means:

(A) a veteran of the armed forces of the United States who is permanently and totally disabled as a result of a service-connected

disability and who files with the Department of Revenue a certificate signed by the county service officer certifying this disability;

(B) a former law enforcement officer as further defined in Section 23-23-10, who is permanently and totally disabled as a result of a law enforcement service-connected disability;

(C) a former firefighter, including a volunteer firefighter as further defined in Chapter 80, Title 40, who is permanently and totally disabled as a result of a firefighting service-connected disability;

(ii) 'permanently and totally disabled' means the inability to perform substantial gainful employment by reason of a medically determinable impairment, either physical or mental, that has lasted or is expected to last for a continuous period of twelve months or more or result in death;

(iii) 'qualified surviving spouse' means the surviving spouse of an individual described in subsubitem (i) while remaining unmarried, who resides in the house, and who owns the house in fee or for life. Qualified surviving spouse also means the surviving spouse of a member of the armed forces of the United States who was killed in action, or the surviving spouse of a law enforcement officer or firefighter who died in the line of duty as a law enforcement officer or firefighter, as these terms are further defined in Section 23-23-10 and Chapter 80, Title 40 who at the time of death owned the house in fee or jointly with the now surviving spouse, if the surviving spouse remains unmarried, resides in the house, and has acquired ownership of the house in fee or for life;

(iv) 'house' means a dwelling and the lot on which it is situated classified in the hands of the current owner for property tax purposes pursuant to Section 12-43-220(c). <u>However, for an eligible</u> owner that qualifies pursuant to item (1)(e), 'house' means a dwelling that is eligible to be classified in the hands of the current owner for property tax purposes pursuant to Section 12-43-220(c) except for the ownership requirement."

SECTION 2. A.Section 6-1-300(6) of the 1976 Code is amended to read:

"(6) 'Service or user fee' means a charge required to be paid in return for a particular government service or program made available to the payer that benefits the payer in some manner different from the members of the general public not paying the fee. 'Service or user fee' also includes 'uniform service charges'. <u>The revenue generated from the fee</u> <u>must:</u>

(a) <u>be used to the benefit of the payers, even if the general public</u> <u>also benefits;</u>

- (b) only be used for the specific improvement contemplated;
- (c) not exceed the cost of the improvement; and
- (d) be uniformly imposed on all payers."

B.Section 6-1-330(A) of the 1976 Code is amended to read:

"(A) A local governing body, by ordinance approved by a positive majority, is authorized to charge and collect a service or user fee. A local governing body must provide public notice of any new service or user fee being considered and the governing body is required to hold a public hearing on any proposed new service or user fee prior to final adoption of any new service or user fee. Public comment must be received by the governing body prior to the final reading of the ordinance to adopt a new service or user fee. A fee adopted or imposed by a local governing body prior to December 31, 1996, remains in force and effect until repealed by the enacting local governing body, notwithstanding the provisions of this section article."

C.Section 6-1-330 of the 1976 Code is amended by adding appropriately lettered new subsections to read:

"() A local governing body that repealed a road maintenance fee after June 30, 2021, and subsequently approved a millage increase for road maintenance, must repeal the millage imposed to replace the previous road maintenance fee before reimposing the road maintenance fee.

()A local governing body that imposes a user or service fee pursuant to Section 6-1-300(6) must publish the amount of dollars annually collected on each fee on the county's website."

D.Notwithstanding Section 8-21-30, et seq., no public officer shall be personally liable for any amount charged pursuant to SECTION 2.A.

E. This SECTION takes effect upon approval by the Governor and applies retroactively to any service or fee imposed after December 31, 1996.

SECTION 3. This act takes effect upon approval by the Governor. / 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.

The Bill was ordered returned to the House of Representatives with amendments.

Recorded Vote

Senator YOUNG desired to be recorded as abstaining on the adoption of the amendment.

CONCURRENCE

S. 449 -- Senator Young: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NONVOTING MEMBERS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator YOUNG explained the amendments.

On motion of Senator YOUNG, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

CONCURRENCE

S. 460 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE OFFICE OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE FIRE AND THE MARSHAL'S DUTIES AND **RESPONSIBILITIES.** TO DELETE CERTAIN **OBSOLETE** LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES, AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY **PROMULGATE** REGULATIONS REGARDING FIRE MARSHAL'S Α TRAINING AND

CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS OR PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND ARTICLE 1, CHAPTER 9, TITLE 23 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL, BY ADDING SECTION 23-9-125, TO PROVIDE THAT THESE PROVISIONS MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE STATE BOARD OF PYROTECHNIC SAFETY OR THE REGULATION OF FIREWORKS; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FIRE ACADEMY, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY, MAY ALSO ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GAMBRELL explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

On motion of Senator GAMBRELL, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

HOUSE AMENDMENTS AMENDED RETURNED TO THE HOUSE WITH AMENDMENTS

S. 533 -- Senators Shealy, Gambrell, Allen, Williams, Jackson, Gustafson, Stephens, Malloy and McElveen: A JOINT RESOLUTION TO PROHIBIT THE USE OF SECTION 14(c) OF THE FAIR LABOR STANDARDS ACT OF 1938 TO PAY SUBMINIMUM WAGES TO INDIVIDUALS WITH DISABILITIES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator BENNETT explained the House amendments.

Senator BENNETT proposed the following amendment (533R007.SP.SB), which was adopted:

Amend the joint resolution, as and if amended, beginning on page 5, lines 21 - 42, and on page 6, lines 1 - 22, by striking Section 41-5-150(A) and inserting:

/Section 41-5-150. (A) There is hereby established the 'South Carolina Employment First Oversight Commission' consisting of nine members appointed by the Governor, five of whom must have a disability or have substantial knowledge of disability issues, and four of whom must be from the business community. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

S. 560 -- Senator Scott: A JOINT RESOLUTION TO ESTABLISH THE HEIRS' PROPERTY STUDY COMMITTEE TO EXAMINE CURRENT AND PROSPECTIVE METHODS TO ADDRESS HEIR'S PROPERTY ISSUES IN SOUTH CAROLINA, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, TO REQUIRE THE COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND TO DISSOLVE THE STUDY COMMITTEE. Very respectfully, Speaker of the House Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator SCOTT, the Senate agreed to waive the provisions of Rule 32A requiring S. 560 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

S. 560 -- Senator Scott: A JOINT RESOLUTION TO ESTABLISH THE HEIRS' PROPERTY STUDY COMMITTEE TO EXAMINE CURRENT AND PROSPECTIVE METHODS TO ADDRESS HEIR'S PROPERTY ISSUES IN SOUTH CAROLINA, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, TO REQUIRE THE COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND TO DISSOLVE THE STUDY COMMITTEE.

The House returned the Resolution with amendments, the question being concurrence in the House amendments.

Senator SCOTT explained the amendments.

On motion of Senator SCOTT, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

HOUSE AMENDMENTS AMENDED RETURNED TO THE HOUSE WITH AMENDMENTS

S. 628 -- Senator Davis: A BILL TO ENACT THE "PHARMACY ACCESS ACT"; TO AMEND CHAPTER 43, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PHARMACY PRACTICE ACT, BY ADDING SECTIONS 40-43-210 THROUGH 40-43-280, TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT DOES NOT CREATE A DUTY OF CARE FOR A PERSON WHO PRESCRIBES OR DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR **ADMINISTERS** AN **INJECTABLE** HORMONAL CONTRACEPTIVE, TO PROVIDE THAT CERTAIN PHARMACISTS MAY DISPENSE A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTER AN INJECTABLE HORMONAL CONTRACEPTIVE PURSUANT TO A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE A JOINT PROTOCOL FOR DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE WITHOUT A PATIENT-SPECIFIC WRITTEN ORDER, TO REQUIRE CONTINUING EDUCATION FOR A PHARMACIST DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN **INJECTABLE** HORMONAL CONTRACEPTIVE, TO IMPOSE REQUIREMENTS ON A PHARMACIST WHO DISPENSES A SELF-ADMINISTERED OR HORMONAL CONTRACEPTIVE **ADMINISTERS** AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE PRESCRIBER WHO ISSUES THAT А А **STANDING** PRESCRIPTION DRUG ORDER FOR A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR INJECTABLE HORMONAL CONTRACEPTIVE IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS RESULTING FROM THE DISPENSING OR ADMINISTERING OF THE CONTRACEPTIVE, AND TO

PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT SHALL NOT BE CONSTRUED TO REQUIRE A PHARMACIST TO DISPENSE, ADMINISTER, INJECT, OR OTHERWISE PROVIDE HORMONAL CONTRACEPTIVES; AND TO AMEND ARTICLE 1, CHAPTER 6, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, BY ADDING SECTION 44-6-115, TO PROVIDE FOR PHARMACIST SERVICES COVERED UNDER MEDICAID; AND TO DEFINE NECESSARY TERMS.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator DAVIS explained the House amendments.

Senator DAVIS proposed the following amendment (628R009.SP.TD), which was ruled out of order:

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

/ SECTION 1. A. Chapter 43, Title 40 of the 1976 Code is amended by adding:

"Section 40-43-210. As used in this chapter:

(1) 'Administer' has the same meaning as in Section 40-43-30.

(2) 'Department' means the Department of Labor, Licensing and Regulation.

(3) 'Dispense' has the same meaning as in Section 40-43-30.

(4) 'Injectable hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that a practitioner administers to a patient by injection. 'Injectable hormonal contraceptive' does not include any drug intended to terminate a pregnancy.

(5) 'Patient counseling' has the same meaning as in Section 40-43-30.

(6) 'Pharmacist' has the same meaning as in Section 40-43-30.

(7) 'Practitioner' has the same meaning as in Section 40-47-20.

(8) 'Prescriber' means a physician licensed pursuant to Chapter 47, Title 40; an advanced practice registered nurse licensed pursuant to Chapter 33, Title 40 and prescribing in accordance with the requirements

of that chapter; or a physician assistant licensed pursuant to Article 7, Chapter 47, Title 40 and prescribing in accordance with the requirements of that article.

(9) 'Self-administered hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may administer to himself. 'Self-administered hormonal contraceptive' includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch. 'Self-administered hormonal contraceptive' does not include any drug intended to terminate a pregnancy.

Section 40-43-230. (A) A person licensed under the South Carolina Pharmacy Practice Act who is acting in good faith and exercising reasonable care as a pharmacist and who is employed by a hospital or a pharmacy that is permitted by this State may dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive pursuant to a standing order by a prescriber to a patient who is:

(1) eighteen years of age or older; or

(2) under eighteen years of age if the person has evidence of a previous prescription from a practitioner for a self-administered hormonal contraceptive or an injectable hormonal contraceptive.

(B) Nothing in this section requires a pharmacist to dispense a selfadministered hormonal contraceptive or administer an injectable hormonal contraceptive. Nothing in this article shall be construed to amend a pharmacist's duties to dispense or otherwise provide contraception prescribed by another provider.

Section 40-43-240. (A) The Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive without a patient-specific written order.

(B) The written joint protocol must address, at a minimum, the following requirements:

(1) education or training requirements that the Board of Medical Examiners and the Board of Pharmacy determine to be necessary for a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive;

(2) information that a pharmacist must provide to a patient prior to dispensing a self-administered hormonal contraceptive or administering

an injectable hormonal contraceptive and confirmation that the required information was provided to the patient;

(3) documentation regarding the dispensing of a self-administered hormonal contraceptive or the administering of an injectable hormonal contraceptive;

(4) notification to a patient's designated practitioner that a self-administered hormonal contraceptive was dispensed to the patient or that an injectable hormonal contraceptive was administered to the patient;

(5) evaluation and review of the dispensing and administration practices used by pharmacists authorized to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive; and

(6) any additional provisions that the Board of Medical Examiners and the Board of Pharmacy determine to be necessary or appropriate for inclusion in the protocol, including any reporting requirements.

(C) For each new patient requesting contraception and at least every twelve months for each returning patient, the written joint protocol must require a pharmacist dispensing or administering contraceptives pursuant to this chapter to:

(1) obtain a completed self-screening risk assessment;

(2) utilize a standardized procedure as established by the Board of Medical Examiners and the Board of Pharmacy to perform a patient assessment;

(3) dispense, if clinically appropriate, a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive, or refer the patient to a practitioner;

(4) provide the patient with a visit summary;

(5) advise the patient to consult with a practitioner;

(6) refer any patient who may be subject to abuse to the appropriate social services agency; and

(7) ensure that the pharmacy provides appropriate space to prevent the spread of infection and ensure confidentiality.

(D) The Board of Medical Examiners and the Board of Pharmacy may appoint an advisory committee of healthcare professionals licensed in this State to advise and assist in the development of the joint protocol for their consideration.

Section 40-43-250. (A) Prior to dispensing self-administered hormonal contraceptives or administering injectable hormonal contraceptives pursuant to Section 40-43-240, a pharmacist must have completed a certificate program that has been accredited by the

American Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners, as specified in the joint protocol, that is program-specific to self-administered hormonal contraceptives or injectable hormonal contraceptives, that includes the application of the United States Medical Eligibility Criteria for Contraceptive Use, and that includes other Centers for Disease Control and Prevention guidance on contraception. To maintain eligibility, a pharmacist must complete at least one hour of continuing education per year that is offered by an entity approved by the Board of Medical Examiners and the Board of Pharmacy.

(B) An equivalent, curriculum-based training program completed on or after January 2021 in an accredited South Carolina pharmacy school satisfies the initial education requirement.

Section 40-43-260. (A) A pharmacist who dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive pursuant to this chapter shall:

(1) obtain a completed self-screening risk assessment questionnaire that has been approved by the department, in collaboration with the Board of Pharmacy and the Board of Medical Examiners, from the patient before dispensing the self-administered hormonal contraceptive or administering the injectable hormonal contraceptive. If the results of the assessment indicate that it is unsafe to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to a patient, then the pharmacist may not dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to the patient, shall refer the patient to a practitioner, and may not continue to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to the patient for more than twenty-four months after the date of the initial prescription without evidence that the patient has consulted with a practitioner during the preceding twenty-four months; and

(2) provide the patient with written information regarding:

(a) the importance of seeing the patient's practitioner annually to obtain recommended tests and screening;

(b) the effectiveness and availability of long-acting reversible contraceptives as an alternative to self-administered hormonal contraceptives or injectable hormonal contraceptives;

(c) a copy of the record of the encounter with the patient that includes the patient's completed assessment questionnaire pursuant to item (1);

(d) a description of the contraceptive dispensed or administered, or the basis for not dispensing or administering a contraceptive;

(e) the South Carolina Medicaid program and how to apply for Medicaid benefits; and

(f) the effectiveness of abstinence in preventing pregnancy and contracting a sexually transmitted infection or disease. The materials shall include the following: Abstinence is the choice not to have sex. This method is one hundred percent effective in preventing pregnancy and infection as long as all sexual contact is avoided, including vaginal, oral, and anal sex.

(B) If a pharmacist dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive to a patient, then the pharmacist shall, at a minimum, provide patient counseling to the patient regarding:

(1) the appropriate administration and storage of a self-administered hormonal contraceptive, if appropriate;

(2) any potential side effects and risks of a self-administered hormonal contraceptive or injectable hormonal contraceptive;

(3) the need for backup contraception;

(4) when to seek emergency medical attention; and

(5) the risk of contracting a sexually transmitted infection or disease, along with ways to reduce the risk of contraction.

Section 40-43-270. (A) A prescriber who issues a standing prescription drug order in accordance with Section 40-43-260 is not liable for any civil damages for acts or omissions resulting from the dispensing of a self-administered hormonal contraceptive or the administering of an injectable hormonal contraceptive under this chapter.

(B) A pharmacist who dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive in accordance with the provisions of this article is not as a result of an act or omission subject to civil or criminal liability or to professional disciplinary action."

B. The Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol pursuant to Section 40-43-240 not later than six months after the passage of this act.

SECTION 2. Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

"Section 44-6-115. (A) Pharmacy services are a benefit under South Carolina Medicaid, subject to approval by the federal Centers for Medicare and Medicaid Services. The department shall establish a fee schedule for the list of pharmacy services.

(B)(1) The following services are covered pharmacy services that may be provided to a Medicaid beneficiary:

(a) dispensing self-administered hormonal contraceptives, as outlined and authorized in Section 40-43-230; and

(b) administering injectable hormonal contraceptives, as outlined and authorized in Section 40-43-230.

(2) Covered pharmacy services shall be subject to department protocols and utilization controls.

(C) A pharmacist shall be enrolled as an ordering, referring, and dispensing provider under the Medicaid program prior to rendering a pharmacist service that is submitted by a Medicaid pharmacy provider for reimbursement pursuant to this section.

(D) The director of the department shall seek any necessary federal approvals to implement this section. This section shall not be implemented until the necessary federal approvals are obtained and shall be implemented only to the extent that federal financial participation is available.

(E) This section does not restrict or prohibit any services currently provided by pharmacists as authorized by law, including, but not limited to, this chapter or the Medicaid state plan."

SECTION 3. Chapter 43, Title 40 of the 1976 Code is amended by adding:

"Section 40-43-195. (A) For purposes of this section:

(1) 'Central fill' means the filling of a prescription drug order by one central fill pharmacy permitted by this State at the request of an originating pharmacy permitted by this State.

(2) 'Central fill pharmacy' means a permitted pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient's agent. A central fill pharmacy that returns filled prescriptions to an originating pharmacy must not be required to obtain a wholesaler/distributor permit.

(3) 'Originating pharmacy' means a pharmacy permitted by and located in this State or another state if providing services on behalf of a patient located in South Carolina that, upon receipt of a prescription drug order from a patient, requests a central fill pharmacy to fill the order and

upon receipt of the filled prescription drug order, delivers the prescription to the patient or patient's agent.

(B)(1) An originating pharmacy permitted by this State may outsource a prescription drug order filling to a central fill pharmacy permitted by this State if the pharmacies:

(a) have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws and regulations;

(b) share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to dispense or process a prescription drug order;

(c) ensure all state and federal laws regarding patient confidentiality, network security, and use of shared databases are followed; and

(d) maintain the prescription information in a readily retrievable manner.

(2) The pharmacist-in-charge of a central fill pharmacy shall ensure that:

(a) the pharmacy maintains and uses adequate storage or shipment containers and shipping processes to ensure drug stability and potency. These shipping processes must include the use of appropriate packaging material or devices, or both, to ensure that the drug is maintained at an appropriate temperature range to maintain the integrity of the medication throughout the delivery process; and

(b) the filled prescriptions are shipped in containers that are sealed in a manner that would show evidence of having been opened or tampered with.

(3) To the extent that a central fill pharmacy dispenses controlled substances, the central fill pharmacy must obtain a registration from the Department of Health and Environmental Control, Bureau of Drug Control. Controlled substance prescriptions filled by a central fill pharmacy must comply with both state and federal statutes and regulations.

(4) To the extent a pharmacy is acting as a central fill pharmacy, it may not:

(a) fill prescriptions for controlled substances listed in Schedule II;

(b) fill prescriptions provided directly by a patient or an individual practitioner;

(c) mail or otherwise deliver a prescription directly to a patient or an individual practitioner; or

(d) provide or dispense cannabis products not approved by the Federal Drug Administration.

(C)(1) An originating pharmacy that outsources prescription filling to a central fill pharmacy must, prior to outsourcing the prescription:

(a) notify patients that their prescription may be filled by another pharmacy; and

(b) provide the name of that pharmacy or notify the patient if the pharmacy is part of a network of pharmacies under common ownership and that any of the network pharmacies may fill the prescription.

(2) Patient notification may be provided through a one-time written notice to the patient or through use of a sign in the pharmacy.

(D)(1) A central fill pharmacy must provide written information regarding the prescription with the filled prescription and a toll-free phone number for patient questions. The following statement must be provided with the prescription before delivery to the patient:

'Written information about this prescription has been provided for you. Please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions'.

(2) A pharmacist at the originating pharmacy shall offer the patient or the patient's agent information about the prescription drug or device in accordance with Section 40-43-86(L).

(3) This subsection does not apply to patients in facilities including, but not limited to, hospitals or nursing homes, where drugs are administered to patients by a person authorized to do so by law.

(E) The central fill pharmacy must:

(1) place on the prescription label:

(a) the name and address or name and pharmacy license number of the pharmacy filling the prescription;

(b) the name and address of the originating pharmacy which receives the filled prescription for delivery to the patient or the patient's agent; and

(c) in some manner indicate which pharmacy filled the prescription (e.g., 'Filled by ABC Pharmacy for XYZ Pharmacy'); and

(2) comply with all other labeling requirements of federal and state law including, but not limited to, Section 40-43-86.

(F) A central fill policy and procedure manual must be maintained at both pharmacies and must be available for inspection. The originating

and central fill pharmacies are required to maintain only those portions of the policy and procedure manual that relate to that pharmacy's operations. The manual must at minimum contain:

(1) An outline of the responsibilities of the central fill pharmacy and the originating pharmacy including, but not limited to:

(a) patient notification of central fill processing;

(b) confidentiality and integrity of patient information procedures;

(c) drug utilization review;

(d) record keeping and logs, including a list of the names, addresses, phone numbers, and license or registration numbers of the pharmacies, pharmacists, and pharmacy technicians at the central fill pharmacy and at the originating pharmacy;

(e) counseling responsibilities;

(f) procedures for return of prescriptions not delivered to a patient and procedures for invoicing medication transfers;

(g) policies for operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems;

(h) safe delivery of prescriptions to patients;

(i) processes to ensure stability and potency of medication;

(j) requirements for storage and shipment of prescription medication; and

(k) procedures for conducting an annual review of written policies and procedures and for documentation of this review.

(2) Other responsibilities regarding proper handling of a prescription and delivery to a patient or a patient's agent pursuant to this chapter and the Department of Health and Environmental Control, controlled substances laws and regulations.

(G)(1) Records may be maintained in an alternative data retention system including, but not limited to, a data processing system or direct imaging system, if:

(a) the records maintained in the alternative system contain all of the information required on the manual record; and

(b) the data processing system is capable of producing a hard copy of the record upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agency.

(2) Each pharmacy must maintain records in accordance with the provisions of Section 40-43-86 and must be able to produce records as requested by the board.

(3) The originating pharmacy records must include the date the request for filling was transmitted to the central fill pharmacy.

(4) The central fill pharmacy records must include:

(a) the date the filled prescription was mailed by the central fill pharmacy; and

(b) the name and address to which the filled prescription was shipped.

(H)(1) A central fill pharmacy must complete a central fill pharmacy permit application provided by the board, following the procedures as specified in Section 40-43-83, and also provide the following information:

(a) evidence that the applicant holds a pharmacy license, registration, or permit issued by the state in which the pharmacy is located;

(b) the name of the owner, permit holder, and pharmacist-in-charge of the pharmacy for service of process;

(c) evidence of the applicant's ability to provide to the board a record of a prescription drug order dispensed by the applicant to a resident of this State not later than seventy-two hours after the time the board requests the record;

(d) an affidavit by the pharmacist-in-charge which states that the pharmacist has read and understands the laws and regulations relating to a central fill pharmacy in this State; and

(e) pay the required fee as set by the board through regulation.

(2) A central fill pharmacy must comply with all provisions of this chapter.

(I) Nothing in this section may be construed to circumvent any requirement of Section 40-43-86 of the South Carolina Pharmacy Practice Act.

(J) A central fill pharmacy may not contact a patient for whom it has provided central fill services on behalf of an originating pharmacy for the purpose of soliciting or requesting to refill a prescription, or to fill a new prescription, for a period of five years after the originating pharmacy has stopping using the services of the central fill pharmacy."

SECTION 4. Chapter 53, Title 44 of the 1976 Code is amended by adding:

"ARTICLE 20 Compassionate Care

Section 44-53-2010. As used in this article:

(1)(a) 'Allowable amount of medical cannabis' or 'allowable amount of cannabis products' means, for a fourteen-day period:

(i) cannabis products for topical administration including, but not limited to, patches for transdermal administration or lotions, creams, or ointments, that contain a total of no more than four thousand milligrams of delta-9-tetrahydrocannabinol;

(ii) cannabis products for oral administration including, but not limited to, oils, tinctures, capsules, or edible forms, that contain a total of no more than one thousand six hundred milligrams of delta-9-tetrahydrocannabinol;

(iii) cannabis products that consist of oils for vaporization that contain a total of no more than eight thousand two hundred milligrams of delta-9-tetrahydrocannabinol; or

(iv) for any other modes of delivery, an equivalent amount as determined by the department.

(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 subitems (a)(i), (ii), (ii), (ii).

(c) The allowable amount of medical cannabis does not include industrial hemp for human consumption.

(2) 'Bona fide physician-patient relationship' has the same meaning as in Section 40-47-113(A).

(3)(a) '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;

(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) 'Cannabis product' means a product that is infused with or otherwise contains cannabis or an extract thereof and that is intended for use, consumption, absorption, or any method of ingestion by humans cultivated and produced by a licensed facility in South Carolina. The term includes, but is not limited to, an edible cannabis product, beverage, topical product, ointment, oil, patch, spray, suppository, or tincture.

(5) 'Cardholder' means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card from the department.

(6) 'Child-resistant packaging' means packaging that is designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly, substantially similar to those defined by 16 C.F.R. 1700.20 (1995), opaque so that the packaging does not allow the product to be seen without opening the packaging material, and re-sealable for any product intended for more than a single use or containing multiple servings.

(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, therapeutic cannabis pharmacies, 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.

(8) 'Debilitating medical condition' means:

(a) a diagnosis of one or more of the following that also results in a debilitating 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;
- (viii) cachexia or wasting syndrome;
- (ix) autism;
- 103

(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;

(b) a terminal illness with a life expectancy of less than one year in the opinion of the person's treating physician; or

(c) any other serious medical condition or its treatment added by the Medical Cannabis Advisory Board, as provided for in Section 44-53-2060.

(9) 'Department' means the South Carolina Department of Health and Environmental Control.

(10) 'Designated caregiver' or 'caregiver' means a person who possesses a valid registry identification card issued by the department authorizing the person to assist a qualifying patient with the medical use of cannabis. A designated caregiver must be at least twenty-one years of age unless the person is the parent or legal guardian of each qualifying patient the person assists.

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

(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 marketed 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.

(13) 'Exit packaging' means a sealed, child-resistant packaging receptacle into which pre-packaged cannabis products are placed at the retail point of sale at a therapeutic cannabis pharmacy.

(14) 'Human consumption' means ingestion or topical application to the skin or hair.

(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 issue written certifications for the use of medical cannabis.

(16) 'Industrial hemp' means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dried weight basis.

(17) 'Medical cannabis establishment' means a cultivation center, therapeutic cannabis pharmacy, 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, 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.

(20) 'Medical use' means the acquisition, administration, possession, preparation, transportation, or use of cannabis products, or paraphernalia used to administer cannabis products, to treat or alleviate a qualifying patient's debilitating medical condition or symptoms

associated with the qualifying patient's debilitating medical condition and includes the transfer of cannabis products from a designated caregiver to a qualifying patient whom the designated caregiver is authorized to assist. 'Medical use' does not include:

(a) the extraction of resin from cannabis by solvent extraction other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol), unless the extraction is done by a processing facility; or

(b) smoking.

(21) 'Opioid' means a narcotic drug or substance that is a Schedule II controlled substance defined in Section 44-53-210(b) or (c).

(22) 'Paraphernalia' means paraphernalia as defined in Section 44-53-110, if its sole intended purpose is for use with cannabis products, except that it shall not include bongs, pipes, rolling papers, blowtorches, or any other paraphernalia that is used to smoke cannabis.

(23) 'Pharmacist' means a person who is a pharmacist as defined in Section 40-43-30(65).

(24) 'Physician' means a person who:

(a) is a physician as defined in Section 40-47-20 who is authorized to prescribe medication under state law and by the South Carolina Board of Medical Examiners and has a controlled substances registration pursuant to Section 44-53-290 and a controlled substances registration issued by the federal Drug Enforcement Administration; and

(b) specifically treats a debilitating medical condition.

(25) '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 therapeutic cannabis pharmacy. 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.

(26) 'Qualifying patient' or 'patient' means a person with a debilitating medical condition who possesses a valid registry identification card issued by the department.

(27) 'Registry identification card' means a document issued by the department that identifies a person as a qualifying patient or designated caregiver, or documentation that is deemed a registry identification card pursuant to Section 44-53-2170.

(28) 'SLED' means the South Carolina Law Enforcement Division.

(29) 'Smoking' or 'smoke' means the inhalation of smoke caused by the combustion of cannabis or cannabis products that causes burning.

(30) 'Standard of care for dispensing cannabis products or certifying a patient for medical cannabis' 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 issuance of a written certification for the medical use of a cannabis product, to a qualifying patient, pursuant to Section 44-53-2080, and whether the pharmacist exercised a standard of care in connection with the dispensing of a cannabis product, to a qualifying patient, pursuant to Section 44-53-2080.

. (31) 'Tamper-resistant paper' means paper that possesses an industry-recognized feature that prevents the copying of the paper, erasure or modification of information on the paper, or use of counterfeit documentation.

(32) 'Therapeutic cannabis pharmacy' means a location for which a pharmacy permit 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 therapeutic cannabis pharmacy until July 1, 2028. This exclusion does not apply to members and their families if the member recused himself from voting on this act.

(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 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.

(34) 'Verification system' means a secure, confidential, and web-based system established and maintained by the department that is available to authorized department personnel, law enforcement

personnel, and medical cannabis establishment agents for the verification of registry identification cards.

(35) 'Written certification' means a document dated, signed, and submitted by a physician to the department, on a form developed by the department, stating that a person has been diagnosed with a debilitating medical condition and that the potential benefits of using cannabis products outweigh any risks. The certification may be made only in the course of a bona fide physician-patient relationship; must specify the person's debilitating medical condition or conditions; must indicate the date of the person's follow-up appointment, not to exceed six months from the original date of issuance; and must be updated annually for each person by the certifying physician. If the person with a debilitating medical condition is expected to recover from the debilitating medical condition within a year of the written certification, not including remission due to medical cannabis treatment, or if the person is not expected to benefit from cannabis products for an entire year, then the written certification must specify that fact.

Section 44-53-2030. Notwithstanding any other provision of law, the department may, if appropriate, adjust any fee charged pursuant to this article to meet the financial needs of the program without charging more than is reasonably necessary to administer the program.

Section 44-53-2050. (A) Subject to Chapter 35, Title 11, the South Carolina Consolidated Procurement Code, the department is authorized to procure the services of qualified contractors or other state agencies to assist the department in implementing this article, including licensure, testing, audits, inspections, registry identification card and electronic patient registry management, verification system management, seed-to-sale tracking system management, diversion control, and other compliance services.

(B) Subject to Chapter 35, Title 11, the South Carolina Consolidated Procurement Code, the Board of Pharmacy may procure the services of qualified contractors or other state agencies to assist the Board of Pharmacy with the implementation of this article.

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) one licensed medical doctor authorized by the State to practice medicine who does not issue written certifications for the use of medical cannabis;

(b) one licensed medical doctor authorized by the State to practice medicine who issues written certifications for the use of medical cannabis, or who plans to issue written certifications;

(c) one licensed doctor of osteopathic medicine who does not issue written certifications for the use of medical cannabis;

(d) one licensed doctor of osteopathic medicine who issued written certifications for the use of medical cannabis, or who plans to issue written certifications;

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

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

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

(h) two licensed pharmacists who dispense a cannabis product; and

(i)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;

(3) two members appointed by the President of the Senate who meet any of the qualifications provided in item (2); and

(4) two members appointed by the Speaker of the House of Representatives who meet any of the qualifications provided in item (2).

(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 may consult with experts in South Carolina and other states with medical cannabis programs, as well as review 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.

(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.

(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

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 qualifying 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 qualifying patient, then he shall resign from the advisory board and notify the department and the Governor.

Section 44-53-2070. Nothing in this article may be construed to require a health insurance provider, health care plan, property and casualty insurer, or medical assistance program to be liable for or reimburse a claim for the medical use of cannabis. Consultations in which physicians diagnose debilitating medical conditions and complete written certifications shall be reimbursed consistent with a qualifying patient's health plan design.

Section 44-53-2080. (A) The department shall develop a written certification form to be annually completed and submitted electronically to the department by a physician. The written certification must include:

(1) the physician's name, mailing address, email address, telephone number, medical license number, federal controlled substances registration number, and state controlled substances registration number;

(2) an acknowledgement to be signed by the physician that sets forth the penalties for providing false information, including the department's right to notify the South Carolina Board of Medical Examiners or other similar authority established pursuant to Chapter 47, Title 40;

(3) a statement for the physician to attest to and sign with the following provisions:

(a) that the physician and patient have a bona fide physician-patient relationship as a prerequisite to any certification;

(b) that the physician has consulted the prescription drug monitoring program, established pursuant to Article 15, Chapter 53, Title

44, to review the patient's controlled-substance prescription history and has documented such consultation in the patient's medical record;

(c) that the physician has conducted an in-person evaluation and collected relevant clinical history commensurate with the presentation of the patient prior to issuing a written certification. At a minimum, the evaluation should include the patient's:

(i) history of present illness;

(ii) social history;

(iii) past medical and surgical history;

(iv) alcohol and substance use history;

(v) family history with an emphasis on addiction, mental illness, or psychotic disorders;

(vi) physical exam; and

(vii) documentation of therapies with inadequate response;

(d) that the patient has a debilitating medical condition; that the treatment of the debilitating medical condition, or one or more symptoms of the debilitating medical condition or side effects of its treatment, falls within the physician's area of practice, identifying the patient's condition; and that the symptoms or side effects of the condition or its treatment could benefit from a certification for the medical use of cannabis;

(e) that the physician has developed a written treatment plan that includes:

(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;

(ii) advice about other options for managing the debilitating medical condition;

(iii) advice about the potential risks of the use of cannabis products, to include:

(A) the risk of cannabis use disorder;

(B) the potential exacerbation of psychotic disorders and the adverse cognitive effects for children and young adults;

(C) adverse events, exacerbation of psychotic disorders, adverse cognitive effects for children and young adults, and other risks, including falls or fractures;

(D) the risks of using cannabis products during pregnancy or breast feeding; and

(E) the need to safeguard all cannabis products from children and pets or other domestic animals;

(iv) additional diagnostic evaluations or other planned treatments; and

(v) an ongoing treatment plan as medically appropriate;

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

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

(h) in the case of a patient whose debilitating medical condition is a chronic or debilitating disease or medical condition for which an opioid is currently or could be prescribed:

(i) an attestation that the physician has reviewed objective proof of the etiology of the patient's pain, such as a diagnostic test, which may include, but is not limited to, the results of an x-ray, computerized tomography scan, or magnetic resonance imaging; or

(ii) an attestation that the patient has been diagnosed with a specific medical condition or disease that causes the patient severe pain, which includes, but is not limited to, complex regional pain syndrome, residual limb pain, rheumatoid arthritis, spinal cord disease, spinal cord injury, fibromyalgia, shingles, or trigeminal neuralgia;

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

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

(4) a statement that the physician maintains documentation in the patient's medical record if the patient's debilitating medical condition is one for which opioid medications could be or have been prescribed;

(5) a statement that the patient's debilitating medical condition is expected to last either for one year, or until a date when the patient is no longer expected to benefit from cannabis products;

(6) the date of the patient's follow-up appointment to assess whether the patient has found relief from his debilitating medical condition and the patient's overall health and level of function. The follow-up appointment shall not exceed six months after the initial consultation or renewal appointment; and

(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.

(B) A physician may also choose to include a specific amount of cannabis products certified every fourteen days and the reason for the dosage, in which case the qualifying patient shall be limited to those amounts in the verification system.

(C) Nothing in this article may be construed to require a physician to issue a written certification to any person for the use of medical cannabis.

(D) A physician in a bona fide physician-patient relationship with a patient may review the patient's medical cannabis certification and dispensing history as provided by the department in regulation.

Section 44-53-2090. (A) Any physician who issues written certifications must:

(1) be licensed and in good standing as a physician;

(2) be currently practicing medicine;

(3) register with the department to issue written certifications in a manner and on a format determined by the department;

(4) attest that he has an active, unrestricted medical license, unrestricted federal controlled substances registration, and unrestricted state controlled substances registration; and

(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

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

(B) 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 disciplined or sued for violating the standard of care or for any violations of this article, including certifying a person for cannabis products who does not have a debilitating medical condition.

(C)(1) A physician shall not:

(a) accept, solicit, or offer any form of pecuniary remuneration, including a salary or other monetary compensation, from or to a therapeutic cannabis pharmacy;

(b) offer a discount or any other thing of value to a cardholder who uses or agrees to use a particular therapeutic cannabis pharmacy;

(c) examine a person for the purpose of diagnosing a debilitating medical condition at a location where cannabis products are sold;

(d) refer a patient to a particular therapeutic cannabis pharmacy or display or distribute therapeutic cannabis pharmacy marketing materials within his office if he certifies debilitating medical conditions for patients for participation in the medical cannabis program;

(e) certify the use of cannabis products for himself or for a family member; or

(f) have a full or partial ownership interest in a therapeutic cannabis pharmacy.

(2) If the South Carolina Board of Medical Examiners finds that a physician engaged in unprofessional conduct by violating this article, then the South Carolina Board of Medical Examiners shall notify the department as specified in department regulations that the physician's authority to certify patients for the medical use of cannabis, or his prescriptive authority, has been restricted, which may be in addition to any other sanction imposed by the South Carolina Board of Medical Examiners, including any disciplinary action up to the suspension or revocation of the physician's medical license.

Section 44-53-2095. (A)A pharmacist who dispenses a cannabis product pursuant to this article must:

(1) be in good standing with the South Carolina Board of Pharmacy;

(2) register with the department to dispense a cannabis product;

(3) attest that he has an active, unrestricted pharmaceutical license; and

(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

(b) attest to the completion of the course electronically or as specified by the department prior to dispensing cannabis products.

(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 cannabis products as authorized by state law. A pharmacist may not be sued for malpractice solely as a result of dispensing cannabis products to a qualifying patient in accordance with this article, but this section shall not be construed to prevent a pharmacist from being disciplined or sued for violating the standard of care or for any violations of this article including, but not limited to, dispensing cannabis products to a person who does not have a registry identification card.

(C)(1) A pharmacist shall not:

(a) accept, solicit, or offer any form of pecuniary remuneration from or to a physician;

(b) offer a discount or any other thing of value to a cardholder who uses or agrees to use a particular therapeutic cannabis pharmacy; or

(c) refer a patient to a particular physician or display or distribute marketing materials for a physician within therapeutic cannabis pharmacy.

(2) If the South Carolina Board of Pharmacy finds that a pharmacist engaged in unprofessional conduct by violating this article or a provision of Chapter 43, Title 40, then the South Carolina Board of Pharmacy shall notify the department as specified in department regulations that the pharmacist's authority to dispense cannabis products has been restricted, which may be in addition to any other sanction imposed by the South Carolina Board of Pharmacists, including any disciplinary action up to the suspension or revocation of the pharmacist's license.

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

Section 44-53-2096. (A) The South Carolina Board of Pharmacy shall promulgate regulations relating to the dispensing of cannabis products for therapeutic use. In considering appropriate regulations, the Board of Pharmacy shall seek input from relevant stakeholders including, but not limited to, the Office of the Attorney General, and professional law enforcements organizations and associations.

(B) Regulations for dispensing of cannabis products for therapeutic use must include, but not be limited to:

(1) standards, procedures, and protocols for cannabis products for therapeutic use as provided by law;

(2) standards, procedures, and protocols for consulting the verification system to verify a written certification and for entering information into the medical cannabis monitoring program to follow dispensing and tracking information of medical cannabis;

(3) procedures and protocols to explicitly provide that no cannabis product may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this State;

(4) standards, procedures, and protocols for determining the amount of usable cannabis products necessary to constitute an adequate supply to ensure uninterrupted availability for an allowable amount of medical cannabis;

(5) standards, testing procedures, and protocols to ensure that all dispensed cannabis products are pharmaceutical grade;

(6) provisions for other licensing, renewal, and operational standards deemed necessary by the Board of Pharmacy;

(7) requirements for the health, safety, and security for therapeutic cannabis pharmacies;

(8) requirements for a pharmacist-in-charge, who accepts responsibility for the operation of a therapeutic cannabis pharmacy; and

(9) requirements for consultations between a pharmacist and a patient, including when a cannabis product has not previously been dispensed to a patient.

(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.

(D) A therapeutic cannabis pharmacy shall not dispense any controlled substances other than cannabis products.

Section 44-53-2100. (A) The department shall promulgate regulations:

(1) developing and establishing registry identification card application forms and the process for the issuance of registry identification cards for qualifying patients and designated caregivers, including a state and national fingerprint-based criminal records check

for designated caregivers, and for the issuance, denial, suspension, and revocation of registry identification cards;

(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;

(3) providing guidelines for the types of evidence accepted to confirm that an applicant experienced one or more traumatic events. 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.

(B) The department shall either create the necessary software for an electronic patient registry, or engage a company that can do so. The registry must be able to accept and store all necessary information pursuant to this article and department regulations.

(C) No later than ninety days after the effective date of the regulations promulgated pursuant to subsection (A), the department shall begin accepting applications for registry identification cards.

Section 44-53-2110. (A) A registry identification card issued pursuant to this section must be printed with tamper-resistant technology and contain, at a minimum, the following information:

(1) the name of the cardholder;

(2) the address of the cardholder;

(3) the cardholder's date of birth;

(4) a designation of whether the cardholder is a designated caregiver or qualifying patient;

(5) the date of issuance and expiration date of the registry identification card;

(6) a random alphanumeric identification number that is unique to the cardholder;

(7) if the cardholder is a designated caregiver, the random alphanumeric identification number of the qualifying patients that the designated caregiver is authorized to assist; and

(8) a photograph of the cardholder.

(B) Except as provided in this section or department regulations, a registry identification card shall expire one year after the date the written certification is signed by a physician.

(C) If a physician stated in the written certification that the qualifying patient is expected to recover from the debilitating medical condition in less than one year or that the qualifying patient is expected to benefit from cannabis products for less than one year, then the registry identification card shall expire on the date specified by the physician on the written certification.

(D) The department shall issue a registry identification card pursuant to Section 44-53-2130 within twenty-five days of receiving a valid, complete electronic application and any other required materials from a qualifying patient applicant or designated caregiver applicant in accordance with this article.

Section 44-53-2130. (A) The department shall issue a registry identification card to a qualifying patient applicant who submits a valid, complete electronic application and, at a minimum, the following, in accordance with the department's regulations:

(1) the application or annual renewal fee set by the department;

(2) the name, residential and mailing address, email address, telephone number, and date of birth of the qualifying patient applicant, except that if the applicant is homeless, then no residential address is required;

(3) a recent passport-sized photograph of the qualifying patient applicant's face;

(4) the name, mailing address, and telephone number of the qualifying patient applicant's physician authorized by this article to certify the medical use of cannabis products;

(5) a written certification dated, signed, and submitted to the department by the physician. For a first-time qualifying patient applicant between the ages of eighteen and twenty-three, the qualifying patient must have written certifications dated, signed, and submitted to the department by two physicians;

(6) the name, address, date of birth, and any other contact information required by department regulations for each proposed designated caregiver. If more than one designated caregiver is designated at any given time, then the qualifying patient applicant must submit documentation demonstrating that the additional designated caregiver is needed due to the qualifying patient applicant's age, medical condition, or place of residence;

(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;

(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;

(8) a questionnaire that asks if the qualifying patient applicant would like to be notified by the department of any clinical studies needing human subjects for research on the medical use of cannabis. The department shall notify interested patients of studies that will be conducted in the United States;

(9) the date of a pre-scheduled follow-up appointment with the qualifying patient applicant's physician, which shall be no later than six months after the date of the written certification. A follow-up appointment may be conducted in-person or through telemedicine;

(10) for a patient whose debilitating medical condition is post-traumatic stress disorder, evidence that the person experienced trauma pursuant to Section 44-53-2100(A)(4); and

(11) 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 by 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.

(B) After a qualifying patient applicant has been approved for a registry identification card by the department, the department shall issue

registry identification cards to associated designated caregiver applicants who submit a valid, complete electronic application and, at a minimum, the following, in accordance with department regulations:

(1) An associated designated caregiver applicant who is a natural person must submit:

(a) the application or annual renewal fee set by the department;

(b) the name, residential mailing address, email address, telephone number, date of birth, and any other contact information for the designated caregiver applicant as specified in department regulations;

(c) a recent passport-sized photograph of the designated caregiver applicant's face;

(d) a complete set of fingerprints for a state criminal records check and national criminal records check for which the applicant must pay the costs;

(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

(f) a statement signed by the designated caregiver applicant agreeing to not consume cannabis products intended for a qualifying patient.

(2)(a) An associated designated caregiver applicant that is a facility licensed by the department that provides care to qualifying patients must submit:

(i) the application or annual renewal fee set by the department;

(ii) the facility's full name, business and mailing address, license number issued by the department, email address, and telephone number; the name, title, and signature of an authorized facility representative; and any other contact information for the designated caregiver applicant as specified in department regulations;

(iii) a statement signed by an authorized facility representative of the designated caregiver applicant agreeing not to divert cannabis products to anyone who is not allowed to possess cannabis products pursuant to this article 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

(iv) a statement signed by an authorized facility representative of the designated caregiver applicant agreeing to secure and ensure the proper handling of cannabis products intended for a qualifying patient.

(b) A staff member of a designated caregiver facility licensed by the department that provides care to qualifying patients must submit a designated caregiver application as a natural person in accordance with subsection (B) and may be required to provide additional proof of employment or contract with the designated caregiver facility.

(C) The department shall deny, suspend, or revoke a registry identification card for a designated caregiver applicant or designated caregiver if the designated caregiver applicant or designated caregiver has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense, unless the designated caregiver applicant completed the sentence, including any term of probation or supervised release, at least fifteen years prior.

(D) Each patient applicant or, in the case of a minor, the parent or guardian of each minor patient applicant who applies for a registry identification card must be asked if he wants to participate voluntarily in observational studies and other data collection on medical cannabis.

(E) The applicant must undergo a state criminal record checks, supported by fingerprints, by the State Law Enforcement Division (SLED), and a national criminal record checks, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal record checks must be reported to the department and cannot be further disseminated. SLED and the FBI are authorized to retain the fingerprints for use in identification purposes including, but not limited to, unsolved latent prints. SLED and the FBI are further authorized to provide the department with current and future information regarding fingerprints stored including arrest, convictions, dispositions, warrants, and other information available to the FBI including civil and criminal information. The department shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

Section 44-53-2140. (A) The department may not issue a registry identification card to a person under eighteen years of age who is a qualifying patient applicant unless:

(1) a physician electronically submits a written certification to the department that certifies the minor's medical use of cannabis products

and lists the designated custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor;

(2) the physician attests to explaining the potential risks and benefits of the medical use of cannabis products to the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor;

(3) the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor consents in writing to:

(a) allow the minor's medical use of cannabis products; and

(b)(i) serve as one of the minor's designated caregivers and determine the frequency and route of administration of cannabis products to the patient; or

(ii) designate another appropriate individual as caregiver for the patient; and

(4) the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor completes applications in accordance with the requirements of Section 44-53-2130 on behalf of the minor and as a caregiver to the minor.

(B) The department may not issue a registry identification card to an incapacitated person who is a qualifying patient applicant unless:

(1) a physician electronically submits a written certification to the department that certifies the incapacitated person's medical use of cannabis products and lists the designated person with the legal authority to make health care decisions on behalf of the incapacitated person;

(2) the physician attests to explaining the potential risks and benefits of the medical use of cannabis products to the person with the legal authority to make health care decisions on behalf of the incapacitated person;

(3) the person with the legal authority to make health care decisions on behalf of the incapacitated person consents in writing to:

(a) allow the incapacitated person's medical use of cannabis products;

(b) serve as one of the incapacitated person's designated caregivers; and

(c) determine the frequency and route of administration of cannabis products to the incapacitated person;

(4) the person with the legal authority to make health care decisions for the incapacitated person completes applications in accordance with the requirements of Section 44-53-2130 on behalf of the incapacitated person and as a caregiver to the incapacitated person; and

(5) the person submitting an application on the incapacitated person's behalf submits a signed statement agreeing not to consume cannabis products intended for a qualifying patient.

(C) For a new patient applicant, not to include a renewal, the department may not issue a registry identification card to a patient applicant who is between the ages of eighteen and twenty-three years unless two physicians who have performed in-person exams and verified the patient applicant's debilitating medical condition submit a written certification to the department on behalf of the patient applicant.

(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.

Section 44-53-2150. (A) A designated caregiver may serve only one patient, unless the caregiver:

(1) is a facility licensed by the department that provides care to qualifying patients; or

(2) is the spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption, of each qualifying patient.

(B) In no event may a natural person who is a designated caregiver serve more than two patients.

(C) A designated caregiver must be a natural person unless it is a facility licensed by the department that provides care to qualifying patients.

Section 44-53-2160. The department shall promulgate regulations governing facilities licensed by the department that provide care to qualifying patients and that serve as designated caregivers.

Section 44-53-2170. (A) Until ninety days after the department begins accepting applications for registry identification cards, a copy of a patient's valid, written certification issued and printed by the physician

on tamper-resistant paper within the previous year must be deemed a registry identification card for the qualifying patient.

(B) Until ninety days after the department begins accepting applications for registry identification cards, the following must be deemed a registry identification card for a designated caregiver:

(1) a copy of a qualifying patient's valid, written certification issued and printed by a physician on tamper-resistant paper within the previous year; and

(2) a notarized affidavit attesting that the person has significant responsibility for managing the well-being of the qualifying patient and that the person has been chosen by the qualifying patient.

Section 44-53-2180. (A)(1) A qualifying patient shall notify the department of any change in his name, address, telephone number, or email address, or if he ceases to have a debilitating medical condition, not including if his debilitating medical condition or the underlying cause of the debilitating medical condition goes into remission due to medical cannabis, within thirty days of the change.

(2) A designated caregiver shall notify the department of any change in his name, address, telephone number, or email address, or if he becomes aware that the qualifying patient is deceased, within ten days of the change.

(3) Before a qualifying patient changes his designated caregiver, the qualifying patient shall notify the department.

(4) If a cardholder loses his registry identification card, then the cardholder shall notify the department within ten days of becoming aware that the card has been lost.

(5) 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.

(B) If a cardholder notifies the department of an occurrence identified in subsection (A) and remains eligible for a registry identification card pursuant to this article, then the department shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within a reasonable time period, not to exceed fourteen business days, of receiving the updated information and a

replacement card fee set by the department. If the person notifying the department is a qualifying patient, then the department shall also issue the qualifying patient's designated caregiver, if any, a new registry identification card within a reasonable time period, not to exceed thirty business days, of receiving the updated information and a replacement card fee set by the department.

(C) A cardholder who fails to notify the department as required by this section is subject to a civil penalty, punishable by a fine of not more than five hundred dollars per occurrence.

(D) If a qualifying patient's physician notifies the department in writing either that the qualifying patient has ceased to suffer from a debilitating medical condition, not including if the qualifying patient's debilitating medical condition goes into remission due to cannabis products, or that the physician no longer believes that the qualifying patient could benefit from the medical use of cannabis products, then the patient's and designated caregiver's registry identification cards shall become null and void; however, the qualifying patient shall have fifteen days to destroy all remaining cannabis products by returning it to a therapeutic cannabis pharmacy for destruction.

Section 44-53-2190. (A)(1) The Department of Health and Environmental Control, Bureau of Drug Control, shall establish and maintain a program to monitor the dispensing of all cannabis products by pharmacists licensed to dispense these substances, which shall be recorded in a secure web-based verification system.

(2) For each cardholder, the department shall include in the secure web-based verification system the:

- (a) cardholder's name;
- (b) cardholder's registration number;

(c) whether the cardholder is a qualifying patient or a designated caregiver;

(d) in the case of a designated caregiver, the associated patient's name, address, date of birth, and registry identification number;

(e) expiration date of the registry identification card;

(f) photograph;

(g) the allowable amount of cannabis product, if the physician specified an amount; and

(h) the name, address, and phone number of the certifying physician.

(B)(1) Before dispensing cannabis products, a therapeutic cannabis pharmacy shall:

(a) confirm the registry identification card presented at the therapeutic cannabis pharmacy is valid using the secure web-based verification system;

(b) verify each person presenting a registry identification card is the person identified on the registry identification card presented the pharmacist;

(c) determine the amount of cannabis dispensed to the qualifying patient directly or via the designated caregiver in the previous fourteen days; and

(d) ensure that the amount to be dispensed does not exceed the qualifying patient's limit.

(2) A therapeutic cannabis pharmacy shall electronically submit to the Bureau of Drug Control information regarding each dispensing of cannabis product. The following information must be submitted for authorization:

(a) the date and time that the cannabis product was dispensed;

(b) the qualifying patient or designated caregiver's registry identification card number;

(c) NDC code for the drug dispensed, if there is one;

(d) quantity of cannabis product dispensed;

(e) whether the cannabis product was dispensed directly to the qualifying patient or to the qualifying patient's designated caregiver;

(f) the approximate number of days supplied;

(g) the qualifying patient's name, address, and date of birth;

(h) the registry identification card number of the therapeutic cannabis pharmacy that dispensed the cannabis product; and

(i) the expiration date of the registry identification card.

(C) In developing the requirements for the secure web-based verification system, the department shall consider transmission methods and protocols provided in the latest edition of the 'ASAP Telecommunications Format for Controlled Substances,' developed by the American Society for Automation in Pharmacy.

(D) Information submitted to the Bureau of Drug Control and the secure web-based verification system is confidential and not subject to public disclosure under the Freedom of Information Act or any other provision of law, except as provided in subsections (F) and (G).

(E) The Bureau of Drug Control shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed, except as provided in subsections (F) and (G).

(F) If there is reasonable cause to believe that a violation of law or breach of professional standards may have occurred, then the Bureau of Drug Control shall notify the appropriate law enforcement agency or professional licensure, certification, or regulatory agency or entity and shall provide prescription information required for an investigation.

(G) The Bureau of Drug Control may provide data in the cannabis monitoring program to the following persons:

(1) a physician, pharmacist, or authorized delegate who requests information and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide patient;

(2) a qualifying patient or designated caregiver who requests the individual's own cannabis monitoring information in accordance with procedures established by law;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for licensure, regulation, or discipline of physicians, pharmacists, or other persons 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, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing illicit drugs and who is involved in a bona fide specific drug-related investigation involving a designated person;

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

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

(7) qualified personnel for the purpose of bona fide research or education; however, data elements that would reasonable identify a specific patient or dispenser must be deleted or redacted from such information prior to disclosure. Further, release of the information may only be made pursuant 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; and

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

(H)(1) A pharmacist who knowingly fails to submit medical cannabis monitoring information to the Bureau of Drug Control, or to submit the information required in the verification system, as required by this article, or who knowingly submits incorrect information, is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(2) A person who knowingly discloses medical cannabis authorization monitoring information in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(3) A person who knowingly uses medical cannabis authorization monitoring information in a manner or for a purpose in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(4) A pharmacist or physician, licensed in Title 40, who knowingly discloses medical cannabis monitoring information in a manner or for a purpose in violation of this article shall be reported to his respective board for disciplinary action.

(I) Nothing in this chapter requires a pharmacist to obtain information about a patient from the medical cannabis authorization monitoring program. A physician or authorized delegate of a physician who knowingly fails to review a patient's controlled substance prescription history, as maintained in the prescription monitoring program, or a physician who knowingly fails to consult with his authorized delegate regarding a patient's controlled substance prescription history before issuing a written certification for a cannabis product, as required by this article, must be reported to his respective board for disciplinary action.

(J) For the purposes of this subsection, the system may only disclose to state and local law enforcement personnel the following, if the law enforcement personnel inputs a registry identification card number:

(1) whether the registry identification card is valid;

(2) the name, address, and date of birth of the cardholder;

(3) a photograph of the cardholder;

(4) whether the cardholder is a qualifying patient or a designated caregiver;

(5) the registry identification card number of any associated qualifying patients or designated caregivers; and

(6) only if accessed by a therapeutic cannabis pharmacy or authorized department personnel, the amount of cannabis products dispensed to the cardholder in the past fourteen days.

(K) An authorized employee of the department may access the secure web-based verification system in the course of his official duties.

Section 44-53-2195. (A) Cannabis product information received and maintained by the department pursuant to this article is confidential and not subject to public disclosure under the Freedom of Information Act or any other provision of law, except as provided in subsections (D) and (E) and Section 44-53-2190.

(B) The department shall maintain procedures to ensure that the privacy and confidentiality of qualifying patients and qualifying patient information collected, recorded, transmitted, and maintained is not disclosed, except as provided for in subsections (D) and (E) and Section 44-53-2190.

(C) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards and all of their information required in Section 44-53-2110. The department shall maintain a confidential list of any person who submitted a registry identification card application. The lists maintained pursuant to this subsection may not be combined or linked in any manner with any other list. The department may provide the names and contact information for patients who volunteer to participate in research to qualified personnel for the purpose of bona fide research or education pursuant to a written agreement between qualified personnel and the department.

(D) If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, then the department shall notify the appropriate law enforcement or professional licensure, certification, or regulatory agency or entity and shall provide cannabis product information required for an investigation.

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

(1) a physician who requests information and certifies that the requested 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 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 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.

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

Section 44-53-2200. (A) A qualifying patient may purchase cannabis products, industrial hemp for human consumption, or paraphernalia for medical use pursuant to this article from a therapeutic cannabis pharmacy, provided that a qualifying patient may not obtain more than an allowable amount of cannabis products in a fourteen-day period.

(B) A designated caregiver may purchase cannabis products or paraphernalia to assist a qualifying patient with the medical use of cannabis products pursuant to this article from a therapeutic cannabis pharmacy, provided that the designated caregiver and the designated caregiver's associated qualifying patient may not obtain more than an allowable amount of cannabis products for a fourteen-day period for each qualifying patient.

Section 44-53-2210. (A) A qualifying patient 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 for the medical use of cannabis products pursuant to this article if the qualifying patient does not possess more than the allowable amount of cannabis products and is lawfully using cannabis products under this article.

(B) A designated caregiver 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 for assisting a qualifying patient with the medical use of cannabis products pursuant to this article if the designated caregiver does not possess more than the allowable amount of cannabis products for each associated qualifying patient.

(C) A designated caregiver 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 for transporting cannabis products or administering cannabis products to a qualifying patient, provided that the caregiver does so in compliance with regulations promulgated pursuant to this article.

(D) A cardholder 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 for delivering or transporting an allowable amount of cannabis products to an independent testing laboratory.

(E) A cardholder is presumed to be lawfully in possession of cannabis products if the cardholder possesses an amount of cannabis products that does not exceed an allowable amount of cannabis products.

(F) If a cardholder is found to be in possession of cannabis products in an amount or type that exceeds an allowable amount of cannabis products, then the excess amount or type of cannabis products is subject to seizure by law enforcement and may not be returned. The cardholder is also subject to criminal charges for possession of the amount in excess of the allowable amount of cannabis products as provided in this article.

(G) The presumption provided for in subsection (E) may be rebutted by evidence that conduct related to the use of cannabis products was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition pursuant to this article.

Section 44-53-2220. (A) It is unlawful for a physician to certify cannabis products to any person for the purposes of smoking or burning.

(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.

(C) A violation of this section for possession of more than an ounce of marijuana or ten grams of hashish is punishable pursuant to Section 44-53-370.

(D) A qualifying patient who violates this section a second or subsequent time may have his registry identification card suspended or revoked.

Section 44-53-2230. (A) This article does not authorize any person to engage in, and does not prevent the imposition of, any civil, criminal, or other penalties for engaging in the following conduct:

(1) undertaking any task under the influence of cannabis, if doing so would constitute negligence or professional malpractice;

(2) possessing cannabis or cannabis products or otherwise engaging in the medical use of cannabis products in any correctional facility, any local or county jail, or any Department of Juvenile Justice facility;

(3) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis;

(4) using cannabis products if the person does not have a debilitating medical condition or possessing cannabis products if the person is not a qualifying patient, designated caregiver, medical cannabis establishment agent, or someone who is authorized to assist a qualifying patient under Section 44-53-2210;

(5) allowing any person who is not authorized to use cannabis products under this article to use cannabis products that a cardholder is allowed to possess under this article; or

(6) transferring cannabis products for medical use to any person contrary to the provisions of this article.

(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 qualifying patient refuses to submit to a blood sample test, as provided in Section 56-5-2950, then the qualifying patient's privilege to drive is suspended for at least six months and his registry identification card is suspended for six months. The qualifying 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, but not limited to,

probable cause, the refusal of, or compliance with Section 56-5-2950, or if the qualifying patient's suspension is upheld at the contested case hearing, then the qualifying 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 qualifying patient may reapply for a registry identification card.

(C) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis products for medical use, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis products to avoid arrest or prosecution is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense, in addition to any other penalties that may apply for making a false statement or for the use of cannabis products other than use undertaken pursuant to this article.

(D) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis products for medical use, knowingly making a misrepresentation of a medical condition to a physician or fraudulently providing material misinformation to a physician in order to obtain a written certification is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense.

(E) Any cardholder who sells cannabis products or is convicted of a criminal violation of this article shall have his registry identification card permanently revoked and is subject to other penalties for the unauthorized sale of cannabis. An individual who has had his registry identification card revoked for a criminal violation of this article may never be issued another registry identification card.

(F) Any qualifying patient who commits a violation of subsection (A)(3) or refuses a properly requested test related to operating any mode of transportation while under the influence of cannabis products shall have his registry identification card revoked for a period of one year.

(G) The diversion of cannabis products to any individual who is not allowed to possess cannabis products pursuant to this article is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the relevant cardholder to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both.

Section 44-53-2235. It is unlawful for a qualifying 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 qualifying 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 qualifying patient may reapply for a registry identification card.

Section 44-53-2240. (A) The department may deny, revoke, or suspend the registry identification card of a qualifying patient or designated caregiver for a violation of this article or of department regulations. The qualifying patient or designated caregiver is also subject to other penalties established by law.

(B) A person whose registry identification card is denied, revoked, or suspended may request a hearing in the Administrative Law Court within thirty days of the receipt of written notification of the denial, revocation, or suspension and is not subject to the requirements set forth in Section 44-1-60.

Section 44-53-2250. (A) If a state or local law enforcement officer has probable cause to believe that cannabis products are possessed at a specific address in violation of South Carolina law, then the officer may verify whether the address is associated with a qualifying patient, designated caregiver, or medical cannabis establishment through the department's verification system.

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

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.

(B) The rights provided by this section do not apply to the extent that they conflict with an entity's obligations under federal law or regulations, or to the extent that the rights would disqualify a state or local agency from a monetary or licensing-related benefit under federal law or regulations.

(C) Nothing in this article requires an employer to make any accommodation for the use of cannabis products on the property or premises of any place of employment, to allow the ingestion of cannabis products in any workplace, or to allow any employee to work while under the influence of cannabis products. This article in no way limits an

employer's ability to discipline or terminate an employee for being under the influence of cannabis products in the workplace or for working while under the influence of cannabis products.

(D) No employer may be penalized or denied any benefit under state law for employing a cardholder.

(E) Except as otherwise provided by this section, the provisions of this article do not require any person, corporation, or other entity that occupies, owns, or controls a property to allow the vaporization of cannabis products on that property. A landlord may not prohibit a tenant who is a cardholder from vaporizing cannabis products that cannot be smelled outside of the cardholder's rented dwelling unless permitting cannabis product use conflicts with the landlord's obligations under federal law or regulations or would disqualify the landlord from a monetary or licensing-related benefit under federal law or regulations. This shall not be construed to require a landlord or other property owner to allow the vaporization of cannabis products in any of the following circumstances:

(1) the tenant is a roomer who is not leasing the entire residential dwelling;

(2) the residence is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar service;

(3) the residence is a transitional housing facility; or

(4) the residence is a dormitory affiliated with an educational institution.

(F) Nothing in this article requires a motor carrier or private carrier, as defined in Section 58-23-1110, to make any accommodation for the use of cannabis products by any employee whose duties affect the safety of operation of motor vehicles in transportation on public roads.

Section 44-53-2265. (A) Nothing in this article shall require an employer to permit or accommodate any applicant or employee's use, consumption, or possession of, or impairment by, cannabis products in any form on its premises or during work-related activities. This article also does not affect the ability of a private employer to enforce a drug-free workplace policy or zero tolerance drug testing policy prohibiting any applicant or employee from having a detectable amount of marijuana metabolites in the applicant or employee's system.

(B) No employer may be penalized or denied any benefit under state law for employing a cardholder.

(C) This article does not create a private cause of action against a private employer for wrongful discharge, discrimination, or any other adverse employment action.

Section 44-53-2270. A person who is employed by, contracting with, or an agent of the State of South Carolina is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of any right or privilege for engaging in conduct authorized by this article, if the conduct is within the scope of the person's employment.

Section 44-53-2280. (A) No school or landlord may refuse to enroll, lease to, or otherwise penalize a person solely for the person's status as a cardholder, unless:

(1) failing to do so would violate federal law or regulations or would cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations; or

(2) at the discretion of the landlord or manager, conduct due to a cannabis-related offense would give cause for a landlord or manager to deny or terminate Section 8 housing to a cardholder as dictated by federal law. Denials or terminations on the basis of cannabis-related conduct must be reported to the Attorney General's Office for assessment for racially discriminatory conduct or disparate racial impact.

(B) No school or landlord may be penalized or denied any benefit under state law for enrolling or leasing to a cardholder.

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 disciplined or sued for violating the standard of care or for any violations of this article, including certifying a person for 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 of any other occupational or professional licensing entity, for dispensing cannabis products as authorized by state law. A pharmacist may not be sued for malpractice solely as a result of dispensing cannabis products to a qualifying patient in accordance with this article, but this section shall not be construed to prevent a pharmacist from being disciplined or sued

for violating the standard of care or for any violations of this article including, but not limited to, dispensing cannabis products to a person who does not have a registry identification card.

Section 44-53-2300. (A) For the purposes of this section:

(1) 'Financial institution' means a bank, savings and loan association, credit union, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States or South Carolina.

(2) 'Financial services' includes receiving deposits, extending credit, conducting fund transfers, and transporting cash or financial instruments.

(B) A bank, savings and loan association, or credit union, licensed attorney, or certified public accountant, and all associated employees, are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, the denial of a right or privilege for engaging in conduct authorized by this article, or professional discipline for providing advice or services related to medical cannabis establishments or applications to operate medical cannabis establishments on the basis that cannabis is illegal under federal law.

(C) A licensed attorney, a certified public accountant, or another holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to medical cannabis establishments or applications to operate medical cannabis establishments on the basis that cannabis is illegal under federal law.

(D) An applicant for a professional or occupational license may not be denied a license based on previous employment related to cannabis products establishments operating in accordance with state law.

(E) A financial institution and agents operating on its behalf are 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 for providing financial services to medical cannabis establishments and applicants for medical cannabis establishments.

(F)(1) A medical cannabis establishment or its principal may request in writing that the department share a person's application, license, and other regulatory and financial information with a financial institution of the person's designation. The written request shall include a waiver authorizing the transfer of that information and any confidentiality or privilege that applies to that information.

(2) Notwithstanding any law that might proscribe the disclosure of application, license, and other regulatory and financial information, upon receipt of a written request and waiver pursuant to item (1), the department may share an application, license, and other regulatory and financial information with the financial institution designated by the licensee in the request for the purpose of facilitating the provision of financial services for that licensee.

(3) A person who provides a waiver may withdraw the waiver at any time. Upon receipt of the withdrawal of a waiver, the department shall cease to share application, license, or other regulatory or financial information with a financial institution.

Section 44-53-2310. A person 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 for:

(1) being in the presence or vicinity of a qualifying patient engaged in the medical use of cannabis products or a designated caregiver assisting a qualifying patient with the medical use of cannabis products;

(2) being in the presence of a medical cannabis establishment principal or agent engaged in conduct authorized pursuant to this article;

(3) assisting a qualifying patient with the act of using or administering cannabis products for medical use; or

(4) storing or otherwise possessing a registered qualifying patient's cannabis products on the patient's behalf at the patient's residence, a residential facility, a school, a daycare or health care facility, or a similar location that is caring for the qualifying patient.

Section 44-53-2320. (A) The lawful use of cannabis products pursuant to this article shall not be used as a relevant factor or evidence in proceedings regarding parental rights, child welfare, guardianship, decision making, or probate matters.

(B) A person entitled to the custody of, or visitation or parenting time with, a child must not be denied these rights for conduct allowed pursuant to this article unless the person's behavior is such that it creates an unreasonable danger to the safety of the child as established by clear and convincing evidence.

(C) This section shall not be construed to allow a person to engage in any conduct that would be negligent to undertake while impaired by cannabis.

Section 44-53-2330. For the purposes of medical care, including organ and tissue transplants, a qualifying patient's use of cannabis products according to this article is considered the equivalent of the

authorized use of any other medication used at the discretion of a physician and does not constitute the use of an illicit substance or otherwise disqualify the qualifying patient from needed medical care.

Section 44-53-2340. (A) The department shall create a commission to assist in promulgating regulations. At a minimum, members of the commission must include:

(1) the director of the department, or his designee;

(2) the Director of the South Carolina Department of Labor, Licensing and Regulation, or his designee;

(3) the President of the South Carolina Board of Medical Examiners, or his designee;

(4) the Chief of SLED, or his designee;

(5) a sheriff designated by the South Carolina Sheriffs' Association;

(6) the Commissioner of the South Carolina Department of Agriculture, or his designee;

(7) a patient representative, appointed by the Governor;

(8) an industry representative, appointed by the Governor, subject to the limitation that, although the industry representative may participate in assisting with the process of promulgating regulations, the industry representative must not participate in the license-selection process if he has applied for or has an affiliation with a license applicant through family or business;

(9) an individual selected by South Carolina Advocates for Epilepsy;

(10) a certified public accountant or an attorney with expertise in contract law, appointed by the Governor;

(11) a representative of the African American community, appointed by the Governor in consultation with the South Carolina Commission for Minority Affairs;

(12) the Dean or Acting Dean, or his designee, from the University of South Carolina School of Medicine; and

(13) the President, or his designee, of the Medical University of South Carolina.

(B) Members of the commission 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.

(C) Upon the issuance of all of the cannabis establishment licenses pursuant to Section 44-53-2390, the commission shall dissolve, and any future license shall be chosen by the department based on the criteria established by the commission.

Section 44-53-2350. (A) The department shall promulgate regulations to:

(1) establish the form and content of medical cannabis establishment license and renewal applications;

(2)(a) license medical cannabis establishments utilizing a variety of business models including, but not limited to, applicants that intend to operate only a single business and applicants that intend to operate a cultivation center, processing facility, and one or more therapeutic cannabis pharmacies, while imposing a reasonable cap on the number of medical cannabis establishments a person or entity may hold more than five percent ownership interest in, both in any region and statewide, to avoid undue market concentration;

(b) establish a system to numerically score competing medical cannabis establishment applicants, which must include separate application types for independent and vertically integrated licenses, and which must include the award of additional points for medical cannabis establishment applicants that meet any of the following:

(i) an existing agricultural business in operation for over two years in the State of South Carolina;

(ii) an existing production or manufacturing business in operation for over two years in the State of South Carolina;

(iii) an existing company working in the hemp industry for over two years in the State of South Carolina; or

(iv) an applicant of whom more than fifty percent of the principals are residents of the State of South Carolina;

(c) In cases in which more applicants apply than are allowed by the local government, the system must include an analysis of:

(i) in the case of therapeutic cannabis pharmacies, the suitability of the proposed location and its accessibility to patients;

(ii) the character, veracity, diversity, residency, background, qualifications, and relevant experience of medical cannabis establishment principals and agents; and

(iii) the business plan proposed by the medical cannabis establishment applicant, which in the case of cultivation centers and therapeutic cannabis pharmacies shall include the ability to maintain an adequate supply of cannabis products, plans to ensure the safety and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis products available to low-income qualifying patients;

(3) in coordination with the Division of Small and Minority Business Contracting and Certification, implement policies to:

(a) engage in outreach to encourage racial, ethnic, and gender diversity in the South Carolina medical cannabis industry; and

(b) ensure that diverse groups are afforded equal opportunity in licensing;

(4) govern medical cannabis establishments, with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft, without creating an undue burden or compromising the confidentiality of cardholders, including:

(a) oversight requirements;

(b) recordkeeping and inventory-management requirements;

(c) security requirements, which must be developed in consultation with a private security expert in good standing, including lighting, physical security, and alarm requirements and, in the case of a cultivation center, access controls, perimeter intrusion detection systems, personnel identification systems, and a twenty-four hour surveillance system to monitor the interior and exterior of the cultivation center, which are accessible to authorized law enforcement personnel and the department;

(d) health and safety regulations, including:

(i) restrictions on the use of pesticides that are injurious to human health; and

(ii) standards for testing cannabis and cannabis products, including specifying prohibited concentrations of heavy metals, pesticides, microbes, and other contaminants that are injurious to human health; and

(iii) requirements that any oils intended for vaporization may be sold as either pre-filled, tamper-resistant, non-refillable cartridges that are not capable of use with nicotine vaporization devices, or as disposable 'all-in-one' systems that are tamper-resistant, non-fillable, and do not contain nicotine;

(e) standards for the manufacture of cannabis products and both the indoor and outdoor cultivation of cannabis by cultivation centers, including environmental impact regulations;

(f) requirements for the secure transportation and storage of cannabis and cannabis products by medical cannabis establishments, which must be developed in consultation with a private security expert in good standing;

(g) employment and training requirements, including requiring medical cannabis establishments to create, administer, and track an identification badge for each medical cannabis establishment agent and principal;

(h) standards for the safe manufacture of cannabis products, including extracts and concentrates;

(i) restrictions on the advertising, signage, and display of cannabis products, provided that the restrictions may not prevent appropriate signs on the property of a therapeutic cannabis pharmacy; listings in business directories, including phone books; listings in cannabis-related or medical publications; and the sponsorship of health or not-for-profit charity or advocacy events, provided that the restrictions must include:

(i) requirements that the medical cannabis establishment's logo, advertising, and signage be tasteful, respectful, and medically focused and must not appeal to minors or contain cartoon-like figures or attempts at humor;

(ii) requirements that medical cannabis establishments submit any logo or sign for review to the department in accordance with department regulations;

(iii) prohibitions on medical cannabis establishments from using marijuana leaves or slang for cannabis or cannabis products in or on their signs, logos, packaging, or structures;

(iv) limitations on the size or location of signs; and

(v) prohibitions against using neon-colored signage, logos, or packaging, or neon-colored signage or logos on structures;

(j) requirements and procedures for the safe and accurate packaging and labeling of medical cannabis, cannabis products, and industrial hemp for human consumption;

(k) standards for independent testing laboratories, including requirements for equipment and qualifications for personnel;

(1) protocol for the safe delivery of cannabis products from therapeutic cannabis pharmacies to cardholders, which must be developed after consulting with a private security expert in good standing;

(m) requirements and procedures to maintain sanitary conditions for facilities and equipment;

(n) odor mitigation measures to ensure cannabis or cannabis products cannot be smelled outside of the property of a medical cannabis establishment; and

(o) requirements for medical cannabis establishments to maintain a discreet, professional appearance that is compatible with existing commercial structures or land uses within the immediate area, including requirements to maintain the medical cannabis establishment in a manner to prevent blight, deterioration, diminishment, or

impairment of property values within the vicinity of the medical cannabis establishment;

(5) establish procedures for suspending or revoking the licenses of medical cannabis establishments that commit multiple or serious violations of the provisions of this article or the regulations promulgated pursuant to this section;

(6) establish labeling requirements for cannabis, cannabis products, and industrial hemp for human consumption, which must require cannabis product labels to include the following:

(a) the length of time it typically takes for the product to take effect;

(b) the disclosure of ingredients, including an indication of whether the cannabis is Sativa, Indica, or a hybrid, and possible allergens;

(c) a nutritional fact panel; and

(d) the clear identification of edible cannabis products, if practicable, with a standard symbol indicating that the product contains cannabis;

(7) establish requirements and procedures for the safe, appropriate, and accurate packaging and labeling of cannabis products and industrial hemp for human consumption, including prohibiting the use of any images designed or likely to appeal to minors, including cartoons, toys, animals, or children; any other likeness to images, characters, or phrases that are popularly used to advertise to children; or any imitation of candy packaging or labeling;

(8) establish requirements to ensure that cannabis products and industrial hemp for human consumption are designed, marketed, and packaged in a manner that is appropriate for a medicinal product and that does not resemble commercially sold candies or other food that is typically marketed to children;

(9) establish restrictions on the forms, appearance, and flavor of edible cannabis products in order to reduce their appeal to minors, including prohibiting edible cannabis products in the shapes of cartoons, toys, animals, or people;

(10) establish reasonable application and renewal fees for medical cannabis establishments, which must generate revenues sufficient to offset all of the expenses of implementing and administering this article. Fees must be reviewed annually and, if appropriate, adjusted to meet the financial needs of the program without charging more than is reasonably necessary to administer the program;

(11) establish the standards and requirements necessary for an independent testing laboratory to be licensed;

(12) establish the standards of care and required testing to be carried out by an independent testing laboratory consistent with the guidelines promulgated by the American Herbal Pharmacopoeia;

(13) establish minimum capital requirements for each type of medical cannabis establishment that reasonably ensure medical cannabis establishment principal applicants have sufficient resources to open and operate a medical cannabis establishment without requiring more than reasonably necessary and allowing for some of the capital requirements to be satisfied by ownership of the real property and for resources to be pooled among multiple medical cannabis establishment principals; and

(14) establish standards and requirements necessary for the destruction of cannabis, cannabis products, and cannabis waste.

(B) The department shall, no less frequently than every two years, reevaluate and at its discretion:

(1) determine the appropriate number and geographical density of licenses for cultivation centers, processing facilities, therapeutic cannabis pharmacies, and independent testing laboratories;

(2) evaluate the effectiveness of vertically integrated and independent business types at providing patients a variety of product choices at reasonable prices;

(3) evaluate whether caps to market concentration are meeting goals of a competitive marketplace, or whether the limits should be revised; and

(4) determine adjustments, if any, to application and licensing fees.

(C) After consulting with public health experts, medical professionals, and analysts who conduct health and safety research on vaporizers; reviewing federal regulations governing electronic nicotine delivery systems; and reviewing other states' regulations on medical cannabis vaporization, the department shall promulgate regulations to foster the health and safety of patients using medical cannabis vaporization products. The regulations may include:

(1) mandating that all models of vaporization devices sold by therapeutic cannabis pharmacies be subject to laboratory testing, including stress tests and shelf-life tests;

(2) requiring laboratory testing of medical cannabis cartridges that are allowed to be used with vaporization devices, including testing of the aerosolized products;

(3) banning all additives, cutting agents, and flavorings that are known to be harmful;

(4) creating a list of any non-cannabis ingredients that are permitted to be included in medical cannabis cartridges, which have been identified as safe for inhalation, and specifying the proportion of those ingredients that are allowed in each cartridge;

(5) issuing standards for heavy metals included in hardware;

(6) developing warning labels that must be included on vaporization devices, detailing any known risks;

(7) requiring that any vaporization device is not able to be used with cartridges containing nicotine; and

(8) requiring that any disposable 'all-in-one' vaporization device is tamper-resistant, non-refillable, and does not contain nicotine.

Section 44-53-2360. (A) The department shall establish standards for and shall license up to five independent testing laboratories to test cannabis products that are to be sold in the State. An independent testing laboratory must analyze a representative sample of all cannabis products pursuant to Section 44-53-2450 before the sale or transfer to a therapeutic cannabis pharmacy by a processing facility.

(B) An independent testing laboratory must be responsible for selecting, picking up, and testing product samples and must be able to determine accurately:

(1) the concentration of tetrahydrocannabinol, cannabidiol, and other cannabinoids, if applicable;

(2) whether the testing material is organic or nonorganic;

- (3) moisture content;
- (4) allergens;
- (5) potency;
- (6) foreign matter, including heavy metals;
- (7) microbiological screening results;
- (8) residual solvent testing results;
- (9) the presence and identification of fungi, including molds;

(10) the presence and concentration of fertilizers and other nutrients; and

(11) any other determinations required by the department.

(C) An independent testing laboratory shall report the results of all testing required by the department to the department's seed-to-sale tracking system.

(D) 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 other medical cannabis establishment.

Section 44-53-2370. (A) To prevent diversion and protect public safety, the department shall require the use of a single, real-time, seed-to-sale tracking system used by all medical cannabis establishments and by the department that complies with Health Insurance Portability and Accountability Act guidelines, is hosted on a platform that allows for the dynamic allocation of resources, provides data redundancy, and is capable of recovering from natural disasters within hours.

(B) The department shall require that the system be capable of:

(1) tracking each plant, product, package, qualifying patient, waste, transfer, conversion, sale, and return, and each with an associated unique identification number;

(2) tracking product and package information throughout the entire chain of custody until the point of sale to a cardholder;

(3) tracking each product, conversion, and derivative throughout the entire seed-to-sale chain of custody in real time;

(4) tracking plant and product destruction;

(5) tracking the transportation of products;

(6) performing complete product and package recall tracking capabilities that must be able to clearly identify all of the following details relating to a specific product and package subject to recall:

(a) all sold products;

(b) products available for sale that are in finished inventory but have not been sold;

(c) products that are in the transfer process;

(d) work-in-progress products, which are in the process of being converted; and

(e) raw material products, which are in the post-harvest stage of the process, such as drying, trimming, or curing;

(7) reporting and tracking loss, theft, or the diversion of products containing cannabis to the department;

(8) reporting and tracking all inventory discrepancies to the department;

(9) notifying the department in real time regarding when propagation sources are planted, when plants are harvested and destroyed, and when cannabis products are transported, sold, or destroyed;

(10) tracking all plants and products using a tagging methodology that avoids adding an undue financial burden on cultivation centers, processing facilities, and therapeutic cannabis pharmacies;

(11) receiving testing results electronically from independent testing laboratories via a secure application program interface into the seed-to-sale tracking system and directly attaching the testing results to the source plant or product;

(12) restricting the altering of test results;

(13) providing the department with real-time access to the database;

(14) providing real-time analytics to the department regarding key performance indicators including, but not limited to:

(a) total daily sales;

(b) total plants in production;

- (c) total plants destroyed; and
- (d) total inventory adjustments; and

(15) providing other information specified by the department.

(C) The department shall require the provider of the seed-to-sale system to:

(1) have a current security audit that is no more than twelve months old and that was performed by a third party certified to perform such audits, demonstrating the use of sound security measures and practices by the provider hosting the data or application processing the data, as defined by a nationally recognized security framework;

(2) submit an annual update on any open corrective action plans associated with the most recent audit's noted deficiencies;

(3) produce a new or updated audit every three years; and

(4) have experience implementing and maintaining a seed-to-sale tracking system of a similar size and nature for at least two other state governmental agencies without interruptions of service or security breaches, or otherwise demonstrate the ability to implement and maintain such systems.

Section 44-53-2380. (A) It is not unlawful for a cultivation center to:

(1) possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis;

(2) possess, use, or manufacture cannabis paraphernalia;

(3) deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or educational materials to processing facilities; or

(4) deliver, transfer, or transport cannabis to independent testing laboratories.

(B) It is not unlawful for a processing facility to:

(1) obtain, possess, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis or cannabis products;

(2) possess, use, or manufacture cannabis paraphernalia;

(3) deliver, sell, supply, transfer, or transport cannabis, cannabis products, industrial hemp for human consumption, or educational materials to therapeutic cannabis pharmacies or universities in South Carolina engaged in conducting Institutional Review Board-approved medical cannabis or cannabinoid research; or

(4) deliver, transfer, or transport cannabis or cannabis products to independent testing laboratories.

(C) It is not unlawful for a therapeutic cannabis pharmacy to obtain, possess, transport, or dispense cannabis products, industrial hemp for human consumption that has passed independent laboratory testing, cannabis paraphernalia, or educational materials to a cardholder in accordance with the requirements of this article or to universities in South Carolina engaged in conducting Institutional Review Board-approved medical cannabis or cannabinoid research.

(D) It is not unlawful for an independent testing laboratory to possess or transport cannabis, cannabis products, or cannabis paraphernalia in accordance with the requirements of this article.

(E) It is not unlawful for a transporter to possess or transport cannabis, cannabis products, or cannabis paraphernalia in accordance with the requirements of this article.

(F) It is not unlawful for a grower of industrial hemp who is permitted pursuant to Chapter 55, Title 46 to sell or transport industrial hemp for human consumption to a therapeutic cannabis pharmacy, provided that the industrial hemp products for human consumption are compliant with all regulations regarding laboratory testing, packaging, and labeling as determined by the department.

(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.

(H) Industrial hemp operations and individuals who have been issued permits pursuant to Section 46-55-20, relating to the cultivation of industrial hemp, are authorized to provide industrial hemp for human consumption to processing facilities or therapeutic cannabis pharmacies licensed pursuant to this article.

(I) A medical cannabis establishment is not subject to prosecution, search, seizure, or penalty in any manner and may not be denied any right or privilege, including civil penalty or disciplinary action by a court, or

business-licensing board or entity, for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

(J) A medical cannabis establishment principal and medical cannabis establishment agent are 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 for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

(K) Nothing in this article may be construed to prohibit medical cannabis establishments from processing, producing, or selling products for human consumption from industrial hemp.

Section 44-53-2390. (A) The department shall issue licenses to the following numbers of qualified medical cannabis establishment applicants:

(1) fifteen cultivation center licenses;

(2) thirty processing facility licenses;

(3) four transporter licenses;

(4) one therapeutic cannabis pharmacy license for every twenty pharmacies with a state-issued permit in the State; and

(5) five independent testing laboratory licenses.

(B) In order to be licensed as a medical cannabis establishment, a medical cannabis establishment principal applicant shall submit to the department a completed electronic application signed by each medical cannabis establishment principal that, at a minimum, includes the following:

(1) a nonrefundable application fee to be determined by the department;

(2) proof that the applicant has sufficient liquid and non-liquid assets to open and operate the medical cannabis establishment, as determined by the department through regulation;

(3) on renewal, a financial statement reviewed by a licensed certified public accountant or a licensed public accountant in accordance with generally accepted accounting principles, including all disclosures required by generally accepted accounting principles;

(4) the legal name of the proposed medical cannabis establishment;

(5) the physical address of the proposed medical cannabis establishment, which:

(a) shall not be within one thousand feet of a public or private school existing before the date the medical cannabis establishment

application is received by the department, except as provided in Section 44-53-2420;

(b) if a therapeutic cannabis pharmacy applicant, shall be located in an area zoned for commercial use; and

(c) if a processing facility or cultivation center applicant, shall be located in an area zoned for manufacturing or agricultural use;

(6) a sworn statement certifying that the proposed medical cannabis establishment is in compliance with local governmental zoning restrictions, if applicable;

(7) a copy of any local registration, license, or permit required by local government for the proposed medical cannabis establishment;

(8) the name, date of birth, and contact information for each principal of the proposed medical cannabis establishment, with a copy of a SLED and an FBI criminal records check for each principal, paid for by the principal;

(9) operating procedures for the proposed medical cannabis establishment to ensure accurate recordkeeping and adequate security measures;

(10) a security plan that meets all requirements promulgated by the department, which, in connection therewith, shall consult with and receive input from a private security expert in good standing;

(11) for a cultivation center applicant, documentation demonstrating that the applicant has appropriate expertise in agriculture and is qualified to process cannabis to sell, deliver, transport, or distribute solely for use pursuant to this article;

(12) for a processing facility applicant, documentation demonstrating that the applicant is qualified to process medical cannabis into cannabis products, utilizing industry standards for the safe handling of food products and consistency in production;

(13) for an independent testing laboratory applicant, documentation demonstrating that the applicant meets the standards and requirements for accreditation, inspection, and testing established through regulation by the department;

(14) a medical cannabis establishment applicant's plan to hire employees from within the community in which it will be operating; and

(15) for a medical cannabis establishment applicant who is applying for more than one license, a notation on the application regarding the additional licenses for which the applicant has applied.

(C)(1) Except as provided in items (2) and (3), if a licensee is not operable within twelve months of the issuance of a license, then the

license is void, and the department shall within thirty days issue a license to the most qualified applicant in accordance with this article.

(2) A licensee may request and shall be granted one or more three-month extensions of the deadline if it is able to show a cause of delay that was out of the licensee's control, despite exhibiting concerted efforts to begin operation in time to meet the deadline.

(3) A licensee shall not be considered 'not operational' for the purposes of this subsection if it is a processing facility or therapeutic cannabis pharmacy and is not operational solely because sufficient cultivation facilities have not begun harvesting and distributing cannabis to supply it with cannabis.

(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 contender to, a felony drug-related offense.

(E) If a smaller number of qualified applicants applies for any type of medical cannabis establishment license than the department is required to issue, then the department shall issue licenses to all qualified applicants for that type of license.

(F) Prior to operating, a medical cannabis establishment shall pay a nonrefundable license fee in an amount determined by the department.

(G) The department shall issue a renewal license within thirty days of receiving, prior to the expiration of the license, a completed electronic license renewal application signed by each medical cannabis establishment principal and the renewal fee from a medical cannabis establishment if the license is not under suspension or has not been revoked.

(H) Medical cannabis establishments must notify the department of any changes in medical cannabis establishment principals and must include their name, date of birth, contact information, a copy of a SLED and an FBI criminal records check, and any other information required by department regulations.

(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.

(J) In addition to any requirements established by the department, in order to be eligible for a therapeutic cannabis pharmacy license, the

applicant must possess a therapeutic cannabis pharmacy permit issued by the Board of Pharmacy pursuant to Section 44-53-2096(C).

Section 44-53-2400. (A) Prior to any medical cannabis establishment agent beginning work at a medical cannabis establishment, the medical cannabis establishment principal shall request a license from the department for each agent and principal. The request must be accompanied by a complete set of fingerprints for a state criminal records check and a national criminal records check for which the applicant or establishment must pay the costs.

(B) Each applicant to become a medical cannabis establishment agent or principal must undergo a state criminal record checks, supported by fingerprints, by the State Law Enforcement Division (SLED), and a national criminal record checks, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal record checks must be reported to the department and cannot be further disseminated. SLED and the FBI are authorized to retain the fingerprints for use in identification purposes including, but not limited to, unsolved latent prints. SLED and the FBI are further authorized to provide the department with current and future information regarding fingerprints stored including arrest, convictions, dispositions, warrants, and other information. The department shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

(C) The department shall issue identification cards to a medical cannabis establishment agent or principal and allow them to work for the medical cannabis establishment if:

(1) the person is twenty-one years of age or older;

(2) the person has not been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense, or if the person completed the sentence, including any term of probation or supervised release, at least ten years prior;

(3) the person is not included in the list of individuals who are not allowed to serve as medical cannabis establishment agents or principals, if the department maintains and disseminates such a list pursuant to Section 44-53-2490; and

(4) the person has completed, or indicated in writing that he will complete within ninety days of being hired, an educational requirement approved by the department.

(D) Each medical cannabis establishment shall retain all records documenting compliance with this article with regard to medical

cannabis establishment agents and medical cannabis establishment principals for at least five years after the end of their employment.

Section 44-53-2410. (A) The department is responsible for performing inspections of medical cannabis establishments and investigating suspected violations of this article and of department regulations and is primarily responsible for other duties with respect to regulating cannabis and cannabis products for medical use, as are specifically delegated to the department by the General Assembly.

(B) A medical cannabis establishment is subject to inspection by the department.

(C) During an inspection, the department may review the medical cannabis establishment's records required pursuant to this article and department regulations. Medical cannabis establishment records must track qualifying patient-specific and designated caregiver-specific information, if applicable, by registry identification card number to protect confidentiality.

(D) The department shall establish and charge an inspection fee in an amount to be determined by the department that will cover the expense to the department for conducting an inspection.

(E) The department may contract with state occupational or professional licensing entities and the law enforcement division of other state agencies to enforce the provisions of this article with respect to inspections and audits that apply to cultivation centers, processing facilities, therapeutic cannabis pharmacies, transporters, and independent testing laboratories.

(F) Authorized employees of state or local law enforcement agencies shall immediately notify the department if any person in possession of a registry identification card has been determined by a court of law to have willfully violated the provisions of this article or has pled guilty to an offense.

(G) A therapeutic cannabis pharmacy is also subject to inspections by the Board of Pharmacy.

Section 44-53-2420. (A) Except as provided in this section, a medical cannabis establishment may not be located within one thousand feet of a school. This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds of the school.

(B) The department has the discretion to allow an exception to the prohibition in subsection (A) if it is shown by the applicant that the exception is necessary to provide adequate access to patients. The department may require as part of granting an exception that the medical

cannabis establishment undertake additional security or other restrictions to protect children as determined by the department.

Section 44-53-2430. (A) A local government may enact ordinances or regulations not in conflict with this article or with regulations enacted pursuant to this article, governing the time, place, manner, and number of medical cannabis establishment operations in the locality. A local government may establish penalties for the violation of an ordinance or regulation governing the time, place, and manner of a medical cannabis establishment that may operate in the locality.

(B) A local government may prohibit medical cannabis establishments from operating in the jurisdiction.

(C) The burden for compliance with zoning or land use regulations and the requirements for seeking a variance should be no greater for a cannabis-related business than for any other similar business.

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.

(B) All cultivation centers and processing facilities must conduct cultivation, harvesting, processing, and packaging of cannabis and cannabis products in a secure facility at a physical address provided to the department and SLED during their license application process. A processing facility or cultivation center may only be accessed by medical cannabis establishment agents, medical cannabis establishment principals, authorized department personnel, law enforcement personnel, emergency personnel, and adults who are twenty-one years of age and older who are accompanied by medical cannabis establishment agents or principals.

(C) All medical cannabis establishments are subject to random inspection by the department and SLED in accordance with regulations promulgated by the department, which shall be developed by the department after consulting with and receiving input from SLED.

Section 44-53-2450. (A) The department shall require each cultivation center and processing facility to conduct routine testing, at a

minimum, of cannabis and cannabis products at an independent testing facility in accordance with department regulations.

(B) A cultivation center shall test each strain's cannabinoid profile per harvest.

(C) A processing facility shall test each extraction and each ingestible product manufactured.

Section 44-53-2460. (A) All cultivation center cannabis by-product, cannabis scrap, and harvested cannabis not intended for distribution to a processing facility or independent testing laboratory must be destroyed and disposed of in accordance with department regulations. Documentation of destruction and disposal must be retained by the cultivation center for a period of not less than one year. The cultivation center shall maintain a record of the date of destruction and the amount destroyed.

(B) A therapeutic cannabis pharmacy shall destroy all cannabis products that are not sold to qualifying patients or designated caregivers in accordance with department regulations. The therapeutic cannabis pharmacy shall retain documentation of the destruction and disposal for a period of not less than one year. The therapeutic cannabis pharmacy shall maintain a record of the date of destruction and the amount destroyed.

(C) A therapeutic cannabis pharmacy shall destroy all unused cannabis products that are returned to the therapeutic cannabis pharmacy by a former qualifying patient who no longer qualifies for the use of medical cannabis or his caregiver.

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.

(B) Each pharmacist who dispenses cannabis products to qualifying patients must complete a medical cannabis continuing education course approved by the South Carolina Board of Pharmacy prior to dispensing cannabis products. The continuing education course must include best practices regarding dosage, based upon medical conditions or symptoms,

modes of administration, side effects, therapeutic contraindications, potential interactions, and cannabinoid profiles.

(C)(1) All cannabis products and industrial hemp for human consumption sold at a therapeutic cannabis pharmacy must be properly labeled and contained in child-resistant packaging. Each label must comply with state laws and regulations and, at a minimum, must include:

(a) the name of the therapeutic cannabis pharmacy;

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

(c) the name of the cultivation center and processing facility; and

(d) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads, 'NOT FOR RESALE. FOR MEDICAL USE ONLY. KEEP OUT OF THE REACH OF CHILDREN AND ANIMALS'.

(2) Labels shall indicate whether the cannabis is Sativa, Indica, or hybrid and may include cannabinoid and terpene profiles for identification.

(3) All cannabis products purchased in therapeutic cannabis pharmacies should be placed in child-resistant exit packaging before leaving the therapeutic cannabis pharmacy.

(D) A therapeutic cannabis pharmacy shall not allow a person under the age of eighteen to enter a therapeutic cannabis pharmacy unless the minor is accompanied by his parent, legal guardian, or designated caregiver.

Section 44-53-2480. (A) After consulting with medical professionals who are knowledgeable about the risks and benefits of cannabis and cannabis products, the department shall develop a scientifically accurate safety information flyer, which shall be provided to each person applying for a registry identification card. The flyer must be offered at every therapeutic cannabis pharmacy when a cannabis product is dispensed. It must include:

(1) advice about the potential risks of the use of cannabis products, including:

(a) the risk of cannabis and cannabis product use disorder and resources to reach out to for help;

(b) any potential exacerbation of psychotic disorders and any adverse cognitive effects for children and young adults;

(c) potential adverse events and other risks, including falls or fractures;

(d) the risks of using cannabis products during pregnancy or breast feeding; and

(e) the need to safeguard all cannabis and cannabis products from children and pets or other domestic animals;

(2) a notification that cannabis products are for a qualifying patient's use only and that cannabis products should not be donated or otherwise supplied to another individual;

(3) a warning that qualifying patients should not drive or operate heavy machinery while under the influence of medical cannabis; and

(4) a disclosure that under the United States government's 1986 Gun Control Act, any 'unlawful' user of a controlled substance is prohibited from purchasing or owning a gun, that federally licensed gun dealers must ask prospective customers about drug use habits before approving a purchase, and that because cannabis is a Schedule I substance under federal law, the United States government maintains that there is no way to use cannabis products lawfully.

(B) The department shall make the information identified in subsection (A) available online with a link to the information conspicuously located on the department's website.

Section 44-53-2490. (A) The department may deny, suspend, or revoke the license of a medical cannabis establishment as a result of a violation of this article or department regulations.

(B) The department may require medical cannabis establishments to ban an individual from serving as a medical cannabis establishment agent or principal at any medical cannabis establishment for a violation of this article or department regulations. The department may maintain and disseminate to each medical cannabis establishment a list of individuals who are prohibited from serving as a medical cannabis establishment agent or principal.

(C) The department shall create a tiered structure for the identification, investigation, and resolution of potential violations of this article and department regulations.

(D) Medical cannabis establishments must be granted a reasonable resolution period established by the department to implement corrective actions acceptable to the department.

(E) The department shall create a progressive penalty structure for violations of this article and department regulations.

(F) The department is authorized to impose monetary penalties on a medical cannabis establishment for violations of this article.

(G) If a medical cannabis establishment's license is denied, suspended, or revoked, then the medical cannabis establishment may request a hearing in the Administrative Law Court, and is not subject to the requirements set forth in Section 44-1-60, within thirty days of the receipt of written notification of the denial, suspension, or revocation.

Section 44-53-2500. (A) The department may develop, seek any necessary federal approval for, and carry out research programs relating to the medical use of cannabis. Participation in any research program must be voluntary on the part of a qualifying patient, designated caregiver, or physician.

(B) The department shall collect data on the efficacy and safety of cannabis products from qualifying patients who voluntarily provide this information. The department may require therapeutic cannabis pharmacies to collect that information from qualifying patients who voluntarily provide it.

(C) Physicians who issue written certifications may, but are not required to, participate in data collection.

Section 44-53-2510. (A) The department shall provide a report to the General Assembly by the second Tuesday of each year addressing the effectiveness of the medical cannabis program operated pursuant to this article and recommendations for any changes to the program.

(B) The report must, without disclosing any identifying information about cardholders, physicians, qualifying patients, designated caregivers, or medical cannabis establishments, contain the following, at a minimum:

(1) the number of registry identification card applications submitted, approved, and renewed;

(2) the number of qualifying patients and designated caregivers served by each medical cannabis establishment during the report year;

(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.

(4) the efficacy of, and side effects reported to, or satisfaction or dissatisfaction with 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;

(5) the number of registry identification cards denied, suspended, or revoked;

(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.

(7) the number and type of medical cannabis establishments by county.

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

(9) the total expenses of the department in administering the program; 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.

(C) After four years, the department shall evaluate the efficacy of cannabis as medicine and make a recommendation with regard to the rescheduling of cannabis on a lower schedule in the State of South Carolina.

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."

SECTION 5. Section 12-36-2120(28) of the 1976 Code is amended to read:

"(28)(a)(i) medicine and prosthetic devices sold by prescription, prescription medicines used to prevent respiratory syncytial virus, prescription medicines and therapeutic radiopharmaceuticals used in the treatment of rheumatoid arthritis, cancer, lymphoma, leukemia, or

related diseases, including prescription medicines used to relieve the effects of any such treatment, free samples of prescription medicine distributed by its manufacturer and any use of these free samples;

(b)(ii) hypodermic needles, insulin, alcohol swabs, blood sugar testing strips, monolet lancets, dextrometer supplies, blood glucose meters, and other similar diabetic supplies sold to diabetics under the authorization and direction of a physician;

(e)(iii) disposable medical supplies such as bags, tubing, needles, and syringes, which are dispensed by a licensed pharmacist in accordance with an individual prescription written for the use of a human being by a licensed health care provider, which are used for the intravenous administration of a prescription drug or medicine, and which come into direct contact with the prescription drug or medicine. This exemption applies only to supplies used in the treatment of a patient outside of a hospital, skilled nursing facility, or ambulatory surgical treatment center;

(d)(iv) medicine donated by its manufacturer to a public institution of higher education for research or for the treatment of indigent patients;

(e)(v) dental prosthetic devices; and

(f)(vi) prescription drugs dispensed to Medicare Part A patients residing in a nursing home are not considered sales to the nursing home and are not subject to the sales tax.

(b) This item does not apply to the dispensing of cannabis products, as provided in Article 20, Chapter 53, Title 44;"

SECTION 6. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

"Section 56-1-3910. (A) It is unlawful for a driver of a motor vehicle to vaporize cannabis products as defined in Section 44-53-2010 while operating the motor vehicle.

(B) A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days."

SECTION 7.A. 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. <u>A South Carolina research</u>

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;

(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) <u>'Cannabis' does not mean:</u>

- (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) <u>'Designated caregiver' means a person who provides informal or</u> 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. <u>'Debilitating medical condition'</u> means a diagnosis of one or more of the following that also results in a debilitating condition:

(a) cancer;

(b) multiple sclerosis;

- (c) <u>a neurological disease or disorder, including epilepsy;</u>
- (d) glaucoma;

(e) post-traumatic stress disorder;

(f) Crohn's disease;

(g) sickle cell anemia;

(h) <u>ulcerative colitis;</u>

(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;

(1) <u>a chronic medical condition causing severe and persistent</u> <u>muscle spasms;</u>

(m) <u>a chronic medical condition causing severe and persistent pain;</u> or

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

(5) <u>'Pharmacist' means an individual health care provider licensed</u> 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 <u>a person with a debilitating medical</u> <u>condition</u> 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 <u>cannabis</u> cannabidiol on qualifying patients <u>pursuant</u> 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 <u>debilitating</u> <u>medical conditions</u> 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 <u>cannabidiol cannabis</u> 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 <u>cannabis</u> directly from an approved source or authorized distributor for an approved source for use in the expanded access clinical trials."

B.Article 18, Chapter 53, Title 44 is renamed "Julian's Law: Investigational New Drug Applications: Expanded Access Cannabis Clinical Trials".

SECTION 8. Article 4, Chapter 53, Title 44 of the 1976 Code is repealed.

SECTION 9. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 10. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be

unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. (A) After the effective date of this act, the South Carolina Department of Health and Environmental Control shall:

(1) create a commission pursuant to Section 44-53-2340, as added by this act, within thirty days;

(2) develop a written certification form pursuant to Section 44-53-2080, as added by this act, no later than ten days after the effective date of regulations promulgated pursuant to Section 44-53-2100(A);

(3) promulgate regulations pursuant to Section 44-53-2100(A), as added by this act, after no later than one year;

(4) engage a company to create the necessary software for an electronic patient registry pursuant to Section 44-53-2100(B), as added by this act, after no later than one hundred twenty days;

(5) develop a safety information flyer pursuant to Section 44-53-2480, as added by this act, after no later than ten days after the effective date of regulations promulgated pursuant to Section 44-53-2100(A);

(6) establish a secure web-based verification system pursuant to Section 44-53-2190, as added by this act, within one year;

(7) promulgate regulations pursuant to Section 44-53-2350, as added by this act, after no later than one year; and

(8) begin accepting applications for licensure pursuant to Section 44-53-2390, as added by this act, no later than thirty days after the effective date of regulations promulgated pursuant to Section 44-53-2350.

(B) If the South Carolina Department of Health and Environmental Control fails to promulgate regulations to implement this act within two years of the effective date of this act, then a qualifying patient may commence an action in the South Carolina Administrative Law Court to compel the South Carolina Department of Health and Environmental Control to perform the actions mandated by the provisions of this act.

(C) No later than thirty days after the effective date of this act, the South Carolina Board of Medical Examiners shall approve a three-hour

continuing medical education course on cannabis products, pursuant to Section 44-53-2090, as added by this act.

(D) After the effective date of this act, the Board of Pharmacy shall:

(1) promulgate regulations pursuant to Section 44-53-2096, as added by this act, after no later than one year; and

(2) begin accepting applications for therapeutic cannabis pharmacies pursuant to Section 44-53-2096, as added by this act, no later than thirty days after the effective date of regulations promulgated pursuant to Section 44-53-2096.

SECTION 12. SECTIONS 4 through 11 shall be repealed by operation of law if a federal court, pursuant to a filing by the United States of America or one of its authorized executive agencies, issues a final order declaring that those SECTIONS have been preempted by the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the "Controlled Substances Act."

SECTION 13. SECTIONS 4 through 11 shall be repealed on December 31, 2028.

SECTION 14. The General Assembly finds that the sections presented in this act constitute one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of improving access to efficacious medications to enhance the lives of South Carolinians throughout the State.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 15. This act takes effect upon approval by the Governor, except SECTION 1, which takes effect upon the issuance of a written joint protocol pursuant to SECTION 1.B. /

Renumber sections to conform.

Amend title to conform.

Point of Order

Senator GARRETT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator DAVIS spoke on the Point of Order. Senator GARRETT spoke on the Point of Order. Senator HUTTO spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Appeal of the Ruling by the PRESIDENT

Senator HUTTO appealed the Ruling by the PRESIDENT.

ACTING PRESIDENT PRESIDES

At 7:20 P.M., Senator SETZLER, assumed the Chair.

The question then was, "Shall the Ruling by the PRESIDENT be overridden?"

The **ACTING PRESIDENT** stated that Rule 7 provided for debate of fifteen minutes each for proponents and opponents.

Senator HUTTO spoke in favor of overriding the Ruling by the PRESIDENT.

Senator HUTTO withdrew the appeal of the ruling.

Remarks to be Printed

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

PRESIDENT PRESIDES

At 7:30 P.M., the PRESIDENT assumed the Chair.

Senator CROMER proposed the following amendment (628R010.SP.RWC), which was adopted:

Amend the bill, as and if amended, by striking SECTION 5 in its entirety.

Renumber sections to conform. Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS Total--0

The amendment was adopted.

Senator CROMER proposed the following amendment (SA\ 628C001.JN.SA22), which was adopted:

Amend the bill, as and if amended, by striking SECTION 6 and inserting:

/ SECTION 6. A.Chapter 43, Title 40 of the 1976 Code is amended by adding:

"Section 40-43-195. (A) For purposes of this section:

(1) 'Central fill' means the filling of a prescription drug order by one central fill pharmacy permitted by this State at the request of an originating pharmacy permitted by this State.

(2) 'Central fill pharmacy' means a permitted pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient's agent. A central fill pharmacy that returns filled prescriptions to an originating pharmacy must not be required to obtain a wholesaler/distributor permit.

(3) 'Originating pharmacy' means a pharmacy permitted by and located in this State that, upon receipt of a prescription drug order from a patient, requests a central fill pharmacy to fill the order and upon receipt of the filled prescription drug order, delivers the prescription to the patient or patient's agent.

(B)(1) An originating pharmacy permitted by this State may outsource a prescription drug order filling to a central fill pharmacy permitted by this State if the pharmacies:

(a) have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws and regulations;

(b) share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to dispense or process a prescription drug order;

(c) ensure all state and federal laws regarding patient confidentiality, network security, and use of shared databases are followed; and

(d) maintain the prescription information in a readily retrievable manner.

(2) The pharmacist-in-charge of a central fill pharmacy shall ensure that:

(a) the pharmacy maintains and uses adequate storage or shipment containers and shipping processes to ensure drug stability and potency. These shipping processes must include the use of appropriate packaging material or devices, or both, to ensure that the drug is maintained at an appropriate temperature range to maintain the integrity of the medication throughout the delivery process; and

(b) the filled prescriptions are shipped in containers that are sealed in a manner that would show evidence of having been opened or tampered with.

(3) To the extent that a central fill pharmacy dispenses controlled substances, the central fill pharmacy must obtain a registration from the Department of Health and Environmental Control, Bureau of Drug Control. Controlled substance prescriptions filled by a central fill pharmacy must comply with both state and federal statutes and regulations.

(4) To the extent a pharmacy is acting as a central fill pharmacy, it may not:

(a) fill prescriptions for controlled substances listed in Schedule II;

(b) fill prescriptions provided directly by a patient or an individual practitioner;

(c) mail or otherwise deliver a prescription directly to a patient or an individual practitioner; or

(d) provide or dispense cannabis products not approved by the Federal Drug Administration.

(C)(1) An originating pharmacy that outsources prescription filling to a central fill pharmacy must, prior to outsourcing the prescription:

(a) notify patients that their prescription may be filled by another pharmacy; and

(b) provide the name of that pharmacy or notify the patient if the pharmacy is part of a network of pharmacies under common ownership and that any of the network pharmacies may fill the prescription.

(2) Patient notification may be provided through a one-time written notice to the patient or through use of a sign in the pharmacy.

(D)(1) A central fill pharmacy must provide written information regarding the prescription with the filled prescription and a toll-free phone number for patient questions. The following statement must be provided with the prescription before delivery to the patient:

'Written information about this prescription has been provided for you. Please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions'.

(2) A pharmacist at the originating pharmacy shall offer the patient or the patient's agent information about the prescription drug or device in accordance with Section 40-43-86(L).

(3) This subsection does not apply to patients in facilities including, but not limited to, hospitals or nursing homes, where drugs are administered to patients by a person authorized to do so by law.

(E) The central fill pharmacy must:

(1) place on the prescription label:

(a) the name and address or name and pharmacy license number of the pharmacy filling the prescription;

(b) the name and address of the originating pharmacy which receives the filled prescription for delivery to the patient or the patient's agent; and

(c) in some manner indicate which pharmacy filled the prescription (e.g., 'Filled by ABC Pharmacy for XYZ Pharmacy'); and

(2) comply with all other labeling requirements of federal and state law including, but not limited to, Section 40-43-86.

(F) A central fill policy and procedure manual must be maintained at both pharmacies and must be available for inspection. The originating and central fill pharmacies are required to maintain only those portions of the policy and procedure manual that relate to that pharmacy's operations. The manual must at minimum contain:

(1) An outline of the responsibilities of the central fill pharmacy and the originating pharmacy including, but not limited to:

(a) patient notification of central fill processing;

(b) confidentiality and integrity of patient information procedures;

(c) drug utilization review;

(d) record keeping and logs, including a list of the names, addresses, phone numbers, and license or registration numbers of the pharmacies, pharmacists, and pharmacy technicians at the central fill pharmacy and at the originating pharmacy;

(e) counseling responsibilities;

(f) procedures for return of prescriptions not delivered to a patient and procedures for invoicing medication transfers;

(g) policies for operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems;

(h) safe delivery of prescriptions to patients;

(i) processes to ensure stability and potency of medication;

(j) requirements for storage and shipment of prescription medication; and

(k) procedures for conducting an annual review of written policies and procedures and for documentation of this review.

(2) Other responsibilities regarding proper handling of a prescription and delivery to a patient or a patient's agent pursuant to this chapter and the Department of Health and Environmental Control, controlled substances laws and regulations.

(G)(1) Records may be maintained in an alternative data retention system including, but not limited to, a data processing system or direct imaging system, if:

(a) the records maintained in the alternative system contain all of the information required on the manual record; and

(b) the data processing system is capable of producing a hard copy of the record upon the request of the board, its representative, or

other authorized local, state, or federal law enforcement or regulatory agency.

(2) Each pharmacy must maintain records in accordance with the provisions of Section 40-43-86 and must be able to produce records as requested by the board.

(3) The originating pharmacy records must include the date the request for filling was transmitted to the central fill pharmacy.

(4) The central fill pharmacy records must include:

(a) the date the filled prescription was mailed by the central fill pharmacy; and

(b) the name and address to which the filled prescription was shipped.

(H)(1) A central fill pharmacy must complete a central fill pharmacy permit application provided by the board, following the procedures as specified in Section 40-43-83, and also provide the following information:

(a) evidence that the applicant holds a pharmacy license, registration, or permit issued by the state in which the pharmacy is located;

(b) the name of the owner, permit holder, and pharmacist-in-charge of the pharmacy for service of process;

(c) evidence of the applicant's ability to provide to the board a record of a prescription drug order dispensed by the applicant to a resident of this State not later than seventy-two hours after the time the board requests the record;

(d) an affidavit by the pharmacist-in-charge which states that the pharmacist has read and understands the laws and regulations relating to a central fill pharmacy in this State; and

(e) pay the required fee as set by the board through regulation.

(2) A central fill pharmacy must comply with all provisions of this chapter.

(I) Nothing in this section may be construed to circumvent any requirement of Section 40-43-86 of the South Carolina Pharmacy Practice Act.

(J) A central fill pharmacy may not contact a patient for whom it has provided central fill services on behalf of an originating pharmacy for the purpose of soliciting or requesting to refill a prescription, or to fill a new prescription, for a period of five years after the originating pharmacy has stopping using the services of the central fill pharmacy."

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

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The amendment was adopted.

Senator SENN proposed the following amendment (JUD0628.005), which was adopted:

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

/ SECTION __.A. Article 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

"Section 16-3-80. (A) A person who unlawfully delivers, dispenses, or otherwise provides a fentanyl or a fentanyl-related substance as

defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or fentanyl-related substance, commits the felony offense of fentanyl-induced homicide.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person."

B.Section 16-1-10(D) of the 1976 Code is amended by adding a new offense to read:

"16-3-80 Fentanyl-induced homicide"

C.Section 44 53 190(B) of the 1976 Code is amended by adding appropriately numbered new items at the end to read:

"____. Fentanyl related substances. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

a. replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

b. substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;

c. substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

d. replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

e. replacement of the N-propionyl group by another acyl group or hydrogen.

This definition includes, but is not limited to, the following substances: Methylacetyl fentanyl, Alpha methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta hydroxyfentanyl, Beta hydroxy 3 methylfentanyl, 3 Methylfentanyl, Methylthiofentanyl,

Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanoyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fentanyl, Methylcyclopropyl fentanyl.

____. Benzamidazole-compounds to include:

a. 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,Ndiethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: butonitazene);

b. 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,Ndiethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other names: etodesnitazene, etazene);

c. N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: flunitazene);

d. N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: metodesnitazene);

e. N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: metonitazene);

f. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1Hbenzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other names: N-pyrrolidino etonitazene, etonitazepyne);

g. N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1Hbenzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: protonitazene)."

D. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right,

civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

E. This SECTION takes effect upon approval by the Governor. Renumber sections to conform. Amend title to conform.

Amend the to comorni.

Senator SENN explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

NONCONCURRENCE

S. 908 -- Senators Rankin and Grooms: A BILL TO AMEND SECTION 56-5-4445 OF THE 1976 CODE, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE, TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MASSEY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 0; Nays 40

AYES

Total--0

	NAYS	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

On motion of Senator MASSEY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

CONCURRENCE

S. 946 -- Senator Goldfinch: A BILL TO AMEND SECTION 59-5-63, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTY-FREE LUNCH PERIODS FOR PUBLIC ELEMENTARY SCHOOL TEACHERS, SO AS TO INSTEAD PROVIDE UNENCUMBERED TIME FOR ELEMENTARY SCHOOL TEACHERS AND TEACHERS WHO INSTRUCT CERTAIN STUDENTS REMOVED FROM THE GENERAL EDUCATION SETTING, AND TO PROVIDE RELATED REQUIREMENTS OF STATE BOARD OF EDUCATION POLICIES AND LOCAL SCHOOL BOARDS; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE COMPLETELY IMPLEMENTED BEFORE JULY 1, 2023.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

On motion of Senator HEMBREE, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

S. 1087 -- Senators Peeler, Alexander, Kimbrell, Shealy, Turner, Climer, M. Johnson, Martin, Corbin, Davis, Massey, Rice, Adams, Garrett, Cash, Young, Malloy, Williams, Loftis, Gambrell, Talley, Cromer, Scott, Jackson, Stephens, Campsen, Verdin, Grooms and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "COMPREHENSIVE TAX CUT ACT OF 2022"; TO AMEND SECTION 12-6-510, RELATING TO THE INDIVIDUAL INCOME TAX, SO AS TO REDUCE THE TOP MARGINAL RATE TO 5.7 PERCENT; TO AMEND SECTION 12-6-1171, RELATING TO THE MILITARY RETIREMENT DEDUCTION, SO AS TO EXEMPT ALL MILITARY RETIREMENT INCOME; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCREASE A PROPERTY TAX EXEMPTION FOR CERTAIN MANUFACTURING PROPERTY; TO APPROPRIATE ONE BILLION DOLLARS FROM THE CONTINGENCY RESERVE FUND TO THE TAXPAYER REBATE FUND TO PROVIDE **REBATES TO TAXPAYERS; AND TO REPEAL SECTION 12-6-515** RELATING TO AN ARCHAIC INDIVIDUAL INCOME TAX PROVISION. Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring S. 1087 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

S. 1087 -- Senators Peeler, Alexander, Kimbrell, Shealy, Turner, Climer, M. Johnson, Martin, Corbin, Davis, Massey, Rice, Adams, Garrett, Cash, Young, Malloy, Williams, Loftis, Gambrell, Talley, Cromer, Scott, Jackson, Stephens, Campsen, Verdin, Grooms and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "COMPREHENSIVE TAX CUT ACT OF 2022"; TO AMEND SECTION 12-6-510, RELATING TO THE INDIVIDUAL INCOME TAX, SO AS TO REDUCE THE TOP MARGINAL RATE TO 5.7 PERCENT; TO AMEND SECTION 12-6-1171, RELATING TO THE MILITARY RETIREMENT DEDUCTION, SO AS TO EXEMPT ALL MILITARY RETIREMENT INCOME; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCREASE A PROPERTY TAX EXEMPTION FOR CERTAIN MANUFACTURING PROPERTY; TO APPROPRIATE ONE BILLION DOLLARS FROM THE CONTINGENCY RESERVE FUND TO THE TAXPAYER REBATE FUND TO PROVIDE **REBATES TO TAXPAYERS: AND TO REPEAL SECTION 12-6-515** RELATING TO AN ARCHAIC INDIVIDUAL INCOME TAX PROVISION.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

On motion of Senator DAVIS, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

S. 1025 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 44-63-80 OF THE 1976 CODE, RELATING TO CERTIFIED COPIES OF BIRTH CERTIFICATES, TO EXPAND THE DEFINITION OF LEGAL REPRESENTATIVE AND TO ALTER THE PROCESS FOR OBTAINING BIRTH CERTIFICATES. Very respectfully, Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator SHEALY, the Senate agreed to waive the provisions of Rule 32A requiring S. 1025 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

S. 1025 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 44-63-80 OF THE 1976 CODE, RELATING TO CERTIFIED COPIES OF BIRTH CERTIFICATES, TO EXPAND THE DEFINITION OF LEGAL REPRESENTATIVE AND TO ALTER THE PROCESS FOR OBTAINING BIRTH CERTIFICATES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEALY explained the amendments.

On motion of Senator SHEALY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

S. 1045 -- Senators Alexander and M. Johnson: A BILL TO AMEND SECTION 58-23-20 OF THE 1976 CODE, RELATING TO REGULATIONS FOR TRANSPORTATION BY MOTOR VEHICLE, TO PROVIDE REGULATIONS FOR THE OPERATION OF TRANSPORTATION VEHICLES; TO AMEND SECTION 58-23-25 OF THE 1976 CODE, RELATING TO THE PUBLIC SERVICE REGULATORY COMMISSION'S MOTOR CARRIER AUTHORITY, TO PROVIDE FOR THE STATUTORY CONSTRUCTION OF THE CHAPTER RELATED TO THE LIMITATION OF CERTAIN AUTHORITY VESTED WITH PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY; TO AMEND SECTION 58-23-30 OF THE 1976 CODE, RELATING TO THE DEFINITION OF COMPENSATION, TO DEFINE TRANSPORTATION VEHICLES ACCORDINGLY; TO AMEND SECTION 58-23-60(5) OF THE 1976 CODE, RELATING TO AREAS IN WHICH THIS CHAPTER IS NOT APPLICABLE TO BUSINESSES, TO INCLUDE VEHICLES OPERATED BY A MUNICIPALITY; TO AMEND SECTION 58-23-210 OF THE 1976 CODE, RELATING TO CLASSES OF CERTIFICATES, TO PROVIDE A TIMELINE FOR THE APPLICATION OF A COMMISSION'S DIRECTIVES; TO AMEND SECTION 58-23-220 OF THE 1976 CODE, RELATING TO CLASS A CERTIFICATES, TO PROVIDE THAT THE COMMISSION SHALL ISSUE DIRECTIVES TO ISSUE CLASS A CERTIFICATES; TO AMEND SECTION 58-23-230 OF THE 1976 CODE, RELATING TO CLASS B CERTIFICATES, TO REGULATE THE POWERS OF THE OFFICE OF REGULATORY STAFF: TO AMEND SECTION 58-23-240 THROUGH SECTION 58-23-290 OF THE 1976 CODE, RELATING TO CERTIFICATES, TO ALTER LANGUAGE; TO AMEND SECTION 58-23-330 OF THE 1976 CODE, RELATING TO GROUNDS FOR ISSUANCE OR DENIAL OF CERTIFICATE, TO PROVIDE REGULATIONS FOR ISSUING OR DENYING A CERTIFICATE UPON RECEIPT OF AN APPLICATION; TO AMEND SECTION 58-23-560 OF THE 1976 CODE, RELATING TO LICENSE FEES FOR CERTIFICATE HOLDERS, TO PROVIDE

ELIGIBILITY REGULATIONS FOR CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-590 OF THE 1976 CODE, RELATING TO CARRIERS OF HOUSEHOLD GOODS AND HAZARDOUS WASTE FOR DISPOSAL. TO PROVIDE THE POWERS OF THE COMMISSION; TO AMEND SECTION 58-23-600 OF THE 1976 CODE, RELATING TO TIME FOR PAYMENT OF FEES, TO REGULATIONS PROVIDE FOR FEES REQUIRED OF CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-910 AND SECTION 58-23-930 OF THE 1976 CODE, RELATING TO INSURANCE OR BOND, TO PROVIDE INSURANCE, BOND, OR CERTIFICATE OF SELF-INSURANCE REQUIREMENTS FOR CERTIFICATE HOLDERS; TO AMEND SECTIONS 58-23-1010, 58-23-1020, 58-23-1080, AND 58-23-1090 OF THE 1976 CODE, RELATING TO RIGHTS AND DUTIES GENERALLY, TO PROVIDE REGULATIONS FOR FEES, LICENSES, AND OTHER MARKERS; TO AMEND SECTION 58-4-60(B)(1) OF THE 1976 CODE, RELATING TO EXPENSES BORNE BY REGULATED UTILITIES, TO REFERENCE THE PROVISIONS IN THE CODE GENERATING FEES THAT ARE TO BE USED TO PAY FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT OF THE OFFICE OF REGULATORY STAFF; AND TO AMEND CHAPTER 23, TITLE 58 OF THE 1976, RELATING TO MOTOR VEHICLE CARRIERS, TO REPEAL SECTIONS 58-23-300, 58-23-530, 58-23-540, 58-23-550, AND 58-23-1060. Very respectfully,

very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

S. 1077 -- Senators Alexander, Rankin, Massey, K. Johnson, Sabb, Garrett, Gambrell, McElveen, Kimbrell, Stephens, McLeod, M. Johnson, Kimpson, Hutto, Grooms, Climer, Davis, Gustafson, Williams, Loftis, Fanning, Adams and Scott: A BILL TO AMEND CHAPTER 27, TITLE 58 OF THE 1976 CODE BY ADDING ARTICLE 8, TO ALLOW THE PUBLIC SERVICE COMMISSION

TO AUTHORIZE THE ISSUANCE OF BONDS FOR THE PURPOSES OF OFFSETTING AND REDUCING PRUDENTLY INCURRED COSTS FOR STORM RECOVERY ACTIVITY AND TO ESTABLISH THE REQUIREMENTS AND PROCESSES FOR THE AUTHORIZATION OF THESE BONDS; AND TO AMEND SECTION 36-9-109 TO MAKE FURTHER CONFORMING CHANGES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

CONCURRENCE

S. 1103 -- Senators Shealy, Jackson, Talley, Davis, Gustafson, M. Johnson, Young, Kimbrell, McElveen, Williams, Cromer, Grooms, Alexander, Gambrell, Setzler and Malloy: A BILL TO AMEND CHAPTER 3, TITLE 59 OF THE 1976 CODE, RELATING TO THE STATE SUPERINTENDENT OF EDUCATION, BY ADDING SECTION 59-3-35 TO PROVIDE FOR THE DISTRIBUTION OF CHILD IDENTIFICATION KITS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

On motion of Senator HEMBREE, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

NONCONCURRENCE

S. 1106 -- Senators Peeler, Alexander, Scott and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT IN INCREMENTS OF ONE-HALF OF ONE PERCENT OVER FOUR FISCAL YEARS THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL

RESERVE FUND AND THE MANNER THE SEVEN PERCENT REQUIREMENT MUST BE MAINTAINED; AND PROPOSING ANOTHER AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SETZLER explained the amendments.

On motion of Senator SETZLER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

S. 1270 -- Senators Peeler, Fanning, Climer and M. Johnson: A BILL TO AMEND ACT 473 OF 2002, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF CLOVER SCHOOL DISTRICT 2 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS, AND TO REMOVE ARCHAIC LANGUAGE. Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator PEELER, the Senate agreed to waive the provisions of Rule 32A requiring S. 1270 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CONCURRENCE

S. 1270 -- Senators Peeler, Fanning, Climer and M. Johnson: A BILL TO AMEND ACT 473 OF 2002, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF CLOVER SCHOOL DISTRICT 2 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS, AND TO REMOVE ARCHAIC LANGUAGE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

H. 3346 -- Reps. W. Cox, White, Fry, Haddon, Long, Forrest, G.M. Smith, Caskey, Gagnon, Hyde, West, Thayer, Ligon, Daning, Erickson, Bradley, Weeks, B. Newton, McGarry, Carter, Calhoon and Hixon: A BILL TO AMEND SECTION 11-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY GENERAL RESERVE FUND, SO AS TO PROVIDE THAT THE

GENERAL RESERVE FUND OF FIVE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR MUST BE INCREASED EACH YEAR BY ONE-HALF OF ONE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR UNTIL IT EQUALS SEVEN PERCENT OF SUCH REVENUES; TO AMEND SECTION 11-11-320, RELATING TO THE STATUTORY CAPITAL RESERVE FUND OF TWO PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, SO AS TO INCREASE IT TO THREE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR; AND TO PROVIDE THAT THE ABOVE PROVISIONS TAKE EFFECT UPON RATIFICATION OF AMENDMENTS TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE PROVIDING FOR THE ABOVE. Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator PEELER, the Senate agreed to waive the provisions of Rule 32A requiring H. 3346 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

H. 3346 -- Reps. W. Cox, White, Fry, Haddon, Long, Forrest, G.M. Smith, Caskey, Gagnon, Hyde, West, Thayer, Ligon, Daning, Erickson, Bradley, Weeks, B. Newton, McGarry, Carter, Calhoon and Hixon: A BILL TO AMEND SECTION 11-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY GENERAL RESERVE FUND, SO AS TO PROVIDE THAT THE GENERAL RESERVE FUND OF FIVE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR MUST BE INCREASED EACH YEAR BY ONE-HALF OF ONE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR UNTIL IT EQUALS SEVEN PERCENT OF SUCH REVENUES; TO AMEND SECTION 11-11-320, RELATING TO THE STATUTORY CAPITAL RESERVE

FUND OF TWO PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, SO AS TO INCREASE IT TO THREE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR; AND TO PROVIDE THAT THE ABOVE PROVISIONS TAKE EFFECT UPON RATIFICATION OF AMENDMENTS TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE PROVIDING FOR THE ABOVE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SETZLER explained the amendments.

On motion of Senator SETZLER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

CONCURRENCE

S. 1178 -- Senator Climer: A BILL TO AMEND SECTION 39-20-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITIES WRITTEN RENTAL AGREEMENTS, SO AS TO PROVIDE THAT A SELF-SERVICE STORAGE FACILITY OCCUPANT MAY CHOOSE WHERE TO PUBLISH AN ADVERTISEMENT OF SALE INCLUDING CERTAIN PUBLICLY ACCESSIBLE WEBSITES; AND TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR REQUIREMENTS FOR PUBLISHING AN ADVERTISEMENT OF A PUBLIC SALE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CLIMER explained the amendments.

On motion of Senator CLIMER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., May 11, 2022

Mr. President and Senators:

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

H. 4986 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAP PLACEMENT, SO AS TO PROHIBIT TRAPS IN THE WATERS OF THE GENERAL TRAWL ZONE WHEN THESE WATERS ARE OPEN TO TRAWLING FOR SHRIMP. Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CAMPSEN, the Senate agreed to waive the provisions of Rule 32A requiring H. 4986 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

CONCURRENCE

H. 4986 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAP PLACEMENT, SO AS TO PROHIBIT TRAPS IN THE WATERS OF THE GENERAL TRAWL ZONE WHEN THESE WATERS ARE OPEN TO TRAWLING FOR SHRIMP.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CAMPSEN explained the amendments.

On motion of Senator CAMPSEN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

NONCONCURRENCE

H. 5150 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET

THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE THIRD TIME, RETURNED TO THE HOUSE

H. 4776 -- Reps. Willis, McCravy, Thayer, Bailey, Wooten, B. Cox, McGarry, Magnuson, Pope, Taylor, G.R. Smith, Gilliam, Jones, M.M. Smith, Trantham, Erickson, Huggins, Long, Hiott, Burns, May, Haddon, Oremus, Bennett, Daning, T. Moore, Chumley, Nutt, Hyde, Dabney, McCabe, Bryant, Forrest, Hixon, J.E. Johnson, Lucas, Morgan and D.C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "MEDICAL ETHICS AND DIVERSITY ACT" BY ADDING CHAPTER 139 TO TITLE 44 SO AS TO SET FORTH FINDINGS OF THE GENERAL ASSEMBLY REGARDING THE RIGHT OF CONSCIENCE IN THE HEALTH CARE INDUSTRY: TO DEFINE CERTAIN TERMS: TO AUTHORIZE MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS NOT TO PARTICIPATE IN HEALTH CARE SERVICES THAT VIOLATE THE PRACTITIONER'S OR ENTITY'S CONSCIENCE AND TO PROTECT THESE INDIVIDUALS AND ENTITIES FROM CIVIL, CRIMINAL. OR ADMINISTRATIVE LIABILITY AND FROM DISCRIMINATION FOR EXERCISING THEIR PERSONAL RIGHT OF CONSCIENCE, WITH EXCEPTIONS; TO CREATE A PRIVATE RIGHT OF ACTION FOR MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS FOR VIOLATION OF THE CHAPTER; AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

RECESS

At 8:53 P.M., on motion of Senator MASSEY, with Senator HUTTO retaining the floor, the Senate receded from business for 5 minutes. At 9:03 P.M., the Senate resumed.

On motion of Senator MASSEY, with unanimous consent, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

Recorded Vote

Senator GUSTAFSON desired to be recorded as abstaining on the third reading of the Bill.

READ THE SECOND TIME

H. 5198 -- Reps. Lucas, G.M. Smith, Rutherford, Simrill, Finlay, Yow, R. Williams, Jefferson and Cobb-Hunter: A BILL TO AMEND SECTION 59-117-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; TO AMEND SECTION 59-117-20, RELATING TO TERMS OF ELECTED MEMBERS OF THE BOARD, SO AS TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2023; TO AMEND SECTION 59-117-40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THE CHAIRMAN SERVES A TWO-YEAR TERM, TO PROVIDE A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN, AND TO REVISE CERTAIN POWERS; AND TO AMEND SECTION 59-117-50, RELATING TO MEETINGS OF THE BOARD, SO AS TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

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

Motion Adopted

Senator MASSEY asked unanimous consent, with Senator HUTTO retaining the floor, to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order

to allow amendments to be considered on third reading, and no cloture motion will be made on the Bill.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS Confirmations

Having received a favorable report from the Banking and Insurance Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2021, and to expire June 30, 2025 licensed consumer finance business restricted lender or supervised lender recommended by the Independent Consumer Finance Association:

James Daniel Walters, 301 Portabello Way, Simpsonville, SC 29681

On motion of Senator CROMER, the question was confirmation of James Daniel Walters.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach

Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of James Daniel Walters was confirmed.

Having received a favorable report from the Corrections and Penology Committee, the following appointment was confirmed in open session:

Initial Appointment, Director of Department of Juvenile Justice, with term coterminous with Governor

Director:

Laurel Eden Harvey Hendrick, 6331 Westshore Road, Columbia, SC 29206-2122 VICE Freddie B. Pough

On motion of Senator SHANE MARTIN, the question was confirmation of Laurel Eden Harvey Hendrick.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 36; Nays 0; Abstain 4

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Gustafson	Harpootlian
Hembree	Jackson	Johnson, Kevin
Johnson, Michael	Loftis	Martin
Massey	Matthews	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Goldfinch Senn McElveen

Total--4

The appointment of Laurel Eden Harvey Hendrick was confirmed.

Malloy

Having received a favorable report from the Education Committee, the following appointment was confirmed in open session:

<u>Reappointment, South Carolina Public Charter School District Board</u> of Trustees, with the term to commence August 1, 2022, and to expire <u>August 1, 2025</u>

At-large, Governor:

Randall S. Page, Chief of Staff, Bob Jones University, 1700 Wade Hampton Boulevard, Greenville, SC 29614-0001

On motion of Senator HEMBREE, the question was confirmation of Randall S. Page.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AYES	
Alexander	Allen
Campsen	Cash
Corbin	Cromer
Fanning	Gambrell
Goldfinch	Gustafson
Hembree	Hutto
Johnson, Kevin	Johnson, Michael
Malloy	Martin
Matthews	McElveen
	Alexander Campsen Corbin Fanning Goldfinch Hembree <i>Johnson, Kevin</i> Malloy

Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41 NAYS

Total--0

The appointment of Randall S. Page was confirmed.

Initial Appointment, Governor's School of Agriculture at John de la Howe School Board of Trustees, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large:

Robert W. Bagley, 3110 Moffitt Creek Road, Blackstock, SC 29014-8606 VICE Jerry Michael Griffin, resigned

On motion of Senator HEMBREE, the question was confirmation of Robert W. Bagley.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AYES		
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Robert W. Bagley was confirmed.

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2020, and to expire July 1, 2023 SC Association of Public School Administrators:

Billy R. Strickland, 202 Sweetgum Street, Laurens, SC 29360-3753 *VICE* Dr. V. Keith Callicutt

On motion of Senator HEMBREE, the question was confirmation of Billy R. Strickland.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AYES		
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Billy R. Strickland was confirmed.

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2021, and to expire June 30, 2025 6th Congressional District:

Andrea B. McCoy, 334 Teague Park Court, Columbia, SC 29209

On motion of Senator SHEALY, the question was confirmation of Andrea B. McCoy.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AYES		
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Andrea B. McCoy was confirmed.

Initial Appointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2020, and to expire June 30, 2024 <u>3rd Congressional District:</u> George E. Jones, Jr., P. O. Box 2205, Greenwood, SC 29646-0205 *VICE* Daniel R. Bracken, Jr

On motion of Senator SHEALY, the question was confirmation of George E. Jones, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of George E. Jones, Jr. was confirmed.

<u>Reappointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026</u>

6th Congressional District:

Peter A. Smith, 120 Dunnemann Ave., Charleston, SC 29403-3529

On motion of Senator SHEALY, the question was confirmation of Peter A. Smith.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Peter A. Smith was confirmed.

Reappointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor Veterans Service Organizations: Jimmy E. Hawk, P. O. Box 349, Irmo, SC 29063-0349

On motion of Senator SHEALY, the question was confirmation of Jimmy E. Hawk.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Jimmy E. Hawk was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2021, and to expire June 30, 2024

4th Congressional District:

Stephen E. Hall, 6 Lotus Court, Greenville, SC 29609 VICE Vacant

On motion of Senator RANKIN, the question was confirmation of Stephen E. Hall.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Johnson, Michael	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The appointment of Stephen E. Hall was confirmed.

Initial	Appointment,	South	Carolina	State	Human	Affairs
Commissi	ion, with the terr	m to con	nmence Jur	ne 30, 2	020, and t	to expire
June 30, 2	2023					-
2nd Ca	mana ani amal Dist	mi at.				

2nd Congressional District:

Kimberly P. Snipes, 8 Forest Walk Court, Irmo, SC 29063-9308 VICE Vacant

On motion of Senator RANKIN, the question was confirmation of Kimberly P. Snipes.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Johnson, Michael	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The appointment of Kimberly P. Snipes was confirmed.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

1st Congressional District:

Calvin Whitfield, 3436 Rivers Ave., Suite 2A, North Charleston, SC 29405-7743 *VICE* Kenneth E. Battle

On motion of Senator RANKIN, the question was confirmation of Calvin Whitfield.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

²⁰¹

Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Calvin Whitfield was confirmed.

Reappointment, State Inspector General, with the term to commence May 10, 2021, and to expire May 10, 2025 Brian D. Lamkin, 308 Old Course Loop, Blythewood, SC 29016

On motion of Senator RANKIN, the question was confirmation of Brian D. Lamkin.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach

Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41 NAYS

Total--0

The appointment of Brian D. Lamkin was confirmed.

Initial Appointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2022, and to expire June 30, 2028

At-Large :

Cynthia C. Dooley, 1522 Counts Ferry Road, Lexington, SC 29072-8376 VICE Susan S. Barden

On motion of Senator RANKIN, the question was confirmation of Cynthia C. Dooley.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 29; Nays 0; Abstain 11

	AYES	
Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Scott	Senn
Shealy	Talley	Turner
Verdin	Williams	

Total--29

NAYS

Total--0

ABSTAIN

AllenDavisJohnson, MichaelMalloyMcElveenRankinSetzlerYoung

Goldfinch Matthews Sabb

Total--11

The appointment of Cynthia C. Dooley was confirmed.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2020, and to expire June 30, 2023

1st Congressional District:

Mary M. Amonitti, 45 Queens Folly Road, Apartment 651, Hilton Head Island, SC 29928-5189 VICE Chery F. C. Ludlam

On motion of Senator RANKIN, the question was confirmation of Mary M. Amonitti.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Johnson, Michael	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

AVES

Total--40

NAYS

Total--0

The appointment of Mary M. Amonitti was confirmed.

<u>Reappointment, South Carolina Workers' Compensation Commission,</u> with the term to commence June 30, 2022, and to expire June 30, 2028 <u>At-Large :</u> Maladar L. James, 152 Calder Band Drive, Lewinster, SC 20072

Melody L. James, 152 Golden Pond Drive, Lexington, SC 29073

On motion of Senator RANKIN, the question was confirmation of Melody L. James.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 29; Nays 0; Abstain 11

	AYES	
Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Scott	Senn
Shealy	Talley	Turner
Verdin	Williams	
	Total29	
	NAYS	
	Total0	
	ABSTAIN	
Allen	Davis	Goldfinch
Johnson, Michael	Malloy	Matthews

205

Sabb

Rankin

McElveen

Setzler

Total--11

The appointment of Melody L. James was confirmed.

Young

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2019, and to expire June 30, 2022

6th Congressional District:

Sharon L. Sellers, 427 Santee Drive, Santee, SC 29142-9304 VICE Vacant

On motion of Senator RANKIN, the question was confirmation of Sharon L. Sellers.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Johnson, Michael	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The appointment of Sharon L. Sellers was confirmed.

<u>Reappointment, South Carolina Workers' Compensation Commission,</u> with the term to commence June 30, 2022, and to expire June 30, 2024

Chairman:

Thomas Scott Beck, 422 Gold Nugget Point, Prosperity, SC 29127

On motion of Senator RANKIN, the question was confirmation of Thomas Scott Beck.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 29; Nays 0; Abstain 11

	AYES	
Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Scott	Senn
Shealy	Talley	Turner
Verdin	Williams	

Total--29

NAYS

Total--0

ABSTAIN

Allen Johnson, Michael McElveen Setzler

Davis Malloy Rankin Young Goldfinch Matthews Sabb

Total--11

The appointment of Thomas Scott Beck was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2021, and to expire August 15, 2025

At-Large:

Karl A. Haslinger, 330 Woods Point Road, Gilbert, SC 29054-9471 VICE Mary L. Siek

On motion of Senator DAVIS, the question was confirmation of Karl A. Haslinger.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0; Abstain 2

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gustafson	Harpootlian	Hembree
Hutto	Jackson	Johnson, Kevin
Johnson, Michael	Loftis	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

ABSTAIN

Corr

Davis

Garrett

Total--2

The appointment of Karl A. Haslinger was confirmed.

<u>Reappointment, South Carolina State Housing Finance, and</u> <u>Development Authority, with the term to commence August 15, 2022,</u> <u>and to expire August 15, 2026</u>

At-Large/Chairman:

C. Todd Latiff, 101 Wyntuck Court, Clemson, SC 29631-1987

On motion of Senator DAVIS, the question was confirmation of C. Todd Latiff.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0; Abstain 2

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gustafson	Harpootlian	Hembree
Hutto	Jackson	Johnson, Kevin
Johnson, Michael	Loftis	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young
	Total39	
	NAYS	
	Total0	
Davis	ABSTAIN Garrett	
Davis	Janell	
	Total2	

The appointment of C. Todd Latiff was confirmed.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2020, and to expire June 30, 2024

At-Large:

Benson Garrick Messer, 550 Bimini Twist Circle, Lexington, SC 29072-8269 VICE Pamela W. Shealy

On motion of Senator DAVIS, the question was confirmation of Benson Garrick Messer.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AYES		
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Benson Garrick Messer was confirmed.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2020, and to expire June 30, 2024 <u>4th Congressional District:</u> Hal J. Dillard, 101 Sugar Mill Road, Greer, SC 29650

On motion of Senator DAVIS, the question was confirmation of Hal J. Dillard.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Hal J. Dillard was confirmed.

<u>Reappointment, South Carolina State Athletic Commission, with the term to commence June 30, 2020, and to expire June 30, 2024</u>

<u>4th Congressional District:</u> Paul H. Kennemore, III, 200 Regents Gate Court, Simpsonville, SC 29681-3612

On motion of Senator DAVIS, the question was confirmation of Paul H. Kennemore, III.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

.

AYES		
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Paul H. Kennemore, III was confirmed.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2018, and to expire June 30, 2022 7th Congressional District:

Bryan H. Dowd, 1931 Osprey Drive, P. O. Box 5090, Florence, SC 29501-8133

On motion of Senator DAVIS, the question was confirmation of Bryan H. Dowd.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

AYES		
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Bryan H. Dowd was confirmed.

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2020, and to expire August 15, 2024

At-Large:

James G. Fleshman, II, 516 Windsong Point, Columbia, SC 29212 VICE Mr. Kenneth F. Ormand, Jr.

On motion of Senator DAVIS, the question was confirmation of James G. Fleshman, II.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0; Abstain 2

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash

Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gustafson	Harpootlian	Hembree
Hutto	Jackson	Johnson, Kevin
Johnson, Michael	Loftis	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

ABSTAIN

Davis

Garrett

Total--2

The appointment of James G. Fleshman, II was confirmed.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2019, and to expire June 30, 2023

At-Large, Physician:

Jon F. Lucas, 12 Paddock Run Lane, Simpsonville, SC 29681-5368 VICE James William Phillips III

On motion of Senator DAVIS, the question was confirmation of Jon F. Lucas.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES		
Adams	Alexander	Allen	
Bennett	Campsen	Cash	
Climer	Corbin	Cromer	

Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Jon F. Lucas was confirmed.

Initial Appointment, South Carolina State Housing Finance, and	nd
Development Authority, with the term to commence August 15, 202	20,
and to expire August 15, 2024	
At-Large:	
Alisa Gale Mosley, 2120 Redland Road, Campobello, SC 29322-92	16
VICE Sue Ann Shannon	

On motion of Senator DAVIS, the question was confirmation of Alisa Gale Mosley.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 39; Nays 0; Abstain 2

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gustafson	Harpootlian	Hembree
Hutto	Jackson	Johnson, Kevin
Johnson, Michael	Loftis	Malloy
Martin	Massey	Matthews

McElveen	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young
		e

Total--39

NAYS

Total--0

ABSTAIN

Davis

Garrett

Total--2

The appointment of Alisa Gale Mosley was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2022, and to expire June 30, 2028

3rd Congressional District:

Laney S. Spigener, III, 2546 Dials Church Road, Gray Court, SC 29645-4844 VICE Robert C. Hubbard, III

On motion of Senator VERDIN, the question was confirmation of Laney S. Spigener, III.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 40; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Jackson

Johnson, Kevin	Johnson, Michael	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The appointment of Laney S. Spigener, III was confirmed.

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2022, and to expire March 21, 2027 <u>4th Congressional District:</u> Bobby H. Mann, Jr., 140 Hammond Drive, Taylors, SC 29687-6923

On motion of Senator VERDIN, the question was confirmation of Bobby H. Mann, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy

Talley Williams

Total--41

Verdin

NAYS

Total--0

The appointment of Bobby H. Mann, Jr. was confirmed.

Turner

Young

Reappointment, South Carolina State Board of Nursing, with the term to commence June 30, 2020, and to expire June 30, 2024 <u>7th Congressional District:</u> Jonela D. Davis, 2643 Henagan Lane, Myrtle Beach, SC 29588-5441

On motion of Senator VERDIN, the question was confirmation of Jonela D. Davis.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 32; Nays 0; Abstain 8

	AYES	
Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gustafson
Harpootlian	Hembree	Jackson
Johnson, Kevin	Johnson, Michael	Loftis
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Scott	Setzler
Shealy	Talley	Turner
Verdin	Williams	

Total--32

NAYS

Total--0

ABSTAIN

Allen	Davis	Garrett
Malloy	Matthews	Sabb
Senn	Young	

Total--8

The appointment of Jonela D. Davis was confirmed.

Initial Appointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2020, and to expire June 9, 2023 Residential Care Administrator:

Edward G. Burton, 103 Stonecrest Road, # 29650, Greer, SC 29650-3422 VICE Timothy Slice

On motion of Senator VERDIN, the question was confirmation of Edward G. Burton.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Edward G. Burton was confirmed.

Initial Appointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2021, and to expire May 30, 2023 Dietician, Clinical : Robert Duffell-Hoffman, 501 Gillsbrook Rd., Lancaster, SC 29720-1915 *VICE* Kay MacInnis

On motion of Senator VERDIN, the question was confirmation of Robert Duffell-Hoffman.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Robert Duffell-Hoffman was confirmed.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2020, and to expire April 1, 2024

<u>Piedmont Region: organ and tissue recipients, family of recipients, and families of donors.</u>

Curtis A. Nelson, 302 Scotch Rose Lane, Greer, SC 29650-5267 VICE Richard M.

On motion of Senator VERDIN, the question was confirmation of Curtis A. Nelson.

The "ayes" and "nays" were demanded and taken, resulting as follows: Ayes 41; Nays 0

	AYES	
Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	Hutto
Jackson	Johnson, Kevin	Johnson, Michael
Loftis	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Curtis A. Nelson was confirmed.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Frances Murray Pasley of Sumter, S.C. Frances lived an amazing 102 years and was loved and cherished by everyone who knew her. Frances was a loving aunt and friend who will never be forgotten.

and

MOTION ADOPTED

On motion of Senators CROMER and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Thomas Harman of Lexington, S.C. Tommy was a graduate of Clemson University. He was employed by Lexington State Bank from 1973-1995 and later became president and CEO of Lexington Chamber of Commerce and then head of Pond Branch Telephone Company until his retirement in 2015. Tommy tirelessly served his family, community and church. He was a member of Lexington Baptist Church for 50 years. Tommy served as charter president of the Lexington Sertoma Club, served on the Board of Directors for the Batesburg-Leesville and Lexington Chambers of Commerce. He received the Order of the Silver Crescent in 2015. Tommy loved traveling, coaching baseball and basketball and spending time with family. Tommy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 9:20 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

WEDNESDAY, MAY 11, 2022 SENATE JOURNAL INDEX

S. 17 44
S. 10844
S. 15881
S. 23382
S. 449 86
S. 4587
S. 46086
S. 533 88
S. 560 90
S. 6148
S. 62891
S. 908176
S. 946177
S. 1025 180
S. 1034 19
S. 1045 181
S. 1077 182
S. 1087178, 179
S. 1103
S. 1106 183
S. 1178 187
S. 1270
S. 1304
S. 1325
S. 1328
S. 1329
S. 13304
Н. 30377
H. 3106 32
H. 3166
H. 3247
Н. 329112
H. 3291

Н. 3340	9
Н. 3346	
Н. 35991	
Н. 37751	
Н. 378820	6
Н. 3833	8
Н. 384010	6
Н. 39481	1
Н. 3998	3
Н. 40481	
Н. 40622	8
Н. 4220	9
Н. 4384За	
Н. 4617	
Н. 4757	
Н. 4775	
Н. 477618	
H. 4831	
Н. 4889	
H. 4986	
H. 49991	
H. 50001	
Н. 5036	
Н. 50694	
Н. 50824	
H. 5150 18	
H. 51821	
Н. 519819	
Н. 52124	
Н. 5270	-
Н. 5285	
Н. 5337	
Н. 5338Зо	6