



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3434 Introduced on January 10, 2023
Author: Howard
Subject: Pesticides
Requestor: House Agriculture, Natural Resources, and Environmental Affairs
RFA Analyst(s): Gardner
Impact Date: January 18, 2023

Fiscal Impact Summary

This bill creates a new offense for the unlawful administration of mosquitocide within 1,000 feet or a reservoir or body of water that is used for drinking water and establishes a penalty schedule. The provisions of the bill will have no expenditure impact on Judicial and the Department of Health and Environmental Control.

This bill may result in a change in the fines and fees collected in general sessions court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. However, due to the variability in the number of such offenses that might occur each year, the revenue impact cannot be determined.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill makes it unlawful for a person to administer barrier mosquitocide treatment within 1,000 feet of a reservoir or body of water that is used for drinking water. The provisions of the bill do not apply when the Department of Health and Environmental Control declares an outbreak of a mosquito-borne illness, provided that the agency director has conferred with the local governing body prior to the administration of the mosquitocide.

This misdemeanor offense is punishable by a fine of not more than \$100 or imprisonment for not more than 30 days for a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days for a second offense, and a fine of not more than \$1,000 or imprisonment for not more than 90 days for a third or subsequent offense; an additional fine of \$1,000 will be assessed for each offense. This bill will not affect Department of Corrections facilities since the maximum term of imprisonment that may be ordered by the court is 90 days.

Judicial. As this bill creates a new offense and provides for an enhanced penalty, there is no data to estimate the number of hearings or trials that may be initiated as a result of the bill. Should there be an increased caseload in general sessions court due to the bill, Judicial anticipates that any expenditure impact will be absorbed within existing resources.

Department of Health and Environmental Control. This bill requires the director of the agency to confer with a local governing body prior to the administration of mosquitocide within 1,000 feet of a reservoir or body of water when an instance of mosquito-borne illness has been declared. The agency reports that the bill will have no expenditure impact.

State Revenue

This bill has the potential to increase General Fund revenue from fines, as well as Other Funds revenue of Judicial and any other applicable agency who would otherwise receive a distribution from fine revenue for such an offense, due to the increased fine for offenders convicted in general sessions courts. However, due to the variability in the number of such offenses that might occur in a given year, the revenue impact cannot be determined.

Local Expenditure

This misdemeanor offense is punishable by a fine of not more than \$100 or imprisonment for not more than 30 days for a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days for a second offense, and a fine of not more than \$1,000 or imprisonment for not more than 90 days for a third or subsequent offense; an additional fine of \$1,000 will be assessed for each offense.

Depending on the potential increase of misdemeanor offenses due to this bill, this bill may increase the number of individuals incarcerated for up to 90 days at local facilities. As the potential increase of incarcerations is unknown, the Revenue and Fiscal Affairs Office anticipates this bill may have an undetermined local expenditure impact.

Local Revenue

This bill has the potential to increase local revenue from fines due to the increased fine for offenders convicted in general sessions courts. However, due to the variability in the number of such offenses that might occur in a given year, the revenue impact cannot be determined.



Frank A. Rainwater, Executive Director