



**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.*

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<b>Bill Number:</b>	S. 0120	Amended by House Judiciary on March 9, 2023
<b>Author:</b>	Hembree	
<b>Subject:</b>	Non-disclosure of the Identities of Execution Team Members	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 13, 2023	

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### **Fiscal Impact Summary**

This bill prohibits the disclosure of information of the identities of any person or entity involved with the administration, planning, or execution of a death sentence. The bill also exempts the acquisition of drugs, medical supplies, and equipment intended for use in administering the death penalty from specific procurement, regulatory, and licensing requirements.

The implementation of this bill will have no expenditure impact for the Department of Health and Environmental Control (DHEC), Labor, Licensing and Regulation (LLR), the Department of Corrections (SCDC), the Office of the Comptroller General, and the Office of the State Treasurer, as the agencies expect to perform activities related to this bill in the normal course of agency business.

### **Explanation of Fiscal Impact**

#### **Amended by House Judiciary on March 9, 2023**

##### **State Expenditure**

This bill amends provisions related to the disclosure of the identities of death penalty execution team members. The bill requires that the identity of any person or entity that participates in the planning or administration of the execution of a death sentence be confidential, including creating a Freedom of Information Act (FOIA) exception for the release of this information. Information on the identities of all other members of the execution team is not subject to discovery, subpoena, or any other means of legal compulsion and shall be classified as a state secret.

Additionally, the bill exempts from the requirements of the South Carolina Procurement Code and its attendant regulations any purchase or acquisition of drugs, medical supplies, or medical equipment necessary to execute a death sentence. The bill also exempts any out-of-state acquisition of drugs intended for use in administering the death penalty from licensing processes and requirements of DHEC and other state agencies, as well as regulations of the Board of Pharmacy. In-state and out-of-state pharmacies and pharmacists that supply, manufacture, or compound drugs expressly intended for use in administering the death penalty are exempt from all licensing, dispensing, and possession laws, processes, regulations, and requirements of or administered by LLR, the Board of Pharmacy, or any other state agency or entity subject to state

laws or regulations. No prescription from any physician is required for any pharmacy or pharmacist to supply, manufacture, or compound any drug intended for use in the administration of the death penalty.

The bill also provides that the Office of the Comptroller General and the Office of the State Treasurer must work with SCDC to develop a means to ensure that accounting and financial records related to transactions involving death penalty drugs, supplies, or equipment are kept in a deidentified condition. SCDC must comply with federal regulations regarding the importation of any execution drugs.

The implementation of this bill will have no expenditure impact for DHEC, LLR, SCDC, the Office of the Comptroller General, and the Office of the State Treasurer, as the agencies expect to perform activities related to this bill in the normal course of agency business.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Introduced on January 10, 2023**

**State Expenditure**

This bill amends provisions related to the non-disclosure of the identities of death penalty execution team members. The bill requires that the identity of any person or entity that participates in the planning or administration of the execution of a death sentence be confidential, including creating a Freedom of Information Act (FOIA) exception for the release of this information. However, the court may authorize discovery relating to the identifying information of a member of the execution team if he compounds, tests, manufactures, imports, transports, distributes, supplies, or prepares the drugs, medical supplies, or equipment utilized in the execution of a death sentence. Information on the identities of all other members of the execution team is not subject to discovery, subpoena, or any other means of legal compulsion and shall be classified as a state secret.

Additionally, the bill exempts from the requirements of the South Carolina Procurement Code and its attendant regulations any purchase or acquisition of drugs, medical supplies, or medical equipment necessary to execute a death sentence. The bill also exempts any out-of-state acquisition of drugs intended for use in administering the death penalty from licensing processes and requirements of DHEC and other state agencies, as well as regulations of the Board of Pharmacy within LLR. In-state and out-of-state pharmacies and pharmacists that supply, manufacture, or compound drugs expressly intended for use in administering the death penalty are exempt from the licensing processes and requirements of LLR.

The implementation of this bill will have no expenditure impact for DHEC, LLR, and SCDOC as the agencies expect to perform activities related to this bill in the normal course of agency business.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director