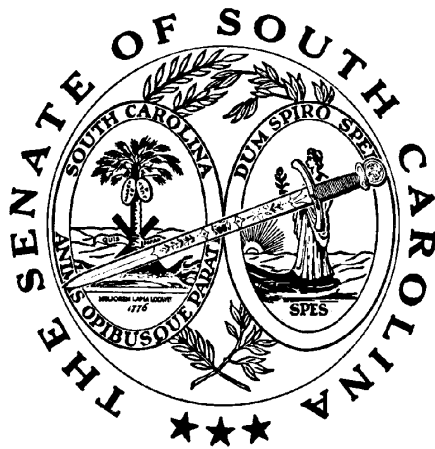


NO. 66

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, MAY 3, 2023

Wednesday, May 3, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:45 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:

Isaiah 26:4

We read in Isaiah: "Trust in the Lord forever, for the Lord, the Lord is the Rock eternal."

Let us pray: O loving Lord, we turn to You today in absolute sorrow for the world around us. Tragedies unfold as routinely it seems as sunrises and sunsets: mass shootings across our land and even here in our State, warfare in Ukraine and Sudan and skirmishes elsewhere, deadly storms plaguing fellow citizens. The litany has become almost commonplace; the reality of it all overwhelming. All the more, dear Lord, do we all find ourselves knowing that we must turn to You. To that end we ask that You give each of these Senators as well as our other leaders across this land the courage and the faith to face head-on the challenges they must deal with. And in every way, O God, may the trust we all have in You continue to be rock solid -- always. In Your hopeful name we pray, dear Lord. Amen.

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

Committee to Escort

The PRESIDENT appointed Senators GROOMS, CROMER, SHEALY, MALLOY and SCOTT to escort the Honorable David M. Beasley, Executive Director of the United Nations World Food Programme, and members of his party to the House of Representatives for the Joint Assembly.

RECESS

At 11:50 A.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly and stand in recess for one hour upon the conclusion of the Joint Assembly.

WEDNESDAY, MAY 3, 2023

JOINT ASSEMBLY

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 4235, a Concurrent Resolution adopted by both Houses.

H. 4235 -- Rep. G.M. Smith: A CONCURRENT RESOLUTION TO HONOR DAVID M. BEASLEY ON THE OCCASION OF THE CONCLUSION OF HIS SERVICE AS EXECUTIVE DIRECTOR OF THE UNITED NATIONS WORLD FOOD PROGRAMME, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MAY 3, 2023.

The Honorable David M. Beasley was escorted to the rostrum by Senators GROOMS, CROMER, SHEALY, MALLOY and SCOTT and Representatives Hiott, Alexander, Wooten, Davis and Pope.

The PRESIDENT introduced the Honorable David M. Beasley.

The Honorable David M. Beasley addressed the Joint Assembly.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:34 P.M., by prior motion of Senator MASSEY, the Senate recessed until 1:48 P.M.

Call of the Senate

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

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpootlian	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Shealy	Stephens	Talley

WEDNESDAY, MAY 3, 2023

Turner

Williams

Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracey L. Carroll, 1930 University Parkway, Suite 1500, Aiken, SC 29801-0009

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sheridan L. Lynn, Jr., 537 Edgefield Road, North Augusta, SC 29841-2474

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lauren Maurice, 290 Springhouse Dr., Aiken, SC 29803-8748

Statement by Senator Young

As to Judge Maurice, I recused myself from consideration and confirmation.

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patricia Yvonne A. Rushton, 129 Langley Dam Rd., Langley, SC 29834

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patrick D. Sullivan, 227 Gateway Drive, Suite 133, Aiken, SC 29803-9193

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dona H. Williamson, P. O. Box 99, Wagener, SC 29164-0099

WEDNESDAY, MAY 3, 2023

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Russell Feaster, 396 Dawkins Road, Blair, SC 29015-8925

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Vannessa Hollins, 445 Maple Street, Winnsboro, SC 29180-1821

COMMUNICATION

7th Congressional District Legislative Delegation



The Honorable Henry D. McMaster State House, First Floor Columbia, SC 29201	The Honorable Jeffrey S. Gossett 401 Gressette Building Columbia, SC 29201
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The Honorable Mark Hammond 1205 Pendleton Street Columbia SC 29201	The Honorable Charles F. Reid 213 Blatt Building Columbia, SC 29201
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May 2, 2023

RE: Approval of Mrs. Kathleen Richardson State Board for Technical and Comprehensive Education

Gentlemen:

Pursuant to Section 59-53-10, members of the General Assembly representing the 7th Congressional District considered the above referenced appointment.

All members of the 7th Congressional district by affixing their signature to the attached vote sheet recommend the appointment of Mrs. Kathleen Richardson to the State Board for Technical and Comprehensive Education. Details of the appointment are below:

WEDNESDAY, MAY 3, 2023

Initial appointment to the State Board for Technical and Comprehensive Education, with a term to commence July 1, 2018, and to expire July 1, 2024

7th Congressional District

Mrs. Kathleen Richardson, 5251 Mount Pleasant Drive, Myrtle Beach, S.C. 29579 *Vice:* Philip G. Homan

Thank you for your attention to this matter.

Sincerely,
Greg Hembree

Doctor of the Day

Senator MARTIN introduced Dr. Jennifer Root of West Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CROMER, at 2:10 P.M., Senator CAMPSER was granted a leave of absence for today.

Leave of Absence

On motion of Senator BENNETT, at 7:03 P.M., Senator HEMBREE was granted a leave of absence until 8:00 P.M.

Leave of Absence

On motion of Senator SABB, at 8:18 P.M., Senator SCOTT was granted a leave of absence for the balance of the day.

Leave of Absence

At 9:10 P.M., Senator SETZLER requested a leave of absence for Thursday, May 4, 2023, after 12:15 P.M.

Expression of Personal Interest

Senator K. JOHNSON rose for an Expression of Personal Interest.

Remarks to be Printed

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

WEDNESDAY, MAY 3, 2023

Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks to be Printed

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

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator CLIMER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Remarks to be Printed

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

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks to be Printed

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

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Remarks to be Printed

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

WEDNESDAY, MAY 3, 2023

CO-SPONSORS ADDED

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

- S. 148 Sens. Peeler and Kimbrell, McElveen, Fanning, M. Johnson, Sabb, K. Johnson, McLeod and Hutto
- S. 164 Sen. Young
- S. 399 Sens. Malloy, Grooms and Kimbrell
- S. 634 Sen. Gustafson
- S. 739 Sen. Malloy

RECALLED

S. 775 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-1022 (WASHINGTON STREET) FROM L-4349 (LAURENS STREET) NORTH TO THE END OF STATE MAINTENANCE IN CHARLESTON COUNTY "CHRISTINE JACKSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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. 4347 -- Reps. Hiott and Collins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SHOAL CREEK IN PICKENS COUNTY ALONG SOUTH CAROLINA HIGHWAY 186 "SERGEANT FIRST CLASS MATTHEW BRADFORD THOMAS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE 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.

WEDNESDAY, MAY 3, 2023

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 770 -- Senator Hembree: A SENATE RESOLUTION TO CONGRATULATE THE GRAND STRAND AMATEUR RADIO CLUB AND OTHER AMATEUR RADIO CLUBS AND USERS IN SOUTH CAROLINA AS THE MEMBERS CELEBRATE AMERICAN RADIO LEAGUE ANNUAL FIELD DAY FROM JUNE 24 TO 25, 2023.

sr-0391km-km23.docx : e300530b-93fd-4a28-ae98-d4382ae7596f

The Senate Resolution was adopted.

S. 771 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND DOROTHY BUCKHANAN WILSON OF BLYTHEWOOD FOR HER MANY YEARS OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS AS SHE CONTINUES TO SERVE.

lc-0247vr-rm23.docx : e1b10a2e-5a41-4839-8058-b91a408d4338

The Senate Resolution was adopted.

S. 772 -- Senator K. Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHIEF MASTER SERGEANT HOYT GAMBLE, JR., FOR HIS ILLUSTRIOUS SERVICE IN THE UNITED STATES AIR FORCE, AND TO APPLAUD HIS DISTINGUISHED CAREER.

lc-0134ha-gm23.docx : 62986cf6-2c59-4108-a000-27124ba9dc55

The Senate Resolution was adopted.

S. 773 -- Transportation Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0349wab-dbs23.docx : 3317fcb3-7832-46e6-a734-59bdfdc1be2a

Read the first time and ordered placed on the Calendar without reference.

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S. 774 -- Banking and Insurance Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: RECORD-KEEPING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5142, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0350wab-dbs23.docx : 1cc879d7-cbf4-4d70-a5c8-29c5242721dd

Read the first time and ordered placed on the Calendar without reference.

S. 775 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-1022 (WASHINGTON STREET) FROM L-4349 (LAURENS STREET) NORTH TO THE END OF STATE MAINTENANCE IN CHARLESTON COUNTY "CHRISTINE JACKSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0389km-vc23.docx : 46214b9b-95d1-4b17-886d-34a9c795ef02

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3355 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-4072 SO AS TO PROVIDE THAT A TOWING TRUCK WITH A FIFTH WHEEL ASSEMBLY MAY TOW ONE ADDITIONAL VEHICLE, TO PROVIDE A MAXIMUM LENGTH FOR THIS COMBINATION OF VEHICLES, TO PROVIDE THE MAXIMUM WEIGHT FOR THE FINAL TRAILING VEHICLE, AND TO PROVIDE A TRUCK OPERATING A TOWING COMBINATION MUST INCLUDE A VIDEO SYSTEM WHICH ALLOWS THE DRIVER TO MONITOR THE FINAL TRAILING VEHICLE AS IT IS BEING TOWED AND BE EQUIPPED WITH CERTAIN SAFETY DEVICES.

lc-0027cm23.docx : ca1f3099-6348-4468-832b-36bd8fbb61e2

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

H. 3501 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-102-140, RELATING TO PROHIBITED ACTS OF ATHLETE AGENTS,

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SO AS TO PROVIDE CERTIFIED ATHLETE AGENTS MAY PAY CERTAIN EXPENSES INCURRED BEFORE THE SIGNING OF AGENCY CONTRACTS BY STUDENT ATHLETES, FAMILY MEMBERS OF STUDENT ATHLETES, AND INDIVIDUALS OR CLASSES OF INDIVIDUALS AUTHORIZED TO RECEIVE SUCH PAYMENTS.

lc-0001wab23.docx : 7e22b437-a6ef-47eb-a7e2-bacb721a54bb

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

H. 4177 -- Rep. Hyde: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0191hdb23.docx : cb530df4-b1f9-4105-ada4-4a896880d154

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

H. 4347 -- Reps. Hiott and Collins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SHOAL CREEK IN PICKENS COUNTY ALONG SOUTH CAROLINA HIGHWAY 186 "SERGEANT FIRST CLASS MATTHEW BRADFORD THOMAS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

lc-0305cm-cm23.docx : b749db3b-1c4f-44bb-a5fb-d31123406a9f

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4425 -- Reps. Blackwell, Clyburn, Hixon, Oremus and Taylor: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR IRA ELLIS "BUD" COWARD II, BROKER-IN-CHARGE AND CO-OWNER OF COWARD & MCNEILL REAL ESTATE, LLC, AND TO CONGRATULATE HIM UPON BEING INDUCTED INTO THE SOUTH CAROLINA AVIATION HALL OF FAME.

lc-0317cm-gm23.docx : 282c59a7-6a17-4915-ae90-44ee54a8ac52

The Concurrent Resolution was adopted, ordered returned to the House.

WEDNESDAY, MAY 3, 2023

REPORTS OF STANDING COMMITTEES

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO

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BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3689 -- Reprs. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

Ordered for consideration tomorrow.

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

H. 3690 -- Reprs. Taylor, G.M. Smith, Thayer, Bradley, Hiott, Bannister, W. Newton, Sandifer, West, Davis, Erickson, J.E. Johnson, Jordan, Whitmire, Hixon, Elliott, Forrest, Wooten, Bustos, Willis, Yow, Carter, Hartnett, Moss, McCravy, B.J. Cox, Haddon, Burns, Chumley, Oremus, Hardee, Ligon, Long, Gilliam, Magnuson, Lawson, Nutt, Brewer, Guffey, Hager, Mitchell, Neese, Sessions, Vaughan, Robbins, Kilmartin, M.M. Smith, B. Newton, Hewitt, Leber, Pope, Blackwell, Caskey and Landing: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "ESG PENSION PROTECTION ACT"; BY AMENDING SECTION 9-16-10, RELATING TO RETIREMENT SYSTEM FUNDS DEFINITIONS SO AS TO ADD A DEFINITION OF "PECUNIARY FACTOR"; BY AMENDING SECTION 9-16-30, RELATING TO DELEGATION OF FUNCTIONS BY THE COMMISSION, SO AS TO PROVIDE THAT PROXY VOTING DECISIONS MUST BE BASED ON PECUNIARY FACTORS; BY AMENDING SECTION 9-16-50, RELATING TO INVESTMENT AND MANAGEMENT CONSIDERATIONS BY TRUSTEES, SO AS TO PROVIDE THAT THE COMMISSION MAY ONLY CONSIDER PECUNIARY FACTORS IN MAKING CERTAIN INVESTMENT DECISIONS; BY AMENDING SECTION 9-16-320, RELATING TO ANNUAL INVESTMENT PLANS SO AS TO REQUIRE CERTAIN MEETINGS; BY AMENDING SECTION 9-16-330, RELATING TO STATEMENT OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO REQUIRE CERTAIN CERTIFICATIONS; AND BY ADDING SECTION 9-16-110 SO AS TO PROVIDE THAT THE ATTORNEY

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GENERAL MAY BRING AN ACTION TO ENFORCE CERTAIN PROVISIONS.

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education polled out H. 4122 favorable:

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoun, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

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Poll of the Education Committee

Polled 17; Ayes 17; Nays 0

AYES

Hembree	Setzler	Rankin
Peeler	Jackson	Grooms
Malloy	Hutto	Young
Turner	Rice	Talley
Massey	Cash	Allen
Scott	Loftis	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

Appointment Reported

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

Statewide Appointment

Initial Appointment, Director of Department of Insurance, with term coterminous with Governor

Director:

Michael Wise, 2 School Yard Court, Columbia, SC 29209

Received as information.

Message from the House

Columbia, S.C., May 3, 2023

Mr. President and Senators:

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

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF

WEDNESDAY, MAY 3, 2023

PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 3, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF

WEDNESDAY, MAY 3, 2023

ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

asks for a Committee of Conference, and has appointed Reps. Jeff Johnson, Robbins and Wetmore to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

H. 3532--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators MALLOY, HEMBREE, and ADAMS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

HOUSE CONCURRENCES

S. 766 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND JAMES A. JAMISON, ASSISTANT PASTOR OF BROOKLAND BAPTIST CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER YEARS OF EXEMPLARY MINISTRY AND SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 769 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE THE STATE OF ISRAEL UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND COMMEND ISRAEL'S RELATIONSHIP WITH THE STATE OF SOUTH CAROLINA AND THE UNITED STATES.

Returned with concurrence.

Received as information.

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

SECOND READING BILL

S. 383 -- Senator Malloy: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE; TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE; AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

On motion of Senator MALLOY.

S. 383--Ordered to a Third Reading

On motion of Senator MALLOY, S. 383 was ordered to receive a third reading on Thursday, May 4, 2023.

SECOND READING BILL

S. 764 -- Senators Climer, M. Johnson and Peeler: A BILL TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

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Senator FANNING proposed the following amendment (LC-764.HDB0001S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 2(A) of Act 470 of 2000 and inserting:

(A)(1) Notwithstanding another provision of law, beginning with the elections conducted in ~~2014~~2024, the ~~election~~ seven single-member districts ~~for~~from which each of the members of the Board of Trustees of Rock Hill School District No. 3 of York County must be elected are established and delineated on map number ~~S-91-03-14~~S-91-03-23A created and maintained by the ~~Office of Research and Statistics of the State Budget and Control Board~~Revenue and Fiscal Affairs Office, or its successor agency.

(2) The demographic information for each of the seven single-member districts shown on this map is as follows:

District	Pop	Dev.	%Dev	NHWH	%NHWH	NHBL	%NHBL
1	20,887	-1,258	-5.68%	7,141	34.19%	12,638	60.51%
2	22,873	728	3.29%	18,522	80.98%	2,913	12.74%
3	21,154	-991	-4.48%	12,595	59.54%	7,646	36.14%
4	22,850	705	3.18%	16,490	72.17%	3,509	15.36%
5	22,964	819	3.70%	15,256	66.43%	4,434	19.31%
Total	110,728			70,004		31,140	

District	VAP	NHWV AP	%NHWV AP	NHBV AP	NHBVA P%	AllOth	AllOthV AP
1	15,901	5,999	37.73%	9,125	57.39%	1,108	777
2	17,296	14,370	83.08%	2,000	11.56%	1,438	926
3	16,090	9,934	61.74%	5,562	34.57%	913	594
4	17,424	13,225	75.90%	2,356	13.52%	2,851	1,843
5	17,398	12,171	69.96%	3,050	17.53%	3,274	2,177
Total	84,109	55,699		22,093		9,584	6,317

District	Pop.	Dev.	%Dev.	Hisp.	%Hisp.	NH White	%NH White
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1	16,462	-856	-0.05	1,075	0.07	6,150	0.37
2	16,970	-348	-0.02	1,441	0.08	10,891	0.64
3	16,864	-454	-0.03	885	0.05	5,863	0.35
4	18,074	756	0.04	2,185	0.12	11,453	0.63
5	18,005	687	0.04	1,390	0.08	9,995	0.56
6	17,426	108	0.01	673	0.04	12,934	0.74
7	17,426	108	0.01	770	0.04	12,502	0.72
Total	121,227			8,419		69,788	

District	NH Blk	%NH Blk	VAP	%VAP	HVAP	%HVAP
1	8,548	0.52	12,780	0.78	724	0.06
2	3,528	0.21	13,176	0.78	937	0.07
3	9,538	0.57	13,223	0.78	643	0.05
4	3,315	0.18	14,168	0.78	1,496	0.11
5	4,634	0.26	13,961	0.78	964	0.07
6	2,886	0.17	13,684	0.79	414	0.03
7	3,236	0.19	13,662	0.78	527	0.04
Total	35,685		94,654		5,705	

District	NH WVAP	%NH WVAP	NH BVAP	%NH BVAP
1	5,129	0.40	6,434	0.50
2	8,851	0.67	2,570	0.20
3	5,022	0.38	7,130	0.54
4	9,449	0.67	2,368	0.17
5	8,318	0.60	3,295	0.24
6	10,493	0.77	2,145	0.16

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 2(B) of Act 213 of 2005 is amended to read:

(B)(1) The Board of Trustees of Rock Hill School District No. 3 of York County is composed of seven members elected in a nonpartisan election by the qualified electors of the district ~~with five members required to reside in the five districts delineated in subsection (A) of this section and two elected at large from the district without regard to residency~~ from one of the seven defined single-member districts. A board

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member representing a numbered district must be a resident of the school district and the numbered single-member district from which he is elected, and only those electors residing in the particular district are eligible to vote for the trustee who will represent the district.

(2) The trustees representing districts 1, 3, and 5 and ~~one at large seat 7~~ must be elected at the time of the general election of ~~2008~~2026, and the trustees representing districts 2 ~~and~~ 4, and ~~one at large seat 6~~ must be elected at the time of the general election of ~~2006~~2024. The trustees serving on the effective date of this act elected from residency districts 2 ~~and~~ 4, and ~~the at large seat 6~~ shall continue to serve until the expiration of their terms in ~~2006~~2024. Thereafter, all terms of office are for four years, until their successors are elected and qualify.

(3) Notwithstanding another provision of law, beginning with elections conducted in ~~1996~~2024, each candidate for election ~~as a trustee to the school boards in York County School Districts 1, 2, 3, and 4~~ Board of Trustees of Rock Hill School District 3 of York County shall file his statement of candidacy with the ~~Registration and Elections Commission for York County~~ Board of Voter Registration and Elections for the period beginning no earlier than 12:00 noon on August first and ending no later than 12:00 noon on August thirty-first. However, if ~~either of these dates~~ August thirty-first falls on a Saturday, Sunday, or legal holiday, the date is extended until 12:00 noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday.

(4) If a seat becomes vacant before the expiration of the incumbent's term of office due to death, resignation, removal, or any other cause, the resulting vacancy must be filled by the board of trustees for the unexpired portion of the term until the next election for trustees is held.

Renummer sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator CLIMER moved to lay the amendment on the table.

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

Ayes 3; Nays 1

AYES

Climer

Johnson, Michael

Peeler

Total--3

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NAYS

Fanning

Total--1

The amendment was laid on the table.

The question then being the second reading of the Bill.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE THIRD TIME
SENT TO THE HOUSE**

S. 739 -- Senators Setzler, Alexander, Peeler, Williams, Davis, Talley and Malloy: A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NON-RECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTI-FAMILY HOUSING DEVELOPMENTS.

The Senate proceeded to the consideration of the Resolution.

The Committee on Finance proposed the following amendment (SF-739.CH0003S), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION 1. The General Assembly hereby provides a one-time authorization of South Carolina Housing Tax Credits pursuant to and for the purposes described in this Joint Resolution in an amount necessary but not exceeding \$29,806,029, comprised of \$12,889,152 remaining available from the one-time authorization of South Carolina Housing

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Tax Credits provided in Section 1.B.1 of Act 202 of 2022, and a total of \$16,916,877 remaining available for allocations for the tax year ending December 31, 2023, pursuant to Section 12-6-3795. In addition to the foregoing, the General Assembly hereby authorizes pursuant to and for the purposes described in this Joint Resolution an amount necessary but not exceeding \$25,000,000 from the undesignated balance held in the South Carolina Housing Trust Fund established pursuant to Article 4 of Chapter 13, Title 31 of the South Carolina Code, as non-recurring, one-time funding, and not as South Carolina Housing Tax Credits. No later than June 30, 2023, the State Housing Finance and Development Authority must develop a plan to allocate the South Carolina Housing Tax Credits and non-recurring, one-time funding made available pursuant to this Joint Resolution as supplemental financial support to certain multi-family housing projects that had by March 31, 2023, received a tentative allocation of South Carolina Housing Tax Credits pursuant to Act 202 of 2022. The plan, and any project allocations proposed thereunder, must be submitted to the Joint Bond Review Committee for review and comment prior to awarding any South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this Joint Resolution.

Amend the joint resolution further, by striking SECTIONS 3 and 4 and inserting:

SECTION 3. Any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this Joint Resolution must be limited to the amount necessary to provide supplemental financial support to projects that (1) are under construction; and (2) have demonstrated independently-verified costs exceeding original estimates as a consequence of escalations in costs of construction and materials, increases in interest rates, and such other extenuating factors as may be recommended by the State Housing Finance and Development Authority, subject to the review and comment of the Joint Bond Review Committee; provided, however, that no single project may receive an allocation of more than the lesser of (1) the actual amount of South Carolina Housing Tax Credits and non-recurring, one-time funding made available pursuant to this Joint Resolution necessary to achieve financial feasibility of the project based on the independently verified costs exceeding the original estimate for the project; or (2) twenty percent of the South Carolina Housing Tax Credit reflected on the eligibility statement, as defined in Section 12-6-3795(A)(1), previously furnished for the project by the State Housing Finance and Development Authority; further provided, however, that the

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State Housing Finance and Development Authority may recommend, subject to the review of the Joint Bond Review Committee, a de minimus adjustment not exceeding five percent beyond the limitations of this SECTION to promote financial feasibility of the project in marginal circumstances. Project sponsors must have requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority no later than March 31, 2023.

SECTION 4. The plan must conform with such provisions of the Qualified Allocation Plan and the State Ceiling Allocation Plan as the State Housing Finance and Development Authority may recommend to be applicable to any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to this Joint Resolution; provided, however, that priority must be given to projects with highest rates of completion and earliest dates that the projects are expected to be placed in service.

Amend the joint resolution further, by striking SECTION 6 and inserting:

SECTION 6. The State Housing Finance and Development Authority may require, as a condition of any supplemental South Carolina Housing Tax Credits or non-recurring, one-time funding made available pursuant to the plan required by SECTION 1 and this Joint Resolution, an agreement from the project sponsor that the South Carolina Housing Tax Credits and any non-recurring, one-time funding allocated to the project are deemed final, without recourse.

Amend the joint resolution further, by adding an appropriately numbered SECTION to read:

SECTION 10. In addition to the other amounts made available by this Joint Resolution, the General Assembly hereby authorizes the State Housing Finance and Development Authority to allocate an amount necessary but not exceeding fifty percent of the federal low-income housing tax credit allocated to this state for the tax year ending December 31, 2023, as supplemental financial support to certain multi-family housing projects utilizing federal 9% tax credits as defined in Section 12-6-3795(A)(7) that had by March 31, 2023, requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority. Any allocations of federal tax credits made pursuant to this SECTION must be included and coordinated within the plan required pursuant to SECTION 1, and are subject to, without limitation, the same requirements, determinations,

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limitations, and other provisions as are applicable to the State Housing Tax Credits included in SECTIONS 1 through 7, of this Joint Resolution.

Re-number sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

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

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

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**READ THE THIRD TIME
SENT TO THE HOUSE**

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

S. 564 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 399 -- Senators Peeler, Alexander, Malloy, Grooms and Kimbrell: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO

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CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95,

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48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

The Senate proceeded to the consideration of the Bill.

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The Committee on Medical Affairs proposed the following amendment (SR-399.KM0020S), which was adopted:

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

SECTION 1. On the effective date of this act:

(1) there is created the Department Public Health comprised of the divisions, offices, and programs of the Department of Health and Environmental Control that perform health related functions. The Director of the Department of Health and Environmental Control shall serve as the interim Director of the Department Public Health and all relevant powers and duties assigned to the Department of Health and Environmental Control are transferred to and devolved upon the Department of Public Health;

(2) the authority to establish, manage, and operate veterans homes shall be transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes being transferred to and devolved upon the Department of Veterans' Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans homes are located, title shall be transferred to the Department of Veterans' Affairs;

(3) there is created the Department of Environmental Services;

(4)(a) except as provided in subitem (b), the divisions, offices, and programs of the Department of Health and Environmental Control that perform functions related to regulation and protection of the environment shall become divisions, offices, and programs of the Department of Environmental Services with the director of the department being deemed the head of the divisions, offices, and programs unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Environmental Services;

(b) the food safety program in the Division of Food and Lead Risk Assessment and the Milk and Dairy Lab of the Department of Health and Environmental Control shall become a division of the Department of Agriculture with the director of that department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Agriculture;

(5) the hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural Resources shall become a division of the Department of Environmental Services, and all relevant powers and duties assigned to the Department

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of Natural Resources being transferred to and devolved upon the Department of Environmental Services; and

(6) the flood mitigation program of the Department of Natural Resources shall become a program of the Office of Resilience and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Office of Resilience.

SECTION 2. Chapter 1, Title 44 of the S.C. Code is amended to read:

CHAPTER 1

~~Department of Health and Environmental Control~~ Public Health

~~Section 44-1-20. There is created the South Carolina Department of Public Health and Environmental Control which shall be administered under the supervision of the South Carolina Board of Health and Environmental Control. The board shall consist of eight members, one from each congressional district, and one from the State at large to be appointed by the Governor, upon the advice and consent of the Senate. The Governor shall appoint a Director of the Department of Public Health pursuant to Section 1-30-10(B) upon the advice and consent of the Senate. The director shall manage the department and may appoint deputies for the divisions pursuant to Section 1-30-10(E). The director is subject to removal by the Governor pursuant to Section 1-3-240. The member who is appointed at large shall serve as the chairman of the board. The Governor may remove the chairman of the board pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their successors are appointed and qualify. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. In making these appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.~~

~~Section 44-1-30. The Board shall meet at least quarterly and the members shall receive such compensation for their services as is provided by law for members of boards and commissions. The director shall have all authority and duties as provided for in Chapter 30, Title 1.~~

Section 44-1-60. (A) All ~~department~~ departmental decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates or other actions of the department which

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may give rise to a contested case, ~~except a decision to establish a baseline or setback line,~~ must be made using the procedures set forth in this section. ~~A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65.~~

(B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

~~(C) The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.~~

~~(D)~~(C) In making a staff decision ~~on any~~ about a permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such a permit, license, certification or other approval. At the time that ~~such staff~~ a decision is made, the department shall issue a department written decision, and shall base its department decision on the administrative record, which ~~shall~~ must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record ~~may~~ also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department ~~decision need not be issued for routine permits for which no adverse public comments have been received~~ is not required to issue a written decision for issuance of routine permits for which the department has not received public comments.

~~(E)~~(D)(1) ~~Notice of a~~The department decision ~~must be sent~~ shall send a notice of a decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of ~~staff~~ decisions for which a department written decision is not required pursuant to subsection ~~(D)~~(C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee,

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licensee, certificate holder and affected persons who have requested in writing to be notified.

~~—(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.~~

~~—(3) The filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses.~~

~~—(F) No later than sixty calendar days after the date of receipt of a request for final review, a final review conference must be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. If the board declines in writing to schedule a final review conference or if a final review conference is not conducted within sixty calendar days, the staff decision becomes the final agency decision, and an applicant, permittee, licensee, or affected person requests pursuant to subsection (G) a contested case hearing before the Administrative Law Court. The department shall set the place, date, and time for the conference; give the applicant and affected persons at least ten calendar days' written notice of the conference; and advise the applicant that evidence may be presented at the conference. The final review conference must be held as follows:~~

~~—(1) Final review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the moving party. During the course of the final review conference, the staff must explain the staff decision and the materials relied upon in the administrative record to support the staff decision. The applicant or affected party shall state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. The staff may rebut information and arguments presented by the applicant or affected party and the applicant or affected party may rebut information and arguments presented by the staff. Any final review conference officer may request additional information and may question the applicant or affected party, the staff, and anyone else providing information at the conference.~~

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~~(2) After the final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the final review conference. Within thirty-fourty-five calendar days after the receipt of the decision pursuant to item (1) an applicant, permittee, licensee, certificate holder or affected person desiring to contest the final agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.~~

~~—(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or affected person must be notified of their right to request a transcript of the proceedings of the final review conference. If a transcript is requested, the applicant, permittee, licensee, or affected person making the request is responsible for all costs.~~

~~—(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:~~

~~—(1) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or~~

~~—(2) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or~~

~~—(3) the final agency decision resulting from the final review conference is received by the parties.~~

~~—(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final review process.~~

~~—(I) The department may promulgate regulations providing for procedures for final reviews.~~

~~(J)(E) Any statutory deadlines applicable to permitting and licensing programs administered by the department must be extended to all for this final review process. If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.~~

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Section 44-1-70. All ~~rules and regulations promulgated by the Board department in accordance with this chapter are subject to the provisions of the Administrative Procedures Act. shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation.~~

Section 44-1-80. (A) The ~~Board of~~Department of Public Health and Environmental Control or its designated agents must investigate the reported causes of communicable or epidemic disease and must enforce or prescribe these preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect the citizens of the State. The ~~Board of Health and Environmental Control~~department or its designated agents shall declare, when the facts justify it, any place as infected and, in case of hydrophobia or other diseases transmitted from animals to man, must declare such animal or animals quarantined, and must place all such restrictions upon ingress and egress of persons or animals therefrom as may be, in its judgment, necessary to prevent the spread of disease from the infected locality.

(B)(1) Whenever the ~~board~~department learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to cause a public health emergency, as defined in Section 44-4-130, it is authorized to notify the appropriate public safety authority, tribal authorities, and federal health and public safety authorities.

(2) The sharing of information on reportable illnesses, health conditions, unusual clusters, or suspicious events between authorized personnel must be restricted to information necessary for the treatment, control, investigation, and prevention of a public health emergency. Restriction of access to this information to those authorized personnel for the protection of public health ensures compliance with all state and federal health information privacy laws. The department is authorized to consult with, share data with, and share otherwise confidential information with the Department of Environmental Services concerning reportable illnesses, health conditions, unusual clusters, or suspicious events if such consultation and sharing is in the public interest.

(3) The ~~board~~department and its agents ~~must~~shall have full access to medical records and nonmedical records when necessary to investigate the causes, character, and means of preventing the spread of a qualifying health event or public health emergency. For purposes of this item, “nonmedical records” ~~mean~~means records of entities, including businesses, health facilities, and pharmacies, which are needed to

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adequately identify and locate persons believed to have been potentially exposed or known to have been infected with a contagious disease.

(4) An order of the ~~board~~ department given to effectuate the purposes of this subsection is enforceable immediately by the public safety authority.

(5) For purposes of this subsection, the terms qualifying health event, public health emergency, and public safety authority have the same meanings as provided in Section 44-4-130.

Section 44-1-90. The ~~State Board~~ Department of Public Health and Environmental Control or its designated agents, when it is deemed necessary by the municipal officers of any town or city or the governing body of any county, may (a) visit cities, towns, villages or localities where disease is prevalent or threatened, (b) investigate and advise with the local authorities or persons as to such measures as may tend to prevent the spread of disease or to remove or abate causes that may tend to cause or intensify disease, (c) advise, when practicable or possible, as to measures of sanitation or hygiene and (d) investigate and advise as to all matters respecting water supply, sewage, drainage, ventilation, heating, lighting or other measures connected with public sanitation or safety.

Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns must aid and assist the Director of the Department of ~~Public Health and Environmental Control~~ and must carry out and obey his orders, or those of the ~~Department of Health and Environmental Control~~ department, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. During a state of public health emergency, as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.

Section 44-1-110. (A) The Department of ~~Public Health and Environmental Control~~ is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the State in all questions involving the protection of the public health within its limits.

(B) ~~It shall~~ The department, through its representatives, shall investigate the causes, character, and means of preventing the epidemic

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and endemic diseases as the State is liable to suffer from and the influence of climate, location, and occupations, habits, drainage, scavenging, water supply, heating, and ventilation. It ~~shall have~~has, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals, and other health facilities as necessary to carry out its investigation of these diseases. No physician, hospital, or health facility, or person in charge of these records is liable in any action-at-law for permitting the examination or review. Patient-identifying information elicited from these records and registries must be kept confidential by the department and it is exempt from the provisions of Chapter 4-~~of~~, Title 30. The department~~It~~ shall supervise and control the quarantine system of the State. ~~It and~~ may establish quarantine both by land and sea.

Section 44-1-130. (A) The Department of Public Health and Environmental Control may divide the State into health districts and establish in these districts advisory boards of health which shall consist of representatives from each county in the district. Boards of health now existing in the districts shall have representation on the district advisory board. Counties not having local boards of health ~~shall~~must be represented by individuals appointed by the county legislative delegation. The number of members of a district advisory board ~~shall~~must be determined by the ~~Department~~department with due consideration to the population and community needs of the district. District advisory boards of health ~~shall be~~are subject to the supervisory and advisory control of the ~~Department~~department. District advisory boards are charged with the duty of advising the district medical director or administrator in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.

(B) The district medical director or administrator ~~shall be~~is the secretary of the advisory board and the district advisory board shall elect annually from its membership a chairman.

Section 44-1-140. The Department of Public Health and Environmental Control may make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for:

- ~~—(1) For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public;~~
- ~~—(2) For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands and all other places or establishments providing~~

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eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;

~~—(3) For the production, storing, labeling, transportation and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives and any other products made in semblance of milk or milk products;~~

~~—(4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants;~~

~~—(5) For the classification of waters and for the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish and crustaceans;~~

~~—(6) For the control of disease bearing insects, including the impounding of waters;~~

~~(7)~~(1) For the safety, safe operation and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs;

~~—(8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic;~~

~~—(9) For the use of water in air humidifiers;~~

~~(10)~~(2) For the care, segregation and isolation of persons having or suspected of having any communicable, contagious or infectious disease; and

~~—(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;~~

~~(12)~~(3) For the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; and

~~—(13) For alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.~~

(B) The Department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing ~~nuisances~~ conditions dangerous to the public health and communicable, contagious and infectious diseases and other

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danger to the public life and health. Any rule or order imposed pursuant to this section shall remain in effect for up to forty-five days unless extended by an act of the General Assembly.

~~—Section 44-1-143. (A) For the purposes of this section:~~

~~—(1) “Home-based food production operation” means an individual, operating out of the individual's dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person, including online and by mail order, or to retail stores, including grocery stores. “Home-based food production operation” does not include preparing, processing, packaging, storing, or distributing aluminum canned goods or charcuterie boards.~~

~~—(2) “Nonpotentially hazardous foods” are foods that are not potentially hazardous.~~

~~—(3) “Person” means an individual consumer.~~

~~—(4) “Potentially hazardous foods” includes:~~

~~—(a) an animal food that is raw or heat treated; a plant food that is heat treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation; garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;~~

~~—(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:~~

Aw values	pH values		
	4.6 or less	>4.6-5.6	>5.6
(1) <0.92	non-PHF	non-PHF	non-PHF
(2) >0.92-0.95	non-PHF	non-PHF	PHF
(3) >0.95	non-PHF	PHF	PHF

~~—Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.~~

~~—(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:~~

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~~—(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;~~

~~—(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;~~

~~—(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;~~

~~—(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and~~

~~—(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.~~

~~—(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:~~

~~—(1) department-approved water supply;~~

~~—(2) a separate storage place for ingredients used in foods intended for sale;~~

~~—(3) a properly functioning refrigeration unit;~~

~~—(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;~~

~~—(5) adequate facilities for the storage of utensils and equipment;~~

~~—(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;~~

~~—(7) a properly functioning toilet facility;~~

~~—(8) no evidence of insect or rodent activity; and~~

~~—(9) department-approved sewage disposal, either onsite treatment or publicly provided.~~

~~—(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:~~

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~~—(1) the name and address of the home based food production operation. If a home based food production operator does not want to include his address on the label, then the department shall provide an identification number to the operator, upon the operator's request, that can be used on the label instead;~~

~~—(2) the name of the product being sold;~~

~~—(3) the ingredients used to make the product in descending order of predominance by weight; and~~

~~—(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: "PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."~~

~~—(E) Home based food operations only may sell, or offer to sell, food items directly to a person, including online and by mail order, or to retail stores, including grocery stores. Food produced from a home based food production operation shall be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25. Any retail stores, including grocery stores, that sell or offer to sell home-based food products must post clearly visible signage indicating that home-based food products are not subject to commercial food regulations.~~

~~—(F) A home based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.~~

~~—(G) The provisions of this section do not apply to an operation with net earnings of less than fifteen hundred dollars annually but that would otherwise meet the definition of a home based food operation provided in subsection (A)(1).~~

~~—(H) [Deleted]~~

~~—(I) The provisions of this section apply in the absence of a local ordinance to the contrary.~~

~~—Section 44-1-145. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty five degrees Fahrenheit (sixty-eight degrees Celsius), unless otherwise ordered by the immediate consumer.~~

~~—(B) The food service provider, its business or its employees or agents, are not liable for any adverse affects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less~~

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~~than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), and be given to the purchaser:~~

~~— (1) in writing;~~

~~— (2) as stated on the menu; or~~

~~— (3) by visible sign warning.~~

~~—(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), the individual must be eighteen years of age or older.~~

~~—Section 44-1-148. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.~~

Section 44-1-150. (A) ~~Except as provided in Section 44-1-151, a~~A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Public Health and Environmental Control, made by the department pursuant to Section 44-1-140, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 44-1-140 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term “notice” as used in this section means either actual notice or constructive notice.

Section 44-1-160. Nothing contained in Section 44-1-140 ~~shall~~ in any way ~~abridge or limit~~bridges or limits the right of ~~any a~~ person to maintain or prosecute ~~any proceedings, civil or criminal,~~a civil or criminal proceeding against a person maintaining a nuisance.

Section 44-1-170. The Department of Public Health~~and Environmental Control~~ may direct and supervise the action of the local boards of health in incorporated cities and towns and in all townships in all matters pertaining to ~~such~~the local boards.

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Section 44-1-180. The Department of Public Health~~—and Environmental Control~~ may establish charges for maintenance and medical care for all persons served in State health centers and other health facilities under the jurisdiction of the Department and by personnel of the Department and of the health units under its jurisdiction in homes and any other places where health services are needed. The terms “medical care” and “health services” include the services of physicians, dentists, optometrists, nurses, sanitarians, physical therapists, medical social workers, occupational therapists, health aides, speech therapists, X-ray technologists, dietitians, nutritionists, laboratory technicians, and other professional and subprofessional health workers. The charges, which may be adjusted from time to time, shall be reasonable and based on the total costs of the services rendered, including operating costs, depreciation costs, and all other elements of costs.

Section 44-1-190. The Department of Public Health~~—and Environmental Control~~ shall make such investigations as it deems necessary to determine which persons or which of the parents, guardians, trustees, committees or other persons or agencies legally responsible therefor are financially able to pay the expenses of the care and treatment, and may contract with any person or agency for the care and treatment of any person to the extent permitted by the resources available to the Department. The Department may require any county or State agency to furnish information which would be helpful to it in making the investigations. In arriving at the amount to be charged, the Department shall have due regard for the financial condition and estate of the person, his present and future needs and the present and future needs of his lawful dependents, and whenever considered necessary to protect him or his dependents, may agree to accept a sum less than the actual cost of services. ~~AN~~ no person shall may not be deprived of available health services solely because of inability to pay. ~~No fees shall~~ A fee may not be charged for services which in the judgment of the Department should be made freely available in order to protect and promote the public health.

Section 44-1-200. The Department of Public Health~~—and Environmental Control~~ may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services ~~shall~~ must include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment and rehabilitation services. In order that it may provide such services, the

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department may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists, medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase equipment and materials necessary to maintain an effective program. The Department shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with such agencies or associations specifying the type of assistance and advice it will provide.

Section 44-1-210. All fees and charges collected pursuant to Sections 44-1-180 to 44-1-200, including vital statistics fees as now provided by law, shall be deposited in the State Treasury and shall be used in the operation of the public health program of the bureau, division, district health unit or local county health department which performed the services for which the fees and charges were collected. An annual report shall be made to the State Fiscal Accountability Authority, Executive Budget Office and the Revenue and Fiscal Affairs Office of the receipts and expenditures made under the provisions of Sections 44-1-180 to 44-1-200.

Section 44-1-215. Notwithstanding Section 13-7-85, the Department of ~~Public Health and Environmental Control~~ may retain all funds generated in excess of those funds remitted to the general fund in ~~fiscal year~~ Fiscal Year 2000-2001 from fees listed in Regulation R61-64 Title B.

Section 44-1-220. All skilled and intermediate care nursing facilities licensed by the Department of ~~Public Health and Environmental Control~~ shall ~~must~~ be required to furnish an item-by-item billing for all charges to the patient or the person paying ~~such the~~ bill, upon request by ~~such the~~ patient or person. Items which remain unpaid are not required to be itemized again. ~~Such requests~~ A request for itemized billing shall ~~remain~~ remains in effect until further notification by the patient or person paying ~~such the~~ bill. Provided, that the provision herein ~~shall does~~ not apply to the contracted amount of a state or federal agency. Any amount above ~~such a~~ contract shall must be itemized as provided herein.

Section 44-1-230. The Department of ~~Public Health and Environmental Control~~ shall give consideration to any benefits available to an individual, including private, group or other insurance benefits, to meet, in whole or in part, the cost of any medical or health services. ~~Such benefits~~ Benefits shall must be utilized insofar as possible; ~~—provided,~~ however, the availability of ~~such~~ benefits shall must not be the sole basis for determining eligibility for program services of the department.

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Insurance carriers ~~shall~~must not deny payment of benefits otherwise available to the insured solely on the basis that an individual has applied for, or has been deemed eligible to receive, or has received, services, or on the basis that payments have been made for services by the department.

Section 44-1-260. Upon conducting an early periodic screening, diagnosis, and treatment screening (EPSDT), or another physical examination of a child from which it is determined that the child may benefit from the use of assistive technology, the department or person conducting the screening or examination may refer the child to an appropriate agency for an assistive technology evaluation. For purposes of this section, “assistive technology” means a device or service which is used to increase, maintain, or improve the functional capacities of an individual with a disability. An “assistive technology device” ~~is~~means an item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized that is used to increase, maintain, or improve the functional capacities of an individual with a disability including, but not limited to, aids for daily living, augmentative communication devices, wheelchairs, and mobility aids, seating and positioning aids, computer aids, environmental controls, home and workplace modifications, prosthetics and orthotics, or aids for vision or hearing impairments. An “assistive technology service” is a service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Section 44-1-280. The ~~Board and~~ Department of Public Health and Environmental Control in establishing priorities and funding for programs and services which impact on children and families during the first years of a child's life, within the powers and duties granted to it, must support, as appropriate, the South Carolina First Steps to School Readiness initiative, as established in Title 59, Chapter 152, at the state and local levels.

Section 44-1-310. (A) The Department of Public Health and Environmental Control shall establish a Maternal Morbidity and Mortality Review Committee to review maternal deaths and to develop strategies for the prevention of maternal deaths. The committee must be multidisciplinary and composed of members deemed appropriate by the department. The committee also may review severe maternal morbidity. The department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and performing other tasks as may be incident to these activities, including providing the

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necessary data, information, and resources to ensure successful completion of the ongoing review required by this section.

(B) The State Registrar shall provide the following necessary data from death certificates of women who died within a year of pregnancy to the department staff for review to assist in identifying maternal death information:

- (1) name;
- (2) date and time of death;
- (3) state and county of residence;
- (4) date of birth;
- (5) marital status;
- (6) citizenship status;
- (7) United States armed forces veteran status;
- (8) educational background;
- (9) race and ethnicity;
- (10) date and time of injury;
- (11) place of injury;
- (12) location where injury occurred;
- (13) place of death (facility name and/or address);
- (14) manner of death;
- (15) whether an autopsy was performed and findings available as to the cause of death;
- (16) whether tobacco contributed to death;
- (17) primary and contributing causes of death.

(C) The State Registrar shall provide the following necessary data from birth certificates or fetal death reports linked to the woman for whom data from the death certificate was provided pursuant to subsection (B), where available, to department staff for review to assist in identifying maternal death information:

- (1) medical record number;
- (2) date of delivery;
- (3) location of event;
- (4) name of mother;
- (5) mother's date of birth;
- (6) mother's race and ethnicity;
- (7) mother's pregnancy history;
- (8) mother's height and weight;
- (9) date of last normal menstrual period;
- (10) date of first prenatal visit;
- (11) number of prenatal visits;
- (12) plurality;

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- (13) use of WIC during pregnancy;
- (14) delivery payment method;
- (15) cigarette smoking before and during pregnancy;
- (16) risk factors during pregnancy;
- (17) infections present or treated during pregnancy;
- (18) onset of labor;
- (19) obstetric procedures;
- (20) characteristics of labor and delivery;
- (21) maternal morbidity.

(D) The department must not disclose any information collected under this section that would identify the mother or baby with anyone outside the department, including the committee. Identifying information includes, but may not be limited to, names, addresses more specific than the county of residence, medical record numbers, and dates and times of birth or death.

(E) The department, or its representatives, on behalf of the committee, shall:

- (1) extract necessary data elements from death certificates and birth certificates or fetal death reports, as applicable, and provide de-identified information to the committee for its review and consideration;
- (2) review and abstract medical records and other relevant data;
- (3) contact family members and other affected or involved persons to collect additional data.

(F) The committee shall:

- (1) review information and records provided by the department;
 - (2) determine whether maternal death cases reviewed are pregnancy related, as defined as a death within one year of the pregnancy with a direct or indirect causation related to the pregnancy or postpartum period;
 - (3) consult with relevant experts to evaluate the records and data;
 - (4) make determinations regarding the preventability of maternal deaths;
 - (5) develop recommendations for the prevention of maternal deaths;
- and
- (6) disseminate findings and recommendations pursuant to subsection (J).

(G)(1) Health care providers and pharmacies licensed pursuant to Title 40 shall provide reasonable access to the department and its representatives, on behalf of the committee, to all relevant medical records associated with a case under review by the committee.

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(2) A health care provider, health care facility, or pharmacy providing access to medical records pursuant to this subsection are not liable for civil damages or subject to criminal or disciplinary action for good faith efforts in providing the records.

(3) Coroners and law enforcement shall provide reasonable access to the department and its representatives, on behalf of the committee, to all relevant records associated with a case under review by the committee.

(H)(1) Information, records, reports, statements, notes, memoranda, or other data collected pursuant to this section are not admissible as evidence in any action of any kind in any court or before another tribunal, board, agency, or person. The information, records, reports, statements, notes, memoranda, or other data must not be exhibited nor their contents disclosed, in whole or in part, by an officer or a representative of the department or another person, except as necessary for the purpose of furthering the review of the committee of the case to which they relate. A person participating in a review may not disclose the information obtained except in strict conformity with the review project.

(2) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the committee, and other persons, agencies, or organizations authorized by the department pursuant to this section are confidential.

(I)(1) All proceedings and activities of the committee, opinions of members of the committee formed as a result of the proceedings and activities, and records obtained, created, or maintained pursuant to this section, including records of interviews, written reports, and statements procured by the department or another person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, are confidential and are not subject to the provisions of Chapter 4, Title 30 relating to open meetings or public records, or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. However, this section must not be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the committee's proceedings.

(2) Members of the committee must not be questioned in a civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the committee. However, this section must not be construed to prevent a member of the committee from testifying to information obtained independently of the committee or which is public information.

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(J) Reports of aggregated nonindividually identifiable data for the previous calendar year must be compiled and disseminated by March first of the following year in an effort to further study the causes and problems associated with maternal deaths. Reports must be distributed to the General Assembly, the Director of the Department of Public Health and Environmental Control, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate.

(K) Members shall serve without compensation, and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

(L) The department shall apply for and use any available federal or private monies to help fund the costs associated with implementing the provisions of this section.

SECTION 3. Section 44-9-70 of the S.C. Code is amended to read:

Section 44-9-70. The State Department of Mental Health is hereby designated as the State's mental health authority for purposes of administering Federal funds allotted to South Carolina under the provisions of the National Mental Health Act, as amended. The State Department of Mental Health is further designated as the State agency authorized to administer minimum standards and requirements for mental health clinics as conditions for participation in Federal-State grants-in-aid under the provisions of the National Mental Health Act, as amended, and is authorized to promote and develop community mental health outpatient clinics. ~~Provided, that nothing~~Nothing in this article shall be construed to prohibit the operation of outpatient mental health clinics by the ~~South Carolina Medical College~~ Medical University of South Carolina Hospital in Charleston. ~~Provided, further, that nothing~~Further, nothing herein shall be construed to include any of the functions or responsibilities now granted the Department of Public Health and Environmental Control, or the administration of the State Hospital Construction Act (Hill-Burton Act), as provided in the ~~1976~~ S.C. Code of Laws and amendments thereto.

SECTION 4. Chapter 11, Title 25 of the S.C. Code is amended by adding:

Article 7

South Carolina Veteran Homes

Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities of the United States Veterans Administration, may establish and operate South Carolina veterans homes to provide treatment for South Carolina veterans who require long

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term nursing care. The Department of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The Department of Veterans' Affairs may consult with the Department of Public Health and the Office of the Governor concerning the policies, management, and operation of the South Carolina veterans homes.

Section 25-11-720. For the purpose of Section 25 11 710, "South Carolina veterans" means any ex service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States.

SECTION 5. Chapter 3, Title 49 of the S.C. Code is amended to read:

CHAPTER 3

~~Water Resources Planning and Coordination Act~~Department of Environmental Services

Section 49-3-10. ~~(A)(1) This chapter may be cited as the South Carolina Water Resources Planning and Coordination Act.~~There is created the Department of Environmental Services comprised of:

- (a) the Division of Air Quality;
- (b) the Division of Land and Waste Management;
- (c) the Division of Water;
- (d) the Division of Regional and Laboratory Services, which includes the Office of Emergency Response and the Office of Onsite Wastewater and Enforcement; and
- (e) the Division of Coastal Management.

(2) The Director of the Department of Environmental Services may realign the bureaus, divisions, offices, and programs to gain additional efficiencies or to better align resources with changes in environmental statutes or regulation.

Section 49-3-20. ~~As used in this chapter:~~

~~(1) "Board" means the governing body of the Department of Natural Resources.~~

~~(2) "Department" means the Department of Natural Resources.~~The Governor shall appoint a Director of the Department of Environmental Services pursuant to Section 1-30-10(B) upon the advice and consent of the Senate. The director is subject to removal by the Governor as provided for in Section 1 3 240. The director shall manage the department and may appoint deputies for the divisions pursuant to Section 1-30-10(E). The director shall have all authority and duties as provided for in Chapter 30, Title 1.

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The former Water Resources Division of the Department of Natural Resources is transferred to the Division of Water in the Department of Environmental Services. The regulatory functions of the former Water Resources Commission that were transferred to the Department of Health and Environmental Control are further transferred to the Department of Environmental Services.

Section 49-3-40. ~~(a)~~(A) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

(4) reviewing any project, plan or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long range interests of all groups, urban, suburban, and rural, are provided for in the state's representation on interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation and coordinating functions as the Governor and the General Assembly may designate.

~~(b)~~(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly. For these purposes, the department shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans,

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programs, reports, research and studies of federal, state, interstate, regional, metropolitan and local units, agencies and departments of government.

~~(c)~~(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

~~(d)~~(D) The department shall encourage, assist and advise regional, metropolitan, and local governmental agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local and regional water resources activities, programs, and plans.

~~(e)~~(E) The department may publish reports, including the results of such studies, inquiries, surveys and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

~~(f)~~(F) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

~~(g)~~(G) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes, including but not limited to, the following:

- (1) navigation,
- (2) irrigation,
- (3) water storage,
- (4) aquatic weed management,
- (5) flood control,
- (6) salinity control,

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(7) interstate water concerns, and

(8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

~~(a)~~(1) Adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial.

~~(b)~~(2) Water of suitable quality for all purposes.

~~(e)~~(3) Water availability for recreational and commercial needs.

~~(d)~~(4) Hydroelectric power.

~~(e)~~(5) Flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses.

~~(f)~~(6) Land stabilization measures.

~~(g)~~(7) Drainage measures, including salinity control.

~~(h)~~(8) Watershed protection and management measures.

~~(i)~~(9) Outdoor recreational and fish and wildlife opportunities.

~~(j)~~(10) Studies on saltwater intrusion into groundwater and surface water.

~~(k)~~(11) Measures to protect the state's fisheries and other aquatic resources.

~~(l)~~(12) Any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.

Section 49-3-60. (A) ~~Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Health and Environmental Control and to the availability to the entity of unused storage capacity within the reservoir to store such return flows. All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this~~

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section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

(B) ~~For purposes of this section, “return flow” means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.~~ The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.

(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after receipt of a notice mailed pursuant to item (1) unless the applicant,

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permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the receipt of the decision mailed pursuant to item (1) is received, an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 49-3-65. (A) In making a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 49-3-60(C), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:

(1) only an applicant, permittee, licensee, or affected person may request a contested case hearing pursuant to Section 49-3-60(D)(2);

(2) only an applicant, permittee, licensee, or affected person may become a party to a contested case hearing; and

(3) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit,

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license, certification, or other approval and to file a contested case or other action, then the affected person has seventy two hours to provide in writing a withdrawal or rescission of the waiver.

(D)(1) An applicant, permittee, licensee, or affected person who is aggrieved by a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(2) Notwithstanding any other provision of law, a decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property owner's residence.

(E) For purposes of this section, 'affected person' means a property owner with standing within a one mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other animal facilities, other than swine facilities.

Section 49-3-70. (A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all correctional facilities, jails, hotels, schools, and other places used by or open to the public;

(2) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;

(3) the use of water in air humidifiers;

(4) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise; and

(5) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

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(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the environment and public life and health. Any rule or order imposed pursuant to this section shall remain in effect for up to forty-five days unless extended by an act of the General Assembly.

Section 49-3-75. (A) There is established within the Department of Environmental Services an Expedited Review Program to provide an expedited process for permit application review. Participation in this program is voluntary, and the program must be supported by expedited review fees promulgated in regulation pursuant to subsection (B)(1). The department shall determine the project applications to review, and the process may be applied to any one or all of the permit programs administered by the department.

(B)(1) Before January 1, 2009, the Department of Health and Environmental Control was directed to promulgate regulations necessary to carry out the provisions of this section. The regulations were to include, but are not limited to, definitions of 'completeness' for applications submitted, consideration of joint federal state permitting activities, standards for applications submitted that advance environmental protection, and expedited process application review fees. Beginning the effective date of this act, the Department of Environmental Services shall promulgate regulations it determines necessary to carry out the purposes of this section.

(2) Regulations promulgated pursuant to this section must not alter public notice requirements for permits, certifications, or licenses issued by the Department of Environmental Services.

(C) Until the Department of Health and Environmental Control promulgated regulations pursuant to subsection (B)(1), it was directed to conduct a pilot expedited review program to determine the most environmentally sound, cost efficient, and economically beneficial process for implementation of a statewide expedited review program and to determine which permit programs, or subcomponents of a program, to include in the pilot program and also was authorized to establish pilot program expedited process application fees.

(D) There was created the Expedited Review Fund that is separate and distinct from the general fund of the State and all other funds. Fees established in regulation pursuant to subsection (B) and assessed pursuant to subsection (C) must be credited to the fund and used for the costs of implementing the Expedited Review Program. Interest accruing to the fund must be retained by the fund and used for the same purposes.

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Revenue in the fund not expended during a fiscal year, including fees generated pursuant to subsection (C), must be carried forward to the succeeding fiscal year and must be used for the same purposes.

Section 49-3-80. A corporation or person whose only purpose is furnishing, supplying, marketing, or selling treated effluent for irrigation purposes, is not a public utility for purposes of Title 58 by virtue of the furnishing, supplying, marketing, or selling of the treated effluent, provided that the effluent has not been permitted for consumption by the Department of Environmental Services or other regulatory agency.

Section 49-3-85. (A) A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Environmental Services, made by the department pursuant to Section 49-3-70, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 49-3-70 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term 'notice' as used in this section means either actual notice or constructive notice.

(E) This section does not apply to fines levied pursuant to Section 49-3-70(2) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10, et seq.

Section 49-3-90. Nothing contained in Section 49-3-70 in any way abridges or limits the right of a person to maintain or prosecute a civil or criminal proceeding against a person maintaining a nuisance.

Section 49-3-95. (A) For purposes of the section, 'impacted location' means any facility issued or otherwise subject to a permit, license, or approval from the North Carolina Department of Environment and Natural Resources that has now been determined to be located within the jurisdiction of the South Carolina Department of Environmental Services as a result of the amendments to Section 1-1-10, effective January 1, 2017.

(B) Notwithstanding any other provision of law, the South Carolina Department of Environmental Services, in issuing any environmental permit, license, or approval to an impacted location shall provide a schedule of compliance that allows the permittee a reasonable period of time to be no greater than five years to come into compliance with any South Carolina environmental rule, regulation, or standard established

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by the department or by law that has no corresponding rule, regulation, or standard under North Carolina law or regulation, or is more stringent than the corresponding rule, regulation, or standard established under North Carolina law or regulation. The department may include increments of progress applicable in each year of the schedule established under this subsection, and may shorten the period of compliance as necessary to prevent an imminent threat to the public health and environment. The department may extend a permittee's compliance schedule under this section beyond five years upon written application by the permittee only if the department determines that circumstances reasonably require such an extension, and the extension of time would pose no threat to public health or the environment.

Section 49-3-100. (A) Notwithstanding any other provision of law, shellfish that is the subject of a violation of law, including regulations, may be confiscated and disposed of at the discretion of the arresting officer.

(B) A person convicted of a second offense of harvesting shellfish in a polluted area, upon conviction, must be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for not less than thirty days and not more than sixty days.

(C) A person convicted of a third or subsequent offense of harvesting shellfish in a polluted area, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not less than sixty days and not more than ninety days.

(D) All equipment including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first offense of harvesting shellfish in any polluted area, may be impounded at the discretion of the arresting officer. The equipment impounded must be delivered to the sheriff of the county in which the arrest was made and must be retained by the sheriff. The equipment may not be returned to the owner until the case has been finally disposed of. All equipment including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a second, third, or subsequent offense of harvesting shellfish in a polluted area, must be confiscated. All confiscated equipment must be sold at auction by the sheriff of the county in which the second, third, or subsequent offense took place and by a representative of the Department of Environmental Services, except for weapons, which, following confiscation, must be disposed of in the manner set forth in Sections 16-23-50, 16-23-460, and 16-23-500.

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Section 49-3-105. Notwithstanding any other provision of law, all revenue from a fine or a forfeiture of bond for a violation of a shellfish law or regulation provided by this title must be deposited monthly with the treasurer of the county in which the arrest for the violation was made. One third of the revenue must be retained by the county treasurer to be used for the general operating needs of the county pursuant to the direction of the governing body of the county. Two thirds of the revenue must be remitted quarterly to the Department of Environmental Services of which one half is to be used in enforcing shellfish laws and regulations and one half is to be remitted quarterly to the state's general fund. All monies derived from auction sales of confiscated equipment pursuant to Section 49-3-100 must be deposited, retained, remitted, and used in the same manner as provided in this section for all revenue derived from a fine or a violation of a shellfish law or regulation. A report of fines for forfeitures of bonds regarding shellfish violations must be sent to the department monthly by each magistrate and clerk of court in this State. A report of monies derived from auction of sales of confiscated equipment must be sent to the department monthly by each sheriff.

Section 49-3-110. When a person is apprehended by a shellfish patrolman upon a charge of violating the health and sanitary aspects of shellfish, crab, and shrimp laws or regulations, the person upon being served with a summons by the patrolman in lieu of being immediately brought before the proper judicial officer may enter into a formal recognizance or deposit a proper sum of money in lieu of a recognizance or incarceration with the patrolman as bail which must not be less than the minimum or more than the maximum fine, but in no case exceed one hundred dollars. The bail must be turned over to the proper judicial officer. A receipt for the sum deposited must be given to the person by the patrolman. The summons duly served must give the judicial officer jurisdiction to dispose of the matter. Upon receipt of bail the patrolman shall release the person so charged, and the person may appear in court at the time stated in and required by the summons.

SECTION 6. Section 44-2-20(3) of the S.C. Code is amended to read:

(3) "Committed funds" means that portion of the Superb Account reserved as a result of action by the Department of ~~Health and Environmental Control~~ Environmental Services to approve costs for planned site rehabilitation activities.

SECTION 7. Section 44-2-20(5) of the S.C. Code is amended to read:

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(5) "Department" means the Department of ~~Health and Environmental Control~~Services.

SECTION 8. Section 44-2-40(A) of the S.C. Code is amended to read:

(A)(1) There is created within the state treasury two separate and distinct accounts which are to be administered by the Department of ~~Health and Environmental Control~~Services. The "Superb Account" and the "Superb Financial Responsibility Fund" are created to assist owners and operators of underground storage tanks containing petroleum and petroleum products to the extent provided for in this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this chapter.

(2) The Superb Account must be used for payment of usual, customary, and reasonable costs for site rehabilitation of releases from underground storage tanks containing petroleum or petroleum products.

(3) The Superb Financial Responsibility Fund must be used for compensating third parties for actual costs for bodily injury and property damage caused by accidental releases from underground storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must not be used for reimbursing claims for punitive damages.

(4) Except for releases reported before July 1, 1994, sites where the underground storage tank, at the time of discovery and reporting of the release to the department, is not in substantial compliance with regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from the Superb Account, and no third party claims resulting from that release may be paid from the Superb Financial Responsibility Fund.

SECTION 9. Section 44-2-60(C) of the S.C. Code is amended to read:

(C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section 39-41-120, an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected in the same manner that the one-fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of ~~Health and Environmental Control~~Services which shall deposit the fees as provided for in Section 44-2-40.

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SECTION 10. Section 44-2-130(E)(1) of the S.C. Code is amended to read:

(E)(1) An owner or operator of an underground storage tank or his agent seeking to qualify for compensation from the Superb Account for site rehabilitation shall submit a written application to the department. The written application must be on a form specified by the department and include certification that site rehabilitation is necessary, the tanks at the site have been registered in compliance with applicable law and regulations, and all registration fees have been paid. The department shall accept certification that the release at the site is in need of rehabilitation if the certification is provided jointly by the owner or operator and a South Carolina registered professional geologist or engineer, and if the certification is supported with geotechnical data which reasonably justifies the claim. Upon final determination the department shall provide written notice to the applicant of its findings including detailed reasons for any denial. Any denial of an application must be appealable to ~~the Board of Health and Environmental Control~~ a court with appropriate jurisdiction pursuant to the Administrative Procedures Act. The department is exempt from this time frame for applications which are received within three months of the close of the grace period allowed in Section 44-2-110.

SECTION 11. Section 44-4-130(F) of the S.C. Code is amended to read:

(F) ~~“Commissioner”~~ “Director” means the ~~Commissioner~~ Director of the Department of ~~Public Health and Environmental Control~~.

SECTION 12. Section 44-4-130(I) of the S.C. Code is amended to read:

(I) ~~“DHEC”~~ “Department” means the Department of Public Health and Environmental Control or any person authorized to act on behalf of the Department of Health and Environmental Control.

SECTION 13. Section 44-4-130(W) of the S.C. Code is amended to read:

(W) “Trial court” is the circuit court for the county in which the isolation or quarantine is to occur or to the circuit court for the county in which a public health emergency has been declared. If that court is unable to function because of the isolation, quarantine, or public health emergency, the trial court is a circuit court designated by the Chief Justice upon petition and proper showing by the Department of Public Health and Environmental Control.

SECTION 14. Section 44-4-540(B)(1) of the S.C. Code is amended to read:

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(B)(1) ~~DHEC~~ The department may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the ~~commissioner~~ director or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize ~~DHEC's~~ the department's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others. Any emergency order imposed pursuant to this section shall remain in effect for up to forty-five days unless extended by an act of the General Assembly.

SECTION 15. Section 44-7-130(3) of the S.C. Code is amended to read:

(3) ~~“Board” means the State Board of Health and Environmental Control.~~ Reserved

SECTION 16. Section 44-7-130(8) of the S.C. Code is amended to read:

(8) “Department” means the Department of Public Health ~~and Environmental Control~~.

SECTION 17. Section 44-7-150(3) of the S.C. Code is amended to read:

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department ~~and approved by the board~~ to carry out the department's licensure and Certificate of Need duties under this article, including regulations to deal with competing applications;

SECTION 18. Section 44-7-180(A) of the S.C. Code is amended to read:

(A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor's appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. ~~The chairman of the board~~ director of the department shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate's designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four-year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-year term in that office.

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SECTION 19. Section 44-7-180(C) of the S.C. Code is amended to read:

(C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the ~~board~~ department for final revision and adoption. Once adopted by the ~~board~~ department, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.

SECTION 20. Section 44-7-190(A) of the S.C. Code is amended to read:

(A) The department shall adopt, ~~upon approval of the board~~, Project Review Criteria which, at a minimum, must provide for the determination of need for health care facilities, beds, services and equipment, including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.

SECTION 21. Section 44-7-200(C) of the S.C. Code is amended to read:

(C) ~~Upon publication of this notice and until a contested case hearing is requested pursuant to Section 44-1-60(G):~~

~~—(1) members of the board and persons appointed by the board to hold a final review conference on staff decisions may not communicate directly or indirectly with any person in connection with the application; and~~

~~—(2) no person shall communicate, or cause another to communicate, as to the merits of the application with members of the board and persons appointed by the board to hold a final review conference on staff decisions.~~

~~—A person who violates this subsection is subject to the penalties provided in Section 1-23-360. Reserved~~

SECTION 22. Section 44-7-210(C) of the S.C. Code is amended to read:

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(C) On the basis of ~~staff~~ review of the application, the ~~staff~~ department shall make a ~~staff~~ department decision to grant or deny the Certificate of Need and the ~~staff~~ department shall issue a decision in accordance with Section 44-1-60~~(D)~~(C). ~~Notice of the decision must be sent to the applicant and affected persons who have asked to be notified. The decision becomes the final agency decision unless a timely written request for a final review is filed with the department as provided for in Section 44-1-60(E).~~

~~—However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.~~

SECTION 23. Section 44-7-210(D) of the S.C. Code is amended to read:

SECTION 24. Section 44-7-210(E) of the S.C. Code is amended to read:

~~(E)~~(D) A contested case hearing of the final agency decision must be requested in accordance with Section 44-1-60~~(G)~~(D). The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the ~~staff~~ departmental review.

SECTION 25. Section 44-7-230(D) of the S.C. Code is amended to read:

(D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. ~~The board may grant further extensions of up to nine months each only if it determines that substantial progress has been made in accordance with the procedures set forth in regulations.~~

SECTION 26. Section 44-7-320(B) of the S.C. Code is amended to read:

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(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing ~~before the board, or its designee~~, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

SECTION 27. Section 44-7-370 of the S.C. Code is amended to read:

Section 44-7-370. (A) The South Carolina Department of Public Health and Environmental Control shall establish a Residential Care Committee to advise the department regarding licensing and inspection of community residential care facilities.

(1) The committee consists of the Long Term Care Ombudsman, three operators of homes with ten beds or less, four operators of homes with eleven beds or more, and three members to represent the department appointed by the ~~commissioner~~ director for terms of four years.

(2) The terms must be staggered and no member may serve more than two consecutive terms. Any person may submit names to the ~~commissioner~~ director for consideration. The advisory committee shall meet at least once annually with representatives of the department to evaluate current licensing regulations and inspection practices. Members shall serve without compensation.

(B) The Department of Public Health and Environmental Control shall appoint a Renal Dialysis Advisory Council to advise the department regarding licensing and inspection of renal dialysis centers. The council must be consulted and have the opportunity to review all regulations promulgated by the ~~board~~ department affecting renal dialysis prior to submission of the proposed regulations to the General Assembly.

(1) The council is composed of a minimum of fourteen persons, one member recommended by the Palmetto Chapter of the American Nephrology Nurses Association; one member recommended by the South Carolina Chapter of the National Association of Patients on Hemodialysis and Transplants; three physicians specializing in nephrology recommended by the South Carolina Renal Physicians Association; two administrators of facilities certified for dialysis treatment or kidney transplant services; one member recommended by the South Carolina Kidney Foundation; one member recommended by the South Carolina Hospital Association; one member recommended by

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the South Carolina Medical Association; one member of the general public; one member representing technicians working in renal dialysis facilities; one member recommended by the Council of Nephrology Social Workers; and one member recommended by the Council of Renal Nutritionists. The directors of dialysis programs at the Medical School of the University of South Carolina and the Medical University of South Carolina, or their designees, are ex officio members of the council.

(2) Members shall serve four-year terms and until their successors are appointed and qualify. No member of council shall serve more than two consecutive terms. The council shall meet as frequently as the ~~board~~ department considers necessary, but not less than twice each year. Members shall serve without compensation.

SECTION 28. Section 44-7-2430(C)(1) of the S.C. Code is amended to read:

(C)(1) The ~~Board-Department of Public Health and Environmental Control~~ shall appoint an advisory committee that must have an equal number of members representing all involved parties. The ~~board~~ department shall seek recommendations for appointments to the advisory committee from organizations that represent the interests of hospitals, consumers, businesses, purchasers of health care services, physicians, and other professionals involved in the research and control of infections.

SECTION 29. Section 44-29-10 of the S.C. Code is amended to read:

Section 44-29-10.(A) In all cases of known or suspected contagious or infectious diseases occurring within this State the attending physician must report these diseases to the county health department within twenty-four hours, stating the name and address of the patient and the nature of the disease. The county health department must report to the Department of Public Health and Environmental Control all such cases of infectious and contagious diseases as have been reported during the preceding month, these reports to be made upon blanks furnished by the Department of Public Health and Environmental Control. The Department of Public Health and Environmental Control must designate the diseases it considers contagious and infectious. The Department of Public Health and Environmental Control may also designate other diseases for mandatory reporting by physicians. Any physician who fails to comply with the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for a period not exceeding thirty days.

(B) A health care provider, coroner, medical examiner, or any person or entity that maintains a database containing health care data must report all cases of persons who harbor any illness or health condition that may

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be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. The Department of ~~Public Health and Environmental Control~~ must designate reportable illnesses and health conditions as set forth in subsection (A).

SECTION 30. Section 44-29-10(D) of the S.C. Code is amended to read:

(D) The reports of conditions must be made in the form and manner as prescribed by ~~DHEC~~ the department in regulations concerning infectious diseases. The reports must be made to the Bureau of Disease Control in the manner required in the regulations. When available, clinical information supporting the diagnoses, including results of specific diagnostic tests, must be included.

SECTION 31. Section 44-29-150 of the S.C. Code is amended to read:

Section 44-29-150. No person will be initially hired to work in any public or private school, kindergarten, nursery or day care center for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the ~~Board~~ Department of Public Health and Environmental Control. Re-evaluation will not be required for employment in consecutive years unless otherwise indicated by such guidelines.

SECTION 32. Section 44-29-210(A) of the S.C. Code is amended to read:

(A)(1) If the ~~Board of the Department of Health and Environmental Control or the Director of the Department of Public Health and Environmental Control~~ approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any licensed nurse who participates in the project, except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. ~~Neither the board nor the~~ The director may not approve the project unless ~~either the department~~ finds that the project conforms to good medical and public health practice.

(2) For purposes of this section, a person is considered to be an authorized employee of an official or volunteer medical or health agency if he has received the necessary training for and approval of the department for participation in the project.

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SECTION 33. Section 44-53-110(11) of the S.C. Code is amended to read:

(11) "Department" means the State Department of Public Health and Environmental Control.

SECTION 34. Section 44-53-160(C) of the S.C. Code is amended to read:

(C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, ~~at the first regular or special meeting of the South Carolina Board of Health and Environmental Control~~ within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

SECTION 35. Section 44-53-280(C) of the S.C. Code is amended to read:

(C) A class 20-28 registration, as provided for by the ~~board~~ department in regulation, expires October first of each year. The registration of a registrant who fails to renew by October first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

SECTION 36. Section 44-53-280(D) of the S.C. Code is amended to read:

(D) All registrations other than class 20-28, as provided for by the ~~board~~ department in regulation, expire on April first of each year. The registration of a registrant who fails to renew by April first is canceled. However, registration may be reinstated upon payment of the renewal

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fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

SECTION 37. Section 44-53-290(i) of the S.C. Code is amended to read:

(i) Practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The ~~board~~ department shall register an applicant to dispense but not prescribe narcotic drugs to individuals for maintenance treatment or detoxification treatment, or both:

(1) if the applicant is a practitioner who is otherwise qualified to be registered under the provisions of this article to engage in the treatment with respect to which registration has been sought;

(2) if the ~~board~~ department determines that the applicant will comply with standards established by the ~~board~~ department respecting security of stocks of narcotic drugs for such treatment, and the maintenance of records in accordance with Section 44-53-340 and the rules issued by the ~~board~~ department on such drugs; and

(3) if the ~~board~~ department determines that the applicant will comply with standards established by the ~~board~~ department respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.

SECTION 38. Section 44-53-310(a) of the S.C. Code is amended to read:

(a) An application for a registration or a registration granted pursuant to Section 44-53-300 to manufacture, distribute, or dispense a controlled substance, may be denied, suspended, or revoked by the ~~Board~~ department upon a finding that the registrant:

(1) Has materially falsified any application filed pursuant to this article;

(2) Has been convicted of a felony or misdemeanor under any State or Federal law relating to any controlled substance;

(3) Has had his Federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) Has failed to comply with any standard referred to in Section 44-53-290(i).

SECTION 39. Section 44-53-320(b) of the S.C. Code is amended to read:

(b) The Department, without an order to show cause, may suspend any registration simultaneously with the institution of proceedings under

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Section 44-53-310, or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. A failure to comply with a standard referred to in Section 44-53-290(i) may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. The suspension shall continue in effect until withdrawn by the ~~Board~~ department or dissolved by a court of competent jurisdiction.

SECTION 40. Section 44-53-360(g) of the S.C. Code is amended to read:

(g) The ~~Board~~ department shall, by rules and regulations, specify the manner by which prescriptions are filed.

SECTION 41. Section 44-53-740 of the S.C. Code is amended to read:

Section 44-53-740. The ~~Board of the~~ Department of Public Health and Environmental Control shall promulgate regulations necessary to carry out the provisions of this article.

SECTION 42. Section 44-55-20(1), (2), and (7) of the S.C. Code is amended to read:

Section 44-55-20. As used in this article:

(1) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Safe Drinking Water Act.~~ Reserved

(2) ~~“Commissioner”~~ “Director” means the ~~commissioner~~ director of the department or his authorized agent.

(7) “Department” means the South Carolina Department of ~~Health and Environmental Control~~ Services, including personnel authorized and empowered to act on behalf of the department ~~or board~~. The department is charged with the responsibility for implementation of the Safe Drinking Water Act.

SECTION 43. Section 44-55-30 of the S.C. Code is amended to read:

Section 44-55-30. In general, the design and construction of any public water system must be in accord with modern engineering practices for these installations. The ~~board~~ department shall establish regulations, procedures, or standards as may be necessary to protect the health of the public and to ensure proper operation and function of public water systems. These regulations may prescribe minimum design criteria, the requirements for the issuance of construction and operation permits, operation and maintenance standards, and bacteriological, chemical, radiological, and physical standards for public water systems, and other appropriate regulations.

SECTION 44. Section 44-55-40(G) of the S.C. Code is amended to read:

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(G) The department may authorize variances or exemptions from the regulations issued pursuant to this section under conditions and in such manner as the ~~board~~department considers necessary and desirable; however, these variances or exemptions must be permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which, variances and exemptions may be granted under the Federal Safe Drinking Water Act.

SECTION 45. Section 44-55-40(K) of the S.C. Code is amended to read:

(K) The ~~Commissioner~~Director of the Department of ~~Health and Environmental Control~~Services shall classify all public water system treatment facilities giving due regard to the size, type, complexity, physical condition, source of supply, and treatment process employed by the public water system treatment facility and the skill, knowledge, and experience necessary for the operation of these facilities. Each treatment facility must be classified at the highest applicable level of the following classification system, with Group VII Treatment being the highest classification level:

Group I Treatment. A facility which provides disinfection treatment using a sodium hypochlorite or calcium hypochlorite solution as the disinfectant.

Group II Treatment. A facility which provides disinfection treatment using gaseous chlorine or chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.

Group III Treatment. A facility treating a groundwater source which is not under the direct influence of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine dioxide, ozone, ~~ultra violet~~ultraviolet light disinfection, powdered activated carbon addition, granular activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or a sludge dewatering process.

Group IV Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum detention time of two hours in the clarification unit, lime softening, rapid rate gravity filtration (up to four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage or a sludge dewatering process. This classification also includes any treatment facility which does not provide filtration for a

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surface water source or a groundwater source which is under the direct influence of surface water.

Group V Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per minute per square foot), clarification with a detention time of less than two hours in the clarification unit, diatomaceous earth filtration, or ultraviolet light disinfection.

Group VI Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.

Group VII Treatment. Drinking water dispensing stations and vending machines which utilize water from an approved public water system or bottled water plants which treat water from the distribution system of a public water system or from a groundwater source which is not under the direct influence of surface water.

SECTION 46. Section 44-55-40(L) of the S.C. Code is amended to read:

(L) The ~~Commissioner~~ Director of the Department of ~~Health and Environmental Control~~ Services shall classify all public water distribution systems giving due regard to the size, type, and complexity of the public water distribution system and the skill, knowledge, and experience necessary for the operation of these systems. The classification must be based on:

Group I Distribution. Distribution systems associated with state and transient noncommunity water systems.

Group II Distribution. Distribution systems associated with community and nontransient noncommunity public water systems which have a reliable production capacity not greater than six hundred thousand gallons a day and which do not provide fire protection.

Group III Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than six hundred thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable production capacity not greater than six hundred thousand gallons a day and provide fire protection.

Group IV Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity than six MGD, but not greater than twenty MGD.

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Group V Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than twenty MGD.

SECTION 47. Section 44-55-40(O) of the S.C. Code is amended to read:

(O) The ~~board~~department, to ensure that underground sources of drinking water are not contaminated by improper well construction and operation, may promulgate regulations as developed by the Advisory Committee established pursuant to Section 44-55-45, setting standards for the construction, maintenance, operation, and abandonment of any well except for wells where well construction, maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10 et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10 et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10 et seq. For these excepted wells, the ~~board~~department may promulgate regulations. The ~~board~~department shall further ensure that all wells are constructed in accordance with the standards. The ~~board~~department shall make available educational training on the standards to well drillers who desire this training.

SECTION 48. Section 44-55-45 of the S.C. Code is amended to read:

Section 44-55-45. (A) An advisory committee to the ~~board~~department must be appointed for the purpose of advising the ~~board~~department during development or subsequent amendment of regulatory standards for the construction, maintenance, operation, and abandonment of wells subject to the jurisdiction of the board. The Advisory Committee is composed of eight members appointed by the board. Five members must be active well drillers; one member must be a registered professional engineer with experience in well design and construction; one member must be a consulting hydrogeologist with experience in well design and construction; and one member must be engaged in farming and shall represent the public at large. Three ex officio members shall also serve on the Advisory Committee, one of whom must be an employee of the Department of ~~Health and Environmental Control~~Services, and appointed by the ~~commissioner~~director; and two of whom must be employees of the South Carolina Department of Natural Resources and appointed by the director.

(B) The term of office of members of the Advisory Committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms

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of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.

SECTION 49. Section 44-55-50 of the S.C. Code is amended to read:

Section 44-55-50. (A) In establishing regulations, procedures, and standards under Section 44-55-30 and in exercising supervisory powers under Section 44-55-40 the ~~board or~~ department must not prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing, and swimming in any reservoir without first making and publishing specific findings that these recreational activities would be injurious to the public health and assigning with particularity the factual basis and reasons for these decisions.

(B) If the ~~board or~~ department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the ~~board or~~ department is entitled to request a public hearing, which the ~~board or~~ department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the ~~board or~~ department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the ~~board or~~ department may be appealed to the circuit court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the ~~board or~~ department within fifteen days after it has affirmed or reevaluated its initial findings and copies also must be served on known interested parties.

(C) A public water system utilizing a fully owned and protected watershed as its water supply is exempt from this section.

SECTION 50. Section 44-55-60 of the S.C. Code is amended to read:

Section 44-55-60. (A) An imminent hazard is considered to exist when in the judgment of the ~~commissioner~~ director there is a condition which may result in a serious immediate risk to public health in a public water system.

(B) In order to eliminate an imminent hazard, the ~~commissioner~~ director may, without notice or hearing, issue an emergency order requiring the water system to immediately take such action as is required under the circumstances to protect the public health. A copy of the emergency order must be served by certified mail or other appropriate

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means. An emergency order issued by the ~~commissioner~~ director must be effected immediately and binding until the order is reviewed and modified by the ~~board~~ department or modified or rescinded by a court of competent jurisdiction.

SECTION 51. Section 44-55-70 of the S.C. Code is amended to read:

Section 44-55-70. (A) A public water system shall, as soon as practicable, give public notice if it:

___ (1) is not in compliance with the State Primary Drinking Water Regulations;

___ (2) fails to perform required monitoring;

___ (3) is granted a variance for an inability to meet a maximum contaminant level requirement;

___ (4) is granted an exemption; or

___ (5) fails to comply with the requirements prescribed by a variance or exemption.

(B) The ~~board~~ department shall prescribe procedures for the public notice, including procedures for notification by publication in a newspaper of general circulation, notification to be given in the water bills of the systems, as long as a condition of violation exists, and other notification as is considered appropriate by the ~~board~~ department.

SECTION 52. Section 44-55-120(C) of the S.C. Code is amended to read:

(C) There is established a Safe Drinking Water Advisory Committee for the purpose of advising and providing an annual review to the department and General Assembly on the fee schedule and the use of revenues deposited in the Drinking Water Trust Fund. The Governor shall appoint the advisory committee which must be composed of one member representing water systems with fifty thousand or more service connections, one member representing water systems with at least twenty-five thousand but fewer than fifty thousand service connections, one member representing water systems with at least ten thousand but fewer than twenty-five thousand water service connections, one member representing water systems with at least one thousand but fewer than ten thousand service connections, one member representing water systems with fewer than one thousand service connections, and the Executive Director of the Office of Regulatory Staff and the ~~Commissioner~~ Director of the Department of ~~Health and~~ Environmental ~~Control~~ Services, or a designee.

SECTION 53. Section 44-55-690 of the S.C. Code is amended to read:

Section 44-55-690. The county board of health may permit and approve the installation of temporary septic tanks in the case of unusual,

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temporary or emergency conditions. Such temporary septic tank shall be constructed and installed in accordance with the specifications, rules and regulations promulgated by the county board of health relating to the use of such tanks, and the ~~board~~ department may determine the period of time for which such temporary septic tank may be used.

SECTION 54. Section 44-55-860 of the S.C. Code is amended to read:

Section 44-55-860. Whenever any lot or parcel of land without improvement thereon upon which an owner intends to construct a building or place a mobile home is not accessible to a sewer line for a tap-on and the county board of health or other appropriate agency in which the lot or parcel of land is situated certifies that such lot or land is not suitable to accommodate a septic tank or other individual sewage disposal system, the ~~board or agency~~ department shall state in writing to the owner within thirty days following inspection of the property the reason such septic tank or system cannot be used. At the same time the ~~board or agency~~ department shall inform the owner of the property in detail of any corrective measures that may be taken to remedy the sewage problem.

SECTION 55. Section 44-56-20(1) through (3) of the S.C. Code is amended to read:

Section 44-56-20. Definitions as used in this chapter:

(1) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Hazardous Waste Management Act.~~ Reserved

(2) “Director” means the director of the department or his authorized agent.

(3) “Department” means the Department of ~~Health and Environmental Control~~ Services, including personnel thereof authorized by the board to act on behalf of the department or board. The department is charged with the responsibility for implementation of the Hazardous Waste Management Act.

SECTION 56. Section 44-56-30 of the S.C. Code is amended to read:

Section 44-56-30. The ~~board~~ department shall promulgate such regulations, procedures or standards as may be necessary to protect the health and safety of the public, the health of living organisms and the environment from the effects of improper, inadequate, or unsound management of hazardous wastes. Such regulations may prescribe contingency plans; the criteria for the determination of whether any waste or combination of wastes is hazardous; the requirements for the issuance of permits required by this chapter; standards for the transportation, containerization, and labeling of hazardous wastes

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consistent with those issued by the United States Department of Transportation; operation and maintenance standards; reporting and record keeping requirements; and other appropriate regulations.

SECTION 57. Section 44-56-60(a)(1) of the S.C. Code is amended to read:

(a)(1) In order to provide the General Assembly with the information it needs to accomplish the above goals, the Department of ~~Health and Environmental Control~~ Services shall evaluate annually the effects of new and existing waste management technologies, alternate methods of storage or disposal, recycling, incineration, waste minimization laws and practices, and other factors that tend to reduce the volume of hazardous waste. The results of the department's evaluation must be reported to the General Assembly not later than February first of each year, beginning in 1991, in a form that will permit the General Assembly to determine whether or not hazardous waste landfill capacity in this State should be reduced.

SECTION 58. Section 44-56-100 of the S.C. Code is amended to read:

Section 44-56-100. The ~~board~~ department may issue, modify or revoke any order to prevent any violation of this chapter.

SECTION 59. Section 44-56-130(3) of the S.C. Code is amended to read:

(3) It shall be unlawful for any person to fail to comply with this chapter and rules and regulations promulgated pursuant to this chapter; to fail to comply with any permit issued under this chapter; or to fail to comply with any order issued by the ~~board~~, director, or the department.

SECTION 60. Section 44-56-160(A) of the S.C. Code is amended to read:

(A) The Department of ~~Health and Environmental Control~~ Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170 and 44-56-510 and annual appropriations which must be provided by the General Assembly.

SECTION 61. Section 44-56-200(B) of the S.C. Code is amended to read:

(B) The Department of ~~Health and Environmental Control~~ Services is empowered to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980

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(Public Law 96-510), and subsequent amendments to Public Law 96-510 as of the effective date of the amendments.

SECTION 62. Section 44-56-210 of the S.C. Code is amended to read:

Section 44-56-210. (A) The Department of ~~Health and Environmental Control~~Services, in its discretion, shall assign not more than two full-time health inspectors to serve at each commercial hazardous waste treatment, storage, and disposal facility located in South Carolina for the purpose of assuring the protection of the health and safety of the public by monitoring the receipt and handling of hazardous waste at these sites. For any facilities to which a full-time inspector is not assigned, there must be one or more inspectors who shall monitor these facilities on a rotating basis.

(B) The department shall implement a fee schedule to cover the costs of implementing this inspection program and the fees must be collected by the facilities from the hazardous waste generators utilizing these sites.

SECTION 63. Section 44-56-405 of the S.C. Code is amended to read:

Section 44-56-405. The purpose of the South Carolina Drycleaning Facility Restoration Trust Fund is to collect and manage funds for the investigation and remediation of environmental contamination arising from the operation of eligible drycleaning facilities and eligible wholesale supply facilities. The Department of Revenue shall collect, and enforce the payment of surcharges and fees, which constitute the fund, as required by this article. The Department of ~~Health and Environmental Control~~Services shall administer the fund to ensure that the sites that pose the greatest threat to human health and the environment are remediated first and that the remediation is accomplished in compliance with this article.

SECTION 64. Section 44-56-410(2) of the S.C. Code is amended to read:

(2) "Department" means the Department of ~~Health and Environmental Control~~Services.

SECTION 65. Section 44-56-420(B) of the S.C. Code is amended to read:

(B) The ~~board of the~~ Department of ~~Health and Environmental Control~~Services shall establish a moratorium on administrative and judicial actions by the department concerning drycleaning facilities and wholesale supply facilities resulting from the release of drycleaning solvent to soil or waters of the State. This moratorium applies only to those sites deemed eligible as defined in Section 44-56-470. The ~~board~~department may review and determine the appropriateness of the

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moratorium as needed. The review by the ~~board~~-department must include, but is not limited to, consideration of these factors:

- (1) the solvency of the fund as described in this article;
- (2) prioritization of the sites;
- (3) public health concerns related to the sites;
- (4) eligibility of the sites; and

(5) corrective action plans submitted to the department. After review, the board may suspend all or a portion of the moratorium if necessary.

SECTION 66. Section 44-56-495(C) of the S.C. Code is amended to read:

(C) Members enumerated in subsections (B)(1) through (B)(3) are appointed by the ~~board of the Department of Health and Environmental Control Services~~ and shall serve terms of two years and until their successors are appointed. The chairman of the council is elected by the members of the council at the first meeting of each new term.

SECTION 67. Section 44-56-720(4) of the S.C. Code is amended to read:

(4) "Department" means the South Carolina Department of ~~Health and Environmental Control Services~~.

SECTION 68. Section 44-56-840(A) of the S.C. Code is amended to read:

(A) There is created a Hazardous Waste Management Select Oversight Committee to monitor funds generated from the fees imposed under Section 44-56-170(C) and (E) and designated for the fund under Section 44-56-810. The committee shall oversee the research efforts and projects approved for funding by the foundation. Notwithstanding any other provision of law, the committee is composed of:

- (1) the Governor or his designee;
- (2) the chairman of the House Agriculture and Natural Resources Committee or his designee;
- (3) the chairman of the Senate Agriculture and Natural Resources Committee or his designee;
- (4) the chairman of the House Labor, Commerce and Industry Committee or his designee;
- (5) the chairman of the Senate Labor, Commerce and Industry Committee or his designee;
- (6) the Director of the Department of ~~Health and Environmental Control Services~~ or his designee;
- (7) one member representing business and industry appointed by the Governor;

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(8) one public member appointed by the Governor; and

(9) one member representing environmental interests appointed by the Governor.

SECTION 69. Section 44-61-20(5) of the S.C. Code is amended to read:

(5) ~~“Board” means the governing body of the Department of Health and Environmental Control or its designated representative.~~Reserved

SECTION 70. Section 44-61-20(8) of the S.C. Code is amended to read:

(8) ~~“Department” means the administrative agency known as the Department of Public Health and Environmental Control.~~

SECTION 71. Section 44-61-30 of the S.C. Code is amended to read:

Section 44-61-30. (A) The Department of Public Health~~and Environmental Control~~, with the advice of the Emergency Medical Services Advisory Council and the State Medical Control Physician, shall develop standards and promulgate regulations for the improvement of emergency medical services (hereinafter referred to as EMS) in the State. All administrative responsibility for this program is vested in the department.

(B) The EMS Program shall include:

(1) the regulation and licensing of public, private, volunteer, or other type ambulance services; however, in developing these programs for regulating and licensing ambulance services, the programs must be formulated in such a manner so as not to restrict or restrain competition;

(2) inspection and issuance of permits for ambulance vehicles;

(3) the licensing of emergency medical responder agencies;

(4) training and certification of EMS personnel;

(5) development, adoption, and implementation of EMS standards and state plan;

(6) the development and coordination of an EMS communications system;

(7) designation of trauma centers and the categorization of hospital emergency departments; and

(8) the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation.

(C) An Emergency Medical Services Advisory Council must be established composed of representatives of the Department of Public Health~~and Environmental Control~~, the South Carolina Medical Association, the South Carolina Trauma Advisory Council, the South Carolina Hospital Association, the South Carolina Heart Association,

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Medical University of South Carolina, University of South Carolina School of Medicine, South Carolina College of Emergency Physicians, South Carolina Emergency Nurses Association, Emergency Management Division of the Office of the Adjutant General, South Carolina Emergency Medical Services Association, State Board for Technical and Comprehensive Education, Governor's Office of Highway Safety, Department of Health and Human Services, four regional Emergency Medical Services councils, and one EMT first responder agency. Membership on the council must be by appointment by the board. Three members of the advisory council must be members of organized rescue squads operating in this State, three members shall represent the private emergency services systems, and three members shall represent the county emergency medical services systems. The advisory council shall serve without compensation, mileage, per diem, or subsistence.

SECTION 72. Section 44-61-40(B) of the S.C. Code is amended to read:

(B) Applicants shall file license applications with the appropriate official of the department having authority over emergency services. At a minimum, license applications shall contain evidence of ability to conform to the standards and regulations established by the ~~board~~ department and such other information as may be required by the department. If the application is approved, the license will be issued. If the application is disapproved, the applicant may appeal in a manner pursuant to Article 3, Chapter 23, Title 1.

SECTION 73. Section 44-61-50 of the S.C. Code is amended to read:

Section 44-61-50. A vehicle must not be operated as an ambulance, unless its licensed owner applies for and receives an ambulance permit issued by the department for that vehicle. Prior to issuing an original permit for an ambulance, the vehicle for which the permit is issued shall meet all requirements as to vehicle design, construction, staffing, medical and communication equipment and supplies, and sanitation as set forth in this article or in the standards and regulations promulgated by the ~~board~~ department. Absent revocation or suspension, permits issued for ambulances are valid for a period not to exceed two years.

SECTION 74. Section 44-61-60 of the S.C. Code is amended to read:

Section 44-61-60. (A) Such equipment as deemed necessary by the department must be required of organizations applying for ambulance permits. Each licensee of an ambulance shall comply with regulations as may be promulgated by the ~~board~~ department and shall maintain in each

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ambulance, when it is in use as such, all equipment as may be prescribed by the ~~board~~department.

(B) The transportation of patients and the provision of emergency medical services shall conform to standards promulgated by the ~~board~~department.

SECTION 75. Section 44-61-70(C) of the S.C. Code is amended to read:

(C) Whoever hinders, obstructs, or interferes with a duly authorized agent of the department while in the performance of his duties or violates a provision of this article or regulation of the ~~board~~department promulgated pursuant to this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or by imprisonment for not less than ten days nor more than six months for each offense. Information pertaining to the license or permit is admissible in evidence in all prosecutions under this article if it is consistent with applicable statutory provisions.

SECTION 76. Section 44-61-80(G) of the S.C. Code is amended to read:

(G) All instructors of emergency medical technician training courses must be certified by the department pursuant to requirements established by the ~~board; and department;~~ and all such training courses shall be supervised by certified instructors.

SECTION 77. Section 44-61-130 of the S.C. Code is amended to read:

Section 44-61-130. A certified emergency medical technician may perform any function consistent with his certification, according to guidelines and regulations that the ~~board~~department may prescribe. Emergency medical technicians, trained to provide advanced life support and possessing current Department of Public Health and Environmental Control certification while on duty with a licensed service, are authorized to possess limited quantities of drugs, including controlled substances, as may be approved by the ~~Department of Health and Environmental Control~~department for administration to patients during the regular course of duties of emergency medical technicians, pursuant to the written or verbal order of a physician possessing a valid license to practice medicine in this State; however, the physician must be registered pursuant to state and federal laws pertaining to controlled substances.

SECTION 78. Section 44-61-310 of the S.C. Code is amended to read:

Section 44-61-310. As used in this article:

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(1) “Advanced life support” means an advanced level of prehospital, interhospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care, and other techniques and procedures authorized by the department pursuant to regulations.

(2) “Basic life support” means a basic level of prehospital care which includes patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization, and other techniques and procedures authorized by the department pursuant to regulations.

(3) ~~“Board” means the governing body of the Department of Health and Environmental Control or its designated representative.~~Reserved

(4) “Department” means the Division of Emergency Medical Services and Trauma within the Department of Public Health and Environmental Control.

(5) “Director” means the Director of the Department of Public Health and Environmental Control.

(6) “EMSC Program” means the Emergency Medical Services for Children Program established pursuant to this article and other relevant programmatic activities conducted by the department in support of appropriate treatment, transport, and triage of ill or injured children.

(7) “Emergency medical services personnel” means persons trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or advanced life support prehospital emergency care service or in an emergency department or pediatric critical care or specialty unit in a licensed hospital.

(8) “Emergency medical technician” or “EMT” means, when used in general terms for emergency medical personnel, an individual possessing a valid, emergency medical technician (EMT), advanced emergency medical technician (AEMT), or paramedic certificate issued by the State pursuant to the provisions of this article.

(9) “Manager” means the person coordinating the EMSC Program within the Department of Public Health and Environmental Control.

(10) “Prehospital care” means the provision of emergency medical care or transportation by trained and certified or licensed emergency medical services personnel at the scene of an emergency and while transporting sick or injured persons to a medical care facility or provider.

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SECTION 79. Section 44-61-350(B) of the S.C. Code is amended to read:

(B) Committee members must be appointed by the ~~board~~director of the department.

SECTION 80. Section 44-61-720(19) of the S.C. Code is amended to read:

(19) "State EMS Authority" means the ~~board, office, or other agency~~department with the legislative mandate to license EMS personnel.

SECTION 81. Section 44-61-800(B)(1) of the S.C. Code is amended to read:

(B)(1) Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one ~~board~~department, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the state will determine which entity will be responsible for assigning the delegate.

SECTION 82. Section 44-63-10 of the S.C. Code is amended to read:

Section 44-63-10. The Department of Public Health~~—and Environmental Control~~ shall prepare the necessary methods and forms for obtaining vital statistics.

SECTION 83. Section 44-63-20 of the S.C. Code is amended to read:

Section 44-63-20. The Department of Public Health~~—and Environmental Control~~ shall establish a bureau of vital statistics and provide an adequate system for the registration and certification of births, deaths, marriages, and divorces by formulating, promulgating, and enforcing regulations prescribing the method and form of making the registration and certification.

SECTION 84. Section 44-63-30 of the S.C. Code is amended to read:

Section 44-63-30. The Director of the Department of Public Health~~and Environmental Control~~ is the state registrar of vital statistics and shall carry into effect the regulations and orders of the department. The department shall provide suitable apartments properly equipped with fireproof vaults and filing cases for the permanent preservation of all official records.

SECTION 85. Section 44-63-86 of the S.C. Code is amended to read:

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Section 44-63-86. Copies of marriage certificates and reports of divorce registered with the Department of Public Health~~and Environmental Control~~ must be issued to the parties married or divorced, their adult children, a present or former spouse of either party married or divorced, their respective legal representative, or upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and county of the event.

SECTION 86. Section 44-63-110 of the S.C. Code is amended to read:

Section 44-63-110. For making, furnishing, or certifying any card, certificate, or certified copy of the record, for filing a record amendment according to the provisions of Section 44-63-60, 44-63-80, 44-63-90 or 44-63-100, or for searching the record, when no card, certificate, or certified copy is made, a fee in an amount as determined by the ~~Board of the Department of Public Health and Environmental Control~~ must be paid by the applicant, except that the Department of Social Services or its designee is not required to pay a fee when the information is needed for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The amount of the fee established by the ~~board~~ department may not exceed the cost of the services performed and to the extent possible must be charged on a uniform basis throughout the State. When verification of the facts contained in these records is needed for Veterans Administration purposes in connection with a claim, it must be furnished without charge to the Veterans' Affairs Department of the Governor's Office or to a county veterans affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the purpose authorized in this chapter.

SECTION 87. Section 44-63-161(A)(1) of the S.C. Code is amended to read:

(A) It is unlawful for a person:

(1) other than the Department of Public Health~~and Environmental Control~~ and county health departments to issue copies or certified copies of birth and death certificates or a document purporting to be a birth or death certificate;

SECTION 88. Section 44-63-163 of the S.C. Code is amended to read:

Section 44-63-163. Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63-17-70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health~~and Environmental Control~~ showing such information as may be

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required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Public Health and Environmental Control. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63-17-10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.

SECTION 89. Section 44-69-20(1) through (3) of the S.C. Code is amended to read:

Section 44-69-20. As used in this chapter:

(1) ~~“Board” shall mean the South Carolina Board of Health and Environmental Control.~~Reserved

(2) “Branch office” shall mean a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary for the branch independently to meet the conditions of participation as a home health agency.

(3) “Department” shall mean South Carolina Department of Public Health and Environmental Control.

SECTION 90. Section 44-69-30 of the S.C. Code is amended to read:

Section 44-69-30. (A) No person, private or public organization, political subdivision, or other governmental agency shall establish, conduct, or maintain a home health agency or represent itself as providing home health services without first obtaining a license from the Department of Public Health and Environmental Control. This license is effective for a twelve-month period following the date of issue. A license issued under this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this act. Subunits of parent home health agencies must be separately licensed.

(B) The department may enter into public and private joint partnerships or enter into other appropriate cooperative agreements or arrangements or negotiate and effect these partnerships and agreements

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to include the sale of the entity and/or the transfer of licenses held by the department or its subdivisions to other qualified providers, if appropriate, when doing so would result in continued high quality patient care, continued provision of services to indigent patients, assurance of the employment of the department's home health employees, and provision of home care services adequate to meet the needs of the State. The department may facilitate the negotiation, contracting, or transfer of these activities through licensure and without requirement of a Certificate of Need as set out in Section 44-69-75 and without regard to the Procurement Code, Section 11-35-10, et. seq. However, a sale of the entity is subject to the provisions of the Procurement Code.

(C) At least thirty days before entering any negotiations regarding a contractual agreement or a public/private partnership concerning the provision of home health services, the department shall place a public notice in a newspaper of general circulation for a period of no less than three consecutive days within the area where the services will be performed.

(D) The department may establish requirements and conditions upon those entities joined in partnership or receiving transfer of the home care services, licensing, and Certificate of Need including, but not limited to, transfer of employees, coverage of indigent patients, and payments or contributions to the department to continue the provision of basic public health services as determined by the department. ~~All agreements must be reviewed and approved by the board of the department.~~ The department may monitor and enforce the contract or partnership provisions and/or conditions of transfer or any other conditions or requirements of agreements entered into pursuant to this section.

(E) All funds paid to or received by the department pursuant to this section must be deposited in an account separate and distinct from the general fund entitled the Public Health Fund (PHF). The funds deposited in this fund must be used solely by the department to support basic public health services determined to be necessary by the department. The appropriation of the funds must be through the General Appropriations Act.

(F) Notwithstanding any of the provisions of this section, the department may continue to provide public health services in the clinic, the home, and the community necessary to ensure the protection and promotion of the public's health.

SECTION 91. Section 44-69-50 of the S.C. Code is amended to read:

Section 44-69-50. Reasonable fees shall be established by the ~~Board~~ department. Such fees shall be paid into the State Treasury or

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refunded to the applicant if the license is denied. Governmental home health agencies are exempt from payment of license fees.

SECTION 92. Section 44-70-20(1) of the S.C. Code is amended to read:

(1) “Department” means the South Carolina Department of Public Health and Environmental Control.

SECTION 93. Section 44-71-20 of the S.C. Code is amended to read:
Section 44-71-20. As used in this chapter:

(1) ~~“Board” means the South Carolina Board of Health and Environmental Control.~~Reserved

(2) “Department” means the South Carolina Department of Public Health and Environmental Control.

SECTION 94. Section 44-75-20 of the S.C. Code is amended to read:
Section 44-75-20. As used in this chapter:

~~(a)~~(1) “Athletic trainer” means an allied health professional with specific qualifications as set forth in Section 44-75-50 who, upon the advice and consent of a licensed physician, carries out the practice of care, prevention, and physical rehabilitation of athletic injuries, and who, in carrying out these functions, may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

~~(b)~~(2) “Certificate” means official acknowledgment by the department that an individual has successfully completed educational and other requirements referred to in this act which entitle that individual to perform the functions and duties of an athletic trainer.

~~(c)~~(3) “Department” means the Department of Public Health and Environmental Control.

~~(d)~~(4) ~~“Board” means the Board of Health and Environmental Control.~~Reserved

SECTION 95. Section 44-75-30(b) of the S.C. Code is amended to read:

(b)(1) An Athletic Trainers' Advisory Committee is created consisting of nine members appointed by the ~~board~~department. Two members must be from the department, one must be from the State Board of Medical Examiners, four must be certified athletic trainers, and two must be from the general public who are not certified or licensed in any health care field and are not connected in any way with athletic trainers.

(2) Membership on the committee is by appointment by the ~~board~~department. The terms of the members are for four years or until successors are appointed except that of those first appointed four are appointed to a term of two years.

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(3) The committee must meet at least once each year to review the standards and regulations for improving athletic training services and make recommendations to the department.

SECTION 96. Section 44-75-40(e) of the S.C. Code is amended to read:

(e) Any person whose application is denied, suspended, or revoked is entitled to a hearing before the ~~board~~ department if he submits a written request to the ~~board~~ department. Proceedings for denial, revocation, or suspension of a certificate must be conducted consistent with ~~Act 176 of 1977 (Administrative Procedures Act)~~ Chapter 23, Title 1, the Administrative Procedures Act.

SECTION 97. Section 44-78-15(3) of the S.C. Code is amended to read:

(3) “EMS personnel” means emergency medical personnel certified by the South Carolina Department of Public Health and Environmental Control including first responders who have completed a Department of Public Health and Environmental Control approved medical first responder program.

SECTION 98. Section 44-80-10(3) of the S.C. Code is amended to read:

(3) “Department” means the South Carolina Department of Public Health and Environmental Control.

SECTION 99. Section 44-80-10(4) of the S.C. Code is amended to read:

(4) “Director” means the Director of the South Carolina Department of Public Health and Environmental Control.

SECTION 100. Section 44-87-10 of the S.C. Code is amended to read:

Section 44-87-10. As used in this chapter:

(1) “Asbestos abatement entity” means any individual, partnership, firm, association, corporation, sole proprietorship, or other business concern, as well as an employee or member of a governmental, religious, or social organization, that is involved in asbestos abatement.

(2) “Asbestos project” means an activity associated with abatement, including inspection, design, air monitoring, in-place management, encapsulation, enclosure, renovation, repair, removal, any other disturbance of regulated asbestos-containing materials, and demolition of a regulated facility.

(3) “Contractor” means an individual partnership, corporation, or other business concern that performs asbestos abatement for a facility owner which is not a permanent employee of the facility owner.

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(4) “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 101. Section 44-87-10(4) of the S.C. Code is amended to read:

(4) “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 102. Section 44-89-30(2) of the S.C. Code is amended to read:

(2) ~~“Board” means the South Carolina Board of Health and Environmental Control.~~Reserved

SECTION 103. Section 44-89-30(4) of the S.C. Code is amended to read:

(4) “Department” means the South Carolina Department of Public Health and Environmental Control.

SECTION 104. Section 44-93-20(C) of the S.C. Code is amended to read:

(C) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Infectious Waste Management Act.~~Reserved

SECTION 105. Section 44-93-20(F) of the S.C. Code is amended to read:

(F) “Department” means the Department of ~~Health and Environmental Control~~Services, including personnel of the department authorized by the board to act on behalf of the department ~~or board~~. The department is charged with the responsibility for implementation of the Infectious Waste Management Act.

SECTION 106. Section 44-93-150(A) of the S.C. Code is amended to read:

(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement or the department may bring civil action for injunctive relief in the appropriate court; or, the department may request that the Attorney General bring civil or criminal enforcement action under subsection (B) or (C) of this section. Violation of a court order issued pursuant to this section is contempt of the issuing court and punishable as provided by law. The department also may invoke civil penalties as provided in this section for violations of the provisions of this chapter, including an order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against

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whom a civil penalty is invoked by the department may appeal the decision of the department ~~or board~~ to the Court of Common Pleas.

SECTION 107. Section 44-93-160(B) of the S.C. Code is amended to read:

(B) The owner or operator of a facility required to be permitted pursuant to this chapter treating infectious waste shall submit, not later than the tenth day of each month, to the Department of ~~Health and Environmental Control~~Services:

(1) a report detailing the total weight of infectious waste received for treatment during the preceding month and its point of origin;

(2) a check made payable to the department for the fee due for the preceding month;

(3) in case of failure to file a return on or before the date prescribed by law or failure to pay a fee on or before the date prescribed by law, there must be added a penalty of twenty-five percent of the amount of fee due. The department may revoke a permit to operate for failure to pay any fees, penalties, or interest required by law. Upon payment the department may reinstate the permit to an operator of a permitted treatment facility treating infectious waste in this State. The penalty provided by this item may be reduced or waived by the department for reasonable cause.

SECTION 108. Section 44-96-40(9) of the S.C. Code is amended to read:

(9) “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 109. Section 44-96-40(24) of the S.C. Code is amended to read:

(24) “Lead-acid battery collection facility” means a facility authorized by the Department of ~~Health and Environmental Control~~Services to accept lead-acid batteries from the public for temporary storage prior to recycling.

SECTION 110. Section 44-96-40(29) of the S.C. Code is amended to read:

(29) “Office” means the Office of Solid Waste Reduction and Recycling established within the Department of ~~Health and Environmental Control~~Services pursuant to Section 44-96-110.

SECTION 111. Section 44-96-40(51) of the S.C. Code is amended to read:

(51) “Solid Waste Management Trust Fund” means the trust fund established within the Department of ~~Health and Environmental Control~~Services pursuant to Section 44-96-120.

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SECTION 112. Section 44-96-40(55) of the S.C. Code is amended to read:

(55) “State solid waste management plan” means the plan which the Department of ~~Health and Environmental Control Services~~ is required to submit to the General Assembly and to the Governor pursuant to Section 44-96-60.

SECTION 113. Section 44-96-60(C) of the S.C. Code is amended to read:

(C) Not later than six months after this chapter is effective, there shall be established a State Solid Waste Advisory Council. The council shall consist of the following sixteen members:

(1) twelve members appointed by the Governor which shall include one member to represent manufacturing interests; one member to represent the retail industry; two members to represent the solid waste disposal industry; one member to represent existing private recycling industry; two members to represent the general public; three members to represent county governments to be recommended by the South Carolina Association of Counties, one shall represent a county with a population of 50,000 or less, one shall represent a county with a population more than 50,000 and up to 100,000, and the final county representative shall represent a county with a population over 100,000; and two members shall represent municipalities to be recommended by the South Carolina Municipal Association. County, regional, and municipal representatives who are elected officials shall serve ex officio;

(2) the consumer advocate or his designee;

(3) one member to represent the Department of ~~Health and Environmental Control Services~~;

(4) the Secretary of Commerce or his designee; and

(5) one member to represent the Governor.

The members of the council in (1) above appointed after May 27, 1997, shall serve terms of four years dating from May 27, 1997, except that the member representing manufacturing interests, one member representing the solid waste disposal industry, the member representing existing private recycling industry, one member representing the general public, the member representing a county with a population of over one hundred thousand, and one municipal member must be appointed for a term of two years dating from May 27, 1997, and subsequent appointment of these members must be for a term of four years. No member appointed after May 27, 1997, may serve more than two terms. Members named in (2), (3), (4), and (5) above shall serve co-terminus with their office or at the pleasure of the respective appointing authority.

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No member appointed before May 27, 1997, shall serve past May 27, 2001. Members shall promulgate regulations concerning meeting attendance. The council shall advise the department on the preparation of the state solid waste management plan, on methods of implementing the state plan on the preparation of the annual reports by the department on solid waste management and provide technical expertise regarding solid waste management grants and planning. The council shall be provided with drafts of the plan and reports and shall be given adequate opportunity to comment. The council also shall be advised on a regular basis by the department regarding the grant applications which have been accepted or denied under the Solid Waste Management Grant Program and on the status of the Solid Waste Management Trust Fund.

SECTION 114. Section 44-96-85(A) of the S.C. Code is amended to read:

(A) There is established a Solid Waste Emergency Fund to be administered by the ~~department~~ Department of Health and Environmental Control Services.

(1) Beginning the state fiscal year after the effective date of this section, the department shall transfer two and one-half percent of the funds remitted quarterly to the Solid Waste Management Trust Fund pursuant to Sections 44-96-160, 44-96-170, 44-96-180, and 44-96-200 to a special sub-fund designated as the Solid Waste Emergency Fund.

(2) The department shall deposit quarterly payments into the Solid Waste Emergency Fund until the unencumbered balance equals \$1,500,000.

(3) When expenditures from the account occur, the department shall, on a quarterly basis, transfer funds in accordance with this section until such time as the unencumbered balance of the fund equals \$1,500,000.

SECTION 115. Section 44-96-100(A) of the S.C. Code is amended to read:

(A) Whenever the department determines that a person is in violation of a regulation promulgated pursuant to this article regarding Sections 44-96-160(X) (Used Oil), 44-96-170(H) (Waste Tires), or 44-96-190(A) (Yard trash, compost), the department may issue an order requiring the person to comply with the regulation or the department may bring civil action for injunctive relief in the appropriate court or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties not to exceed ten thousand dollars, for each day of violation, for violations of the regulations promulgated pursuant to this

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article regarding Sections 44-96-160(X), 44-96-170(H), or 44-96-190(A). After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department ~~or board of~~ to the court of common pleas, pursuant to the Administrative Procedures Act.

SECTION 116. Section 44-96-120(C) of the S.C. Code is amended to read:

(C) The department shall report on a quarterly basis to the State Solid Waste Advisory Council, House Ways and Means Committee, Senate Finance Committee, and the Joint Legislative Committee on Energy on the condition of the Solid Waste Management Trust Fund and on the use of all funds allocated from the Solid Waste Management Trust Fund. Quarterly reports shall be made not later than sixty days after the last day of each fiscal quarter beginning with the first full quarter after this chapter is effective. Notwithstanding Chapter 39 of Title 11, the Department of ~~Health and Environmental Control~~ Services, through the Office of Solid Waste Reduction and Recycling, shall make decisions on the allocation of oil overcharge funds transferred to the Solid Waste Management Trust Fund pursuant to Section 44-96-120(B)(9). The department's decisions shall be made upon the approval of the statewide Solid Waste Advisory Council and after consultation with the Governor's Office and the Joint Legislative Committee on Energy to ensure that the funds are administered according to decisions of the federal courts and requirements of the United States Department of Energy. If all oil overcharge funds transferred to the Solid Waste Management Trust Fund are not committed for projects or programs authorized by this chapter five years from the date this chapter is effective, they shall be returned to the Governor's Office.

SECTION 117. Section 44-96-165 of the S.C. Code is amended to read:

Section 44-96-165. The Department of ~~Health and Environmental Control~~ Services, with the approval of the State Auditor, shall contract with one or more qualified, independent certified public accountants on a one-year basis to audit revenues and disbursements from the Solid Waste Management Trust Fund and the Waste Tire Trust Fund established pursuant to Section 44-96-120 and from the Petroleum Fund established pursuant to Section 44-96-160(V). The auditors may audit relevant records of a public or private entity that has submitted, kept, handled, or tracked monies for any of the three funds. This contract must be funded by the Solid Waste Management Trust Fund, the Petroleum Fund, and the Waste Tire Trust Fund.

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SECTION 118. Section 44-96-170(N) of the S.C. Code is amended to read:

(N)(1) For sales made on or after November 1, 1991, there is imposed a fee of two dollars for each new tire sold with a Department of Transportation number to the ultimate consumer, whether or not the tire is mounted by the seller. The wholesaler or retailer receiving new tires from unlicensed wholesalers is responsible for paying the fee imposed by this subsection.

(2) The Department of Revenue shall administer, collect, and enforce the tire recycling fee in the same manner that the sales and use taxes are collected pursuant to Chapter 36 of Title 12. The fee imposed by this subsection must be remitted on a monthly basis. Instead of the discount allowed pursuant to Section 12-36-2610, the taxpayer may retain three percent of the total fees collected as an administrative collection allowance. This allowance applies whether or not the return is timely filed.

(3) The department shall deposit all fees collected to the credit of the State Treasurer who shall establish a separate and distinct account from the state general fund.

(4) The State Treasurer shall distribute one and one-half dollars for each tire sold, less applicable credit, refund, and discount, to each county based upon the population in each county according to the most recent United States Census. The county shall use these funds for collection, processing, or recycling of waste tires generated within the State.

(5) The remaining portion of the tire recycling fee is to be credited to the Solid Waste Management Trust Fund by the State Treasurer for the Waste Tire Grant Trust Fund, established under the administration of the South Carolina Department of ~~Health and Environmental Control~~ Services.

(6) The General Assembly shall review the waste tire disposal recycling fee every five years.

SECTION 119. Section 44-96-170(P) of the S.C. Code is amended to read:

(P) The Office of Solid Waste Reduction and Recycling of the Department of ~~Health and Environmental Control~~ Services may provide grants from the Waste Tire Trust Fund to counties which have exhausted all funds remitted to counties under Section 44-96-170(N), to regions applying on behalf of those counties and to local governments within those counties to assist in the following:

(1) constructing, operating, or contracting with waste tire processing or recycling facilities;

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(2) removing or contracting for the removal of waste tires for processing or recycling;

(3) performing or contracting for the performance of research designed to facilitate waste tire recycling; or

(4) the purchase or use of recycled products or materials made from waste tires generated in this State.

SECTION 120. Section 44-96-170(Q) of the S.C. Code is amended to read:

(Q) Waste tire grants must be awarded on the basis of written grant request proposals submitted to and approved, not less than annually, by the committee consisting of ten members appointed by the commissioner representing:

(1) the South Carolina Tire Dealers and Retreaders Association;

(2) the South Carolina Association of Counties;

(3) the South Carolina Association of Regional Councils;

(4) the South Carolina Department of ~~Health and Environmental Control~~ Services;

(5) tire manufacturers;

(6) the general public;

(7) a public interest environmental organization;

(8) the South Carolina Department of Natural Resources;

(9) the Office of the Governor; and

(10) the South Carolina Municipal Association.

Members of the committee shall serve for terms of three years and until their successors are appointed and qualify.

Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. The representative of the department shall serve as chairman. The committee shall review grant requests and proposals and make recommendations on grant awards to the State Solid Waste Advisory Council. Grants must be awarded by the State Solid Waste Advisory Council.

SECTION 121. Section 44-96-250(B)(1) through (4) of the S.C. Code is amended to read:

(B) The following definitions are applicable in this article:

(1) "Applicant" means an individual, corporation, partnership, business association, or government entity that applies for the issuance, transfer, or modification of a permit under this article.

(2) "Ash" means the solid residue from the incineration of solid waste.

(3) "Closure" means the discontinuance of operation by ceasing to accept, treat, store, or dispose of solid waste in a manner which

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minimizes the need for further maintenance and protects human health and the environment.

(4) "Director" means the Director of the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 122. Section 44-96-440(C) of the S.C. Code is amended to read:

(C) It shall be unlawful for any person to fail to comply with this article and any regulations promulgated pursuant to this article, or to fail to comply with any permit issued under this article, or to fail to comply with any order issued by the ~~board, commissioner, director~~ or the department.

SECTION 123. Section 44-96-450(A) of the S.C. Code is amended to read:

(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive relief in the appropriate court, or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for violations of the provisions of this article, including any order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department ~~or board~~ to the court of common pleas.

SECTION 124. Section 44-113-20(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of Public Health and Environmental Control.

SECTION 125. Section 44-115-80(A) of the S.C. Code is amended to read:

(A) A physician, or other owner of medical records as provided for in Section 44-115-130, may charge a fee for the search and duplication of a paper or electronic medical record, but the fee may not exceed:

(1) Sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed one hundred fifty dollars per request, but to which may be added actual postage and applicable sales tax. The search and handling

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fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

(2) Sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per request, and to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

(3) All fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Public Health~~and Environmental Control~~ is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

SECTION 126. Section 44-115-130 of the S.C. Code is amended to read:

Section 44-115-130. (A) A physician may not sell medical records to someone other than a physician or osteopath licensed by the South Carolina State Board of Medical Examiners or a hospital licensed by the South Carolina Department of Public Health~~and Environmental Control~~. Exceptions to this prohibition may be granted and approved by the South Carolina State Board of Medical Examiners.

(B) Before a physician may sell medical records, he must cause to be published a public notice of his intention to sell the records in a newspaper of general circulation in the area of his practice at least three times in the ninety days preceding the sale. The notice shall advise patients that they may retrieve their records if they prefer that their records not be included in the sale.

SECTION 127. Section 44-128-20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health~~and Environmental Control~~ shall develop and implement a Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by minors.

SECTION 128. Section 44-128-50(B) of the S.C. Code is amended to read:

(B) Notwithstanding the provisions of Section 8-13-770, the membership of the advisory commission is as follows:

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(1) two members appointed by the Speaker of the House of Representatives from the membership of the House of Representatives;

(2) two members appointed by the President of the Senate from the membership of the Senate; and

(3) eleven members appointed by the Governor as follows:

(a) one representative of the Department of Public Health ~~and Environmental Control~~;

(b) one representative of the Department of Alcohol and Other Drug Abuse Services;

(c) three health professionals;

(d) two youths between the ages of twelve and eighteen; and

(e) five citizens of the State with knowledge, competence, experience, or interest in youth smoking prevention, or other relevant background including, but not limited to, youth education, public health, social science, and business expertise.

SECTION 129. Section 44-130-20(3) of the S.C. Code is amended to read:

(3) "Department" means the Department of Health and Environmental Control.

SECTION 130. Section 44-130-20(3) of the S.C. Code is amended to read:

(3) "Department" means the Department of Public Health ~~and Environmental Control~~.

SECTION 131. Title 46 of the S.C. Code is amended by adding:

CHAPTER 57

Food Safety

Section 46-57-10. The Department of Agriculture shall administer and enforce the provisions contained in this chapter.

Section 46-57-20. (A) For the purposes of this section:

(1) 'Home based food production operation' means an individual, operating out of the individual's dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person.

(2) 'Nonpotentially hazardous foods' means candy and baked goods that are not potentially hazardous foods.

(3) 'Person' means an individual consumer.

(4) 'Potentially hazardous foods' means:

(a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes not modified to prevent

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microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:

Aw values		pH values	
	4.6 or less	> 4.6 – 5.6	> 5.6
< 0.92	non-PHF	non-PHF	non-PHF
> 0.92 – 0.95	non-PHF	non-PHF	PHF
> 0.95	non-PHF	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.

(B) The operator of the home based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:

(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;

(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;

(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;

(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home based food production operation; and

(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home based food

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production operation are knowledgeable of and follow safe food handling practices.

(C) Each home based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:

- (1) department approved water supply;
- (2) a separate storage place for ingredients used in foods intended for sale;
- (3) a properly functioning refrigeration unit;
- (4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;
- (5) adequate facilities for the storage of utensils and equipment;
- (6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;
- (7) a properly functioning toilet facility;
- (8) no evidence of insect or rodent activity; and
- (9) department approved sewage disposal, either on site treatment or publicly provided.

(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:

- (1) the name and address of the home based food production operation;
- (2) the name of the product being sold;
- (3) the ingredients used to make the product in descending order of predominance by weight; and
- (4) 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 PROCESSED AND PREPARED BY A HOME BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS.'

(E) Home based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home based food production operation must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25.

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(F) A home based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.

(G) The provisions of this section do not apply to an operation with net earnings of less than five hundred dollars annually but that would otherwise meet the definition of a home based food operation provided in subsection (A)(1).

Section 46-57-30. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty five degrees Fahrenheit, or sixty eight degrees Celsius, unless otherwise ordered by the immediate consumer.

(B) The food service provider, its business or its employees or agents, are not liable for any adverse effects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less than one hundred fifty five degrees Fahrenheit, or sixty eight degrees Celsius, if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty five degrees Fahrenheit, or sixty eight degrees Celsius, and be given to the purchaser:

- (1) in writing;
- (2) as stated on the menu; or
- (3) by visible sign warning.

(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), the individual must be eighteen years of age or older.

Section 46-57-40. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.

Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other places or establishments providing eating or drinking facilities, and all other places known as private nursing homes or places of similar nature, operated for gain or profit; and

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(2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products.; and

(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants.

Section 46-57-60. The department may not use any funds appropriated or authorized to the department to enforce Regulation 61 25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

Section 46-57-70. (A) Except as provided in Section 46 57 50, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Agriculture promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term 'notice' as used in this section means either actual notice or constructive notice.

SECTION 132. Section 47-5-20(2) of the S.C. Code is amended to read:

(2) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services, including county health departments.

SECTION 133. Chapter 5, Title 47 of the S.C. Code is amended by adding:

Section 47-5-220. The Department of Environmental Services and the Department of Public Health are authorized to consult with one another and share otherwise confidential information with one another related to victims of bites from rabid animals.

SECTION 134. Section 47-17-320 of the S.C. Code is amended to read:

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Section 47-17-320. The Department of ~~Health and Environmental Control~~Agriculture is charged with the enforcement of the provisions of this article. All meat found by the Department of ~~Health and Environmental Control~~Agriculture which is landed within the boundaries of the State and does not comply with the provisions of this article shall be confiscated and destroyed.

SECTION 135. Section 48-1-10(9) of the S.C. Code is amended to read:

(9) "Department" means the Department of ~~Health and Environmental Control~~Services;

SECTION 136. Section 48-1-20 of the S.C. Code is amended to read:

Section 48-1-20. It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of ~~Health and Environmental Control~~Services shall have authority to abate, control and prevent pollution.

SECTION 137. Section 48-1-55 of the S.C. Code is amended to read:

Section 48-1-55. On any navigable river in this State where an oyster factory is located, the Department of ~~Health and Environmental Control~~Services may utilize qualified personnel of the county or municipality in whose jurisdiction the factory operates to assist with the monitoring of water quality and other environmental standards the department is required to enforce. The assistance may be provided at the request of the department and upon the consent of the county or municipality concerned.

SECTION 138. Section 48-1-85(D) of the S.C. Code is amended to read:

(D) Houseboat holding tanks may be emptied only by a pump-out system permitted by the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 139. Section 48-1-95(A) of the S.C. Code is amended to read:

(A) As used in this section:

(1) "Action plan" or "plan" means a schedule for implementing and completing repairs, upgrades, and improvements needed to minimize

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future repetitive significant spills of untreated or partially treated domestic sewage.

(2) “Capacity, Management, Operation, and Maintenance or ‘CMOM’ plan” means a comprehensive, dynamic framework for wastewater utilities to identify and incorporate widely accepted wastewater industry practices to:

- (a) better manage, operate, and maintain collection systems;
- (b) investigate capacity constrained areas of the collection system; and
- (c) respond to sanitary sewer overflow events.

(3) “Comprehensive review” or “review” means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.

(4) “Department” means the Department of ~~Health and Environmental Control~~Services.

(5) “Significant spill” means a net discharge from a wastewater utility of at least five thousand gallons of untreated or partially treated domestic sewage that could cause a serious adverse impact on the environment or public health. “Significant spill” does not include spills caused by a natural disaster, direct act of a third party, or other act of God.

(6) “Wastewater utility” or “utility” means the operator or owner of a sewage collection system or its treatment works providing sewer service to the public. “Wastewater utility” does not include manufacturers, electric utilities, agricultural operations, and wastewater treatment systems located on property owned by the federal government.

SECTION 140. Section 48-1-100 of the S.C. Code is amended to read:

Section 48-1-100. (A) A person affected by the provisions of this chapter or the rules and regulations adopted by the department desiring to make a new outlet or source, or to increase the quantity of discharge from existing outlets or sources, for the discharge of sewage, industrial waste or other wastes, or the effluent therefrom, or air contaminants, into the waters or ambient air of the State, first shall make an application to the department for a permit to construct and a permit to discharge from the outlet or source. If, after appropriate public comment procedures, as defined by department regulations, the department finds that the discharge from the proposed outlet or source will not be in contravention of provisions of this chapter, a permit to construct and a permit to

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discharge must be issued to the applicant. The department, if sufficient hydrologic and environmental information is not available for it to make a determination of the effect of the discharge, may require the person proposing to make the discharge to conduct studies that will enable the department to determine that its quality standards will not be violated.

(B) The Department of ~~Health and Environmental Control~~ Services is the agency of state government having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop and enforce standards as may be necessary governing emissions or discharges into the air, streams, lakes, or coastal waters of the State, including waste water discharges.

(C) The Department of ~~Health and Environmental Control~~ Services is the agency of state government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual or ~~privately-owned~~ privately owned systems for the disposal of offal and human or animal wastes.

SECTION 141. Section 48-1-130 of the S.C. Code is amended to read:

Section 48-1-130. A person discharging sewage, industrial waste, or other waste or air contaminant into the environment of the State, in such manner or quantity as to cause pollution, without regard to the time that the discharge began or whether or not the continued discharge has been by virtue of a permit issued by the department, shall discontinue the discharge upon receipt of an order of the department. An order is subject to review pursuant to Section ~~44-1-60~~ 49-3-60 and the Administrative Procedures Act. This section does not abrogate any of the department's emergency powers.

SECTION 142. Section 48-1-280 of the S.C. Code is amended to read:

Section 48-1-280. Nothing herein contained shall be construed to postpone, stay or abrogate the enforcement of the provisions of the public health laws of this State and rules and regulations promulgated hereunder in respect to discharges causing actual or potential hazards to public health nor to prevent the Department of ~~Health and Environmental Control~~ Services from exercising its right to prevent or abate nuisances.

SECTION 143. Section 48-2-20(2) of the S.C. Code is amended to read:

(2) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 144. Section 48-2-70 of the S.C. Code is amended to read:

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Section 48-2-70. Under each program for which a permit processing fee is established pursuant to this article, the promulgating authority also shall establish by regulation a schedule for timely action by the Department of ~~Health and Environmental Control Services~~ on permit applications under that program. These schedules shall contain criteria for determining in a timely manner when an application is complete and the maximum length of time necessary and appropriate for a thorough and prompt review of each category of permit applications and shall take into account the nature and complexity of permit application review required by the act under which the permit is sought. If the department fails to grant or deny the permit within the time frame established by regulation, the department shall refund the permit processing fee to the permit applicant.

SECTION 145. Section 48-2-320(1) through (3) of the S.C. Code is amended to read:

Section 48-2-320. As used in this article:

(1) ~~“Commissioner”~~ “Director” means the ~~Commissioner~~ Director of the Department of ~~Health and Environmental Control Services~~.

(2) “Department” means the Department of ~~Health and Environmental Control Services~~.

(3) “Environmental Emergency” means a situation, to be determined by the ~~commissioner~~ director, that constitutes an immediate threat to the environment or public health, or both, and providing immediate, but temporary relief to the situation may require the expenditure of funds to effect a solution, provide temporary relief, or retain the services of appropriate technical personnel or contractors.

SECTION 146. Section 48-2-330(A) of the S.C. Code is amended to read:

(A) There is created within the Department of ~~Health and Environmental Control Services~~ a restricted account to be known as the Environmental Emergency Fund.

SECTION 147. Section 48-2-340(A) of the S.C. Code is amended to read:

(A) The department, through the ~~commissioner~~ director or the ~~commissioner's~~ director's designee, shall certify that funding for a specific emergency was necessary to protect the environment or public health, or both. Annually, the department shall prepare an independent accounting of all revenue in the fund. The report must be submitted to the ~~chairman of the Board of the Department of Health and Environmental Control~~ Governor and must be made available to the public upon request.

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SECTION 148. Section 48-3-10(6) of the S.C. Code is amended to read:

(6) “Department” shall mean the Department of ~~Health and Environmental Control Services of South Carolina.~~

SECTION 149. Section 48-3-140(A) of the S.C. Code is amended to read:

(A) No bonds may be issued pursuant to the provisions of this chapter until the proposal of the governing board to issue the bonds receives the approval of the State Fiscal Accountability Authority. Whenever a governing board proposes to issue bonds pursuant to the provisions of this chapter, it shall file its petition with the State Fiscal Accountability Authority or the Department of Administration, as applicable, setting forth:

(1) a brief description of the pollution control facilities proposed to be undertaken;

(2) a statement setting forth the action taken by the Department of ~~Health and Environmental Control Services~~ in connection with the pollution control facilities;

(3) a reasonable estimate of the cost of the pollution control facilities;

(4) a general summary of the terms and conditions of the loan agreement; and

(5) such other information as the State Fiscal Accountability Authority or the Department of Administration, as applicable, requires.

SECTION 150. Section 48-4-10 of the S.C. Code is amended to read:

Section 48-4-10. (A) The South Carolina Department of Natural Resources ~~is created to~~ shall administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources and other laws specifically assigned to it. The department must be comprised of a Law Enforcement Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, and a Land, Water, and Conservation Division. Each division of the department must have the functions and powers provided by law.

~~(B) All functions, powers, and duties provided by law to the South Carolina Wildlife and Marine Resources Department, the Geological Survey Division of the Budget and Control Board, to include the State Geologist, and the South Carolina Migratory Waterfowl Committee are transferred to the Department of Natural Resources. All nonregulatory functions, powers, and duties provided by law to the South Carolina Water Resources Commission and the State Land Resources Conservation Commission are transferred to the Department of Natural~~

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~~Resources. All rules, regulations, standards, orders, or other actions of these entities remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act.~~

~~(C)(B) All divisions are directly accountable to and subject to the Department of Natural Resources.~~

~~(D) The Wildlife and Marine Resources Commission, the Land Resources Conservation Commission, and the Water Resources Commission are abolished.~~

SECTION 151. Section 48-5-20(6) of the S.C. Code is amended to read:

(6) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 152. Section 48-14-20(1) and (6) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

(6) "Designated Watershed" means a watershed designated by a local government and approved by the Department of ~~Health and Environmental Control~~ Services and identified as having an existing or potential stormwater, sediment control, or nonpoint source pollution problem.

SECTION 153. Section 48-18-20(8) of the S.C. Code is amended to read:

(8) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 154. Section 48-18-20(11) of the S.C. Code is amended to read:

(11) ~~"Board" means the board of the department.~~ Reserved

SECTION 155. Section 48-18-50(1) of the S.C. Code is amended to read:

(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:

- South Carolina Association of Counties
- South Carolina Municipal Association
- South Carolina Association of Conservation Districts
- South Carolina Home Builders Association
- Associated General Contractors, Inc.
- South Carolina Association of Realtors
- South Carolina Chapter, American Society of Landscape Architects

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South Carolina Chapter, American Society of Civil Engineers

Council of Governments Executive Director's Committee

South Carolina Farm Bureau

South Carolina State Grange

Office of the Governor

USDA-Soil Conservation Service

Clemson University

South Carolina Department of ~~Health and~~ Environmental
~~Control~~Services

South Carolina Forestry Commission

South Carolina Forestry Association

South Carolina Chapter

American Institute of Architects

SECTION 156. Section 48-20-30 of the S.C. Code is amended to read:

Section 48-20-30. The South Carolina Department of ~~Health and~~ Environmental ~~Control~~Services is responsible for administering the provisions and requirements of this chapter. This includes the process and issuance of mining permits, review and approval of reclamation plans, collection of reclamation performance bonds, conduct of environmental appraisals, technical assistance to mine operators and the public, implementation of research and demonstration projects, and inspections of all mining operations and reclamation as set forth in this chapter. Proper execution of these responsibilities may necessitate that the department seek comment from other relevant state agencies regarding matters within their respective areas of statutory responsibility or primary interests. The department has ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this chapter, and the provisions of this chapter regulating and controlling such activity.

SECTION 157. Section 48-20-40(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of ~~Health and~~ Environmental ~~Control~~Services. Whenever in this chapter the department is assigned duties, they may be performed by the director or by subordinates as he designates.

SECTION 158. Section 48-20-70(3) of the S.C. Code is amended to read:

(3) the operation will violate standards of air quality, surface water quality, or groundwater quality which have been promulgated by the

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South Carolina Department of ~~Health and Environmental Control~~ Services;

SECTION 159. Section 48-21-20(b) of the S.C. Code is amended to read:

(b) The council shall be composed of eleven members. One member shall be the State Geologist and one member shall be the Secretary of Commerce or his designee. Three members, appointed by the Governor, shall be representatives of mining industries; three members, appointed by the Governor, shall be representatives of nongovernmental conservation interests; two members, appointed by the Governor, shall be representatives of the Department of ~~Health and Environmental Control~~ Services who shall be knowledgeable in the principles of water and air resources management; and one member, appointed by the Governor, shall be his official representative to the Interstate Mining Compact Commission. Any public official appointed to the council shall serve ex officio. The term of office for the Secretary of Commerce or his designee and the Governor's official representative to the Interstate Mining Compact Commission shall be coterminous with that of the Governor. Of the remaining eight members appointed by the Governor, six shall be appointed for terms of six years, two shall be appointed for terms of two years and beginning July 1, 1976, the term of office for all new appointments and reappointments to these eight positions shall be for four years. The term of each member of the council shall expire on June thirtieth of the year in which his term expires. Any vacancy occurring on the council by death, resignation, or otherwise shall be filled for the unexpired term of the person creating the vacancy by the Governor.

SECTION 160. Section 48-21-20(c) of the S.C. Code is amended to read:

(c) In accordance with Article V (i) of the compact, the commission shall file copies of its bylaws and any amendments thereto with the Director Department of ~~Health and Environmental Control~~ Services.

SECTION 161. Section 48-34-40(B) of the S.C. Code is amended to read:

(B) Prescribed fires conducted pursuant to this chapter:

(1) must have a written prescribed fire plan that:

(a) complies with the South Carolina Smoke Management Guidelines;

(b) is prepared before authorization to burn is issued by the State Commission of Forestry; and

(c) is on site and followed during the burn;

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(2) must have present at least one certified prescribed fire manager who must:

(a) be certified by the commission;
(b) personally supervise the burn from ignition until the certified prescribed fire manager determines the burn to be safe;

(c) fully consider both fire behavior and related smoke management issues during and after the burn;

(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to the South Carolina Smoke Management Guidelines, Chapters 1 and 35, Title 48, and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters and the South Carolina Smoke Management Guidelines are exempt from the open fire prohibition pursuant to R. 61-62.2 and are acceptable to the Department of ~~Health and Environmental Control~~ Services if the fire is for:

(a) burning forest lands for specific management practices;
(b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes;

(c) open burning of trees, brush, grass, and other vegetable matter for game management purposes;

(4) are considered a property right of the property owner.

SECTION 162. Section 48-39-10(C) of the S.C. Code is amended to read:

(C) "Division" means the Coastal Division of the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 163. Section 48-39-10(V) of the S.C. Code is amended to read:

(V) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 164. Section 48-39-10(W) of the S.C. Code is amended to read:

(W) ~~"Board" means the board of the department.~~ Reserved

SECTION 165. Section 48-39-35 of the S.C. Code is amended to read:

Section 48-39-35. The Coastal Division of the Department of Health and Environmental Control is created July 1, 1994. The division is transferred to the Department of Environmental Services on July 1, 2024.

SECTION 166. The undesignated, introductory paragraph of Section 48-39-50 of the S.C. Code is amended to read:

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Section 48-39-50. The South Carolina Department of ~~Health and Environmental Control~~ Services shall have the following powers and duties:

SECTION 167. Section 48-39-50(S) of the S.C. Code is amended to read:

(S) To monitor, in coordination with the South Carolina Department of Natural Resources, the waters of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately report such spill to the South Carolina Department of ~~Health and Environmental Control~~ Services, the United States Coast Guard and the Environmental Protection Agency. This in no way negates the responsibility of the spiller to report a spill.

SECTION 168. Section 48-39-270(3) of the S.C. Code is amended to read:

(3) ~~Department~~ “Department” means the Department of ~~Health and Environmental Control~~ Services.

SECTION 169. Section 48-39-280(F) of the S.C. Code is amended to read:

(F)~~(4)~~ A landowner claiming ownership of property adversely affected by the establishment of a baseline or setback line, may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1 for a contested case hearing within one year of the establishment of the baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line. Alternatively, the municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1 for a contested case hearing within one year of the establishment of the baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. A review is initiated by filing a request for a review conference with the department board via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred dollar review fee per property.

— (2) ~~The initial decision to establish a baseline or setback line must be a department staff decision.~~

— (3) ~~No later than sixty calendar days after the receipt of a request for review, the board must:~~

— (a) ~~decline to schedule a review conference in writing; or~~

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~~— (b) conduct a review conference in accordance with the provisions of item (4).~~

~~— (4) A review conference may be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. The board shall set the place, date, and time for the conference; give twenty calendar days' written notice of the conference; and advise the landowner or the county, municipality, or organization acting on behalf of the landowner that evidence may be presented at the conference. The review conference must be held as follows:~~

~~— (a) Review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the landowner or the county, municipality, or organization acting on behalf of the landowner. During the course of the review conference, the staff must explain the staff decision and the materials relied upon to support its decision. The landowner or the county, municipality, or organization acting on behalf of the landowner shall state the reasons for contesting the staff decision and may provide evidence to support amending the staff decision. The staff may rebut information and arguments presented by the landowner or the county, municipality, or organization acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting on behalf of the landowner may rebut information and arguments presented by the staff. Any review conference officer may request additional information and may question the landowner or the county, municipality, or organization acting on behalf of the landowner and the staff.~~

~~— (b) After the review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue, based upon the evidence presented, a written decision to the landowner or the county, municipality, or organization acting on behalf of the landowner via certified mail no later than thirty calendar days after the date of the review conference. The written decision must explain the basis for the decision and inform the landowner or the county, municipality, or organization acting on behalf of the landowner of the right to request a contested case hearing before the Administrative Law Court.~~

~~— (5) The landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after:~~

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~~_____ (a) written notice is received by the landowner or the county, municipality, or organization acting on behalf of the landowner that the board declines to hold a review conference;~~

~~_____ (b) the sixty calendar day deadline to hold the review conference has lapsed and no conference has been held; or~~

~~_____ (c) the final agency decision resulting from the review conference is received by the landowner or the county, municipality, or organization acting on behalf of the landowner.~~

SECTION 170. Section 48-39-320(C) of the S.C. Code is amended to read:

(C) Notwithstanding any other provision of law contained in this chapter, ~~the board, or the Office of Ocean and Coastal Resource~~the Division of Coastal Management, may allow the use in a pilot project of any technology, methodology, or structure, whether or not referenced in this chapter, if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area. If success is demonstrated, ~~the board, or the Office of Ocean and Coastal Resource~~the Division of Coastal Management, may allow the continued use of the technology, methodology, or structure used in the pilot project location and additional locations.

SECTION 171. Section 48-40-20(2) of the S.C. Code is amended to read:

(2) ~~“Office” “Division” means the Office of Ocean and Coastal Resource~~Division of Coastal Management of the Department of Health and Environmental Control Services.

SECTION 172. Section 48-40-40(B) of the S.C. Code is amended to read:

(B) The trust fund must be administered by the ~~Office of Ocean and Coastal Resource~~Division of Coastal Management of the Department of Health and Environmental Control Services pursuant to this chapter and its regulations governing application, review, ranking, and approval procedures for grants.

SECTION 173. Section 48-43-10(B) of the S.C. Code is amended to read:

(B) “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 174. Section 48-43-10(W) of the S.C. Code is amended to read:

(W) “Sanitary landfill” means a solid waste disposal facility regulated by the Department of ~~Health and Environmental Control~~Services.

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SECTION 175. Section 48-43-10(X) of the S.C. Code is amended to read:

(X) ~~“Board” means board of the department.~~ Reserved

SECTION 176. Section 48-43-30(B)(5) and (6) of the S.C. Code is amended to read:

(5) To promulgate, after hearing and notice as hereinafter provided, such rules and regulations, and issue such orders reasonably necessary to prevent waste and oil discharges from drilling and production platforms, pipelines, gathering systems, processing facilities, storage facilities, refineries, port facilities, tankers and other facilities and vessels that may be a source of oil spills and to protect correlative rights, to govern the practice and procedure before the ~~board~~ department and to fulfill its duties and the purposes of this chapter.

(6) To regulate the exploration, drilling, production, and transportation of methane gas in and related to sanitary landfills. The department is authorized to exercise discretion in regulating such activities and may impose any requirement of this chapter as is necessary, in the opinion of the department, to prevent waste of oil and gas, to protect correlative rights and to prevent pollution of the water, air, and land by oil and gas. The department is further authorized to require any person applying for a drilling permit or otherwise producing methane gas in a sanitary landfill to comply with one of the following requirements for financial responsibility in an amount deemed sufficient by the department in its discretion in order to achieve the purpose specified in Section 48-43-30(A)(1):

(i) furnish a bond consistent with the requirements of Section 48-43-30(B)(1)(e); or

(ii) furnish proof of insurance with the State of South Carolina as beneficiary. Before the issuance of drilling permits for methane gas recovery from sanitary landfills, the department must certify that the proposed activity is consistent with the Department of ~~Health and Environmental Control~~ Services regulations governing the operation, monitoring, and maintenance of the landfills and applicable permit conditions.

SECTION 177. Section 48-43-40(D) of the S.C. Code is amended to read:

(D) All rules, regulations and orders made by the Department of ~~Health and Environmental Control~~ Services shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, and shall be public records open for inspection at all times during office hours. In addition, all rules and regulations shall be filed

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with the Secretary of State. A copy of any rule, regulation or order, certified by any member of the department or the department, under its seal, shall be received in evidence in all courts of this State with the same effect as the original.

SECTION 178. Section 48-43-50 of the S.C. Code is amended to read:

Section 48-43-50. (A) The ~~board~~department or an Administrative Law Judge shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation.

(B) Upon failure or refusal on the part of any person to comply with a subpoena issued by the ~~board~~department pursuant to this section, or upon the refusal of any witness to testify as to any matter regarding which he may be interrogated and which is pertinent to the hearing or investigation, any circuit court in the State, upon the application of the ~~board~~department, may issue an order to compel such person to comply with such subpoena, and to attend before the ~~board~~department and produce such records, books and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

SECTION 179. Section 48-43-60 of the S.C. Code is amended to read:

Section 48-43-60. Any person, who is aggrieved and has a direct interest in the subject matter of any final order issued by the ~~board~~department, may appeal such order to the circuit court.

SECTION 180. Section 48-43-100 of the S.C. Code is amended to read:

Section 48-43-100. All rules and regulations adopted by the Department of ~~Health and Environmental Control~~Services, as provided for in this chapter, must be approved by the General Assembly before they shall be effective; provided, however, no regulation approved by the General Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute, rule or regulation of the Federal Government or any department or agency thereof.

SECTION 181. Section 48-43-390(A) of the S.C. Code is amended to read:

(A) The South Carolina State Fiscal Accountability Authority, upon review by the Joint Bond Review Committee as necessary, hereinafter referred to as the authority, is hereby designated as the State Agency with the authority, responsibility and power to lease all State lands to persons

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for the purpose of drilling for and producing oil and gas. The Department of ~~Health and Environmental Control Services~~ is hereby designated as the exclusive agent for the authority in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included herein as responsibilities of the authority.

SECTION 182. Section 48-43-510(1) of the S.C. Code is amended to read:

(1) "Department" means the Department of ~~Health and Environmental Control Services~~.

SECTION 183. Section 48-43-510(13) of the S.C. Code is amended to read:

(13) "~~Board~~" means the Department of ~~Health and Environmental Control Reserved~~

SECTION 184. Section 48-43-520(4) of the S.C. Code is amended to read:

(4) The General Assembly intends by the enactment of this article to exercise the police power of the State by conferring upon the Department of ~~Health and Environmental Control Services~~ power to:

(a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) Require the prompt containment and removal of pollution occasioned thereby; and

SECTION 185. Section 48-43-570(a) of the S.C. Code is amended to read:

(a) The Department of Transportation, the Department of Natural Resources, and any other agency of this State, shall cooperate with and lend assistance to the Department of ~~Health and Environmental Control Services~~ by assigning, upon request, personnel, equipment and material to be utilized in any project or activity related to the containment, collection, dispersal or removal of oil discharged upon the land or into the waters of this State.

SECTION 186. Section 48-46-30(7) of the S.C. Code is amended to read:

(7) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of ~~Health and~~

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Environmental ~~Control Services~~ and for activities associated with closure of the site as provided for in Section 13-7-30(4).

SECTION 187. Section 48-46-30(10) of the S.C. Code is amended to read:

(10) "Maintenance" means active maintenance activities as specified by the Department of ~~Health and Environmental Control~~ Services, including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

SECTION 188. Section 48-46-30(19) of the S.C. Code is amended to read:

(19) "Regional waste" means waste generated within a member state of the Atlantic Compact. Consistent with the regulatory position of the Department of ~~Health and Environmental Control~~ Services, Bureau of Radiological Health, dated May 1, 1986, some waste byproducts shipped for disposal that are derived from wastes generated within the Atlantic Compact region, such as residues from recycling, processing, compacting, incineration, collection, and brokering facilities located outside the Atlantic Compact region may also be considered regional waste.

SECTION 189. Section 48-46-30(22) of the S.C. Code is amended to read:

(22) "Waste" means Class A, B, or C low-level radioactive waste, as defined in Title I of Public Law 99-240 and Department of ~~Health and Environmental Control~~ Services Regulation 61-63, 7.2.22, that is eligible for acceptance for disposal at a regional disposal facility.

SECTION 190. Section 48-46-40(B)(7)(a) and (9) of the S.C. Code is amended to read:

(7)(a) If the office, upon the advice of the compact commission or the site operator, concludes based on information provided to the office, that the volume of waste to be disposed during a forthcoming period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site operator for its costs of operating the facility and its operating margin, then the office shall direct the site operator to propose to the compact commission plans including, but not necessarily limited to, a proposal for discontinuing acceptance of waste until such time as there is sufficient waste to cover the site operator's operating costs and operating margin. Any proposal to suspend operations must detail plans of the site operator to minimize its costs during the suspension of operations. Any such proposal to suspend operations must be approved by the Department of ~~Health and Environmental Control~~ Services with respect to safety and environmental protection.

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(9) In all proceedings held pursuant to this section, the office shall participate as a party representing the interests of the State of South Carolina, and the compact commission may participate as a party representing the interests of the compact states. The Executive Director of the Office of Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such proceeding. Representatives from the Department of ~~Health and Environmental Control Services~~ shall participate in proceedings where necessary to determine or define the activities that a site operator must conduct in order to comply with the regulations and license conditions imposed by the department. Other parties may participate in the PSC's proceedings upon satisfaction of standing requirements and compliance with the PSC's procedures. Any site operator submitting records and information to the PSC may request that the PSC treat such records and information as confidential and not subject to disclosure in accordance with the PSC's procedures.

SECTION 191. Section 48-46-50(A) of the S.C. Code is amended to read:

(A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may appoint up to two alternate commissioners. These alternate commissioners may participate in meetings of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical representatives from the Department of ~~Health and Environmental Control Services~~, the office, the PSC, and other state agencies may participate in relevant portions of meetings of the compact commission upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as called for in the compact commission bylaws.

SECTION 192. Section 48-46-80 of the S.C. Code is amended to read:

Section 48-46-80. Pursuant to Section 48-2-10 et seq., the Department of ~~Health and Environmental Control Services~~ may adjust the radioactive materials license fee for Low-Level Radioactive Waste Shallow Land Disposal in Regulation 61-30 in an amount that will offset changes to its annual operating budget caused by projected increases or decreases in the number of permittees expected to pay fees for Radioactive Waste Transport Permits under the same regulation for shipment of low-level radioactive waste for disposal within the State.

SECTION 193. Section 48-46-90 of the S.C. Code is amended to read:

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Section 48-46-90. (A) In accordance with Section 13-7-30, the office, or its designee, is responsible for extended custody and maintenance of the Barnwell site following closure and license transfer from the facility operator. The Department of ~~Health and Environmental Control~~ Services is responsible for continued site monitoring.

(B) Nothing in this chapter may be construed to alter or diminish the existing statutory authority of the Department of ~~Health and Environmental Control~~ Services to regulate activities involving radioactive materials and radioactive wastes.

SECTION 194. Section 48-52-810(10)(b)(v) of the S.C. Code is amended to read:

(v) a building project funded by the Department of ~~Health and Environmental Control~~ Services in which the primary purpose of the building project is for the storage of archived documents.

SECTION 195. Section 48-52-865(A)(1)(c) of the S.C. Code is amended to read:

(c) the Director of the Department of ~~Health and Environmental Control~~ Services, or his designee;

SECTION 196. Section 48-55-10(A) of the S.C. Code is amended to read:

(A) The South Carolina Environmental Awareness Award must be presented annually by a committee of two members appointed from each of the following:

(1) South Carolina Department of ~~Health and Environmental Control~~ Services by its ~~commissioner~~ director;

(2) State Commission of Forestry by its chairman;

(3) South Carolina Sea Grant Consortium by its executive director;

(4) Water Resources Division of the Department of Natural Resources by the department's director;

(5) Wildlife and Freshwater Fish Division of the Department of Natural Resources by the department's director;

(6) Land Resources and Conservation Districts Division of the Department of Natural Resources by the department's director; and

(7) Coastal Division of the Department of ~~Health and Environmental Control~~ Services by the department's director;

(8) Marine Resources Division of the Department of Natural Resources by the department's director.

SECTION 197. Section 48-56-20(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

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SECTION 198. Section 48-57-20(1) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 199. Section 48-60-20(11) of the S.C. Code is amended to read:

(11) "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

SECTION 200. Section 48-60-55(E) of the S.C. Code is amended to read:

(E)(1) Not later than thirty calendar days after submission of the plan pursuant to subsection (B), the department shall determine whether or not to approve the plan. The department shall approve the plan for the establishment of a consumer electronic device stewardship program by the submitting representative organization if it meets the requirements of subsections (B) and (C). If the department finds activities included in the plan that do not fulfill those requirements, it shall specify in writing what the department believes to be the plan's deficiencies, promptly meet with the representative organization to discuss the department's concerns, and allow the representative organization at least thirty calendar days after the denial notice to submit a revised plan. If a revised plan is submitted, the department shall review and approve or disapprove the plan within thirty calendar days of submission.

(2) If the department disapproves a plan submitted pursuant to item (1), and the representative organization chooses not to submit a revised plan or the department disapproves the revised plan, the representative organization shall have the right to appeal pursuant to Section ~~44-1-60~~ 49-3-60.

(3) If the plan is disapproved on appeal, the representative organization may resubmit a plan pursuant to item (1) which conforms with the guidance of the appellate opinion or member companies may comply with subsection (K).

SECTION 201. Chapter 62, Title 48 of the S.C. Code is amended by adding:

Section 48-62-25. The office shall administer the state flood mitigation program, which includes administration of the national flood program for the State.

SECTION 202. Section 49-1-15 of the S.C. Code is amended to read:

Section 49-1-15. (A) Except as otherwise provided herein, no person may erect, construct, or build any structure or works in order to dam or impound the waters of a navigable stream or any waters which are

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tributary to a navigable stream for the purpose of generating hydroelectricity without securing a permit from the Department of ~~Health and Environmental Control~~Services. Any projects that are subject to Chapter 33, of Title 58 of the Utility Facility Siting and Environmental Protection Act are exempted from this section. Further exempted are projects where the project developer without exercising condemnation authority is the existing owner of the property upon which the project is to be constructed and projects which do not exceed sixty acres including in both cases inundated land.

(B) The Department of ~~Health and Environmental Control~~Services may issue a permit for the projects in this subsection after a thorough review of the proposed project and a finding that it meets any regulations of the ~~board department~~ and the following standards:

(1) The proposed project does not halt or prevent navigation by watercraft of the type ordinarily frequenting the reach of the watercourse in question.

(2) The projects proposed for shoaled areas of the watercourse provide a means of portage or bypass of the project structure.

(3) The need for the proposed project far outweighs the historical and current uses of the stream in question.

(4) The impact of the proposed project will not threaten or endanger plant or animal life.

(5) The recreational and aesthetic benefits or detriments caused by the proposed project do not alter the watercourse or damage riparian lands.

(C) The Attorney General shall represent before any federal agency the department, if so requested by the department, respecting the same application.

SECTION 203. Section 49-1-16 of the S.C. Code is amended to read:

Section 49-1-16. The Department of ~~Health and Environmental Control~~Services may charge a fee to an applicant for a permit for any construction, alteration, dredging, filling, or other activity in navigable waters of the State. If the project is commercial or industrial and is in support of operations that charge for the production, distribution, or sale of goods or services, a fee of five hundred dollars must be charged, except if the aerial crossing of navigable waters by conductors or other wires supported solely by structures outside the navigable waters the fee shall be one hundred dollars. If the work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise the fee must be fifty dollars. The department shall remit the fees to the State Treasurer and shall be issued a credit for any portion of

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the fees necessary to offset its costs in processing, investigating and taking final action on each permit application. Any remaining portion shall be credited to the general fund of the State.

SECTION 204. Section 49-1-18 of the S.C. Code is amended to read:

Section 49-1-18. The General Assembly, pursuant to Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of ~~Health and Environmental Control~~ Services, hereinafter the department, for all decisions subsequent to 2007 related to all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, hereinafter the Maritime Commission, superseded the responsibilities of the department for such approval, as established by Act 56 of 2007, and the approval by the department could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. The Department of ~~Health and Environmental Control~~ Services retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels. Beginning July 1, 2024, the authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean going container or commerce vessels are transferred to and devolved upon the Department of Environmental Services.

SECTION 205. Section 49-4-20(5) of the S.C. Code is amended to read:

(5) "Department" means the Department of ~~Health and Environmental Control~~ Services.

SECTION 206. Section 49-4-170(B) of the S.C. Code is amended to read:

(B)(1) The department may, in consultation with the Department of Natural Resources, negotiate agreements, accords, or compacts on behalf of and in the name of the State with other states or the United States, or both, with any agency, department, or commission of either, or both,

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relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the ~~board~~department pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented. The department also may represent the State in connection with water withdrawals, diversions, or transfers occurring in other states which may affect this State. The provisions in this section do not apply to the Office of Attorney General or any pending or future criminal or civil actions, lawsuits, or causes in which the State is a party or interested.

(2) The department must notify the Chairman of the Senate Agriculture and Natural Resources Committee and the Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee when the department enters into negotiations or otherwise represents the State as provided in item (1). The department also must periodically report, as necessary or upon request, to the chairmen concerning the progress of the negotiations or representation.

SECTION 207. Section 49-5-30(3) of the S.C. Code is amended to read:

(3) ~~“Board” means the Board of the Department of Health and Environmental Control.~~Reserved

SECTION 208. Section 49-5-30(5) of the S.C. Code is amended to read:

(5) ~~“Department” means the Department of Health and Environmental Control.~~Services.

SECTION 209. Section 49-5-60 of the S.C. Code is amended to read:

Section 49-5-60. (A) In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including salt water intrusion, the ~~board~~department, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area. The department, local government authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area designation process. The notice and public hearing must be conducted such that local government authorities, groundwater withdrawers, or the general public may provide comments concerning the capacity use area designation process. A capacity use area must be designated by the ~~board~~department based on scientific studies and evaluation of groundwater resources and may or may not conform to political boundaries.

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(B) After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. ~~The plan must be approved by the board before the department may issue groundwater withdrawal permits for the area.~~

(C) ~~Once the board approves the groundwater management plan for a designated capacity use area~~ is developed pursuant to subsection (A), each groundwater withdrawer shall make application for a groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in accordance with the approved plan.

(D) A person or entity affected may appeal a decision of the ~~board~~ department on a capacity use area designation within thirty days after the filing of the decision to the court of common pleas of any county which is included in whole or in part within the disputed capacity use area. The department shall certify to the court the record in the hearing. The court shall review the record and the regularity and the justification for the decision. The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional or statutory provisions;
- (2) in excess of the statutory authority of the agency;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the record; or
- (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

SECTION 210. Section 49-6-10 of the S.C. Code is amended to read:

Section 49-6-10. (A) There is hereby created the South Carolina Aquatic Plant Management Program for the purpose of preventing, identifying, investigating, managing, and monitoring aquatic plant problems in public waters of South Carolina. The program will coordinate the receipt and distribution of available federal, state, and local funds for aquatic plant management activities and research in public waters.

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(B) The Department of ~~Natural Resources~~Environmental Services (department) is designated as the state agency to administer the Aquatic Plant Management Program and to apply for and receive grants and loans from the federal government or such other public and private sources as may be available for the Aquatic Plant Management Program and to coordinate the expenditure of such funds.

SECTION 211. Section 49-6-30 of the S.C. Code is amended to read:

Section 49-6-30. (A) There is hereby established the South Carolina Aquatic Plant Management Council, hereinafter referred to as the council, which shall be composed of ten members as follows:

~~1.~~(1) ~~The council shall include one~~One representative from each of the following agencies, to be appointed by the chief executive officer of each agency:

~~(a)~~ (a) Water Resources Division of the Department of ~~Natural Resources~~Environmental Services;

~~(b)~~ (b) ~~South Carolina Department of Health and Environmental Control~~;

~~(c)~~(b) Wildlife and Freshwater Fisheries Division of the Department of Natural Resources;

~~(d)~~(c) South Carolina Department of Agriculture;

~~(e)~~(d) Coastal Division of the Department of ~~Health and Environmental Control~~Services;

~~(f)~~(e) South Carolina Public Service Authority;

~~(g)~~(f) Land Resources and Conservation Districts Division of the Department of Natural Resources;

~~(h)~~(g) South Carolina Department of Parks, Recreation and Tourism;

~~(i)~~(h) Clemson University, Department of Fertilizer and Pesticide Control.

~~2.~~(2) The council shall include one representative from the Governor's Office, to be appointed by the Governor.

~~3.~~(3) The representative of the Water Resources Division of the Department of ~~Natural Resources~~Environmental Services shall serve as chairman of the council and shall be a voting member of the council.

(B) The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.

SECTION 212. Section 49-11-120(3) of the S.C. Code is amended to read:

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(3) “Department” means the South Carolina Department of ~~Health and Environmental Control~~ Services or its staff or agents.

SECTION 213. Section 49-11-170(E) of the S.C. Code is amended to read:

(E) The owner of a dam or reservoir determined through a preliminary inspection not to be maintained in good repair or operating condition or to be unsafe and a danger to life or property may request a hearing before the ~~board of the~~ department within thirty days after notice of the findings are delivered. The owner may submit written or present oral evidence which must be considered by the ~~board of the~~ department in the issuance of the order.

SECTION 214. Section 49-11-260(D) of the S.C. Code is amended to read:

(D) A person against whom a final order or decision has been made, except for emergencies specified in Section 49-11-190, may appeal to the ~~board under~~ Administrative Law Court pursuant to the Administrative Procedures Act. The burden of proof is on the party attacking an order or a decision of the department to show that the order is unlawful or unreasonable.

SECTION 215. Section 13-7-10(11) of the S.C. Code is amended to read:

(11) “Extended care maintenance fund” means the “escrow fund for perpetual care” that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of ~~Health and Environmental Control~~ Services, and for activities associated with closure of the site as provided for in Section 13-7-30(4).

SECTION 216. Section 13-7-10(12) of the S.C. Code is amended to read:

(12) “Maintenance” means active maintenance activities as specified by the Department of ~~Health and Environmental Control~~ Services including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

SECTION 217. Section 13-7-30(4) of the S.C. Code is amended to read:

(4) assume responsibility for extended custody and maintenance of radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State,

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and whenever the federal government or any agency of the federal government has not assumed the responsibility.

In order to finance such extended custody and maintenance as the ~~board-department~~ may undertake, the ~~board-department~~ may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the ~~board's-department's~~ custodial management activities for that individual case. The fees collected for such custodial management activities shall also be sufficient to provide additional funds for the purchase of insurance which shall be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the ~~board-department~~, must be transmitted to the State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving trust fund, which may be designated "extended care maintenance fund", to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to this extended care maintenance fund. Except as authorized in Section 48-46-40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post-closure and observation period specified by the Department of ~~Health and Environmental Control~~Services, and for activities associated with closure of the site. Funds from the extended care maintenance fund shall not be used for site closure activities or for custodial, surveillance, and maintenance performed during the post-closure observation period until all funds in the decommissioning trust account are exhausted.

SECTION 218. Section 13-7-40(A) of the S.C. Code is amended to read:

(A) The Department of ~~Health and Environmental Control~~Services is designated as the agency of the State which is responsible for the control and regulation of radiation sources but, notwithstanding anything in this article, does not have the power to regulate, license, or control nuclear reactors of facilities or operations incident to them in duplication of an activity of the federal government which has not been discontinued by agreement pursuant to Section 13-7-60.

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SECTION 219. Section 13-7-45(A)(1) of the S.C. Code is amended to read:

(A)(1) The South Carolina Department of ~~Health and Environmental Control Services~~ shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

SECTION 220. Section 13-7-60(B) of the S.C. Code is amended to read:

(B) Any person who on the effective date of an agreement under subsection (A) of this section possesses a license issued by the Federal Government authorizing activities, the regulation of which is assumed by the State under such agreement, shall be deemed to possess a license issued under this article, which shall expire either ninety days after receipt from the Department of ~~Health and Environmental Control Services~~ of a notice of expiration of such license, or upon the date of expiration specified in the Federal license; whichever is earlier.

SECTION 221. Section 13-7-70(1) of the S.C. Code is amended to read:

(1) The South Carolina Department of ~~Health and Environmental Control Services~~ (the Department) shall adopt rules and regulations governing the transportation of radioactive materials in South Carolina which, in the judgment of the Department, shall protect the public health and safety and protect the environment. Such rules and regulations shall include, but not be limited to, provisions for the use of signs designating radioactive material ~~en route; for cargo; for~~ for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition. Nothing in this section shall be deemed applicable to the transportation of radioactive waste which is regulated by Article 2 of this chapter.

SECTION 222. Section 13-7-90 of the S.C. Code is amended to read:

Section 13-7-90. Any person who is practicing as an operator of sources of ionizing radiation on May 26, 1986 is exempt from the certification requirements promulgated by the Department of ~~Health and~~

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Environmental ~~Control Services~~ provided that such person applies for certification as an operator within sixty days of May 26, 1986.

SECTION 223. Section 13-7-120 B. of the S.C. Code is amended to read:

B. "Department" means the Department of ~~Health and Environmental Control Services~~, including personnel authorized to act on behalf of the Department.

SECTION 224. Section 13-7-160 of the S.C. Code is amended to read:

B. Final regulations shall be promulgated by the Department within one hundred twenty days from the effective date of the article and shall be subject to the procedures set forth in chapter 23 of title 1 provided that the regulations at a minimum shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition, requiring the shippers to state the estimated date of arrival at the disposal facility, to identify the primary route within the State to give at least seventy-two hours written notice to the Department prior to any transportation of radioactive waste into or within this State, and establishing a schedule of fees for permits, which fees shall be assessed annually.

In preparing its regulations, the Department of ~~Health and Environmental Control Services~~ is authorized to distinguish as to the radioactive isotope and its curie strength so as to protect the general public.

SECTION 225. Section 1-30-10(A) of the S.C. Code is amended to read:

(A) There are hereby created, within the executive branch of the state government, the following departments:

- ~~1-(1)~~ Department of Administration
- ~~2-(2)~~ Department of Agriculture
- ~~3-(3)~~ Department of Alcohol and Other Drug Abuse Services
- (4) Department of Public Health
- ~~4-(5)~~ Department of Commerce
- ~~5-(6)~~ Department of Corrections
- ~~6-(7)~~ Department of Disabilities and Special Needs
- ~~7-(8)~~ Department of Education
- ~~8-(9)~~ Department of ~~Health and Environmental Control Services~~
- ~~9-(10)~~ Department of Health and Human Services
- ~~10-(11)~~ Department of Insurance

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- ~~11.~~(12) Department of Juvenile Justice
- ~~12.~~(13) Department of Labor, Licensing and Regulation
- ~~13.~~(14) Department of Mental Health
- ~~14.~~(15) Department of Motor Vehicles
- ~~15.~~(16) Department of Natural Resources
- ~~16.~~(17) Department of Parks, Recreation and Tourism
- ~~17.~~(18) Department of Probation, Parole and Pardon Services
- ~~18.~~(19) Department of Public Safety
- ~~19.~~(20) Department of Revenue
- ~~20.~~(21) Department of Social Services
- ~~21.~~(22) Department of Transportation
- ~~22.~~(23) Department of Employment and Workforce
- ~~23.~~(24) Department on Aging
- ~~24.~~(25) Department of Veterans' Affairs.

SECTION 226. Section 1-30-75 of the S.C. Code is amended to read:

Section 1-30-75. ~~Effective on July 1, 1994, the~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with the agency, except for those subdivisions specifically included under another department, ~~are transferred to and incorporated in, and~~ must be administered as part of the Department of Natural Resources. The department must be divided ~~initially~~ into divisions for Land Resources and Conservation Districts, ~~Water Resources,~~ Marine Resources, Wildlife and Freshwater Fisheries, and State Natural Resources Enforcement. ~~The South Carolina Wildlife and Marine Resources Commission, as constituted on June 30, 1993, and after that time, under the provisions of Section 50-3-10 et seq. is the governing authority for the department:~~

- (1) Geological Survey of the Research and Statistical Services Division of the Budget and Control Board, to include the State Geologist, formerly provided for at Section 1-11-10, et seq.;
- (2) State Land Resources Conservation Commission, less the regulatory division, formerly provided for at Section 48-9-10, et seq.;
- (3) South Carolina Migratory Waterfowl Commission, formerly provided for at Section 50-11-20, et seq.;
- ~~(4) Water Resources Commission, less the regulatory division, formerly provided for at Section 49-3-10, et seq.;~~
- ~~(5)~~(4) South Carolina Wildlife and Marine Resources Commission, formerly provided for at Section 50-3-10, et seq.

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SECTION 227. Chapter 62, Title 48 of the S.C. Code is amended by adding:

Section 1-30-140. (A) There is hereby created, within the executive branch of the state government, the Department of Public Health, headed by a director appointed by the Governor pursuant to Section 44-1-20. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions, related to regulation and protection of the health prior to July 1, 2024, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Health.

(B) There is hereby created, within the executive branch of the state government, the Department of Environmental Services, headed by a director appointed by the Governor pursuant to Section 49-3-20. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the environment prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Environmental Services.

SECTION 228. Section 1-23-600(H) of the S.C. Code is amended to read:

~~(H)(1) This subsection applies to timely requests for a contested case hearing pursuant to this section of~~timely filed requests for a contested case hearing of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State~~the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.~~

~~(2)(a) A request for a contested case hearing for an agency order stays the order. A request for a contested case hearing for an order to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing activity stays the renewed license, the previous license~~

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~~remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may not be stayed by the filing of the request. A party seeking to stay a decision of the Department of Environmental Services during the pendency of contested case proceedings must request a stay with the request for a contested case hearing. The request shall automatically stay the decision until a hearing on the stay is heard and ruled upon by the Administrative Law Court. If the request is filed for a decision is concerning a subsequent license related to issues substantially similar to those considered in a previously licensed matter, then the license may not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the Administrative Law Court. Requests for contested case hearings challenging only the amount of fines or penalties must be considered not to affect those portions of such orders imposing substantive requirements.~~

~~(b) Notwithstanding subitem (a), a request for a contested case hearing to challenge a non-emergency enforcement action or a new license or permit concerning hazardous waste automatically stay those decisions, regardless of whether a request for a stay is filed with the request for a contested case hearing. The automatic stay for those decisions must not be lifted until all judicial review is concluded and a final judicial decision is issued on the matter.~~

~~(3) The general rule of item (2) does not stay emergency actions taken by an agency pursuant to an applicable statute or regulation.~~

~~(4)(3)(a) Ninety days after a contested case is initiated before the Administrative Law Court, if a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A party files a request for a stay with its request for a contested case hearing, then a hearing on the request for an automatic stay must be held within thirty-sixty days after any party files a motion with the court and serves the motion upon the parties. The request for a contested case hearing is filed. The automatic stay shall remain in effect until the Administrative Law Court makes a determination about whether to continue the automatic stay. The court shall lift-continue the automatic stay unless-if the moving party shows that requested a contested case hearing proves:~~

(i) the likelihood of irreparable harm if the automatic stay is lifted, (ii)

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the substantial likelihood that the moving party ~~requesting the contested case and stay~~ will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the automatic stay, and (iv) continuing the automatic stay serves the public interest. The judge must issue an order no later than ~~fifteen-thirty~~ business days after the hearing is concluded. If the automatic stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to lift a stay as provided in this item does not apply to a contested case concerning a new permit or license involving hazardous waste as defined in Section 44-56-20(6), ~~and a stay in such a contested case must not be lifted until the contested case is concluded and the Administrative Law Court has filed its final order in the matter.~~

(b) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.

~~(5)(4)~~ A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court or the Court of Appeals or the Supreme Court.

~~(6)(5)~~ Nothing contained in this subsection constitutes a limitation on the authority of the Administrative Law Court to impose a stay as otherwise provided by statute or by rule of court.

SECTION 229. Section 24-9-20 of the S.C. Code is amended to read:

Section 24-9-20. The division shall be responsible for inspecting, in conjunction with a representative of the State Fire Marshal, at least annually every facility in this State housing prisoners or pretrial detainees operated by or for a state agency, county, municipality, or any other political subdivision, and such inspections shall include all phases of operation, fire safety, and health and sanitation conditions at the respective facilities. Food service operations of the facilities must be inspected at least annually by an employee of the Department of ~~Health and Environmental Control~~ Agriculture. The inspections of local confinement facilities shall be based on standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire marshal, and the food service inspector of the Department of ~~Health and Environmental Control~~ Agriculture shall

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each prepare a written report on the conditions of the inspected facility. Copies of the reports shall be filed with the chairman of the governing body of the political subdivision having jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility, and the administrator or director of the inspected facility. All reports shall be filed through the Director of the Department of Corrections.

SECTION 230. Section 39-37-120 of the S.C. Code is amended to read:

Section 39-37-120. The Department of Agriculture shall enforce the provisions of this chapter and shall from time to time, after inquiry and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to the provisions of this chapter. The Department of ~~Health and Environmental Control~~ Agriculture shall establish and enforce sanitary regulations pertaining to the manufacture and distribution of frozen desserts, including the sanitary condition of (a) buildings, ground and equipment where frozen desserts are manufactured, (b) persons in direct physical contact with frozen desserts during manufacture, (c) containers in which frozen desserts are held or shipped and (d) premises, buildings, surroundings and equipment where frozen desserts are sold. Such rules and regulations shall be filed and open for public inspection at the principal office of the ~~Department~~ department and shall have the force of law.

SECTION 231. Section 13-7-50 of the S.C. Code is amended to read:

Section 13-7-50. (A) Whenever the Department of Environmental Services finds that an emergency, as hereinabove defined, exists requiring immediate action to protect the public health and safety the ~~Department~~ department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any other provision of law, such order shall be effective immediately.

(B) Any person to whom such order is directed shall comply therewith immediately, but on application to the ~~Department~~ department shall be afforded a hearing within thirty days. On the basis of such hearing, the emergency order shall be continued, modified or revoked within thirty days after such hearing.

SECTION 232. Section 40-25-20(1) of the S.C. Code is amended to read:

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(1) "Department" means the Department of Public Health~~and Environmental Control~~.

SECTION 233. Sections 6-19-30 through 6-19-40 of the S.C. Code are amended to read:

Section 6-19-30. The fund for such grants must be from either revenue-sharing trust funds or from general appropriations to the Department of ~~Health and Environmental Control~~Services, which shall administer the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of seven members, one from each congressional district of the State. In addition an employee of the Department of ~~Health and Environmental Control~~Services, designated by the commissioner thereof, shall serve ex officio as a member of the committee. The Governor may invite a director, or his representative, from an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. All members must be appointed for terms of three years. In the event of a vacancy a successor shall be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded pursuant to Section 6-19-40. Funds also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.

Section 6-19-35. The objective of the South Carolina Rural Water and Sewer Act is to assure that the financing available for rural area facilities is fully utilized by communities, authorities or districts in accordance with State guidelines and sound local priorities. Consistent with this objective the act shall consist of but not be limited to the following criteria:

(1) The advisory committee will be responsible for coordinating the activities of the Federal and State agencies and for working with State, regional and local planning agencies to develop the necessary area plans

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and priority listings. To the extent feasible, the State coordination program will be utilized to foster consolidated approaches to the delivery of water and waste disposal services and other common policies among existing agencies that will lead to improved and expanded service. State government funds will be applied when necessary to assist projects not eligible for supplementary assistance from other sources.

(2) The Department of ~~Health and Environmental Control Services~~ may, upon approval of the advisory committee, by a memorandum of understanding entered into with other funding agencies, designate one of such agencies, including itself, to administer or supervise any portion of a project funded under this act.

Section 6-19-40. (a) Application for a grant hereunder may be made to the advisory committee and accompanied by an application to the primary financial source and processed by the Department of Health and Environmental Control. The Department of ~~Health and Environmental Control Services~~, on approval of the advisory committee, shall make the necessary rules and regulations for the consideration and processing of all State grant requests appropriated under this chapter, which shall generally conform to those used by Federal grant and loan agencies, which rules shall be filed in the office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:

- (1) Preliminary engineering costs study;
- (2) Bonded indebtedness of the district, authority or community;
- (3) Financial conditions of the district, authority or community;
- (4) Costs per connection;
- (5) Economic level in the district, area or community;
- (6) Ratio of contracted users to potential users which shall not be less than sixty-seven percent;
- (7) Conformity to overall State, regional or local plans;
- (8) Operation and maintenance costs identified and proper replacement costs;
- (9) Amount of connection charges and minimum user charges; and
- (10) Sustaining costs of rural water and sewer systems.

(b) No funds shall be dispensed until the applicant furnishes evidence of a commitment from the primary financial source.

SECTION 234. Section 56-35-50(B) of the S.C. Code is amended to read:

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine

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directly to the Department of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of ~~Health and Environmental Control Services~~ for deposit in the Diesel Idling Reduction Fund, twenty-five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

SECTION 235. Section 56-35-60 of the S.C. Code is amended to read:

Section 56-35-60. (A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of ~~Health and Environmental Control Services~~.

(B) The Department of ~~Health and Environmental Control Services~~, as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.

SECTION 236. Section 56-35-80 of the S.C. Code is amended to read:

Section 56-35-80. The Department of ~~Health and Environmental Control Services~~ may promulgate regulations to administer and enforce the provisions of this chapter.

SECTION 237. Sections 3-5-40 through 3-5-60 of the S.C. Code are amended to read:

Section 3-5-40. If the title to any part of the lands, including submerged lands, property or property rights, required by the United States Government for the construction and maintenance of the aforesaid intracoastal waterway from Winyah Bay, South Carolina, to the State boundary line in the Savannah River and any changes, modifications or

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extensions thereto and any tributaries thereof, and the Ashley River and Shipyard River projects shall be in any private person, firm or corporation, telephone or telegraph company or other public service corporation or shall have been donated or condemned for public or public service purposes by any political subdivision of this State or any public service corporation, the South Carolina Department of ~~Health and Environmental Control~~ Services may, acting for and in behalf of the State, secure the above described rights of way and spoil disposal areas for such intracoastal waterway and all its tributaries and for the Ashley River and Shipyard River projects upon, across and through such lands, including submerged lands, or any part thereof, including oyster beds, telephone and telegraph lines, railroad lines, property of other public service corporations and other property and property rights, by purchase, donation or otherwise, through agreement with the owner when possible. And when any such easement or property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3-5-50. If for any reason the South Carolina Department of ~~Health and Environmental Control~~ Services is unable to secure any rights-of-way and spoil disposal area upon, across, or through any such land, including submerged lands, property, or rights, by voluntary agreement with the owner, the South Carolina Department of ~~Health and Environmental Control~~ Services, acting for and in behalf of the State may condemn it.

Section 3-5-60. If the United States Government shall so determine, it may condemn and use all lands, including submerged lands, property and property rights which may be needed for the purposes set forth in Section 3-5-40 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands, including submerged lands, property and property rights, the South Carolina Department of ~~Health and Environmental Control~~ Services may pay all expenses of such condemnation proceedings and any award that may be made thereunder out of any monies appropriated for such purposes.

SECTION 238. Section 3-5-80 of the S.C. Code is amended to read:

Section 3-5-80. For the purpose of determining the lands, easements and property necessary for the uses herein set out, the South Carolina Department of ~~Health and Environmental Control~~ Services or the United States Government, or the agents of either, may enter upon any lands along the general line of the rights of way for the purposes of locating

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definitely the specific lines of such rights of way and the land required for such purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

SECTION 239. Section 3-5-100 of the S.C. Code is amended to read:

Section 3-5-100. If any of the lands or property, the use of which is acquired for the rights-of-way and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute for the leased areas lying within the rights-of-way and spoil disposal areas other equal areas lying without the rights-of-way and spoil disposal areas that also are suitable for the cultivation and gathering of oysters. The Department of ~~Health and Environmental Control Services~~ may reimburse the person for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster beds, the Department of ~~Health and Environmental Control Services~~, acting for the State, may condemn the rights and property of the lessees in the leased areas.

SECTION 240. Sections 3-5-120 through 3-5-130 of the S.C. Code are amended to read:

Section 3-5-120. If and when any such oyster beds or oysters growing therein shall have been damaged by muddy water or by other effects of such dredging operations any person holding such oyster beds in fee simple or in leasehold or owning the oysters growing therein or any person engaged in the prosecution of the work of constructing the waterway shall be privileged to apply to the South Carolina Department of ~~Health and Environmental Control Services~~ to survey such oyster beds and oysters and to determine the extent and amount of such damage. Upon any such application, the Department of ~~Health and Environmental Control Services~~ shall proceed promptly to survey the damage done to such oyster beds and oysters and to determine the identity of the person causing such damage and the identity of the owner in fee or in leasehold of such oyster beds and oysters suffering such damage. The South Carolina Department of ~~Health and Environmental Control Services~~ may subpoena witnesses to assist in the determination of such facts. The department of ~~Health and Environmental Control Services~~ must afford the owner of the alleged damaged oyster beds and oysters and the person alleged to have caused the damage an opportunity to be heard.

Section 3-5-130. Staff of the Coastal Division of the Department of ~~Health and Environmental Control Services~~ shall make a determination of the amount of actual damage.

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SECTION 241. Sections 3-5-150 through 3-5-160 of the S.C. Code are amended to read:

Section 3-5-150. Upon the filing with the clerk of court of any such award there shall be added thereto as a part thereof the costs of the survey held to determine the damage resulting in such award. Such costs shall be repaid to the Department of ~~Health and Environmental Control~~ Services by the person against whom the award is given. If it shall be finally determined that no damage has been done the cost of the survey shall be paid by the person requesting the survey.

Section 3-5-160. The Department of ~~Health and Environmental Control~~ Services shall account for all monies recovered under the provisions of Sections 3-5-110 to 3-5-150 to the State Treasurer.

SECTION 242. Section 3-5-190 of the S.C. Code is amended to read:

Section 3-5-190. Any person, his heirs, executors, administrators, successors or assigns, who may be compensated for damage to oysters during the construction or maintenance of said intracoastal waterway and its tributaries and the Ashley River and Shipyard River projects, whether by the Department of ~~Health and Environmental Control~~ Services, the contractor engaged on the work or the United States, shall be estopped from making further claim for damage to oysters in or upon the same area on account of dredging operations during maintenance or further improvement of the waterway and its tributaries or Ashley River or Shipyard River.

SECTION 243. Sections 3-5-320 through 3-5-340 of the S.C. Code are amended to read:

Section 3-5-320. If the title to any part of the lands required by the United States Government for the construction of the aforesaid inland waterway from the North Carolina-South Carolina State line at Little River to Winyah Bay shall be in any private person, company, firm or corporation, railroad company, canal company, telephone or telegraph company or other public service corporation or shall have been donated or condemned for any such use by any political subdivision of this State, the Department of ~~Health and Environmental Control~~ Services may, acting for and in behalf of the State, secure a right of way of the width aforesaid for such inland waterway upon, across and through such lands or any part thereof by purchase, donation or otherwise, through agreement with the owner when possible, and when any such property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3-5-330. If for any reason the Department of ~~Health and Environmental Control~~ Services is unable to secure the right-of-way

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upon, across, or through the property by voluntary agreement with the owner, the Department of ~~Health and Environmental Control~~ Services acting for the State, may condemn the right-of-way. The Governor and the Secretary of State shall promptly execute a deed for the condemned property to the United States.

Section 3-5-340. If the United States Government shall so determine, it may condemn and use all lands and property which may be needed for the purposes set forth in Section 3-5-310 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands and property, the Department of ~~Health and Environmental Control~~ Services may pay all expenses of the condemnation proceedings and any award that may be made thereunder out of any moneys appropriated or which may be appropriated for such purposes.

SECTION 244. Section 3-5-360 of the S.C. Code is amended to read:

Section 3-5-360. For the purpose of determining the lands and property necessary for the uses herein set out the Department of ~~Health and Environmental Control~~ Services or the United States Government, or the agents of either, may enter upon any lands along the general line of said right of way and make such surveys and do such other acts as in their judgment may be necessary for the purpose of definitely locating the specific lines of said right of way and the lands required for said purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

SECTION 245. (A) This SECTION is effective upon approval of the Governor.

(B) There is created the South Carolina Health Optimization Task Force, whose purpose is to analyze the missions and delivery models of all state agencies concerned with the overall public health of the state, as well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging.

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(C) The Task Force shall consider reorganizations or mergers of existing health agencies, as well as the establishment of any new health agencies, the purpose of any structural change being an improved service delivery model to an identifiable specific population, as well as the aggregate population of the State.

(D) The Task Force will be composed of three members of the Senate appointed by the President, three members of the House of Representatives appointed by the Speaker and one member appointed by the Governor. The three members from each legislative body shall select the co chairs. The Task Force will utilize the staff of the Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Affairs Committee.

(E) The Task Force shall retain a third party, independent, expert consultant or consultants to advise the study committee and issue its own opinion as to what measures studied, if any, benefit South Carolina. They must advise on the benefits of each course of action and also must make their recommendation to the Task Force. They must be selected by the co chairs of the Task Force. Engagements procured under this provision are exempt from the South Carolina Procurement Code.

(F) A final report of the work of the Task Force shall include draft legislation and shall be submitted to the General Assembly and the Governor by January 15, 2024. The South Carolina Health Optimization Task Force shall dissolve and terminate upon the submission of its final report.

SECTION 246. Sections 1-30-45, 44-11-30, and 44-11-40 of the S.C. Code are repealed.

SECTION 247. (A) The Code Commissioner is directed to change all references to the “Department of Health and Environmental Control” in Chapters 3, 5, 6, 7, 8, 9, 20, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 49, 52, 53, 61, 63, 69, 70, 74, 78, 80, 81, 99, 113, 115, 117, 122, 125, 128, and 130 of Title 44 of the S.C. Code to the “Department of Public Health”.

(B) The Code Commissioner is directed to change all references to “DHEC” in Chapter 4, Title 44 of the S.C. Code to “department”.

(C) The Code Commissioner is directed to change all references to the “Department of Health and Environmental Control” in Chapter 55, Title 44 of the S.C. Code to the “Department of Environmental Services”.

SECTION 248. Monthly progress reports on the transfer and consolidation of state agencies as directed by this act by the Department of Administration shall be issued to the Chairmen of the Senate Finance Committee, Senate Medical Affairs Committee, Senate Agriculture and

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Natural Resources Committee, House Ways and Means Committee, House Medical, Military, Public and Municipal Affairs Committee, and House Agriculture, Natural Resources and Environmental Affairs Committee. Reports must include a summation of material progress and the expenditures made relevant to the current report, an overview of tasks yet to be accomplished, the associated estimated expenditures, and a projected timeline for completion of those tasks and the entire transfer and consolidation of state agencies as directed by this act. The report also must include information from the receiving agencies regarding the absorption of the transferring agencies and their organization within the receiving agencies. Notwithstanding any of the above, final completion, as directed by this act, shall occur no later than June 30, 2024.

Subject to sufficient appropriations for the requirements of this SECTION, the Department of Administration shall procure the necessary experts, consultants, and advisors to conduct annual studies of and provide reports on the effectiveness and efficiency of the services provided by both the Department of Public Health and the Department of Environmental Services for the duration provided for in this SECTION. The studies shall include a review of, among other things, the organizational structure, the financial performance, and use of funding, including grant funding, the adequacy of staffing and other personnel issues, and the services provided as they relate to the mission of each agency. In performing the studies, the experts, consultants, and advisors procured by the Department of Administration shall receive input from the stakeholders and clients of each agency. The experts, consultants, and advisors procured by the Department of Administration shall prepare reports detailing the findings of the studies with recommendations necessary for increased operational efficiencies and effectiveness, and for the maximization of resource utilization. Beginning on the effective date of this act, the experts, consultants, and advisors procured by the Department of Administration shall perform the annual studies for a period of five years and issue reports based on the studies to the Chairmen of the Senate Finance Committee, the Senate Medical Affairs Committee, the Senate and Natural Resources Committee, the House Ways and Means Committee, the House Medical, Military, Public and Municipal Affairs Committee, and the House Agriculture, Natural Resources and Environmental Affairs Committee. The initial report shall be due on September 30, 2025 with succeeding reports due each September 30th thereafter through September 30, 2029.

Procurements by the Department of Administration of all experts, consultants, and advisors pursuant to and required by this SECTION are

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exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11 of the S.C. Code. Procurements made by the Department of Administration pursuant to this SECTION shall be made with as much competition as practicable under the circumstances. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Division shall assist in procuring the necessary services. If needed, the Department of Administration may use the experts, consultants, and advisors procured pursuant to this SECTION to assist in performing the duties otherwise specified in this act.

SECTION 249. (A)(1) Beginning July 1, 2024, the Director of the Department of Health and Environmental Control shall serve as the interim Director of the Department of Public Health. The interim director is subject to removal by the Governor pursuant to Section 1-3-240.

(2) Beginning July 1, 2024, and until the initial director of the Department of Environmental Services is appointed and qualifies, the Director of the Division of Environmental Affairs of the Department of Health and Environmental Control shall serve as the interim Director of the Department of Environmental Services. The interim director is subject to removal by the Governor pursuant to Section 1-3-240.

(B) When the provisions of this act transfer particular state agencies, departments, boards, commissions, committees, or entities, or sections, divisions, or portions thereof (transferring departments), to another state agency, department, division, or entity or make them a part of another department or division (receiving departments), the employees, authorized appropriations, bonded indebtedness if applicable, and real and personal property of the transferring department also are transferred to and become part of the receiving department or division unless otherwise specifically provided. All classified or unclassified personnel of the affected agency, department, board, commission, committee, entity, section, division, or position employed by these transferring departments on the effective date of this act, either by contract or by employment at will, shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration's action in facilitating the provisions of this section are ministerial in

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nature and shall not be construed as an approval process over any of the transfers.

(C)(1) When an agency, department, entity, or official is transferred to or consolidated with another agency, department, division, entity or official, regulations promulgated by that transferred agency, department, entity or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it.

(2) When powers and duties of the Department of Health and Environmental Control are transferred to and devolved upon another department, agency, or subdivision thereof, the power and duty to promulgate regulations is also transferred to and devolved upon that department, agency, or subdivision thereof.

(D) References to the names of agencies, departments, entities, or public officials changed by this act, to their duties or functions herein devolved upon other agencies, departments, entities, or officials, or to provisions of law consolidated with or transferred to other parts of the S.C. Code are considered to be and must be construed to mean appropriate references.

(E) Employees or personnel of agencies, departments, entities, or public officials, or sections, divisions, or portions thereof, transferred to or made a part of another agency, department, division, or official pursuant to the terms of this act shall continue to occupy the same office locations and facilities which they now occupy to the greatest extent possible. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency, department, entity, or official formerly employing these personnel to the greatest extent possible. The records and files of the agencies that formerly employed these personnel shall continue to remain the property of these transferring agencies, except that these personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(F) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must continue to be used and expended for those purposes provided prior to the effective date of this act. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, these funds must continue to be used for these purposes.

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(G) When the functions of former agencies have been devolved on more than one department or departmental division, the general support services of the former agency must be transferred to the restructured departments or departmental divisions as provided by the General Assembly in the annual general appropriations act.

(H)(1) The Code Commissioner of the Legislative Council is directed to change or correct all references to the agencies, divisions, and programs thereof in the S.C. Code to reflect the transfers of authority and responsibility as provided in this act. References to the agencies, divisions, and programs thereof in the S.C. Code or other provisions of law are considered to be and must be construed to mean appropriate references.

(2) By July 1, 2024, the Code Commissioner shall prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the S.C. Code Laws reflecting the provisions of this act relating to the government restructuring described in item (1). The affected agencies shall coordinate with the Code Commissioner for purposes of preparing the report.

(I) The Code Commissioner of the Legislative Council shall cause the changes to the S.C. Code as contained in this act to be printed in replacement volumes or in cumulative supplements as he considers practical and economical.

SECTION 250. 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 251. 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,

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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 252. (A) The provisions contained in SECTION 4 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2024 for the veterans homes for which the Department of Mental health has a service contract with a third party provider as of May 1, 2023. The provisions contained in SECTION 4 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2025 for the veterans homes for which the Department of Mental Health does not have a service contract with a third party provider as of May 1, 2023.

(B) SECTION 248 and SECTION 249 of this act, and any other directives in this act pertaining to the Department of Administration's duties to facilitate the transfer and consolidation of state agencies as directed by this act, takes effect upon the approval of the Governor.

(C) The remainder of this act takes effect on July 1 2024.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator CORBIN proposed the following amendment (SR-399.KM0031S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTIONS to read:

SECTION __. Section 44-4-120 of the S.C. Code is amended to read:

The purposes of this act are:

(1) to authorize the collection of data and records, ~~the control of property, the management of persons, and access to communications as may be strictly necessary to accomplish the purposes of this act;~~

(2) to facilitate the early detection of a qualifying health event or public health emergency, and allow for immediate investigation of such an emergency ~~by granting access to individuals' health information under specified circumstances;~~

(3) to grant state officials the authority to use and appropriate property as necessary for the care, treatment, and housing of patients, and for the destruction or decontamination of contaminated materials;

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(4) to grant state officials the authority to provide care and treatment to persons who are ill or who have been exposed to infection, ~~and to separate affected individuals from the population at large for the purpose of interrupting the transmission of infectious disease;~~

(5) to ensure that the needs of infected or exposed persons will be addressed to the fullest extent possible, ~~given the primary goal of controlling serious health threats;~~

(6) to provide state officials with the ability to prevent, detect, manage, and contain emergency health threats without ~~unduly~~ interfering with civil rights and liberties; and

(7) to require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency.

SECTION __. Article 3 and 5 of Chapter 4, Title 44 of the S.C. Code is amended to read:

ARTICLE 3

Special Powers During State of Public Health Emergency: Control of Property

~~Section 44-4-300. After the declaration of a state of public health emergency, DHEC may exercise, in coordination with state agencies, local governments, and other organizations responsible for implementation of the emergency support functions in the State Emergency Operations Plan for handling dangerous facilities and materials, for such period as the state of public health emergency exists, the following powers over dangerous facilities or materials:~~

~~(1) to close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health; and~~

~~(2) to decontaminate or cause to be decontaminated, any material of which there is reasonable cause to believe that it may endanger the public health.~~

~~Section 44-4-310. DHEC, in coordination with the guidelines of the State Emergency Operations Plan, may, for such period as the state of public health emergency exists and as may be reasonable and necessary for emergency response, require a health care facility to provide services or the use of its facility if the services are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business in the State as a health care facility. When DHEC needs the use or services of the facility to isolate or quarantine individuals during a public health emergency, the management and supervision of the health care facility must be~~

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~~coordinated with DHEC to ensure protection of existing patients and compliance with the terms of this act.~~

Section 44-4-320. (A) DHEC must coordinate with coroners, medical examiners, and funeral directors, for such period as the state of public health emergency exists, to exercise, in addition to existing powers, the following powers regarding the safe disposal of human remains:

(1) to take possession or control of any human remains which cannot be safely handled otherwise;

(2) to order the disposal of human remains of a person who has died of an infectious disease through burial or cremation within twenty four hours after death;

(3) to require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State to accept any human remains or provide the use of its business or facility if these actions are reasonable and necessary for emergency response. When necessary during the period of time of the public health emergency, DHEC must coordinate with the business or facility on the management or supervision of the business or facility; and

(4) to procure, by order or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.

(B) Where possible, existing provisions set forth in the State Emergency Operations Plan for the safe disposal of human remains must be used in a public health emergency. Where the State Emergency Operations Plan is not sufficient to handle the safe disposal of human remains for a public health emergency, DHEC, in coordination with coroners, medical examiners, and funeral directors, must adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary for emergency response. These measures may be related to procedures including, but not limited to, death certificates, autopsies, embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains.

(C) All human remains prior to disposal must be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with an infectious disease must have an external, clearly visible tag indicating that the human remains are infected and, if known, the infectious disease.

(D) Every person in charge of disposing of any human remains must maintain a written record of each set of human remains and all available

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information to identify the decedent and the circumstances of death and disposal. If the human remains cannot be identified, prior to disposal, a qualified person must, to the extent possible, take fingerprints and one or more photographs of the human remains, and collect a DNA specimen. All information gathered under this paragraph must be promptly forwarded to DHEC. Identification must be handled by the agencies that have laboratories suitable for DNA identification.

Section 44-4-330. (A) After the declaration of a public health emergency, DHEC may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it considers advisable in the interest of preparing for or controlling a public health emergency, without any additional legislative authorization.

~~(B)(1) If a state of public health emergency results in a statewide or regional shortage or threatened shortage of any product covered by subsection (a), whether or not such product has been purchased by DHEC, DHEC may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the State. In making rationing or other supply and distribution decisions, DHEC must give preference to health care providers, disaster response personnel, and mortuary staff.~~

~~(2) During a state of public health emergency, DHEC may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.~~

~~(3) If a public health emergency simultaneously affects more than one state, nothing in this section shall be construed to allow DHEC to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing their fair and equitable distribution among affected states.~~

Section 44-4-340. To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under this article, DHEC in coordination with the applicable law enforcement agency must institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this State ~~or any such rules that may be developed by the courts for use during a state of public health emergency.~~ Any property acquired

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by DHEC through such proceedings must, after entry of the decree, be disposed of by destruction as the court may direct.

ARTICLE 5

Special Powers During State of Public Health Emergency: Control of Persons

~~Section 44-4-500. During a state of public health emergency, DHEC must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.~~

~~Section 44-4-510. (A)(1) During a state of public health emergency, DHEC may perform voluntary physical examinations or tests as necessary for the diagnosis or treatment of individuals.~~

~~(2) DHEC may isolate or quarantine, pursuant to the sections of this act and its existing powers under Section 44-1-140, any person whose refusal of physical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a contagious or possibly contagious disease or otherwise poses a danger to public health.~~

~~(B)(1) Physical examinations or tests may be performed by any qualified person authorized to do so by DHEC.~~

~~(2) Physical examinations or tests must not be reasonably likely to result in serious harm to the affected individual.~~

Section 44-4-520. (A) During a state of public health emergency, DHEC may exercise the following emergency powers, in addition to its existing powers, over persons as necessary to address the public health emergency:

(1) to vaccinate persons on a voluntary basis as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease;

(2) to treat persons exposed to or infected with disease; and

(3) to prevent the spread of contagious or possibly contagious disease, DHEC may recommend isolation or quarantine for ~~isolate or quarantine, pursuant to the applicable sections of this act,~~ persons who are unable or unwilling for any reason (including, but not limited to, health, religion, or conscience) to undergo vaccination or treatment pursuant to this section.

(B) Vaccinations or treatment, or both, must be provided only to those individuals who agree to the vaccinations or treatment, or both.

(C)(1) Vaccination may be performed by any qualified person authorized by DHEC.

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(2) To be administered pursuant to this section, a vaccine must not be such as is reasonably likely to lead to serious harm to the affected individual.

(D)(1) Treatment must be administered by any qualified person authorized to do so by DHEC.

(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

Section 44-4-530. (A) ~~During a public health emergency, DHEC may recommend that an individual or groups of individuals isolate or quarantine an individual or groups of individuals. This includes individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to Sections 44-4-510 and 44-4-520. DHEC may also establish and maintain places of isolation and quarantine, and set rules and make orders.~~

~~(B) DHEC must adhere to the following conditions and principles when isolating or quarantining individuals or groups of individuals:~~

~~(1) isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a contagious or possibly contagious disease to others and may include, but are not limited to, confinement to private homes or other private and public premises;~~

~~(2) individuals isolated because of objective evidence of infection or contagious disease must be confined separately from quarantined asymptomatic individuals;~~

~~(3) the health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine;~~

~~(4) if a quarantined individual becomes infected or is reasonably believed to be infected with a contagious or possibly contagious disease, he or she must be promptly removed to isolation;~~

~~(5) isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others;~~

~~(6) the needs of persons isolated and quarantined must be addressed in a systematic and competent fashion including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;~~

~~(7) premises used for isolation and quarantine must be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined; and~~

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~~(8) to the extent possible, cultural and religious beliefs must be considered in addressing the needs of the individuals and establishing and maintaining isolation and quarantine premises.~~

~~(C) A person subject to isolation or quarantine must comply with DHEC's rules and orders, and must not go beyond the isolation or quarantine premises. Failure to comply with these rules and orders constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.~~

~~(D)(1) DHEC may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.~~

~~(2) No person, other than a person authorized by DHEC, shall enter isolation or quarantine premises. Failure to comply with this provision constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.~~

~~(3) A person entering an isolation or quarantine premises with or without authorization of DHEC may be isolated or quarantined as provided for in this chapter.~~

~~(4) The public safety authority and other law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of an isolation or quarantine order after the order is given to the individual pursuant to Section 44-4-540(B)(3) or after the individual is provided notice of the order. In a case where an individual is not the subject of an isolation or quarantine order under Section 44-4-540, law enforcement officers may provide written or verbal notice of the order. Law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of isolation or quarantine rules after the rules are established and the individual is given written or verbal notice of the rules. An arrest warrant or an additional isolation or quarantine order is not required for arrest, isolation, or quarantine under Section 44-4-530(D)(4).~~

~~(E) An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order issued pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540; however, nothing in this section prohibits an employer from requiring an employee to use annual or sick leave to comply with such an order.~~

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~~Section 44-4-540. (A) During a public health emergency, the isolation and quarantine of an individual or groups of individuals must be undertaken in accordance with the procedures provided in this section.~~

~~(B)(1) DHEC may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the commissioner or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize DHEC's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.~~

~~(2) The emergency order must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a copy of Article V of this act and relevant definitions of this act.~~

~~(3) A copy of the emergency order must be given to the individual(s) or groups of individuals to be isolated or quarantined, or if impractical to be given to a group of individuals, it may be posted in a conspicuous place in the isolation or quarantine premises.~~

~~(4) Within ten days after issuing the emergency order, DHEC must file a petition pursuant to subsection (C) of this section for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.~~

~~(C)(1) DHEC may make a written petition to the trial court for an order authorizing the isolation or quarantine of an individual or groups of individuals.~~

~~(2) A petition under subsection (C)(1) must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a statement of compliance with the conditions and principles for isolation or quarantine of Section 44-4-530(B); and (vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this article. The petition must be accompanied by a sworn affidavit of DHEC attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.~~

~~(3) Notice to individuals or groups of individuals identified in the petition must be accomplished within twenty four hours in accordance~~

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with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.

~~(4) A hearing must be held on any petition filed pursuant to this subsection within five days of filing of the petition. In extraordinary circumstances and for good cause shown, DHEC may apply to continue the hearing date on a petition filed pursuant to this section for up to ten days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence.~~

~~(5)(a) The court must grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease.~~

~~(b) An order authorizing isolation or quarantine may do so for a period not to exceed thirty days.~~

~~(c) The order must: (i) identify the isolated or quarantined individuals or groups of individuals by name or shared or similar characteristics or circumstances; (ii) specify factual findings warranting isolation or quarantine pursuant to this act; (iii) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this act; and (iv) served on affected individuals or groups of individuals in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.~~

~~(d) Prior to the expiration of an order issued pursuant to this item, DHEC may move to continue the isolation or quarantine for additional periods not to exceed thirty days each. The court must consider the motion in accordance with standards set forth in this item.~~

~~(D)(1) An individual or group of individuals isolated or quarantined pursuant to this act may apply to the trial court for an order to show cause why the individual or group of individuals should not be released. The court must rule on the application to show cause within forty eight hours of its filing. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty four hours from issuance of the order to show cause. The issuance of the order to show cause does not stay or enjoin the isolation or quarantine order.~~

~~(2)(a) An individual or group of individuals isolated or quarantined pursuant to this act may request a hearing in the trial court for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing does not stay or enjoin the isolation or quarantine order.~~

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~~(b) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court must fix a date for hearing on the matters alleged not more than twenty-four hours from receipt of the request.~~

~~(c) Otherwise, upon receipt of a request under this subsection, the court must fix a date for hearing on the matters alleged within five days from receipt of the request.~~

~~(3) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, DHEC may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of the necessary witnesses and evidence.~~

~~(E) A record of the proceedings pursuant to this section must be made and retained. In the event that, given a state of public health emergency, parties cannot personally appear before the court, proceedings may be conducted by their authorized representatives and be held via any means that allow all parties to fully participate.~~

~~(F) The court must appoint counsel to represent individuals or groups of individuals who are or who are about to be isolated or quarantined pursuant to the provisions of this act and who are not otherwise represented by counsel. Payment for these appointments must be made in accordance with other appointments for legal representation in actions arising outside of matters in this act, and is not the responsibility of any one state agency. Appointments last throughout the duration of the isolation or quarantine of the individual or groups of individuals. DHEC must provide adequate means of communication between such individuals or groups of individuals and their counsel. Where necessary, additional counsel for DHEC from other state agencies or from private attorneys appointed to represent state agencies, must be appointed to provide adequate representation for the agency and to allow timely hearings of the petitions and motions specified in this section.~~

~~(G) In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims where:~~

~~(1) the number of individuals involved or to be affected is so large as to render individual participation impractical;~~

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~~(2) there are questions of law or fact common to the individual claims or rights to be determined;~~

~~(3) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and~~

~~(4) the entire group will be adequately represented in the consolidation.~~

~~(H) Notwithstanding the provisions of subsection (A), prior to the Governor declaring a public health emergency, as defined in Section 44-4-130, the isolation and quarantine of an individual or groups of individuals pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540 must be undertaken in accordance with the procedures provided in this section.~~

Section 44-4-550. (A)(1) DHEC may, for such period as the state of public health emergency exists, collect or cause to be collected specimens and perform tests on any person or animal, living or deceased, and acquire any previously collected specimens or test results that are reasonable and necessary to respond to the public health emergency.

(2) Specimens shall be collected only from those individuals who agree to have specimens collected or who agree to have tests performed.

(3) All specimens must be clearly marked.

(4) Specimen collection, handling, storage, and transport to the testing site must be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

(5) Any person authorized to collect specimens or perform tests must use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on site testing kits.

(B) Any business, facility, or agency authorized to collect specimens or perform tests must provide such support as is reasonable and necessary to aid in a relevant criminal investigation.

Section 44-4-560. (A) Access to protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by DHEC during a public health emergency is limited to those persons having a legitimate need to:

(1) provide treatment to the individual who is the subject of the health information;

(2) conduct epidemiological research; or

(3) investigate the causes of transmission.

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(B) Protected health information held by DHEC must not be disclosed to others without individual specific informed authorization except for disclosures made:

- (1) directly to the individual;
- (2) to the individual's immediate family members or life partners;
- (3) to appropriate state or federal agencies or authorities when necessary to protect public health;
- (4) to health care personnel where needed to protect the health or life of the individual who is the subject of the information; or
- ~~(5) pursuant to a court order or executive order of the Governor to avert a clear danger to an individual or the public health; or~~
- ~~(6)~~(5) to coroners, medical examiners, or funeral directors or others dealing with human remains to identify a deceased individual or determine the manner or cause of death.

Section 44-4-570. (A) DHEC, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation, may exercise, for such period as the state of public health emergency exists, in addition to existing emergency powers, the following emergency powers regarding licensing of health personnel:

~~(1) to require in state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in this State;~~

~~(2)~~(1) to accept the volunteer services of in state and out of state health care providers consistent with Title 8, Chapter 25, to appoint such in state and out of state health care providers as emergency support function volunteers, and to prescribe the duties as may be reasonable and necessary for emergency response; and

~~(3)~~(2) to authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(B)(1) The appointment of in state and out of state health care providers pursuant to this section may be for a limited or unlimited time but must not exceed the termination of the state of public health emergency. DHEC may terminate the in state and out of state appointments at any time or for any reason provided that any termination will not jeopardize the health, safety, and welfare of the people of this State.

(2) The appropriate licensing authority may waive any or all licensing requirements, permits, or fees required by law and applicable

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orders, rules, or regulations for health care providers from other jurisdictions to practice in this State.

(C)(1) Any health care provider appointed by the department pursuant to this section must not be held liable for any civil damages as a result of medical care or treatment including, but not limited to, trauma care and triage assessment, related to the appointment of the health care provider and the prescribed duties unless the damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

(2) This subsection applies if the health care provider does not receive payment from the State other than as allowed in Section 8 25 40 for the appointed services and prescribed duties. However, if the health care provider is an employee of the State, the health care provider may continue to receive compensation from the health care provider's employer. This subsection applies whether the health care provider was paid, should have been paid, or expected to be paid for the services at the time of rendering the services from sources including, but not limited to, Medicaid, Medicare, reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 512, et seq., or private health insurance.

(D)(1) The appointment of emergency assistant medical examiners or coroners pursuant to this section may be for a limited or unlimited time, but must not exceed the termination of the state of public health emergency. The medical examiner or coroner may terminate the emergency appointments at any time or for any reason, if the termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for the performance of these duties.

(3) Any emergency assistant medical examiner or coroner appointed pursuant to this section is immune from civil liability for damages resulting from services relating to and performed during the period of appointment unless the damages result from providing, or failing to provide, services under circumstances demonstrating a reckless disregard for the consequences.

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

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The amendment was withdrawn.

Senators SETZLER, DAVIS and GAMBRELL proposed the following amendment (SR-399.JG0052S), which was adopted:

Amend the bill, as and if amended, by deleting item (6) in Section 1.

Amend the bill further by striking SECTION 201 and inserting:
SECTION 201. Chapter 62, Title 48, of the S.C. Code is amended by adding:

Section 48-62-25. Prior to entering into contracts to utilize funds appropriated or authorized by the General Assembly to acquire interests in land for natural resource protection, flood mitigation, or rural land preservation, including conservation easements, the Office of Resilience shall coordinate and collaborate with the South Carolina Conservation Bank to maximize the most cost-effective options available for the acquisition with the greatest public benefit. The Conservation Bank shall coordinate with the Office of Resilience to ensure that the funds are used for projects that support the agency's objectives, the State's broader conservation objectives, and that demonstrate a satisfactory degree of financial leverage, partnerships, and other indicators of quality as determined by the South Carolina Conservation Bank and the Office of Resilience.

Re-number sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (LC-399.AHB0044S), which was withdrawn:

Amend the bill, as and if amended, SECTION 228, by striking Section 1-23-600(H)(3)(a) and inserting:

~~(4)(3)(a) Ninety days after a contested case is initiated before the Administrative Law Court, If a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A files a request for a stay with its request for a contested case hearing, then a hearing on the request for an automatic stay must be held within thirty days after any party files a motion with the court and serves the motion upon the parties discovery is completed. The automatic stay shall remain in effect until the Administrative Law Court makes a~~

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~~determination about whether to continue the automatic stay. The court shall lift continue the automatic stay unless if the moving party shows that requested a contested case hearing proves: (i) the likelihood of irreparable harm if the automatic stay is lifted, (ii) the substantial likelihood that the moving party requesting the contested case and stay will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the automatic stay, and (iv) continuing the automatic stay serves the public interest. The judge must issue an order no later than fifteen-thirty business days after the hearing is concluded. If the automatic stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to lift a stay as provided in this item does not apply to a contested case concerning a new permit or license involving hazardous waste as defined in Section 44-56-20(6),-) and a stay in such a contested case must not be lifted until the contested case is concluded and the Administrative Law Court has filed its final order in the matter.~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was withdrawn.

Senator DAVIS proposed the following amendment (LC-399.VR0037S), which was adopted:

Amend the bill, as and if amended, SECTION 249, by striking (A)(1) and inserting:

(A)(1) Beginning July 1, 2024, the Director of the Department of Health and Environmental Control shall serve as the interim Director of the Department of Public Health. The interim director is subject to removal by the Governor pursuant to Section 1-3-240(B).

Amend the bill further by adding a new SECTION to read:

SECTION X. (A) This SECTION is effective upon approval of the Governor.

(B) Subject to sufficient appropriations for the requirements of this SECTION, the Department of Administration shall identify, select, retain, and procure the services of independent, third-party experts, consultants, or advisors to analyze the missions and delivery models of all state agencies concerned with the overall public health of the state, as

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well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control and its successor entities, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging. Any agencies identified by the Department of Administration as being subject to this analysis shall provide the department with any and all information requested and shall fully participate as requested and required.

(C) The analysis procured by the Department of Administration shall consider whether structural changes are necessary to improve health services delivery in the state, recognize operational efficiencies, and maximize resource utilization. Structural changes to be analyzed include reorganizations or mergers of existing health agencies, or divisions or components thereof, as well as the establishment of any new health agencies or the privatization of services currently provided by existing health agencies.

(D) The third-party experts, consultants, or advisors must make appropriate recommendations based on the analysis required pursuant to this section and the benefits of each recommendation.

(E) The Department of Administration shall prepare a final report summarizing the aforementioned analysis and recommendations and shall submit the final report to the President of the Senate, the Speaker of the House of Representatives, the Chairmen of the Medical Affairs Committee, the Chairman of the Medical, Military and Municipal Affairs Committee, the Chairman of the Finance Committee, the Chairman of the Ways and Means Committee, and the Governor by April 1, 2024, and shall submit interim reports on October 1, 2023, and January 1, 2024. Procurements by the Department of Administration of all experts, consultants and advisors pursuant to and required by this SECTION are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist in procuring the necessary services.

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(F) The Department of Health and Human Services shall give support to the Department of Administration in fulfilling the purposes of this SECTION.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators DAVIS and HUTTO proposed the following amendment (LC-399.AHB0059S), which was adopted:

Amend the Bill, as and if amended, SECTION 5, by deleting Section 49-3-60(D)(2) and (3) and inserting:

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

Amend the bill further, by deleting SECTION 228 and inserting:

SECTION 228. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

(H)(1) This subsection applies to timely requests for a contested case hearing pursuant to this section of timely filed requests for a contested case hearing of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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The amendment was adopted.

Senator DAVIS proposed the following amendment (SR-399.KM0060S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-1-100 and inserting:

Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns must aid and assist the Director of the Department of Public Health and Environmental Control and must carry out and obey his orders, or those of the ~~Department of Health and Environmental Control~~department, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. During a state of public health emergency, as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.

Amend the bill further, SECTION 60, by striking Section 44-56-160(A) and inserting:

(A) The Department of ~~Health and Environmental Control~~Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170 and 44-56-510 and annual appropriations which must be provided by the General Assembly.

Amend the bill further, SECTION 211, by striking Section 49-6-30~~(3)~~(3) and inserting:

~~(3)~~(3) The representative of the Water Resources Division of the Department of ~~Natural Resources~~Environmental Services shall serve as chairman of the council and shall be a voting member of the council.

(B) The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.

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Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,
RELATING TO WATER CLASSIFICATIONS AND STANDARDS,
DESIGNATED AS REGULATION DOCUMENT NUMBER 5119,
PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

OBJECTION

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

Senator HARPOOTLIAN objected to consideration of the Bill.

RECOMMITTED

S. 732 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM, GRADES 9-12 AND GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator HEMBREEE, the Resolution was recommitted to the Committee on Education.

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COMMITTED

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

On motion of Senator CLIMER, the Bill was committed to the Committee on Finance.

AMENDED, READ THE SECOND TIME

S. 639 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER proposed the following amendment (LC-639.HDB0003S), which was adopted:

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

SECTION X. Section 7-7-530(A) of the S.C. Code is amended to read:

(A) In York County there are the following voting precincts:

Adnah
Airport
Allison Creek
Anderson Road
Baxter
Bethany
Bethel
Bethel School
Bowling Green
Bullocks Creek
Cannon Mill
Carolina
Catawba
Celanese

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Clover
Cotton Belt
Crescent
Delphia
Dobys Bridge
Ebenezer
Ebinport
Edgewood
Fairgrounds
Ferry Branch
Fewell Park
Field Day
Filbert
Fort Mill No. 1
Fort Mill No. 2
Fort Mill No. 3
Fort Mill No. 4
Fort Mill No. 5
Fort Mill No. 6
Friendship
Gold Hill
Hampton Mill
Hands Mill
Harvest
Hickory Grove
Highland Park
Hollis Lakes
Hopewell
Independence
India Hook
Kanawha
Lakeshore
Lakewood
Larne
Laurel Creek
Lesslie
Manchester
McConnells
Mill Creek
Mountain View
Mt. Holly

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Mt. Gallant
Nation Ford
Neelys Creek
New Home
Newport
Northside
Northwestern
Oakridge
Oakwood
Old Pointe
Ogden
Orchard Park
Palmetto
Pleasant Road
Pole Branch
River's Edge
River Hills
Riverview
Rock Creek
Rock Hill No. 2
Rock Hill No. 3
Rock Hill No. 4
Rock Hill No. 5
Rock Hill No. 6
Rock Hill No. 7
Rock Hill No. 8
Roosevelt
Rosewood
Sharon
Shoreline
Six Mile
Smyrna
Springdale
Springfield
Stateline
Steele Creek
Tega Cay
Tirzah
Tools Fork
University
Waterstone

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Windjammer

Wylie

York No. 1

York No. 2

Amend the bill further, SECTION 2, by striking Section 7-7-530(B) and inserting:

(B) The precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, or its successor agency, designated as document ~~P-91-24~~P-91-23A and as shown on copies provided to the Board of Voter Registration and Elections of York County by the Revenue and Fiscal Affairs Office.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER 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 44; Nays 0

AYES

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

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Total--44

NAYS

Total--0

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

S. 639--Ordered to a Third Reading

On motion of Senator PEELER, S. 639 was ordered to receive a third reading on Thursday, May 4, 2023.

OBJECTION

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

Senator HARPOOTLIAN objected to consideration of the Bill.

OBJECTION

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGMENT OF CERTAIN OFFENSES, SO AS TO ALLOW

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EXPUNGMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

Senator HARPOOTLIAN objected to consideration of the Bill.

OBJECTION

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

Senator FANNING objected to consideration of the Bill.

OBJECTION

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING

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SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND

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REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

Senator FANNING objected to consideration of the Bill.

READ THE SECOND TIME

H. 4350 -- Reps. Moss and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator PEELER explained the Bill.

The question then being second reading of the Bill.

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

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn

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Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

H. 4350--Ordered to a Third Reading

On motion of Senator PEELER, H. 4350 was ordered to receive a third reading on Thursday, May 4, 2023.

ADOPTED

S. 761 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 45 AND US HIGHWAY 52 IN ST. STEPHEN IN BERKLEY COUNTY "DR. SAM SCHUMANN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 768 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LONG BRANCH RIVER ALONG DR. MARY MCLEOD BETHUNE ROAD IN LEE COUNTY "WATSON BRANCH" IN MEMORY OF W. BURKE WATSON AND JEANNE CARR WATSON AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS, AND REQUEST THAT THE COST OF THESE SIGNS OR MARKERS ARE NOT PAID FOR WITH PUBLIC FUNDS.

The Resolution was adopted, ordered sent to the House.

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H. 3974 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S-75 (E WASHINGTON STREET) IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH LAURENS ROAD TO ITS CONVERGENCE WITH S-1077 "STEWART SPINKS ROAD" AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4332 -- Reps. Ott, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2023 AS "NF AWARENESS MONTH" AND FURTHER TO DECLARE MAY 17, 2023, AS "NF AWARENESS DAY" IN THE STATE OF SOUTH CAROLINA.

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, moved under the provisions of Rule 32B to call H. 3728 from the Contested Calendar.

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The motion under Rule 32B was adopted.

MOTION ADOPTED

At 5:05 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

CARRIED OVER

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE

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ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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

CONCURRENCE

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

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

Senator M. JOHNSON explained the amendments.

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

Ayes 44; Nays 0

AYES

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

Total--44

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NAYS

Total--0

On motion of Senator M. JOHNSON, 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 3, 2023

Mr. President and Senators:

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

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen, Turner, Davis and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

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 the Bill to be printed on the Calendar.

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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.

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

CONCURRENCE

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen, Turner, Davis and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

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 MALLOY proposed the following amendment (SMIN-164.AA0043S), which was withdrawn:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-7-130(8) and inserting:

(8) "Crisis stabilization unit facility" means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric

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stabilization services and brief, intensive crisis services to individuals five and older, twenty-four hours a day, seven days a week.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was withdrawn.

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

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total—0

On motion of Senator DAVIS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered

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that the title be changed to that of an Act and the Act enrolled for Ratification.

Recorded Vote

Senator SETZLER desired to be recorded as voting in favor of concurrence with the House amendments.

THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.

AMENDED, READ THE SECOND TIME

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

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

Senator VERDIN explained the Bill.

Amendment No. 2

Senator HUTTO proposed the following amendment (SJ-3681.MB0006S), which was adopted:

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

SECTION X. This bill may be cited as the “Omnibus Tobacco Enforcement Act of 2023”.

Amend the bill further, SECTION 1, by striking Section 44-95-45(A)(2) and inserting:

(2) electronic smoking devices, e-liquid, vapor products, or tobacco products, each as defined in Section 16-17-501; or

Amend the bill further, by striking SECTION 2 and inserting:

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Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices, e-liquid, vapor products, tobacco products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this act.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 16-17-500 of the S.C. Code is amended to read:

Section 16-17-500. (A) It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product ~~or an alternative nicotine product~~ to a minor under the age of eighteen years.

(B) It is unlawful to sell a tobacco product ~~or an alternative nicotine product~~ to an individual ~~who does not present upon~~ without a demand of proper proof of age. Failure to demand identification to verify an individual's age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to an action initiated pursuant to this subsection.

(C) A person engaged in the sale of tobacco products ~~or alternative nicotine products~~ made through the Internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a tobacco product ~~or alternative nicotine product~~ will be released to the purchaser, unless the Internet or other remote sales methods employ the following protections to ensure age verification:

(1) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or

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(2) the customer is required to upload a copy of his ~~or her~~ government-issued identification in addition to a current photograph of the customer; and

(3) delivery is made to the customer's name and address.

(D) It is unlawful to sell a tobacco product ~~or an alternative nicotine product~~ through a vending machine ~~unless the vending machine is located in an establishment:~~

~~— (1) which is open only to individuals who are eighteen years of age or older; or~~

~~— (2) where the vending machine is under continuous control by the owner or licensee of the premises, or an employee of the owner or licensee, can be operated only upon activation by the owner, licensee, or employee before each purchase, and is not accessible to the public when the establishment is closed.~~

(E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(a) for a first offense, fined not less than two hundred dollars and not more than three hundred dollars;

(b) for a second and subsequent offense, fined not less than four hundred dollars and not more than five hundred dollars, imprisoned for not more than thirty days, or both.

(2) In lieu of the fine, the court may require an individual, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Abuse Services approved merchant tobacco enforcement education program.

(3) A tobacco retailer who knowingly violates or permits an employee to violate a provision of subsections (A), (B), (C), (D), or (J) in the tobacco retail establishment is subject to an administrative penalty as follows:

(a) for a first violation, issued a warning;

(b) for a second violation within a thirty-six month period, fined not less than three hundred dollars;

(c) for a third violation within a thirty-six month period, fined not less than six hundred dollars; and

(d) for a fourth and subsequent violation within a thirty-six month period, fined not less than one thousand two hundred dollars and the tobacco retailer is prohibited from selling or distributing tobacco products for a period of at least seven days and no greater than thirty days. For purposes of this subsection, a tobacco retailer that knowingly sells or distributes during the period that the tobacco retailer is prohibited

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from selling or distributing is subject to a fine of not more than two hundred dollars and is prohibited from selling or distributing tobacco products for an additional period of seven days.

(e) A tobacco retailer or tobacco retail establishment may request a contested case hearing for the fine or for the prohibition from selling or distributing tobacco products in front of the South Carolina Administrative Law Court, pursuant to the South Carolina Administrative Procedures Act, Section 1-23-310 et seq.

(4) In lieu of the fine and prohibition from selling or distributing tobacco products, the court may require the tobacco retailer or tobacco retail establishment's employees, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Services approved merchant tobacco enforcement education program.

(5) Failure of an individual to require identification for the purpose of verifying a person's age is prima facie evidence of a violation of this section.

(6) Local law enforcement and the State Law Enforcement Division may enforce subsections (A), (B), (C), (D), (E), or (J). The Department of Revenue must administer the provisions of subsection (E)(3) and the State Law Enforcement Division may enforce subsection (E)(3).

(7) A violation of subsection (A), (B), (C), (D), or (J) is prima facie evidence of a violation of subsection (E)(3). The Department of Revenue is authorized to present evidence of a violation of subsection (A), (B), (C), (D), or (J) to establish the violation of subsection (E)(3). Evidence of compliance with a merchant tobacco enforcement education program is an affirmative defense to subsection (E)(3)(a) and (b).

(F)(1)(a) A minor under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a tobacco product or an alternative nicotine product, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.

(b) A minor under the age of eighteen years is prohibited from entering a tobacco retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, unless the minor is actively supervised and accompanied by an adult.

(c) The provisions of this subsection do not apply to a minor under the age of eighteen who is recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer of tobacco or alternative nicotine products. The testing must be conducted under the direct supervision of

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a law enforcement agency, and the law enforcement agency must have the minor's parental consent of a parent or legal guardian of the minor.

(2) A minor who knowingly ~~violates a provision of item (1) in person, by agent, or in any other way~~ misrepresents his age to purchase or attempt to purchase a tobacco product commits a noncriminal offense and is subject to a civil fine of twenty-five dollars. ~~The civil fine is subject to all applicable court costs, assessments, and surcharges.~~

(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of Health and Environmental Control approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.

~~— (4) If a minor fails to pay the civil fine, successfully complete a smoking cessation or tobacco prevention program, or perform the required hours of community service as ordered by the court, the court may restrict the minor's driving privileges to driving only to and from school, work, and church, or as the court considers appropriate for a period of ninety days beginning from the date provided by the court. If the minor does not have a driver's license or permit, the court may delay the issuance of the minor's driver's license or permit for a period of ninety days beginning from the date the minor applies for a driver's license or permit. Upon restricting or delaying the issuance of the minor's driver's license or permit, the court must complete and remit to the Department of Motor Vehicles any required forms or documentation. The minor is not required to submit his driver's license or permit to the court or the Department of Motor Vehicles. The Department of Motor Vehicles must clearly indicate on the minor's driving record that the restriction or delayed issuance of the minor's driver's license or permit is not a traffic violation or a driver's license suspension. The Department of Motor Vehicles must notify the minor's parent, guardian, or custodian of the restriction or delayed issuance of the minor's driver's license or permit. At the completion of the ninety day period, the Department of Motor Vehicles must remove the restriction or allow for the issuance of the minor's license or permit. No record may be maintained by the Department of Motor Vehicles of the restriction or delayed issuance of the minor's driver's license or permit after the ninety day period. The restriction or delayed issuance of the minor's driver's license or permit must not be considered by any insurance company for automobile insurance purposes or result in any automobile insurance penalty,~~

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~~including any penalty under the Merit Rating Plan promulgated by the Department of Insurance.~~

~~(5)(4)~~ A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be ~~detained~~, taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection or for the failure to pay a fine, successfully complete a smoking cessation or tobacco prevention program, or perform community service.

~~(6)(5)~~ A violation of this subsection is not grounds for denying, suspending, or revoking an individual's participation in a state college or university financial assistance program including, but not limited to, a Life Scholarship, a Palmetto Fellows Scholarship, or a need-based grant.

~~(7)(6)~~ The uniform traffic ticket, established pursuant to Section 56-7-10, may be used by law enforcement officers for a violation of this subsection, including civil penalties and warnings. A violation of subsection (F) does not constitute a criminal offense. A law enforcement officer issuing a uniform traffic ticket pursuant to this subsection must immediately seize the tobacco product ~~or alternative nicotine product~~. ~~The law enforcement officer also must notify a minor's parent, guardian, or custodian of the minor's offense, if reasonable, within ten days of the issuance of the uniform traffic ticket.~~

(G) This section does not apply to the possession of a tobacco product ~~or an alternative nicotine product~~ by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.

(H) Jurisdiction to hear a violation of this section is vested exclusively in the municipal court and the magistrates court. A hearing pursuant to subsection (F) must be placed on the municipal or magistrates court's appropriate docket for traffic violations, and not on the court's docket for civil matters. For the purposes of contesting a tobacco retailer being fined or prohibited from selling or distributing tobacco products under subsection (E)(3), the jurisdiction is vested in the South Carolina Administrative Law Court.

(I) A retail establishment ~~that distributes tobacco products or alternative nicotine products~~ must train all tobacco retail sales employees regarding the unlawful distribution of tobacco products ~~or alternative nicotine products~~ to minors.

(J)(1) A tobacco retail establishment that has as its primary purpose the sale of tobacco products, ~~alternative nicotine products, or both~~, must

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prohibit minors under the age of eighteen years of age from entering the tobacco retail establishment, unless the minor is actively supervised and accompanied by an adult, and shall determine whether a person is at least eighteen years by requiring proper proof of age in accordance with subsection (B), prior to the ~~purchase-sale~~ of a tobacco ~~or alternative nicotine~~ product.

(2) A tobacco retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:

(a) a sign in boldface type that states “NOTICE: It is unlawful for a person under eighteen years of age to enter this store, unless the minor is actively supervised and accompanied by an adult. Age will be verified prior to ~~purchase~~sale.”;

(b) a sign printed in letters and numbers at least one-half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Health and Environmental Control.

(3) For purposes of this section, whether a tobacco retail establishment has as its primary purpose the sale of tobacco products, ~~alternative nicotine products, or both~~, must be based on the totality of the circumstances. Facts that must be considered, but not be limited to, are the tobacco retail establishment's business filings, business name and signage, marketing and other advertisements, and the percentage of revenue and inventory directly related to the sale of tobacco ~~and alternative nicotine~~ products.

(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment's beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.

SECTION X. Section 16-17-501 of the S.C. Code is amended to read:

Section 16-17-501. As used in this section and Sections 16-17-500, 16-17-502, 16-17-503, ~~and 16-17-504~~, and 16-17-506:

(1) ““Distribute”” means to sell, furnish, give, ~~or provide~~, or attempt to do so, whether gratuitously or for any type of compensation, tobacco products ~~and alternative nicotine products~~, including tobacco product samples ~~and alternative nicotine product samples~~, cigarette paper, or a substitute for them, to the ultimate consumer.

(2) “Distribution” means the act of selling, furnishing, giving, providing, or attempting to do so, whether gratuitously or for any type of

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compensation, tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer.

(3) “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. “Electronic smoking device” includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device whether or not the substance includes nicotine. “Electronic smoking device” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(4) “E-liquid” means a substance that:

(a) may or may not contain nicotine;

(b) is intended to be vaporized and inhaled using an electronic smoking device; and

(c) is a legal substance under the laws of this State and the laws of the United States.

“E-liquid” does not include cannabis or CBD as defined under the laws of this State and the laws of the United States unless it also contains nicotine.

~~(2)~~(5) “Proof of age” means a driver's license or identification card issued by this State or any other state or a United States Armed Services identification card.

~~(3)~~(6) “Sample” means a tobacco product or an alternative nicotine product distributed to members of the general public at no cost for the purpose of promoting the products.

~~(4)~~(7) “Sampling” means the distribution of samples to members of the general public in a public place.

~~(5)~~(8) “Tobacco product” means: a product that contains tobacco and is intended for human consumption. “Tobacco product” does not include an alternative nicotine product.

(a) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(b) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

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(c) any component, part, or accessory of (a) or (b), whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(9) "Tobacco retail establishment" means any place of business where tobacco products are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

(10) "Tobacco retailer" means any person, partnership, joint venture, society, club, trustee, trust association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the nonmanagement employees of any tobacco retail establishment.

~~(6) "Alternative nicotine product" means any vaping product, whether or not it includes nicotine, including electronic smoking devices, that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. "Alternative nicotine product" does not include:~~

~~— (a) a cigarette, as defined in Section 12-21-620, or other tobacco products, as defined in Section 12-21-800;~~

~~— (b) a product that is a drug pursuant to 21 U.S.C. 321(g)(1);~~

~~— (c) a device pursuant to 21 U.S.C. 321(h); or~~

~~— (d) a combination product described in 21 U.S.C. 353(g).~~

~~(7) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance, including e liquid, to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, vapor product, or e-hookah. "Electronic smoking device" includes any component, part or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance includes nicotine. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.~~

~~(8) "E liquid" means a substance that:~~

~~— (a) may or may not contain nicotine;~~

~~— (b) is intended to be vaporized and inhaled using a vapor product;~~

~~and~~

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~~—(c) is a legal substance under the laws of this State and the laws of the United States;~~
~~—E liquid does not include cannabis or CBD as defined under the laws of this State and the laws of the United States.~~
~~—(9) “Vapor product” means a powered vaporizer that converts e liquid to a vapor intended for inhalation.~~

SECTION X. Section 16-17-502 of the S.C. Code is amended to read:

Section 16-17-502.(A) It is unlawful for a person to distribute a tobacco product ~~or an alternative nicotine product~~ sample to a person under the age of eighteen years.

(B) A person engaged in sampling shall demand proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be under the age of eighteen years.

(C) A person violating this section is subject to ~~a civil penalty of not more than twenty five dollars for a first violation, not more than fifty dollars for a second violation, and not less than one hundred dollars for a third or subsequent violation. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age is a defense to an action brought pursuant to this section~~ the penalties set forth in Section 16-17-500(E).

(D) A tobacco retail establishment violating this section is subject to administrative penalties as provided in Section 16-17-500(E)(3).

SECTION X. Section 16-17-503 of the S.C. Code is amended to read:

Section 16-17-503.(A) ~~Except as otherwise provided by law, the Director of the Department of Revenue shall provide for the enforcement of Sections 16-17-500 and 16-17-502 in a manner that reasonably may be expected to reduce the extent to which tobacco products or alternative nicotine products are sold or distributed to persons under the age of eighteen years and annually shall conduct random, unannounced inspections at locations where tobacco products or alternative nicotine products are sold or distributed to ensure compliance with the section. The department shall designate an enforcement officer to conduct the annual inspections. The State Law Enforcement Division may conduct unannounced compliance checks for violations of Sections 16-17-500, 16-17-502, and 16-17-506. A person under the age of eighteen may be recruited and authorized by the State Law Enforcement Division to test~~

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the tobacco retail establishment's compliance with Sections 16-17-500, 16-17-502, and 16-17-506. The testing must be under direct supervision of a law enforcement agency and with the consent of the person's parent or guardian. The State Law Enforcement Division must notify the Department of Revenue of violations under Section 16-17-500(E)(3). The results of compliance checks resulting in a tobacco retailer being prohibited from selling or distributing tobacco products must be published by the Department of Revenue annually and made available to the public upon request. Penalties collected pursuant to ~~Section~~ Sections 16-17-500, 16-17-502, and 16-17-506 must be used to offset the costs of enforcement.

(B) The director of the South Carolina Department of Alcohol and Other Drug Abuse Services shall conduct random, unannounced inspections at locations where tobacco products are sold and at locations that have notified the Department of Revenue under Section 12-36-511 that the tobacco retailer sells or distributes tobacco products. A person under the age of twenty-one may be recruited and authorized by a law enforcement agency on behalf of the Department of Alcohol and Other Drug Abuse Services to test a tobacco retail establishment's compliance with federal laws relating to the unlawful sale of tobacco to minors for the purposes of federal reporting requirements. The director of the South Carolina Department of Alcohol and Other Drug Abuse Services shall provide for the preparation of and submission annually to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of the federal Public Health Service Act (42 U.S.C. 300x-26) and otherwise is responsible for ensuring the state's compliance with that provision of federal law and implementing regulations promulgated by the United States Department of Health and Human Services.

SECTION X. Section 16-17-504 of the S.C. Code is amended to read:

Section 16-17-504. (A) Sections 16-17-500, 16-17-502, ~~and 16-17-503, and 16-17-506~~ must be ~~implemented in an equitable and uniform manner throughout the State~~ and enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. Any laws, ordinances, or rules enacted pertaining to tobacco products ~~or alternative nicotine products~~ may not supersede state law or regulation. Nothing in this section affects the right of any person having ownership or otherwise controlling private property to

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allow or prohibit the use of tobacco products ~~or alternative nicotine products~~ on the property.

(B) Smoking ordinances in effect before the effective date of this act are exempt from the requirements of subsection (A).

SECTION X. Section 16-17-506 of the S.C. Code is amended to read:

Section 16-17-506. ~~(1)~~(A) For purposes of this section, “container” means a bottle or other container of any kind that contains e-liquid and is offered for sale, sold, or otherwise distributed, or intended for distribution to consumers, but that does not include a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the customer.

~~(2)~~(B) It is unlawful to sell, hold for sale, or distribute a container of e-liquid unless:

~~(a)~~(1) the container satisfies the requirements of 21 C.F.R. 1143.3, if applicable, for the placement of labels, warnings, or any other information upon a package of e-liquid that is to be sold within the United States;

~~(b)~~(2) the container complies with child-resistant effectiveness standards under 16 C.F.R. 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. 1700.20; -and

~~(c)~~(3) the container complies with federal trademark or copyright laws.

~~(3)~~(C) A person who knowingly sells, holds for sale, or distributes e-liquid containers in violation of subsection ~~(2)~~(B) is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

~~(4)~~(D) In addition to the other penalties provided by law, law enforcement may seize and destroy or sell to the manufacturer, for export only, any containers in violation of this section.

(E) Any tobacco retailer or tobacco retail establishment that permits an employee to violate or knowingly violates subsection (B) is subject to the penalties in Section 16-17-500(E)(3).

SECTION X. Section 59-1-380 of the S.C. Code is amended to read:

Section 59-1-380. (A) ~~By August 1, 2019, every~~Every local school district in the State shall ~~adopt, implement,~~ and enforce a written policy prohibiting at all times the use of any tobacco product ~~or alternative~~

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~~nicotine product~~ by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product ~~or alternative nicotine product~~ by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

(B) The policy must include at least all of the following elements:

(1) adequate notice to students, parents or guardians, the public, and school personnel of the policy;

(2) posting of signs prohibiting at all times the use of tobacco products ~~or alternative nicotine products~~ by any person in and on school property; and

(3) requirements that school personnel enforce the policy, including appropriate disciplinary action.

(C) Disciplinary actions for violating the policy may include, but not be limited to:

(1) for students: administrator and parent or legal guardian conference, mandatory enrollment in tobacco prevention education or cessation programs, community service, in-school suspension, suspension for extracurricular activities, or out-of-school suspension;

(2) for staff: verbal reprimand, written notification in personnel file, mandatory enrollment in tobacco prevention education, voluntary enrollment in cessation programs, or suspension;

(3) for contract or other workers: verbal reprimand, notification to contract employer, or removal from district property; and

(4) for visitors: verbal request to leave district property or prosecution for disorderly conduct for repeated offenses.

(D) The local school district shall collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

(E) The policy may permit tobacco products ~~or alternative nicotine products~~ to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, inhaling, or otherwise ingesting the tobacco product ~~or alternative nicotine product~~.

(F) For purposes of this section:

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~~—(1) “Tobacco “tobacco product” has the same meaning as defined in Section 16-17-501.~~

~~—(2) “Alternative nicotine product” has the same meaning as defined in Section 16-17-501.~~

SECTION X. Chapter 36, Title 12 of the S.C. Code is amended by adding:

Section 12-36-511. A retailer must submit whether it sells tobacco, tobacco products, including electronic smoking devices or e-liquid, as defined in Section 16-17-501(3) and (4), or any other product used for smoking with its retail application. A retailer not previously designated as a tobacco retail establishment, as defined in 16-17-500, shall notify the department in the manner proscribed by the department prior to selling tobacco products. For the purposes of this section, tobacco retailers and tobacco retail establishments that have a retail license must supplement their retail license application to notify the department that they sell or distribute tobacco or tobacco products. For the purposes of this section, a retailer that sells tobacco, tobacco products, or any other product used for smoking that does not disclose on their initial retail application or supplement their retail license application is subject to a fine of not more than two hundred dollars and must file within fifteen days of notification of a failure to file. A retailer that fails to file within fifteen days after the notification is subject to a fine of two thousand dollars.

Amend the bill further, by striking SECTION 4 and inserting:

SECTION 4. This act takes effect ninety days after approval by the Governor except SECTION 1, SECTION 2, and SECTION 3 which take effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Amendment No. 3

Senator KIMPSON proposed the following amendment (LC-3681.VR0010S), which was tabled:

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Amend the bill, as and if amended, SECTION X, Section 16-17-501, by striking item (8) and inserting:

~~(5)(8) “Tobacco product” means: a product that contains tobacco and is intended for human consumption. “Tobacco product” does not include an alternative nicotine product.~~

(a) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or flavored tobacco product. For purposes of this item, “flavored tobacco product” means any tobacco product that imparts a taste or odor distinguishable by an ordinary consumer, other than the taste or odor of tobacco, either prior to or during the consumption of such tobacco product including, but not limited to, tastes or odors relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb, or spice, or a cooling or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product;

(b) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(c) any component, part, or accessory of (a) or (b), whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Point of Quorum

Senator SENN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator SENN moved that the Senate stand adjourned.

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

Ayes 15; Nays 26

AYES

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Scott
Senn	Stephens	Williams

Total--15

NAYS

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hutto	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Setzler	Shealy
Verdin	Young	

Total--26

Having failed to receive the necessary vote, the Senate refused to adjourn.

Senator KIMPSON resumed speaking on the amendment.

Senator VERDIN moved to lay the amendment on the table.

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

Ayes 28; Nays 16

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Michael</i>

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Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Harpootlian
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Scott
Senn	Setzler	Stephens
Williams		

Total--16

The amendment was laid on the table.

Amendment No. 4

Senator KIMPSON proposed the following amendment (LC-3681.VR0015S), which was carried over:

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

SECTION X. Article 7, Chapter 17, Title 16 of the S.C. Code is amended by adding:

Section 16-17-509. The sale of any flavored tobacco product is prohibited in the State of South Carolina.

Re-number sections to conform.

Amend title to conform.

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

Amendment No. 5

Senator McELVEEN proposed the following amendment (LC-3681.VR0018S), which was tabled:

Amend the Bill, as and if amended, by:

SECTION 1. Chapter 95, Title 44 of the 1976 Code is amended to read:

“CHAPTER 95

South Carolina Clean Indoor Air Act

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~~Section 44-95-10. This chapter may be cited as the Clean Indoor Air Act of 1990.~~

~~Section 44-95-20. It is unlawful for a person to smoke or possess lighted smoking material in any form in the following public indoor areas except where a smoking area is designated as provided for in this chapter:~~

~~(1) public schools and preschools;~~

~~(2) all other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other childcare facilities, as defined in Section 63-13-20, which are licensed pursuant to Chapter 13, Title 63;~~

~~(3) health care facilities as defined in Section 44-7-130, except where smoking areas are designated in employee break areas. However, nothing in this chapter prohibits or precludes a health care facility from being smoke free;~~

~~(4) government buildings, except health care facilities as provided for in this section, except that smoking may be allowed in enclosed private offices and designated areas of employee break areas. However, smoking policies in the State Capitol and Legislative Office Buildings must be determined by the office of government having control over its respective area of the buildings. "Government buildings" means buildings or portions of buildings which are leased or operated under the control of the State or any of its political subdivisions, except those buildings or portions of buildings which are leased to other organizations or corporations;~~

~~(5) elevators;~~

~~(6) public transportation vehicles, except for taxicabs;~~

~~(7) arenas and auditoriums of public theaters or public performing art centers. However, smoking areas may be designated in foyers, lobbies, or other common areas, and smoking is permitted as part of a legitimate theatrical performance; and~~

~~(8) buildings, or portions of buildings, and the outside areas immediately contiguous to these buildings owned, leased, operated, or maintained by a public institution of higher learning, as defined in Section 59-103-5, that the governing board of the institution has designated as nonsmoking.~~

~~Section 44-95-30. In areas where smoking is permitted in Section 44-95-20, the owner, manager, or agent in charge of the premises or vehicle referenced in Section 44-95-20 shall conspicuously display signs designating smoking and nonsmoking areas alike, except that signs are not required in private offices.~~

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~~Section 44-95-40. In complying with Section 44-95-30, the owner, manager, or agent in charge of the premises shall make every reasonable effort to prevent designated smoking areas from impinging upon designated smoke-free areas by the use of existing physical barriers and ventilation systems.~~

~~Section 44-95-50. A person who violates Section 44-95-20, 44-95-30 or 44-95-40 of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars nor more than twenty-five dollars.~~

~~Section 44-95-60. No person in this State is authorized to require any other person to submit to any form of testing to determine whether or not the person has nicotine or other tobacco residue in his body.~~

Section 44-95-10. This chapter shall be known as the South Carolina Clean Indoor Air Act of 2023.

Section 44-95-20. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(2) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

(3) "Electronic smoking device" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(4) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who volunteers his or her services for a nonprofit entity.

(5) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

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(6) “Enclosed area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

(7) “Health care facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(8) “Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

(9) “Place of employment” means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a ‘place of employment’ unless it is used as a child care, adult day care, or health care facility.

(10) “Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on State grounds or grounds of any political subdivision of the State.

(11) “Private club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted

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an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

(12) “Public event” means an event which is open to and may be attended by the general public, including but not limited to, such events as concerts, fairs, farmers’ markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

(13) “Public place” means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gambling facilities, health care facilities, hotels and motels, laundromats, parking structures, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a ‘public place’ unless it is used as a child care, adult day care, or health care facility.

(14) “Recreational area” means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, and zoos.

(15) “Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term ‘restaurant’ shall include a bar area within the restaurant.

(16) “Service line” means an indoor or outdoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

(17) “Shopping mall” means an enclosed or unenclosed public walkway or hall area that serves to connect retail or professional establishments.

(18) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of

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any oral smoking device for the purpose of circumventing the prohibition of smoking in this chapter.

(19) "Sports arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Section 44-95-30. All enclosed areas, including buildings and vehicles owned, leased, or operated by the State or any of its subdivisions, as well as all outdoor property adjacent to such buildings and under the control of the State, shall be subject to the provisions of this chapter.

Section 44-95-40. Smoking is prohibited in all enclosed public places within the State of South Carolina, including but not limited to, the following places:

- (1) aquariums, galleries, libraries, and museums;
- (2) areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments;
- (3) bars;
- (4) bingo facilities;
- (5) childcare and adult day care facilities;
- (6) convention facilities;
- (7) educational facilities, both public and private;
- (8) elevators;
- (9) gambling facilities;
- (10) health care facilities;
- (11) hotels and motels;
- (12) lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (13) parking structures;
- (14) polling places;
- (15) public transportation vehicles, including buses and taxicabs, under the authority of the State, and public transportation facilities, including bus, train, and airport facilities;
- (16) restaurants;
- (17) restrooms, lobbies, reception areas, hallways, and other common-use areas;
- (18) retail stores;

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(19) rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the State or a political subdivision of the State;

(20) service lines;

(21) shopping malls;

(22) sports arenas, including enclosed places in outdoor arenas;

(23) theatres and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Section 44-95-50. (A) Smoking is prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(B) This prohibition on smoking must be communicated to all existing employees by the effective date of this chapter and to all prospective employees upon their application for employment.

Section 44-95-70. Smoking is prohibited in the following enclosed residential facilities:

(1) all private and semi-private rooms in nursing homes; and

(2) all hotel and motel guest rooms.

Section 44-95-80. Smoking is prohibited in the following outdoor places:

(1) Within a reasonable distance of twenty feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.

(2) On all outdoor property that is adjacent to buildings owned, leased, or operated by the State and that is under the control of the State.

(3) In, and within twenty feet of, outdoor seating or serving areas of restaurants, bars, and gambling facilities.

(4) In outdoor shopping malls, including parking structures.

(5) In all outdoor arenas, stadiums, and amphitheaters. Smoking is also prohibited in, and within twenty feet of, bleachers and grandstands for use by spectators at sporting and other public events.

(6) In outdoor recreational areas, including parking lots.

(7) In, and within twenty feet of, all outdoor playgrounds.

(8) In, and within twenty feet of, all outdoor public events.

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(9) In, and within twenty feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the State or any of its subdivisions.

(10) In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll takers. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within twenty feet of the point of service.

(11) In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent of the total outdoor common area, which must be located at least twenty feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

Section 44-95-90. (A) Smoking is prohibited in all outdoor places of employment where two or more employees are required to be in the course of their employment. This includes, without limitation, work areas, construction sites, and temporary offices such as trailers, restroom facilities, and vehicles.

(B) This prohibition on smoking must be communicated to all existing employees by the effective date of this chapter and to all prospective employees upon their application for employment.

Section 44-95-100. Notwithstanding any other provision of this chapter to the contrary, smoking shall not be prohibited in private residences, unless used as a childcare, adult day care, or health care facility.

Section 44-95-110. Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking is prohibited in any place in which a sign conforming to the requirements of Section 44-95-120 is posted.

Section 44-95-120. The owner, operator, manager, or other person in control of a place of employment, public place, private club, or residential facility where smoking is prohibited by this chapter shall:

(1) clearly and conspicuously post 'No Smoking' signs or the international 'No Smoking' symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place;

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(2) clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post ‘No Smoking’ signs in appropriate locations as determined by the South Carolina Department of Health and Human Services or an authorized designee;

(3) clearly and conspicuously post on every vehicle that constitutes a place of employment under this chapter at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited; and

(4) remove all ashtrays from any area where smoking is prohibited by this chapter, except for ashtrays displayed for sale and not for use on the premises.

Section 44-95-130. (A) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter. Notwithstanding any provision to the contrary, violation of this subsection is a misdemeanor, punishable by a fine not to exceed one thousand dollars for each violation.

(B) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 44-95-140. The South Carolina Department of Health and Human Services shall adopt rules and promulgate regulations as are necessary and reasonable to implement the provisions of this chapter. Notice of the provisions of this chapter must be given to all applicants for a business license in the State.

Section 44-95-150. (A) This chapter must be enforced by local health departments, city managers, county administrators, and their authorized designees.

(B) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the local health department, city manager, or county administrator.

(C) Local health departments, fire departments, and their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.

(D) An owner, manager, operator, or employee of an area regulated by this chapter shall direct a person who is smoking in violation of this chapter to extinguish or turn off the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the

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premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

(E) Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.

(F) In addition to the remedies provided by the provisions of this section, local health departments, city managers, county administrators, and any persons aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 44-95-160. (A) A person who smokes in an area where smoking is prohibited by the provisions of this chapter is guilty of an infraction, punishable by a fine not exceeding fifty dollars.

(B) Except as otherwise provided in this chapter, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter is guilty of an infraction, punishable by:

(1) a fine not exceeding one hundred dollars for a first violation;

(2) a fine not exceeding two hundred dollars for a second violation within one year;

(3) a fine not exceeding five hundred dollars for each additional violation within one year.

(C) In addition to the fines established by this section, violation of this chapter by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(D) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by restraining order, preliminary and permanent injunction, or other means provided for by law.

(E) Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation.

Section 44-95-170. Nothing in this chapter shall be construed to prevent a political subdivision of the State from adopting local ordinances or regulations relating to smoking in workplaces and public places that are more restrictive than this chapter, nor does this chapter repeal any existing local ordinances or regulations that provide restrictions on smoking that are equivalent to, or greater than, those provided by this chapter.

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Section 44-95-180. The South Carolina Department of Health and Human Services shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter.

Section 44-95-190. This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable state or local laws.

Section 44-95-200. This chapter shall be liberally construed so as to further its purposes.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

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

Ayes 28; Nays 15

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Setzler	Stephens	Williams

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Total--15

The amendment was laid on the table.

Amendment No. 6

Senator McELVEEN proposed the following amendment (LC-3681.VR0016S), which was tabled:

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

SECTION X. Section 12-21-620(B) of the S.C. Code is amended to read:

(B) As used in this section, "cigarette" means:

(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing ~~three~~ four and a half (4.5) pounds per thousand or less, ~~however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1) of this subsection.~~ except those wrapped entirely in tobacco leaf that do not have a filter; and

(3) any roll for smoking containing tobacco wrapped in any substance, however labeled or named, which because of its appearance, size, the type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, purchased by, or consumed by consumers as described in item (1).

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

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

Ayes 26; Nays 15

AYES

Adams
Cash

Alexander
Climer

Bennett
Corbin

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Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Peeler
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

Total--26

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	Kimpson
Malloy	Matthews	McElveen
McLeod	Rankin	Sabb
Setzler	Stephens	Williams

Total--15

The amendment was laid on the table.

Senator McELVEEN asked unanimous consent to proceed to Amendment No. 4.

Amendment No. 4

Senator KIMPSON proposed the following amendment (LC-3681.VR0015S), which was tabled:

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

SECTION X. Article 7, Chapter 17, Title 16 of the S.C. Code is amended by adding:

Section 16-17-509. The sale of any flavored tobacco product is prohibited in the State of South Carolina.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

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

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Ayes 25; Nays 17

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Matthews	McElveen
McLeod	Rankin	Sabb
Senn	Setzler	Stephens
Talley	Williams	

Total--17

The amendment was laid on the table.

Remarks to be Printed

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

Amendment No. 12

Senator SENN proposed the following amendment (SR-3681.JG0019S), which was ruled out of order:

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

SECTION X. Chapter 1, Title 6 of the S.C. Code is amended by adding:

Section 6-1-195. (A) "Short term rental" means any individually or collectively owned residential house or dwelling unit or group of units

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that is rented wholly or partially for residential use for a fee and for any period of time fewer than ninety consecutive days.

(B) A political subdivision, governing body of a municipality, county, or other political subdivisions of this State may not enact any laws, ordinances, or rules or enforce any ordinances, resolutions, or regulations that prohibit short-term rentals at properties assessed at the six percent rate.

(C)(1) A political subdivision, governing body of a municipality, county, or other political subdivisions of this State that assess or collects the six percent property assessment ratio for qualifying real property pursuant to Section 12-43-220(e) in violation of subsection (B) shall not be allowed to collect more than a four percent property assessment ratio.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Point of Order

Senator GROOMS 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 SENN spoke on the Point of Order.

Senator VERDIN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 13

Senator SENN proposed the following amendment (SR-3681.JG0025S), which was tabled:

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

SECTION X. Section 6-1-630 of the S.C. Code is amended to read:

Section 6-1-630. (A) The governing body of a qualified coastal municipality by ordinance, subject to a referendum, may impose a beach preservation fee not to exceed ~~one~~ two percent.

(B) Upon the adoption of an ordinance calling for a referendum, the county election commission shall conduct a referendum at the time specified in the ordinance on the question of implementing a one percent beach preservation fee. The state election laws apply to the referendum,

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mutatis mutandis. The county election commission shall publish the results of the referendum to certify them to the governing body. The beach preservation fee must not be imposed unless a majority of the qualified electors residing in the municipality voting in the referendum vote in favor of the referendum.

(C)(1) The ballot must read substantially as follows:

“Must an additional ~~one~~ two percent beach preservation fee be added to the accommodations tax for the purpose of nourishment, renourishment, maintenance, erosion mitigation, and monitoring of beaches, dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in preserving the dune system, and maintenance of public beach accesses within the corporate limits of .

Yes

No

(2) If the question is not approved at the initial referendum, the governing body may, by an ordinance meeting the requirements of this section, call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty-four month period on the Tuesday following the first Monday in November in even-numbered years.

(3) Once a week for the four weeks immediately preceding the referendum, the governing body of the municipality shall publish notice in a newspaper of general circulation within the jurisdiction a description of and the specific uses for the beach preservation fee. The governing body also must publish notice on its website in the same manner.

(D) The fee authorized by this article is in addition to all other local accommodations taxes imposed pursuant to Section 6-1-520 and must not be deemed cumulative with the local accommodations tax or fee rate for the purposes of Section 6-1-540.

(E) All proceeds from the beach preservation fee must be kept in a separate fund segregated from the governing body's general fund. All interest generated by the beach preservation fee fund must be credited to the beach preservation fee fund.

(F) If the local governing body prohibits short term rentals, the two percent beach preservation fee does not apply, and the fee collected may not exceed one percent.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

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Senator VERDIN moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 1

Senator SENN proposed the following amendment (SR-3681.JG0007S), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION 2. Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to short term rentals or ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices, e-liquid, vapor products, tobacco products, alternative nicotine products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this act.

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

On motion of Senator SENN, the amendment was withdrawn.

The question then was second reading of the Bill.

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

Ayes 26; Nays 16

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Shealy	Turner

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Verdin

Young

Total--26

NAYS

Allen

Fanning

Jackson

Johnson, Kevin

Johnson, Michael

Kimpson

Malloy

Matthews

McElveen

McLeod

Sabb

Senn

Setzler

Stephens

Talley

Williams

Total--16

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

AMENDED, READ THE SECOND TIME

H. 3952 -- Reprs. G.M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M.M. Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

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

Amendment No. 1

Senator CROMER proposed the following amendment (LC-3952.SA0010S), which was adopted:

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

SECTION 1. Section 37-2-307 of the S.C. Code is amended to read:

Section 37-2-307. (A) As used in this section:

~~_____ (1) Every motor vehicle dealer charging closing fees on a motor vehicle sales contract shall pay a one-time registration fee of ten dollars during each state fiscal year before January thirty-first to the Department of Consumer Affairs. The department shall set the fee annually in an amount not to exceed twenty-five dollars.~~

~~_____ (2) The closing fee must be included in the advertised price of the motor vehicle, disclosed on the sales contract, and displayed in a conspicuous location in the motor vehicle dealership.~~

~~_____ (B) A closing fee is defined as a fee charged for recovery of a motor vehicle dealer's actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer, person, or entity including, but not limited to, compliance with all state, federal, and lender requirements, preparation and retrieval of documents, protection of the private personal information of the consumer, records retention, and storage costs.~~

~~_____ (2) "Department" means the South Carolina Department of Consumer Affairs.~~

~~_____ (3) "Dealer" means a "motor vehicle dealer" as defined in Section 56-15-10.~~

~~_____ (B)(1) Every dealer charging closing fees in a motor vehicle sale or lease transaction shall pay a filing fee of ten dollars to the department each time the dealer provides notice of a new closing fee amount to the department. The department shall set the filing fee annually in an amount not to exceed twenty-five dollars.~~

~~_____ (2) The closing fee must be disclosed on the motor vehicle sale or lease contract, displayed in a conspicuous location in the motor vehicle dealership, and clearly and conspicuously disclosed in any advertisement of a specific motor vehicle for sale or lease.~~

~~_____ (C)(1) Prior to charging a closing fee, a motor vehicle dealer shall provide written notice to the department of Consumer Affairs of the~~

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maximum amount of ~~a~~the closing fee the dealer intends to charge ~~on an~~
annual basis.

(2) If the maximum amount of the proposed closing fee the dealer intends to charge is not more than two hundred twenty-five dollars for each vehicle, the closing fee is considered to be approved by the department, and the dealer does meet and fulfill all reasonable requirements and criteria in compliance with this section. If the proposed closing fee exceeds two hundred twenty-five dollars, the department may review the amount of the closing fee for reasonableness using the criteria in item (3) (5). ~~if the maximum amount of the closing fee intended to be charged by a dealer in a vehicle transaction exceeds two hundred twenty-five dollars per vehicle. The department shall not conduct a review of the amount of the closing fee for reasonableness when the maximum amount the dealer intends to charge in a vehicle transaction is not more than two hundred twenty-five dollars per vehicle.~~

(3) If the department intends to conduct a formal review of a proposed closing fee, the department shall provide written notice to the ~~motor vehicle~~ dealer of the department's intention to review the proposed closing fee within thirty-five ~~thirty~~ days of receiving the complete proposed closing fee notice. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings within thirty days of receiving the complete proposed closing fee notice. If the department does not provide a ~~motor vehicle~~ the dealer with written notice of the department's ~~intention to review approval of~~ the proposed closing fee within thirty days of receiving the proposed closing fee notice, the ~~motor vehicle~~ dealer is authorized to charge the proposed closing fee. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review.

(4) The dealer is at all times authorized to submit a new closing fee that is equal to or less than two hundred twenty-five dollars per vehicle which is not subject to review. If the department finds that a proposed closing fee is not reasonable, the dealer may request a hearing in accordance with the Administrative Procedures Act. During the pendency of the department's review period, a ~~motor vehicle dealer or~~ the pendency of any action before the Administrative Law Court, the dealer is authorized to charge a closing fee at an amount not to exceed the amount most recently on file and permitted to be charged by the department. ~~If the department finds that a closing fee is not reasonable,~~

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the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act.

~~— (2) If the maximum amount of the closing fee that the dealer intends to charge is not more than two hundred twenty five dollars per vehicle, the closing fee is deemed approved by the department and the dealer does meet and fulfill all reasonableness requirements and criteria in compliance with the law and this section.~~

~~— (3) In determining the reasonableness of a closing fee, the department shall allow the following items to be included in a reasonable closing fee:~~

~~— (a) all administrative~~

(5)(a) In determining the reasonableness of a closing fee, the department shall accept and allow all of the dealer's actual costs and expenses, including, but not limited to, employee compensation, information processing, facilities costs, staff, supplies, and materials, and financial work needed to transfer the motor vehicle to the consumer and to procure the associated with the following closing and delivery activities:

(i) closing of the motor vehicle sale or lease transaction, including any associated loan or lease and transferring title of the motor vehicle to the consumer;

~~— (b) all costs for administrative expenses, costs, staff, supplies, and materials necessary by the dealer to comply with all state, federal, and lender requirements;~~

~~— (c) all costs for administrative costs, staff, and materials needed for the preparation and retrieval of documents;~~

~~— (d) all costs for administrative costs, staff, supplies, and materials necessary for the protection of the private personal information of the consumer; and~~

~~— (e) all costs for administrative costs, staff, supplies, and materials necessary for records retention and storage costs of such records.~~

(ii) delivering the motor vehicle to the consumer;

(iii) complying with all state, federal, and lender requirements;

(iv) preparing, storing, and retrieving transaction documents; and

(v) protecting the private personal information of the consumer.

(b) Dealer costs must be calculated using generally accepted cost accounting principles for the preceding twelve-month period.

(c) In determining the reasonableness of a closing fee, the department may compare a particular dealer's costs only with other similarly situated dealers.

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(D) Whether the vehicle transaction is a credit sale, consumer lease, or cash transaction:

(1) notwithstanding ~~another~~ any other provision of law, a ~~motor vehicle~~ dealer who complies with this section and any regulation promulgated under it and who charges a closing fee is not engaging in any action which is arbitrary, in bad faith, unconscionable, an unfair or deceptive practice, or an unfair method of competition for purposes of Sections 56-15-30, ~~and~~ 56-15-40, and 39-5-20 with regard to the charging of a closing fee and may lawfully charge a closing fee;

(2) a ~~motor vehicle~~ dealer may assert any defenses provided to a creditor pursuant to the provisions of this title; and

(3) a purchaser injured or damaged by an action of a ~~motor vehicle~~ dealer in violation of this section or any regulation promulgated thereunder, may assert the remedies available pursuant to the provisions of this title.

(E)(1) ~~The Department~~ department of Consumer Affairs shall administer and enforce the subject of motor vehicle dealer closing fees ~~including, but not as limited to, by~~ this section. The department ~~shall~~ may make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a ~~motor vehicle~~ dealer's ~~books, accounts, and records,~~ but only to the extent necessary to determine ~~if the dealer is complying~~ dealer's compliance with the disclosure provisions of ~~this section~~ subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(5), and this financial information must be kept confidential and privileged from disclosure, except as otherwise provided by law.

~~(2) If the department determines that a closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act. In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:~~

(a) promote education for consumers and best practices for dealers; and

(b) mediate complaints between a consumer and a dealer, whenever possible.

(3) The department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a

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provision of this section or a provision of this title related to closing fees. In administering and enforcing this section:

(a) The department must provide a written notice by certified mail to the dealer regarding the complaint or other credible evidence. If the department's records show an email address for the dealer, the department must also send an email to the dealer. This written notice must contain sufficient information for the dealer to identify documents related to the alleged violation, request only such information as is reasonably related to the alleged violation, and state that the dealer may provide a written response to the allegation.

(b) The dealer must respond to the department's notice within forty-five days from the date the written notice described in item 3(a) was received via certified mail. If a dealer fails to provide the requested information within sixty days from the date of receipt of the written notice via certified mail, the department may commence a proceeding pursuant to the Administrative Procedures Act.

(c) The department must issue a decision within fifteen days of receipt of the requested information from the dealer. If the department determines the dealer failed to comply with the requirements of this section or of this title regarding closing fees, the department's decision must determine if the violation was either (1) not intentional and resulted from a bona fide error, or (2) an intentional violation.

(i) In the event of a violation that was not intentional and resulted from a bona fide error, the dealer must refund any excess charge paid by the consumer. The department must close the investigation upon notice that the consumer received the refund.

(ii) In the event of an intentional violation, the department may request only those records reasonably related to the alleged violation for the ten transactions immediately preceding and the ten transactions immediately after the transaction identified in the complaint or other credible evidence received by the department. If the department discovers a potential violation of any kind related to closing fees in any of these transactions, the department may request only those records reasonably related to the alleged violation for transactions occurring on the date of the transaction identified in the complaint or other credible evidence, and transactions thirty days immediately preceding and thirty days immediately after the transaction identified in the complaint or other credible evidence received by the department.

(4) A dealer may not be held liable in any action for a violation of this section or a violation of this title regarding closing fees if the dealer: (a) shows by a preponderance of evidence that the violation was not

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intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error; and (b) the dealer refunded any excess charge paid by the consumer.

(5) A dealer who is found to have intentionally violated this section, or any other provision in this title regarding closing fees, must refund any excess charge paid by the customer within thirty days from the date of written notice from the department regarding its determination of a violation. Notwithstanding any other provision of law, the following remedies also apply for an intentional violation:

(a) for the first violation in a twelve-month period, the department must send a written warning to the dealer;

(b) for a second violation in a twelve-month period, the department may charge a five hundred dollar administrative penalty;

(c) for a third violation in a twelve-month period, the department may charge not more than a one thousand dollar administrative penalty; and

(d) for a fourth or subsequent violation in a twelve-month period, the department may charge not more than a five thousand dollar administrative penalty, provided that cumulative administrative penalties shall not exceed one hundred thousand dollars in the twelve-month period.

(F)(1) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

(2) Nothing in this section is intended to prohibit the department from administering and enforcing other laws under the department's jurisdiction.

SECTION 2. This act 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 amendment was adopted.

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The question then was second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sheridan L. Lynn, Jr., 537 Edgefield Road, North Augusta, SC 29841-2474

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Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Vannessa Hollins, 445 Maple Street, Winnsboro, SC 29180-1821

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patricia Yvonne A. Rushton, 129 Langley Dam Rd., Langley, SC 29834

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tracey L. Carroll, 1930 University Parkway, Suite 1500, Aiken, SC 29801-0009

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Patrick D. Sullivan, 227 Gateway Drive, Suite 133, Aiken, SC 29803-9193

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dona H. Williamson, P. O. Box 99, Wagener, SC 29164-0099

Reappointment, Fairfield County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Russell Feaster, 396 Dawkins Road, Blair, SC 29015-8925

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Lauren Maurice, 290 Springhouse Dr., Aiken, SC 29803-8748

Statement by Senator Young

As to Judge Maurice, I recused myself from consideration and confirmation.

ACTING PRESIDENT PRESIDES

Senator MARTIN assumed the Chair.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator CLIMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Phillip Land of Rock Hill, S.C. Phil was a beloved former Senate staff Research Director for the Ethics Committee. Phil was a marine who served his country in Vietnam. He worked for Rock Hill National Bank and as the state Director of Victim's Assistance before retirement. He was an active member of Oakland Baptist Church and enjoyed community service in the Kiwanis Club, Salvation Army and the American Cancer Society to mention a few. Phil was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 9:23 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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