

NO. 14

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

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WEDNESDAY, FEBRUARY 4, 2026  
(STATEWIDE SESSION)

**Wednesday, February 4, 2026**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Jeff Lingerfelt as follows:

Our thought for today is from Daniel 6:4: “Then the commissioners and satraps began trying to find a ground of accusation against Daniel in regard to government affairs; but they could find no ground of accusation or evidence of corruption, inasmuch as he was faithful, and no negligence or corruption was to be found in him.”

Let us pray: O Lord, our God we come with thankful hearts today. Your sustaining grace is evident in our lives, for without You we can do nothing. You are able to do exceedingly abundantly far beyond all that we could ask or think. We ask that You guard and protect our elected officials like You ministered to Daniel of old. May no evidence of corruption nor negligence be found among us, because faithfulness reigns supreme as we seek and follow You in all our affairs. All who serve as Your servants are held to a higher standard, may we be found faithful as we lead and guide our constituents and the administration of this great state. Now may the God of Great comfort find us faithful this day. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**STATEMENT BY REP. GRANT**

Rep. GRANT made a statement relative to the contributions to the state of South Carolina of South Carolina State University.

**WEDNESDAY, FEBRUARY 4, 2026**

**South Carolina State University  
A Black History Month Tribute**

Mr. Speaker, Members of the House:

As we observe Black History Month, moments like this remind us that history is not only something we study — it is something we choose to make. And today, South Carolina is making history.

We are honoring South Carolina State University, founded in 1896, the first HBCU in this state and, as many scholars argue, among the first in this nation. For nearly 130 years, SC State has been a beacon of opportunity, excellence, and perseverance — educating generations of students who went on to serve as teachers, scientists, military leaders, business owners, faith leaders, and lawmakers. Long before equality was written into law, HBCUs like SC State were practicing it through education.

This moment is especially meaningful because it recognizes not only history, but achievement.

South Carolina State University is a two-time HBCU national champion, winning the Cricket Celebration Bowl in 2021 and again in 2025. Those victories represent far more than success on the football field. They reflect the discipline, leadership, and excellence that define SC State — and HBCUs across this country — even in the face of chronic underfunding and limited resources.

I want to thank Senator Tedder, Representative Govan, and the many members on both sides of the aisle who understood the importance of this moment. And I thank Governor Henry McMaster for honoring this request and recognizing the significance of what this symbol represents.

The flying of the South Carolina State University flag atop the State House dome is historic. This is the first time in South Carolina's history that an HBCU flag has flown above the people's house. Flags matter. They tell stories. They communicate values. They signal who is seen, who is honored, and who belongs.

This act says that South Carolina sees the contributions of HBCUs. It says that excellence deserves recognition. And it says that progress is not something to fear — it is something to lead.

The symbolism is even more profound because this flag was flown on Dr. Martin Luther King Jr. Day, in a space where the Confederate flag once stood. That contrast tells a powerful story. It is a visible reminder that South Carolina is capable of growth, reflection, and change — that we are willing to replace symbols of division with symbols of achievement, hope, and unity.

**WEDNESDAY, FEBRUARY 4, 2026**

This moment does not belong to SC State alone. It belongs to every HBCU student, every alumnus, every professor, and every family who believed in the power of education when opportunity was limited. And by taking this step, South Carolina is not just honoring its past — it is leading the way for other states across the country to do the same.

Let history record that South Carolina chose to lead.

That we chose recognition over erasure.

That we chose progress over nostalgia.

We support our HBCUs.

We celebrate their excellence.

And today, we raise them where all can see.

Go Bulldogs.

Rep. Hamilton Grant

**COMMUNICATION**

The following was received:

State of South Carolina  
Office of the Governor

Columbia, S.C., January 29, 2026

Mr. Speaker and Members of the House:

Pursuant to section 54-3-10 of the South Carolina Code, this appointment is being referred to the House Members of the Review and Oversight Commission on the South Carolina State Ports Authority and is therefore submitted for your consideration.

**STATEWIDE APPOINTMENT**

State Ports Authority Board of Directors

Term Commencing: February 13, 2026

Term Expiring: February 13, 2031

Seat: At-Large

Vice: William A. Coates

Thomas A. Limehouse Jr., Esquire

Post Office Box 338

Charleston, South Carolina 29402

Yours very truly,

[HJ]

**WEDNESDAY, FEBRUARY 4, 2026**

Henry D. McMaster  
Governor

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 5081 -- Reps. Williams, Luck, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE AND RECOGNIZE KAYCEE REINING ON HER MANY ACCOMPLISHMENTS AND CONTINUED PHILANTHROPIC EFFORTS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5082 -- Reps. Guffey, Pope, Ligon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Haddon, Hager, Hardee, Harris, Hart,

[HJ]

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Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE NORTHWESTERN HIGH SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS AAAAA DIVISION II 2025 STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5083 -- Reps. Moss, T. Moore, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, Morgan, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE BROOME HIGH SCHOOL VARSITY AND JUNIOR VARSITY GIRLS STRENGTH TEAMS, COACHES, AND SCHOOL OFFICIALS FOR

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A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2025 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE AND THE OVERALL FEMALE TEAM STATE CHAMPIONSHIP.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5085 -- Reps. McGinnis, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO DECLARE MARCH 30 THROUGH APRIL 2, 2026, AS "AI WEEK" IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THE PALMETTO STATE TO LEARN MORE ABOUT THIS CRITICAL TECHNOLOGY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5084 -- Reps. Williams and Luck: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF 6TH STREET IN THE CITY OF HARTSVILLE IN DARLINGTON COUNTY FROM

**WEDNESDAY, FEBRUARY 4, 2026**

ITS INTERSECTION WITH 5TH STREET TO ITS INTERSECTION WITH EAST HOME AVENUE "SAMUEL L. DAVIS MEMORIAL STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5086 -- Reps. Robbins, Gatch, Holman and Brewer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 78 AND MALLARD ROAD IN THE TOWN OF JEDBURG IN DORCHESTER COUNTY "HERMAN ELROY MUCKENFUSS MEMORIAL INTERSECTION" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 691 -- Senator Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF WHITESTONE GLENDALE ROAD AND BETHESDA ROAD IN SPARTANBURG COUNTY "CHIEF ROBERT E. BROWN SR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 883 -- Senators Alexander, Martin, Massey, Peeler and Hutto: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS

**WEDNESDAY, FEBRUARY 4, 2026**

STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14, 2026, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND IN RECESS SUBJECT TO THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2026, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

The Concurrent Resolution was ordered referred to the Committee on Rules.

#### **CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 884 -- Senators Devine and Jackson: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF BISHOP JAMES REDFERN II, PRESIDING BISHOP OF THE ECUMENICAL CHURCH OF CHRIST WORLDWIDE, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND HIS MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

#### **INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 5087 -- Rep. M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-180, RELATING TO PAID LEAVE FOR DISASTER SERVICE VOLUNTEERS OF THE AMERICAN RED CROSS, SO AS TO ALSO

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ALLOW PAID LEAVE FOR VERIFIED TEAM RUBICON  
DISASTER RELIEF VOLUNTEERS.

Referred to Committee on Ways and Means

H. 5088 -- Reps. Sanders, Duncan, Chapman, Gilreath, Pedalino, Cromer, Huff and Wickensimer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-920, RELATING TO THE DEFINITION OF PUBLIC FACILITIES FOR PURPOSES OF DEVELOPMENTAL IMPACT FEES, SO AS TO INCLUDE ROAD RESURFACING; AND BY AMENDING SECTION 6-1-1020, RELATING TO REFUNDS OF IMPACT FEES, SO AS TO INCREASE THE TIME A GOVERNMENTAL ENTITY HAS TO EXPEND IMPACT FEE REVENUES.

Referred to Committee on Ways and Means

H. 5089 -- Reps. W. Newton and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

Referred to Beaufort Delegation

H. 5090 -- Reps. Martin, Pope, T. Moore, Guffey, Sanders, Rankin, Gilliam, W. Newton, Neese and McDaniel: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT "RILEY'S ACT" BY AMENDING SECTION 47-1-40, RELATING TO THE ILL-TREATMENT OF ANIMALS, SO AS TO INCREASE THE PENALTIES; BY AMENDING SECTION 47-1-50, RELATING TO THE ILL-TREATMENT OF ANIMALS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 47-1-60, RELATING TO THE UNLAWFUL CUTTING OF MUSCLES OF TAILS OF HORSES, ASSES, MULES, MARES, OR GELDINGS, SO AS TO INCREASE THE PENALTIES; BY AMENDING SECTION 47-1-110, RELATING TO VIOLATIONS OF SECTIONS 47-1-90 AND 47-1-100, SO AS TO INCREASE THE PENALTIES; BY AMENDING SECTION 47-1-125, RELATING TO THE UNLAWFUL COLORING, DYING, OR SALE OF CERTAIN ANIMALS, SO AS TO INCREASE THE PENALTIES; BY AMENDING SECTION 47-1-200, RELATING TO REQUIREMENTS FOR THE TRANSFER OF ANIMALS AND IMPORTATION OR EXPORTATION OF DOGS OR CATS, SO AS

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TO INCREASE THE PENALTIES; BY AMENDING SECTION 47-1-210, RELATING TO UNLAWFULLY OFFERING LIVE ANIMALS AS PRIZES, SO AS TO INCREASE THE PENALTIES; BY ADDING SECTION 47-1-220 SO AS TO PROVIDE THE STATE LAW ENFORCEMENT DIVISION SHALL POST ON ITS WEBSITE THE NAMES OF PERSONS CONVICTED OF CRUELTY TO ANIMALS CRIMES; AND BY ADDING SECTION 47-1-230 SO AS TO PROVIDE PERSONS CONVICTED OF MISDEMEANORS CONTAINED IN THIS CHAPTER MAY BE PROHIBITED FROM OWNING OR POSSESSING ANIMALS, AND TO PROVIDE PERSONS CONVICTED OF FELONIES CONTAINED IN THIS CHAPTER MUST BE PROHIBITED FROM OWNING OR POSSESSING ANIMALS.

Referred to Committee on Judiciary

H. 5091 -- Rep. Luck: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-9-145, RELATING TO COUNTY CODE ENFORCEMENT OFFICERS, SO AS TO INCLUDE ANIMAL CONTROL OFFICERS; AND BY AMENDING SECTION 47-3-20, RELATING TO THE AUTHORIZATION OF LOCAL ANIMAL CARE AND CONTROL ORDINANCES, SO AS TO AUTHORIZE A COUNTY OR MUNICIPALITY TO ALLOW CLASS 3 ANIMAL CONTROL OFFICERS TO CARRY FIREARMS.

Referred to Committee on Judiciary

H. 5092 -- Reps. Teeple, Bowers, Pope, Duncan and Hiott: A BILL TO AMEND THE SOUTH CAROLINA CODES OF LAWS BY ADDING SECTION 56-5-2960 SO AS TO PROVIDE THAT A PERSON CONVICTED OF FELONY DRIVING UNDER THE INFLUENCE RESULTING IN THE DEATH OF A PARENT OR GUARDIAN MUST BE ORDERED TO PAY CHILD SUPPORT UNTIL THE CHILD OR DEPENDENT REACHES THE AGE OF TWENTY-TWO.

Referred to Committee on Judiciary

H. 5093 -- Reps. Caskey, Bannister, Long, Lawson, C. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-90, RELATING TO THE DEFINITION OF GROSS PROCEEDS OF SALES, SO AS TO EXCLUDE AMOUNTS PAID BY STATE AND LOCAL

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GOVERNMENTS FOR THE EMERGENCY SERVICES IP NETWORK.

Referred to Committee on Ways and Means

H. 5094 -- Rep. Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-1-20, RELATING TO INSURANCE LAW DEFINITIONS, SO AS TO DEFINE THE TERM "CONTINGENT DEFERRED ANNUITY"; BY AMENDING SECTION 38-69-220, RELATING TO EXCEPTIONS FROM OPERATION OF THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES, SO AS TO ADD AN EXCEPTION FOR CERTAIN PROVISIONS OF THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES, AND TO PROVIDE THE DEPARTMENT OF INSURANCE MAY PROMULGATE REGULATIONS FOR NONFORFEITURE BENEFITS FOR CONTINGENT DEFERRED ANNUITIES IN THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT IN CERTAIN CIRCUMSTANCES; AND BY AMENDING SECTION 38-44-20, RELATING TO DEFINITIONS IN THE MANAGING GENERAL AGENTS ACT, SO AS TO MAKE A CONFORMING CHANGE.

Referred to Committee on Labor, Commerce and Industry

H. 5095 -- Reps. Edgerton, Pace, D. Mitchell, Burns, Morgan, Magnuson, Gilreath, McCravy, Terribile, Long, Chumley, Cromer, Oremus and White: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 25 TO CHAPTER 55, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO CONDUCT TESTING FOR URINARY METABOLITES IN CERTAIN WASTEWATER TREATMENT FACILITIES AND TO ESTABLISH REQUIREMENTS FOR ITS FINDINGS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5096 -- Reps. Haddon, Yow, Burns, Brewer, Rankin, Chumley, Morgan, Pedalino, J. E. Johnson, Guffey, Chapman, Lastinger, Robbins, Holman, Calhoon, Davis, Cox, Brittain, Forrest, Gagnon and Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 5 OF CHAPTER 17, TITLE 47, RELATING TO MISREPRESENTING PRODUCTS THAT ARE CELL-

**WEDNESDAY, FEBRUARY 4, 2026**

CULTURED MEAT, SO AS TO PROVIDE IT IS UNLAWFUL TO MANUFACTURE, SELL, OR DISTRIBUTE ARTIFICIAL OR CELL-CULTIVATED FOOD PRODUCTS IN THIS STATE, TO MAKE A TECHNICAL CHANGE, TO PROVIDE ADDITIONAL PENALTIES FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THE DEPARTMENT OF AGRICULTURE MAY PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5097 -- Reps. Haddon, Yow, Ligon, Holman, Rankin, Pedalino, Forrest and Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-145 SO AS TO PROVIDE THAT CERTAIN ROADSIDE MARKETS OPERATED BY FARMERS ARE NOT CONSIDERED COMMERCIAL OPERATIONS FOR LOCAL ZONING PURPOSES AND ARE EXEMPT FROM CERTAIN LOCAL AND STATE REGULATORY REQUIREMENTS, AND TO DEFINE NECESSARY TERMS, AMONG OTHER THINGS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

### **ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Anderson	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Beach	Bernstein
Bowers	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chumley
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Duncan	Edgerton
Erickson	Ford	Forrest
Frank	Gagnon	Garvin
Gatch	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Guffey
Haddon	Hardee	Harris

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Hart	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	Howard	Huff
J. E. Johnson	J. L. Johnson	Jones
Jordan	Kilmartin	King
Kirby	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Luck	Magnuson
Martin	McCabe	McCrary
McDaniel	McGinnis	C. Mitchell
D. Mitchell	Montgomery	J. Moore
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino
Pope	Rankin	Reese
Rivers	Robbins	Rose
Rutherford	Sanders	Schuessler
Scott	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

**Total Present--118**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HAGER a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HARTZ a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CLYBURN a leave of absence for the day due to a death in the family.

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. SPANN-WILDER a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GUFFEY a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WILLIS a temporary leave of absence.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Jennifer Root of Lexington County was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSOR(S) ADDED**

Bill Number:	H. 3034
Date:	ADD:
02/04/26	D. MITCHELL and CROMER

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**CO-SPONSOR(S) ADDED**

Bill Number: H. 3093  
Date: ADD:  
02/04/26 TAYLOR and WICKENSIMER

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3159  
Date: ADD:  
02/04/26 D. MITCHELL and CROMER

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3310  
Date: ADD:  
02/04/26 BEACH

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3522  
Date: ADD:  
02/04/26 LONG

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3530  
Date: ADD:  
02/04/26 C. MITCHELL, ROBBINS and T. MOORE

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3551  
Date: ADD:  
02/04/26 M. M. SMITH, CASKEY, KILMARTIN, OREMUS,  
C. MITCHELL, BALLENTINE and HEWITT

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4042  
Date: ADD:  
02/04/26 D. MITCHELL

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4103  
Date: ADD:  
02/04/26 WATERS

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**CO-SPONSOR(S) ADDED**

Bill Number: H. 4164  
Date: ADD:  
02/04/26 MONTGOMERY

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4468  
Date: ADD:  
02/04/26 PEDALINO

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4669  
Date: ADD:  
02/04/26 M. M. SMITH

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4725  
Date: ADD:  
02/04/26 PEDALINO

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4743  
Date: ADD:  
02/04/26 LAWSON and CHUMLEY

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4750  
Date: ADD:  
02/04/26 WHITE

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4792  
Date: ADD:  
02/04/26 LAWSON

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4813  
Date: ADD:  
02/04/26 ROBBINS

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**CO-SPONSOR(S) ADDED**

Bill Number: H. 5017  
Date: ADD:  
02/04/26 ATKINSON

**CO-SPONSOR(S) ADDED**

Bill Number: H. 5058  
Date: ADD:  
02/04/26 RANKIN

**CO-SPONSOR(S) ADDED**

Bill Number: H. 5065  
Date: ADD:  
02/04/26 M. M. SMITH

**CO-SPONSOR(S) REMOVED**

Bill Number: H. 4767  
Date: REMOVE:  
02/04/26 B. NEWTON

**H. 4720--SENT TO THE SENATE**

The following Bill was taken up:

H. 4720 -- Reps. Rose, McCravy, C. Mitchell, Yow, Reese and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 17-22-50 AND 17-22-60, BOTH RELATING TO PRETRIAL INTERVENTION PROGRAM ELIGIBILITY, BOTH SO AS TO PROVIDE A PERSON MAY PARTICIPATE IN A PRETRIAL INTERVENTION PROGRAM IF TWENTY YEARS HAVE PASSED SINCE THE DATE OF SUCCESSFUL COMPLETION OF A PRETRIAL INTERVENTION PROGRAM BY THE PERSON, RATHER THAN LIMITING ELIGIBILITY OF PARTICIPATION TO ONLY ONCE.

The Bill was read the third time and ordered sent to the Senate.

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**H. 3774--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3774 -- Reps. J. E. Johnson, Stavrinakis, Jordan, McCravy, C. Mitchell and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42-1-560, RELATING TO THE NOTICE REQUIREMENT FOR FILING A THIRD-PARTY ACTION IN A WORKERS' COMPENSATION CLAIM, SO AS TO MAKE THE FILING OF A NOTICE FORM PERMISSIVE.

Rep. B. NEWTON moved to adjourn debate on the Bill until Thursday, February 5, which was agreed to.

**H. 3551--POINT OF ORDER**

The following Bill was taken up:

H. 3551 -- Reps. B. Newton, Gilliam, Pope, Taylor, Weeks, Bowers, Yow, M. M. Smith, Caskey, Kilmartin, Oremus, Ballentine, C. Mitchell and Hewitt: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-10, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE EARNABLE COMPENSATION DOES NOT INCLUDE CERTAIN AMOUNTS PAID TO MANAGERS AND CLERKS OF ELECTIONS; AND BY AMENDING SECTION 12-6-1120, RELATING TO THE COMPUTATION OF SOUTH CAROLINA GROSS INCOME, SO AS TO EXCLUDE CERTAIN AMOUNTS PAID TO MANAGERS AND CLERKS OF ELECTIONS.

**POINT OF ORDER**

Rep. B. NEWTON made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3477--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3477 -- Reps. Caskey, Bannister, G. M. Smith, B. Newton, Hewitt, Long, Wooten, C. Mitchell, Pope, W. Newton, Sessions, Neese, Weeks,

[HJ]

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Bowers, Moss, Hartz, Lawson, Rankin, Guest, Brittain, Lowe, Sanders, M. M. Smith, T. Moore, Ballentine, Martin, Ligon, Oremus, Pedalino, Calhoon, Davis, Taylor, Holman, Erickson, Brewer, Gatch, Yow, Haddon, Hixon, Hiott, Wickensimer, Jordan and Hardee: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-35-50, RELATING TO THE MAXIMUM UNEMPLOYMENT INSURANCE BENEFITS ALLOWED IN A BENEFIT YEAR, SO AS TO BASE THE DURATION OF UNEMPLOYMENT BENEFITS ALLOWED ON SEASONALLY ADJUSTED STATEWIDE UNEMPLOYMENT RATES, TO PROVIDE REQUIREMENTS FOR CALCULATING THE RATES, AND TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL PROMULGATE CERTAIN RELATED REGULATIONS; AND BY AMENDING SECTION 41-35-120, RELATING TO DISQUALIFICATION FOR BENEFITS.

Rep. B. NEWTON moved to adjourn debate on the Bill until Tuesday, February 10, which was agreed to.

**H. 5006--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 5006 -- Reps. B. Newton, Long, Hewitt, M. M. Smith, Gatch, Schuessler, Stavrinakis, Hiott, Pope, Erickson, Hixon, Neese, Wooten, Ligon, Chapman, Forrest, Hartz, Guffey, Ford, Willis, Cox, Sanders, Vaughan, Oremus, Duncan, G. M. Smith, Bowers, Sessions, Bannister, Bailey, Brewer, Weeks, Landing, Moss, Bradley, Lawson, Rankin, Guest, Brittain, Lowe, T. Moore, Ballentine, Robbins, Martin, Caskey, Pedalino, Calhoon, Davis, W. Newton, C. Mitchell, Holman, Hardee, Taylor, Yow, Jordan, Haddon and Wickensimer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "STATE OF SOUTH CAROLINA SMALL BUSINESS TAX CUT OF 2026"; BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT THE FIRST TEN THOUSAND DOLLARS OF NET DEPRECIATED VALUE OF BUSINESS PERSONAL PROPERTY OWNED BY A SMALL BUSINESS; BY AMENDING SECTION 12-37-900, RELATING TO PROPERTY TAX RETURNS, SO AS TO PROVIDE THAT A TAXPAYER IS NOT REQUIRED TO RETURN BUSINESS PERSONAL PROPERTY FOR TAXATION IF THE TAXPAYER HAS LESS THAN TEN THOUSAND DOLLARS OF NET

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DEPRECIATED VALUE OF BUSINESS PERSONAL PROPERTY; BY ADDING SECTION 12-37-980 SO AS TO REQUIRE THAT ALL BUSINESS PERSONAL PROPERTY REQUIRED TO BE RETURNED FOR TAXATION TO BE RETURNED TO THE DEPARTMENT OF REVENUE; BY AMENDING SECTION 12-20-50, RELATING TO THE LICENSE TAX ON CORPORATIONS, SO AS TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS; AND BY AMENDING SECTION 33-44-409, RELATING TO STANDARDS OF CONDUCT OF A CORPORATE OFFICER, SO AS TO PROVIDE AN EXCEPTION TO REFRAINING FROM COMPETING.

Reps. B. NEWTON, MCCRAVY, LAWSON, FRANK, MARTIN, WEEKS, JONES and VAUGHAN requested debate on the Bill.

**S. 405--POINT OF ORDER**

The following Bill was taken up:

S. 405 -- Senators Alexander and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-85, RELATING TO HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE AGE OF A CHILD UNDER THIS SECTION FROM UNDER THE AGE OF ELEVEN TO UNDER THE AGE OF EIGHTEEN.

**POINT OF ORDER**

Rep. B. NEWTON made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 415--POINT OF ORDER**

The following Bill was taken up:

S. 415 -- Senators Young, Elliott, Sutton, Ott, Devine, Reichenbach and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILDREN'S CODE DEFINITIONS, SO AS TO ADD THE TERM

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"LICENSED"; BY AMENDING SECTION 63-9-1110, RELATING TO ADOPTION BY A STEPPARENT OR RELATIVE, SO AS TO APPLY TO CHILDREN PLACED WITH RELATIVES OR FICTIVE KIN FOR THE PURPOSE OF ADOPTION; BY AMENDING SECTION 63-7-2320, RELATING TO THE KINSHIP FOSTER CARE PROGRAM, SO AS TO LOWER THE MINIMUM AGE OF A KINSHIP FOSTER PARENT FROM TWENTY-ONE TO EIGHTEEN AND TO ALLOW THE DEPARTMENT TO USE DIFFERENT STANDARDS WHEN LICENSING RELATIVES AND FICTIVE KIN; BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE, ADOPTION, OR LEGAL GUARDIAN PLACEMENTS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-7-2400, RELATING TO THE NUMBER OF FOSTER CHILDREN WHO MAY BE PLACED IN A FOSTER HOME, SO AS TO REMOVE THERAPEUTIC FOSTER CARE PLACEMENT LIMITATIONS FROM KINSHIP FOSTER CARE PLACEMENTS.

**POINT OF ORDER**

Rep. B. NEWTON made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4145--POINT OF ORDER**

The following Bill was taken up:

H. 4145 -- Reps. Bernstein, Bannister, Stavrinakis, W. Newton, Kirby, Teeple, Gilliam, Bauer, Wetmore, Gilliard, J. Moore, Bustos, Landing and C. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA PRAY SAFE ACT" BY ADDING SECTION 23-3-90 SO AS TO ESTABLISH THE SOUTH CAROLINA PRAY SAFE GRANT PROGRAM WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE GRANTS FOR SECURITY ENHANCEMENTS TO CERTAIN ORGANIZATIONS THAT ARE AT RISK OF BEING VICTIMS OF A RELIGIOUSLY MOTIVATED CRIME.

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**POINT OF ORDER**

Rep. B. NEWTON made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4760--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4760 -- Reps. W. Newton, Oremus, G. M. Smith, Jordan, Crawford, Duncan, Erickson, Forrest, Gatch, Gilliam, Guest, Haddon, Hiott, Hixon, J. E. Johnson, Lawson, Ligon, Long, Lowe, McCravy, Martin, C. Mitchell, T. Moore, B. Newton, Pedalino, Pope, Rankin, Robbins, Sessions, Vaughan, Whitmire, Willis, Yow, Chumley, Edgerton, Taylor, Bowers, White and Burns: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 41, TITLE 44 SO AS TO CREATE CRIMES AND ASSOCIATED PENALTIES REGARDING THE USE OF ABORTION-INDUCING DRUGS, WITH EXCEPTIONS; BY AMENDING SECTION 44-53-250, RELATING TO SCHEDULE IV CONTROLLED SUBSTANCES, SO AS TO ADD MIFEPRISTONE AND MISOPROSTOL; AND BY AMENDING SECTION 44-53-370, RELATING TO CONTROLLED SUBSTANCE OFFENSES AND PENALTIES, SO AS TO CREATE CRIMINAL PENALTIES FOR POSSESSION OF MIFEPRISTONE AND MISOPROSTOL, WITH EXCEPTIONS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4760 (LC-4760.VR0001H), which was adopted:

Amend the bill, as and if amended, SECTION 8, by striking SECTION 8 and inserting:

SECTION 8. This act takes effect ~~upon~~ninety days after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. JORDAN spoke in favor of the amendment.

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CALHOON a temporary leave of absence.

Rep. JORDAN continued speaking.

The amendment was then adopted.

Rep. MAGNUSON proposed the following Amendment No. 2 to H. 4760 (LC-4760.VR0005H), which was tabled:

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

SECTION X. The exceptions to criminal liability set forth in Section 44-41-820(C)(2) and (3) and Section 44-53-370(h)(3) and the exceptions to civil liability set forth in Section 44-41-840(G)(4) and (H)(1) enacted by this act are no longer effective five years from the effective date of this act.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

**ACTING SPEAKER BANNISTER IN CHAIR**

Rep. MAGNUSON continued speaking.

Rep. MAGNUSON spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. J. L. JOHNSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 87; Nays 19

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Bernstein	Bowers
Bradley	Brewer	Brittain
Bustos	Calhoon	Caskey
Cobb-Hunter	Collins	Cox

[HJ]

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Crawford	Davis	Dillard
Erickson	Forrest	Gagnon
Garvin	Gatch	Gibson
Gilliam	Gilliard	Govan
Grant	Guest	Hardee
Hart	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Howard	J. E. Johnson	J. L. Johnson
Jones	Jordan	King
Kirby	Landing	Ligon
Lowe	Luck	Martin
McDaniel	McGinnis	Montgomery
T. Moore	Moss	Neese
B. Newton	W. Newton	Pedalino
Pope	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Vaughan
Waters	Weeks	Wetmore
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

**Total--87**

Those who voted in the negative are:

Beach	Burns	Chumley
Duncan	Edgerton	Ford
Frank	Haddon	Harris
Kilmartin	Lastinger	Lawson
Long	Magnuson	McCabe
McCravy	Pace	Rankin
Terribile		

**Total--19**

So, the amendment was tabled.

**ACTING SPEAKER HIOTT IN CHAIR**

[HJ]

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Rep. MCCRAVY proposed the following Amendment No. 3 to H. 4760 (LC-4760.VR0008H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-820(C)(4), (5), and (6) and inserting:

(4) lawfully prescribing, dispensing, or distributing a drug, medicine, or other substance for a bona fide medical reason that is not intended to cause an abortion in violation of this section; or

~~—(5) the act of administering an abortion inducing drug when the drug is administered by a physician licensed by the South Carolina Board of Medical Examiners who administers the abortion inducing drug in person to the pregnant woman when such administration is otherwise lawful pursuant to South Carolina law; provided, however, the provisions of this item are not a defense against prosecution under any other provision of law that makes the abortion unlawful, whether the other provision of law is in effect on the effective date of this article, or becomes unlawful at a later date; or~~

~~(6)~~(5) any act by a licensed pharmacist or pharmacy related to filling a prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason; provided, however, a diagnosis or a diagnosis code must be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion in violation of this section.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. BEACH demanded the yeas and nays which were taken, resulting as follows:

Yeas 80; Nays 30

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bannister	Bauer
Bernstein	Bowers	Bradley
Brewer	Brittain	Bustos

[HJ]

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Calhoon	Caskey	Cobb-Hunter
Collins	Cox	Crawford
Davis	Dillard	Erickson
Forrest	Gagnon	Garvin
Gatch	Gilliard	Govan
Grant	Guest	Hart
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	J. E. Johnson	J. L. Johnson
Jones	Jordan	King
Kirby	Landing	Ligon
Lowe	Luck	Martin
McDaniel	C. Mitchell	Montgomery
T. Moore	Moss	Neese
B. Newton	W. Newton	Pedalino
Pope	Rivers	Robbins
Rose	Rutherford	Schuessler
Scott	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Waters	Weeks	Wetmore
Whitmire	Wickensimer	Williams
Wooten	Yow	

**Total--80**

Those who voted in the negative are:

Beach	Burns	Chumley
Cromer	Duncan	Edgerton
Ford	Frank	Gibson
Gilliam	Gilreath	Haddon
Huff	Kilmartin	Lastinger
Lawson	Long	Magnuson
McCabe	McCravy	D. Mitchell
Morgan	Oremus	Pace
Rankin	Sanders	Teeple
Terribile	White	Willis

**Total--30**

So, the amendment was tabled.

[HJ]

Rep. HARRIS proposed the following Amendment No. 4 to H. 4760 (LC-4760.VR0003H), which was ruled out of order:

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

SECTION 1. This act may be cited as the “South Carolina Prenatal Equal Protection Act.”

SECTION 2. The General Assembly finds the following:

Acknowledging the sanctity of innocent human life, created in the image of God, the purpose of this act is:

(1) to follow the Constitution of the United States, which requires in the Fourteenth Amendment that “no state shall... deny to any person within its jurisdiction the equal protection of the laws”;

(2) to follow the South Carolina Constitution, which requires in Section 3, Article 1 that no person “shall be denied the equal protection of the laws”;

(3) to protect the lives of preborn persons with the same criminal and civil laws protecting the lives of born persons by removing provisions that enable the commission of wilful prenatal homicide and assault;

(4) to ensure that all persons potentially subject to such laws are entitled to due process protections;

(5) to remove provisions that could be interpreted to allow a person to pressure a pregnant mother to abort her child; and, therefore

(6) to secure the right to life and equal protection of the laws to all preborn children from the moment of fertilization and to protect pregnant mothers.

SECTION 3.A. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16-3-6. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article, “person” includes an unborn child at every stage of development from fertilization until birth.

(C) As used in this article, “spontaneous miscarriage” means the natural or accidental termination of pregnancy and the expulsion of the unborn child.

B.Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16-3-105. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under this article that the mother engaged in the proscribed conduct because she

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was compelled to do so by the threat of imminent death or great bodily injury.

Section 16-3-106. In a prosecution under this article where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article prevails over other law to the extent of any conflict.

Section 16-3-107. (A) This article shall not apply to the unintentional death of an unborn child when resulting from:

(1) the undertaking of life-saving procedures to save the life of a mother when accompanied by reasonable steps, if available, to save the life of her unborn child; or

(2) a spontaneous miscarriage.

(B) Mistake or unintentional error on the part of a licensed physician or other licensed healthcare provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed healthcare provider or person acting on behalf of the patient to any criminal liability under this article.

Section 16-3-108. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 4. Article 7, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16-3-760. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article, “person” includes an unborn child at every stage of development from fertilization until birth.

(C) As used in this article, “spontaneous miscarriage” means the natural or accidental termination of pregnancy and the expulsion of the unborn child.

Section 16-3-761. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under this article that the mother engaged in the proscribed conduct because she was compelled to do so by the threat of imminent death or great bodily

injury.

Section 16-3-762. In a prosecution under this article where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article prevails over other law to the extent of any conflict.

Section 16-3-763. (A) This article shall not apply to the unintentional death of an unborn child when resulting from:

(1) the undertaking of life-saving procedures to save the life of a mother when accompanied by reasonable steps, if available, to save the life of her unborn child; or

(2) a spontaneous miscarriage.

(B) Mistake or unintentional error on the part of a licensed physician or other licensed healthcare provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed healthcare provider or person acting on behalf of the patient to any criminal liability under this article.

Section 16-3-764. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 5. In accordance with Section 4, Article 1 of the South Carolina Constitution, and Clause 3, Section 9, Article 1 of the Constitution of the United States, this act is prospective only and shall not apply to conduct committed prior to the effective date of this act.

SECTION 6. Section 16-3-1083, Chapter 41, Title 44, and any other existing provisions relating to prenatal homicide or assault or regulating abortion or abortion facilities are not repealed but are superseded to the extent that such provisions may conflict with or may be inconsistent with this act.

SECTION 7. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. HARRIS explained the amendment.

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**POINT OF ORDER**

Rep. HART raised the Rule 9.3 Point of Order that Amendment No. 4 was not germane.

Rep. HARRIS argued contra.

ACTING SPEAKER HIOTT stated that the Bill dealt with two abortion-inducing drugs and made them controlled substances. He started that the Amendment went beyond the scope of the bill and expanded the subject matter to completely ban abortions. He sustained the Point of Order.

Rep. HARRIS proposed the following Amendment No. 5 to H. 4760 (LC-4760.VR0025H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-820(C) and inserting:

~~—(C) None of the following shall be construed to create the crime of criminal abortion by means of an abortion-inducing drug:~~

~~—(1) any action taken when a physician or other licensed medical professional is acting in the course of administering lawful medical care;~~

~~—(2) any act taken or omission by a pregnant woman with regard to her own unborn child;~~

~~—(3) possessing for her own consumption or consuming an abortion-inducing drug by a pregnant woman in violation of this section;~~

~~—(4) lawfully prescribing, dispensing, or distributing a drug, medicine, or other substance for a bona fide medical reason that is not intended to cause an abortion in violation of this section;~~

~~—(5) the act of administering an abortion-inducing drug when the drug is administered by a physician licensed by the South Carolina Board of Medical Examiners who administers the abortion-inducing drug in person to the pregnant woman when such administration is otherwise lawful pursuant to South Carolina law; provided, however, the provisions of this item are not a defense against prosecution under any other provision of law that makes the abortion unlawful, whether the other provision of law is in effect on the effective date of this article, or becomes unlawful at a later date; or~~

~~—(6) any act by a licensed pharmacist or pharmacy related to filling a prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason; provided, however, a diagnosis or a diagnosis code must be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion in violation of this section.~~

—(C) Lawfully prescribing, dispensing, or distributing a drug,

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medicine, or other substance for a bona fide medical reason that is not intended to cause an abortion shall not be construed to create the crime of criminal abortion by means of an abortion-inducing drug.

Amend the bill further, SECTION 1, by striking Section 44-41-840(F), (G), and (H) and inserting:

~~—(F) Notwithstanding any other provision of law, this section does not apply to and may not be construed to impose liability on:~~

~~——(1) a hospital;~~

~~——(2) a physician or healthcare professional licensed to practice medicine in this State, unless the plaintiff pleads and proves that the physician or healthcare professional:~~

~~——(a) knowingly performed or induced an abortion in violation of the laws of this State; or~~

~~——(b) knowingly aided or abetted an abortion that was performed or induced in violation of the laws of this State;~~

~~——(3) an internet service provider or the provider's affiliates or subsidiaries;~~

~~——(4) a search engine;~~

~~——(5) a cloud service provider that solely provides access or connection to or from an internet website or other information or content on the internet or on a facility, system, or network that is not under the provider's control, including transmission, downloading, intermediate storage, access software, or other services;~~

~~——(6) a provider or user of an interactive computer service if the lawsuit would be preempted by 47 U.S.C. Section 230(e);~~

~~——(7) a person who manufactures, distributes, mails, transports, delivers, prescribes, provides, or possesses abortion inducing drugs solely for one or more of the following purposes:~~

~~——(a) treating a medical emergency;~~

~~——(b) removing an ectopic pregnancy;~~

~~——(c) removing a dead, unborn child whose death was caused by spontaneous abortion; or~~

~~——(d) any purpose that does not include performing, inducing, attempting, or assisting an unlawful abortion;~~

~~——(8) the provision of basic public services, including fire and police protection and utilities, by a governmental entity or a common carrier to an abortion provider, an abortion fund, an affiliate of an abortion provider or abortion fund, or a manufacturer or distributor of abortion inducing drugs, in the same manner as the governmental entity or common carrier provides those services to the general public; or~~

~~——(9) conduct taken at the behest of federal agencies, contractors,~~

~~or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity.~~

~~—(G) Notwithstanding any other provision of law, this section does not impose liability for:~~

~~—(1) death or personal injuries resulting from a lawful abortion performed in this State;~~

~~—(2) death or personal injuries resulting from an abortion performed or induced by a licensed physician in response to a medical emergency;~~

~~—(3) speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by Section 2, Article I of the South Carolina Constitution;~~

~~—(4) conduct taken by a pregnant woman who aborts or seeks to abort her unborn child; or~~

~~—(5) the manufacture, distribution, mailing, transport, delivery, prescription, provision, or possession of an abortion-inducing drug solely for one or more of the purposes described in subsection (F)(7).~~

~~—(H) Notwithstanding any other provision of law, a civil action pursuant to this section may not be brought:~~

~~—(1) against the woman who used or sought to obtain abortion-inducing drugs to abort or attempt to abort her unborn child;~~

~~—(2) against any person that acted at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if the imposition of liability would violate the doctrines of preemption or intergovernmental immunity;~~

~~—(3) by any person who impregnated the woman who used abortion-inducing drugs through an act of rape, sexual assault, or incest, or by anyone who acts in concert or participation with such a person;~~

~~—(4) against a physician or a healthcare professional licensed by this State, except where the plaintiff pleads and proves the violations described in subsection (F)(2); or~~

~~—(5) against a common carrier, a pharmaceutical manufacturer, a pharmaceutical distributor, or a pharmacy located in this State and licensed by the South Carolina Board of Pharmacy, unless the plaintiff pleads and proves that the defendant:~~

~~—(a) failed to take reasonable precautions to ensure that it would not engage in the conduct described in this section; or~~

~~—(b) failed to adopt and implement a policy to not distribute,~~

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~~mail, transport, deliver, provide, or possess abortion-inducing drugs other than for one or more of the purposes described in subsection (F)(7).~~

(F) Notwithstanding any other provision of law, this section does not impose liability for lawfully prescribing, dispensing, or distributing a drug, medicine, or other substance for a bona fide medical reason that is not intended to cause an abortion.

Renumber sections to conform.

Amend title to conform.

Rep. HARRIS explained the amendment.

#### POINT OF ORDER

Rep. HART raised the Rule 9.3 Point of Order that Amendment No. 5 was not germane.

ACTING SPEAKER HIOTT overruled the Point of Order.

Rep. HARRIS continued speaking.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. GRANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 88; Nays 21

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Bernstein	Bowers
Bradley	Brewer	Brittain
Bustos	Calhoon	Caskey
Cobb-Hunter	Collins	Cox
Crawford	Davis	Dillard
Erickson	Ford	Forrest
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Govan	Grant	Guest
Hardee	Hart	Hartnett
Hayes	Henderson-Myers	Hewitt
Hiott	Hixon	Holman
Hosey	Howard	J. E. Johnson
Jones	Jordan	King

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Lawson	Ligon	Lowe
Luck	Martin	McDaniel
McGinnis	C. Mitchell	Montgomery
T. Moore	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
Sessions	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Teeple
Vaughan	Waters	Weeks
Wetmore	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

**Total--88**

Those who voted in the negative are:

Beach	Burns	Chumley
Cromer	Duncan	Edgerton
Frank	Gilreath	Harris
Kilmartin	Lastinger	Long
Magnuson	McCabe	McCravy
D. Mitchell	Morgan	Pace
Rankin	Terrible	White

**Total--21**

So, the amendment was tabled.

Rep. OREMUS proposed the following Amendment No. 6 to H. 4760 (LC-4760.VR0009H), which was adopted:

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

SECTION X. Article 1, Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-95. (A) It is unlawful for a person or entity to knowingly solicit or provide funding or assistance in the State of South Carolina for the unlawful delivering, dispensing, distributing, or providing of an abortion-inducing drug to a pregnant woman.

(B) The Attorney General is authorized to pursue civil forfeiture of

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the prohibited funds, with forfeiture limited to funds directly connected to unlawful conduct.

(C) The Attorney General is authorized to pursue injunctive relief against organizations that knowingly or repeatedly violate the prohibitions of subsection (A).

Renumber sections to conform.

Amend title to conform.

Rep. OREMUS explained the amendment.

**POINT OF ORDER**

Rep. WETMORE raised the Rule 9.3 Point of Order that Amendment No. 6 was not germane.

ACTING SPEAKER HIOTT overruled the Point of Order.

Rep. BAMBERG spoke against the amendment.

Rep. BAMBERG spoke against the amendment.

Rep. BAMBERG moved to table the amendment.

Rep. JORDAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 30; Nays 78

Those who voted in the affirmative are:

Anderson	Bamberg	Bauer
Bernstein	Cobb-Hunter	Dillard
Garvin	Gibson	Gilliard
Grant	Hart	Henderson-Myers
Hosey	Howard	J. E. Johnson
J. L. Johnson	Jones	King
Luck	McDaniel	Reese
Rivers	Rose	Rutherford
Scott	Stavrinakis	Waters
Weeks	Wetmore	Williams

**Total—30**

Those who voted in the negative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Bradley

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Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chumley	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gagnon
Gatch	Gilliam	Guest
Haddon	Hardee	Hartnett
Hayes	Hewitt	Hiott
Hixon	Holman	Huff
Jordan	Kilmartin	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Magnuson
Martin	McCabe	McCravy
McGinnis	C. Mitchell	D. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino
Pope	Rankin	Robbins
Sanders	Schuessler	Sessions
G. M. Smith	M. M. Smith	Taylor
Teeple	Terrible	Vaughan
White	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--78**

So, the House refused to table the amendment.

**RECORD FOR VOTING**

I inadvertently voted in favor of tabling Amendment No. 6 on H. 4760.

I intended to vote against the tabling motion.

Rep. Jeff Johnson

The question then recurred to the adoption of the amendment, which was agreed to.

Rep. EDGERTON proposed the following Amendment No. 7 to H. 4760 (LC-4760.VR0024H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-830(B) and inserting:

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~~—(B)(1) Except as provided in item (2), a person who violates subsection (A) is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years, or fined not more than seventy-five thousand dollars, or both.~~

~~—(2) If the unborn child is more than three months of gestational age when a person violates subsection (A), the person is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty years, or fined not more than one hundred thousand dollars, or both.~~

—(B)(1) A person who commits a violent crime, as defined in Section 16-1-60, that causes the death of, or bodily injury to, a child who is in utero at the time that the violent crime was committed, is guilty of a separate offense under this section.

—(2)(a) Except as otherwise provided in this subsection, the punishment for a separate offense, as provided for in subsection (B)(1), is the same as the punishment provided for that criminal offense had the death or bodily injury occurred to the unborn child's mother.

—(b) Prosecution of an offense under this section does not require proof that:

—(i) the person committing the violent offense had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

—(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

—(c) If the person engaging in the violent offense intentionally killed or attempted to kill the unborn child, that person must, instead of being punished under subsection (B)(2)(a), be punished for murder or attempted murder.

—(d) Notwithstanding any provision of this section or any other provision of law, the death penalty must not be imposed for an offense prosecuted under this section.

—(3) Nothing in this subsection may be construed to permit the prosecution under this subsection:

—(a) of a person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

—(b) of a person for any medical treatment of the pregnant woman or her unborn child; or

—(c) of a woman with respect to her unborn child.

—(4) Nothing in this section shall be construed to broaden or

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restrict any other rights currently existing for the child who is in utero.

Renumber sections to conform.

Amend title to conform.

Rep. EDGERTON explained the amendment.

Rep. EDGERTON spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. GARVIN demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 85; Nays 21

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bannister	Bauer
Bernstein	Bowers	Brewer
Brittain	Calhoon	Caskey
Cobb-Hunter	Collins	Cox
Davis	Dillard	Duncan
Ford	Forrest	Gagnon
Garvin	Gatch	Gibson
Gilliam	Gilliard	Govan
Grant	Guest	Haddon
Hardee	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	Howard	J. E. Johnson
J. L. Johnson	Jones	Jordan
King	Kirby	Landing
Lastinger	Ligon	Long
Lowe	Luck	Martin
McDaniel	McGinnis	C. Mitchell
Montgomery	Moss	Neese
B. Newton	W. Newton	Pedalino
Pope	Reese	Rivers
Robbins	Rose	Rutherford
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis

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Taylor	Teeple	Waters
Weeks	Wetmore	Whitmire
Williams	Willis	Wooten
Yow		

**Total--85**

Those who voted in the negative are:

Beach	Burns	Chumley
Cromer	Edgerton	Frank
Gilreath	Harris	Huff
Kilmartin	Lawson	Magnuson
McCabe	McCravy	D. Mitchell
Morgan	Pace	Rankin
Terribile	Vaughan	White

**Total--21**

So, the amendment was tabled.

Rep. EDGERTON proposed the following Amendment No. 8 to H. 4760 (LC-4760.VR0023H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-53-370(h)(3) from the bill.

Renumber sections to conform.

Amend title to conform.

Rep. EDGERTON explained the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 84; Nays 16

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Bernstein	Bowers

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Brewer	Brittain	Bustos
Calhoon	Cobb-Hunter	Collins
Cox	Davis	Dillard
Duncan	Ford	Forrest
Garvin	Gatch	Gibson
Gilliam	Gilliard	Govan
Grant	Guest	Haddon
Hardee	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	Howard	J. E. Johnson
J. L. Johnson	Jones	Jordan
King	Kirby	Landing
Lawson	Ligon	Lowe
Luck	Martin	McDaniel
McGinnis	C. Mitchell	Montgomery
Moss	Neese	B. Newton
W. Newton	Pedalino	Pope
Rankin	Reese	Rivers
Robbins	Rose	Rutherford
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Vaughan
Waters	Weeks	Wetmore
Williams	Willis	Yow

**Total--84**

Those who voted in the negative are:

Beach	Cromer	Edgerton
Gilreath	Harris	Kilmartin
Lastinger	Long	Magnuson
McCabe	McCravy	D. Mitchell
Morgan	Pace	Terrible
White		

**Total--16**

So, the amendment was tabled.

Rep. WETMORE proposed the following Amendment No. 9 to

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H. 4760 (LC-4760.VR0010H), which was tabled:

Amend the bill, as and if amended, by deleting SECTIONS 2 and 3 from the bill.

Renumber sections to conform.

Amend title to conform.

Rep. WETMORE explained the amendment.

Rep. WETMORE spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 28

Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chumley	Collins	Cox
Crawford	Cromer	Davis
Duncan	Edgerton	Ford
Forrest	Frank	Gagnon
Gatch	Gibson	Gilliam
Gilreath	Guest	Haddon
Hardee	Harris	Hartnett
Hayes	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Kilmartin
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Magnuson	Martin	McCabe
McCravy	McGinnis	C. Mitchell
D. Mitchell	Montgomery	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pace	Pedalino	Pope
Rankin	Robbins	Sanders

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Schuessler	Sessions	G. M. Smith
M. M. Smith	Taylor	Teeple
Terribile	Vaughan	White
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--83**

Those who voted in the negative are:

Anderson	Bamberg	Bauer
Bernstein	Cobb-Hunter	Dillard
Garvin	Gilliard	Grant
Henderson-Myers	Hosey	Howard
J. L. Johnson	Jones	King
Kirby	Luck	McDaniel
Reese	Rivers	Rose
Rutherford	Scott	Stavrinakis
Waters	Weeks	Wetmore
Williams		

**Total--28**

So, the amendment was tabled.

Rep. WETMORE proposed the following Amendment No. 10 to H. 4760 (LC-4760.VR0011H), which was tabled:

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

SECTION X. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-850. Notwithstanding any other provision of law, data in the Prescription Monitoring Program collected on mifepristone and misoprostol may only be released by Drug Control of the South Carolina Department of Public Health to the following persons:

(1) a practitioner or pharmacist or authorized delegate who requests information and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide patient;

(2) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons

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authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(3) a local, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing licit drugs and who is involved in a bona fide specific drug-related investigation involving a designated person;

(4) personnel of drug control for purposes of administration and enforcement of this article; and

(5) qualified personnel for the purpose of bona fide research or education; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser must be deleted or redacted from such information prior to disclosure. Further, release of the information only may be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this section.

Renumber sections to conform.

Amend title to conform.

Rep. BAMBERG explained the amendment.

Rep. BAMBERG spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 78; Nays 30

Those who voted in the affirmative are:

Bailey	Ballentine	Bamberg
Bannister	Beach	Bowers
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chumley	Collins	Cox
Crawford	Cromer	Davis
Duncan	Edgerton	Ford
Forrest	Frank	Gagnon
Gatch	Gibson	Gilliam
Gilreath	Guest	Hardee

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Harris	Hartnett	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Kilmartin	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Magnuson	Martin
McCabe	McCravy	McGinnis
C. Mitchell	D. Mitchell	Montgomery
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino
Pope	Rankin	Robbins
Sanders	Schuessler	G. M. Smith
M. M. Smith	Taylor	Teeple
Terribile	White	Wickensimer
Willis	Wooten	Yow

**Total--78**

Those who voted in the negative are:

Anderson	Atkinson	Bauer
Bernstein	Cobb-Hunter	Dillard
Garvin	Gilliard	Govan
Grant	Hayes	Henderson-Myers
Hosey	Howard	J. L. Johnson
Jones	King	Kirby
Luck	McDaniel	Reese
Rivers	Rose	Rutherford
Scott	Stavrinakis	Waters
Weeks	Wetmore	Williams

**Total--30**

So, the amendment was tabled.

Rep. WETMORE proposed the following Amendment No. 11 to H. 4760 (LC-4760.VR0012H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-820(C)(6) and inserting:

(6) any act by a licensed pharmacist or pharmacy related to filling a prescription for a drug, medicine, or other substance prescribed for a

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bona fide medical reason; ~~provided, however, a diagnosis or a diagnosis code must be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion in violation of this section.~~

Renumber sections to conform.

Amend title to conform.

Rep. WETMORE explained the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment.

Rep. GRANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 45

Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Brittain
Burns	Bustos	Calhoon
Chumley	Collins	Cox
Crawford	Cromer	Davis
Duncan	Edgerton	Gagnon
Gibson	Gilliam	Guest
Hardee	Hartnett	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Landing	Lawson	Ligon
Lowe	Martin	McCabe
McCravy	McGinnis	C. Mitchell
D. Mitchell	Montgomery	T. Moore
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Robbins
Schuessler	G. M. Smith	Taylor
Teeple	Terrible	Vaughan
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--62**

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Those who voted in the negative are:

Anderson	Atkinson	Bamberg
Bauer	Bernstein	Brewer
Caskey	Cobb-Hunter	Dillard
Ford	Frank	Garvin
Gatch	Gilliard	Gilreath
Govan	Grant	Harris
Hayes	Henderson-Myers	Hosey
Howard	J. L. Johnson	Jones
Kilmartin	King	Kirby
Lastinger	Long	Luck
Magnuson	McDaniel	Morgan
Pace	Reese	Rivers
Rose	Rutherford	Sanders
Scott	M. M. Smith	Stavrinakis
Waters	Wetmore	Williams

**Total--45**

So, the amendment was tabled.

Rep. WETMORE proposed the following Amendment No. 12 to H. 4760 (LC-4760.VR0013H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by deleting Section 44-41-840 from the bill.

Renumber sections to conform.

Amend title to conform.

Rep. BAMBERG explained the amendment.

**SPEAKER IN CHAIR**

Rep. BAMBERG spoke in favor of the amendment.

Rep. JORDAN moved to table the amendment.

Rep. GRANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 29

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Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chumley	Collins	Cox
Crawford	Cromer	Davis
Duncan	Edgerton	Erickson
Ford	Forrest	Frank
Gagnon	Gatch	Gibson
Gilliam	Gilreath	Guest
Haddon	Hardee	Harris
Hartnett	Hayes	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Kilmartin	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Magnuson	Martin
McCabe	McCravy	McGinnis
C. Mitchell	D. Mitchell	Montgomery
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino
Pope	Rankin	Robbins
Schuessler	Sessions	G. M. Smith
M. M. Smith	Taylor	Teeple
Terribile	Vaughan	White
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--83**

Those who voted in the negative are:

Anderson	Bamberg	Bauer
Bernstein	Cobb-Hunter	Dillard
Garvin	Gilliard	Govan
Grant	Henderson-Myers	Hosey
Howard	J. L. Johnson	Jones
King	Kirby	Luck
McDaniel	Reese	Rivers
Rose	Rutherford	Scott

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Stavrinakis	Waters	Weeks
Wetmore	Williams	

**Total--29**

So, the amendment was tabled.

**ACTING SPEAKER HIOTT IN CHAIR**

Rep. WETMORE proposed the following Amendment No. 15 to H. 4760 (LC-4760.VR0016H), which was tabled:

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

SECTION X. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-850. The Department of Public Health and the Board of Pharmacy are required to accept and maintain complaints and reports of patients being denied access to mifepristone, misoprostol, or methotrexate; of care being refused or delayed and the impacts of that delay; of being unable to fill prescriptions because of the Schedule IV classification; and any negative impact upon the patient for further restricting common prescription drugs in this state. Annually, the Department of Public Health and the Board of Pharmacy must compile the reports received and report the results to the General Assembly and the public, available on a public website.

Renumber sections to conform.

Amend title to conform.

Rep. WETMORE explained the amendment.

Rep. JORDAN moved to table the amendment.

Rep. GRANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 81; Nays 28

Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chumley

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Collins	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gagnon
Gatch	Gibson	Gilliam
Gilreath	Guest	Haddon
Hardee	Hartnett	Hayes
Herbkersman	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Magnuson
Martin	McCabe	McCravy
McGinnis	C. Mitchell	D. Mitchell
Montgomery	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Rankin
Robbins	Sanders	Schuessler
Sessions	G. M. Smith	M. M. Smith
Teeple	Terrible	Vaughan
White	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--81**

Those who voted in the negative are:

Anderson	Bamberg	Bauer
Bernstein	Cobb-Hunter	Dillard
Garvin	Gilliard	Govan
Grant	Henderson-Myers	Hosey
Howard	J. L. Johnson	Jones
King	Kirby	Luck
McDaniel	Rivers	Rose
Rutherford	Scott	Stavrinakis
Waters	Weeks	Wetmore
Williams		

**Total--28**

So, the amendment was tabled.

[HJ]

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Rep. WETMORE proposed the following Amendment No. 16 to H. 4760 (LC-4760.VR0020H), which was tabled:

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

SECTION X. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-850. Notwithstanding any other provision of this article, a patient who is a survivor of rape, incest, or domestic violence may receive lawful medical care and prescription medication via telemedicine, including consultation, evaluation, and prescribing, where clinically appropriate. No additional documentation, reporting, or verification of survivor status shall be required beyond the patient's representation.

Renumber sections to conform.

Amend title to conform.

Rep. WETMORE explained the amendment.

Rep. JORDAN moved to table the amendment.

Rep. GRANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 81; Nays 30

Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chumley
Collins	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gagnon
Gatch	Gibson	Gilliam
Gilreath	Guest	Haddon
Hardee	Harris	Hartnett
Herbkersman	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Kilmartin
Landing	Lastinger	Lawson
Ligon	Long	Lowe

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Magnuson	Martin	McCabe
McCravy	McGinnis	C. Mitchell
Montgomery	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Rankin
Robbins	Sanders	Schuessler
Sessions	G. M. Smith	M. M. Smith
Teeple	Terrible	Vaughan
White	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--81**

Those who voted in the negative are:

Anderson	Atkinson	Bamberg
Bauer	Bernstein	Cobb-Hunter
Dillard	Garvin	Gilliard
Govan	Grant	Hayes
Henderson-Myers	Hosey	Howard
J. L. Johnson	Jones	King
Kirby	Luck	McDaniel
Rivers	Rose	Rutherford
Scott	Stavrinakis	Waters
Weeks	Wetmore	Williams

**Total--30**

So, the amendment was tabled.

Rep. BAMBERG proposed the following Amendment No. 17 to H. 4760 (LC-4760.VR0021H), which was tabled:

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

SECTION X. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-850. (A) For purposes of this section, “rural or medically underserved area” means any county, census tract, or population designated by the United States Department of Health and Human Services as a Health Professional Shortage Area (HPSA) or Medically Underserved Area or Population (MUA/MUP), or identified

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as rural by the South Carolina Office of Rural Health.

(B) Notwithstanding any other provision of this article, a patient residing in a rural or medically underserved area shall not be denied access to lawful medical care or prescription medication due to geographic distance, lack of local providers, pharmacy closures, or workforce shortages. For such patients, lawful medical care, consultation, and prescribing may be provided via telemedicine where clinically appropriate, and pharmacies may dispense prescriptions without additional requirements that would delay or effectively deny care. Nothing in this section shall be construed to expand or limit the legality of any medical procedure under South Carolina law.

Renumber sections to conform.

Amend title to conform.

Rep. BAMBERG explained the amendment.

Rep. BAMBERG spoke in favor of the amendment.

Rep. BRITTAIN moved to table the amendment.

Rep. GRANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 78; Nays 32

Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Brewer
Burns	Bustos	Calhoon
Caskey	Chumley	Collins
Cox	Crawford	Cromer
Davis	Duncan	Edgerton
Erickson	Ford	Frank
Gagnon	Gatch	Gibson
Gilliam	Gilreath	Guest
Haddon	Hardee	Harris
Hartnett	Herbkersman	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Kilmartin	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Magnuson	Martin

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McCabe	McCravy	McGinnis
C. Mitchell	D. Mitchell	Montgomery
T. Moore	Morgan	Moss
B. Newton	W. Newton	Oremus
Pace	Pedalino	Pope
Rankin	Robbins	Sanders
Schuessler	G. M. Smith	M. M. Smith
Taylor	Teeple	Terrible
Vaughan	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--78**

Those who voted in the negative are:

Anderson	Atkinson	Bamberg
Bauer	Bernstein	Cobb-Hunter
Dillard	Garvin	Gilliard
Govan	Grant	Hayes
Henderson-Myers	Hosey	Howard
J. L. Johnson	Jones	King
Kirby	Luck	McDaniel
J. Moore	Reese	Rivers
Rose	Rutherford	Scott
Stavrinakis	Waters	Weeks
Wetmore	Williams	

**Total--32**

So, the amendment was tabled.

Rep. CROMER proposed the following Amendment No. 18 to H. 4760 (LC-4760.VR0026H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-840(C)(1) and inserting:

(C)(1)(a) Any plaintiff may recover compensatory damages for bodily injury, emotional distress, and financial losses; punitive damages for wilful or reckless conduct; reasonable attorney's fees and court costs; and any other equitable relief deemed appropriate by the court, provided that the damages are not duplicative.

Amend the bill further, SECTION 1, by striking Section 44-41-840(C)(2) and inserting:

[HJ]

~~(2)~~(b) Notwithstanding any other provision of law, the commencement of a civil action pursuant to this section shall not be construed to limit, waive, or otherwise impair the right of any plaintiff to pursue claims under any other theory of liability including, without limitation, claims for survival or wrongful death pursuant to Chapter 51, Title 15, or any other applicable provision of law, provided that any damages awarded under an alternative theory are not duplicative.

(2)(a) A woman who suffers physical injury, infection, hemorrhage, sepsis, infertility, or other adverse medical outcome as a direct result of the use of an abortion-inducing drug may bring a civil action against a person or entity described in subitem (c) only if:

(i) the abortion-inducing drug was prescribed, dispensed, delivered, or otherwise provided in violation of this chapter; and

(ii) the woman used the abortion-inducing drug in material compliance with all applicable gestational age limitations, dosage, timing, and method of administration requirements, and other prescribing instructions or approval conditions required by law or provided by the prescribing medical professional.

(b) No private right of action exists pursuant to this item if the woman knew or reasonably should have known that she:

(i) used the abortion-inducing drug beyond the approved or lawful gestational age limit;

(ii) used the drug in a manner inconsistent with prescribing instructions or medical guidance;

(iii) obtained or used the drug after being advised that such use was outside approved or lawful limits; or

(iv) otherwise knowingly used the abortion-inducing drug outside the conditions under which it was lawfully prescribed or approved.

(c) A civil action authorized by this item may be brought only against a person or entity who knowingly:

(i) prescribed, dispensed, delivered, distributed, or facilitated the provision of an abortion-inducing drug; or

(ii) aided, abetted, financed, or assisted the provision or delivery of an abortion-inducing drug.

(d) In an action brought pursuant to this item, a prevailing plaintiff may recover actual damages, including medical expenses and costs of treatment, compensatory damages for physical injury and pain and suffering, reasonable attorney's fees and court costs, and declaratory or injunctive relief as the court considers appropriate.

(e) An action pursuant to this item must be commenced within

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six years after the date the injury is discovered or reasonably should have been discovered.

(f) A woman upon whom an abortion-inducing drug is prescribed, dispensed, delivered, or used may not be held civilly or criminally liable for a violation of this chapter.

(g) Nothing in this item may be construed to create liability for lawful medical care provided in compliance with this chapter or to permit a civil action against a woman for whom an abortion-inducing drug was prescribed, dispensed, or used.

Renumber sections to conform.

Amend title to conform.

Rep. CROMER explained the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 25

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Bernstein	Bowers
Brewer	Brittain	Bustos
Calhoon	Caskey	Cobb-Hunter
Collins	Cox	Crawford
Davis	Dillard	Erickson
Ford	Gagnon	Garvin
Gatch	Gibson	Gilliam
Gilliard	Govan	Grant
Guest	Hardee	Hartnett
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hiott	Hixon
Holman	Hosey	Howard
J. E. Johnson	J. L. Johnson	Jones
Jordan	King	Kirby
Landing	Ligon	Lowe
Luck	Martin	McDaniel
McGinnis	J. Moore	Moss
B. Newton	W. Newton	Pedalino

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Pope	Reese	Rivers
Robbins	Rose	Rutherford
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Vaughan
Waters	Weeks	Wetmore
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--83**

Those who voted in the negative are:

Beach	Burns	Chumley
Cromer	Duncan	Edgerton
Frank	Gilreath	Harris
Huff	Kilmartin	Lastinger
Lawson	Long	Magnuson
McCabe	McCravy	D. Mitchell
Morgan	Oremus	Pace
Rankin	Sanders	Terrible
White		

**Total--25**

So, the amendment was tabled.

Reps. T. MOORE and EDGERTON proposed the following Amendment No. 19 to H. 4760 (LC-4760.VR0027H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-840(B)(1) and inserting:

(B)(1)(a) A civil action may be brought pursuant to this section by the mother of the unborn child; the father of the unborn child, including the biological father regardless of marital status; the grandparents of the unborn child; the siblings of the unborn child; or the legal guardians of the unborn child's mother if the mother has not reached the age of the majority.

Amend the bill further, SECTION 1, by striking Section 44-41-840(B)(2) and inserting:

~~(2)~~(b) An action filed pursuant to this section may be brought individually or jointly. The right of any one eligible party to sue is not

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contingent upon or barred by another eligible party's decision not to sue.

(2)(a) A person who intentionally administers an abortion-inducing drug to another person without the other person's consent that results in the death of or bodily injury to a child who is in utero is guilty of a separate offense under this subsection.

(b)(i) Except as otherwise provided in this subsection, the punishment for a separate offense, as provided for in subsection (B)(2)(a), is the same as the punishment provided for that criminal offense had the death or bodily injury occurred to the unborn child's mother.

(ii) Notwithstanding any provision of this section or any other provision of law, the death penalty must not be imposed for an offense prosecuted under this section.

(c) Nothing in this subsection may be construed to permit the prosecution under this subsection:

(i) of a person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) of a person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of a woman with respect to her unborn child.

(d) Nothing in this section shall be construed to broaden or restrict any other rights currently existing for the child who is in utero, including prosecution pursuant to Section 16-3-1083.

Renumber sections to conform.

Amend title to conform.

Rep. T. MOORE explained the amendment.  
The amendment was then adopted.

Rep. EDGERTON spoke in favor of the Bill.

#### **SPEAKER IN CHAIR**

Rep. MCCRAVY spoke in favor of the Bill.  
Rep. HARRIS spoke against the Bill.  
Rep. WILLIAMS spoke against the Bill.

#### **ACTING SPEAKER HIOTT IN CHAIR**

[HJ]

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Rep. WILLIAMS continued speaking.  
Rep. J. L. JOHNSON spoke against the Bill.  
Rep. GILLIARD spoke against the Bill.  
Rep. HOWARD spoke against the Bill.  
Rep. REESE spoke against the Bill.  
Rep. OREMUS spoke in favor of the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 31

Those who voted in the affirmative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chumley	Collins	Cox
Crawford	Cromer	Davis
Duncan	Edgerton	Erickson
Ford	Forrest	Gagnon
Gatch	Gibson	Gilliam
Gilreath	Guest	Haddon
Hardee	Hartnett	Hayes
Herbkersman	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Kilmartin
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Martin	McCabe	McCravy
McGinnis	C. Mitchell	D. Mitchell
Montgomery	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Robbins
Sanders	Schuessler	Sessions
G. M. Smith	M. M. Smith	Taylor
Teeple	Terrible	Vaughan

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White	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--81**

Those who voted in the negative are:

Anderson	Bamberg	Bauer
Bernstein	Cobb-Hunter	Dillard
Garvin	Gilliard	Govan
Grant	Harris	Henderson-Myers
Hosey	Howard	J. L. Johnson
Jones	King	Kirby
Luck	McDaniel	J. Moore
Reese	Rivers	Rose
Rutherford	Scott	Stavrinakis
Waters	Weeks	Wetmore
Williams		

**Total--31**

So, the Bill, as amended, was read the second time and ordered to third reading.

**RECORD FOR VOTING**

I could not support H. 4760 because I believe it is an unjust law which at best does nothing to save lives, but likely will empower the abortion clinic industry in our State.

Rep. Josiah Magnuson

**H. 4758--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4758 -- Reps. W. Newton, Bradley, Brewer, Chapman, Crawford, Davis, Duncan, Erickson, Forrest, Gatch, Gilliam, Guest, Hartz, Hewitt, Hiott, Hixon, Holman, Lawson, Ligon, Lowe, Martin, McGinnis, T. Moore, B. Newton, Oremus, Pedalino, Pope, Rankin, Robbins, Schuessler, G. M. Smith, Taylor, Teeple, Vaughan, Whitmire, Willis, Wooten and McCravy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 46-55-5 SO AS TO PROVIDE THE PURPOSE OF THIS CHAPTER IS TO ENCOURAGE THE LAWFUL CULTIVATION, HARVESTING,

[HJ]

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AND MANUFACTURING OF HEMP; BY AMENDING SECTION 46-55-10, RELATING TO INDUSTRIAL HEMP CULTIVATION TERMS AND DEFINITIONS, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS, AND TO REVISE THE DEFINITIONS OF EXISTING TERMS; AND BY ADDING SECTIONS 46-55-70, 46-55-80, AND 46-55-90 SO AS TO REGULATE THE DISTRIBUTION AND SALE OF CONSUMABLE HEMP, TO PROVIDE THE PROVISIONS OF THIS CHAPTER MAY NOT BE CONSTRUED TO LIMIT INTERSTATE COMMERCE, OR TO PROHIBIT THE LAWFUL POSSESSION, MANUFACTURE, SALE, OR DISTRIBUTION OF CERTAIN CBD PRODUCTS, AND TO PROVIDE PENALTIES.

Rep. JORDAN moved to adjourn debate on the Bill, which was agreed to.

**H. 4759--AMENDED AND RECOMMITTED**

The following Bill was taken up:

H. 4759 -- Reps. W. Newton, Bailey, Bradley, Brewer, Chapman, Crawford, Davis, Erickson, Gatch, Gilliam, Guest, Haddon, Hartz, Herbkersman, Hewitt, Hiott, Hixon, Holman, Lawson, Ligon, Long, Lowe, Martin, T. Moore, B. Newton, Oremus, Pedalino, Pope, Rankin, Robbins, Schuessler, Sessions, G. M. Smith, M. M. Smith, Taylor, Vaughan, Whitmire, Willis, Wooten, Yow and C. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 46-55-5 SO AS TO PROVIDE A PURPOSE OF REGULATING THE SALE AND DISTRIBUTION OF CONSUMABLE HEMP PRODUCTS; BY AMENDING SECTION 46-55-10, RELATING TO HEMP FARMING DEFINITIONS, SO AS TO ADD DEFINITIONS FOR "CONSUMABLE HEMP PRODUCT" AND "INTOXICATING HEMP PRODUCT"; BY ADDING SECTION 46-55-70 SO AS TO PROHIBIT THE SALE OF CERTAIN CONSUMABLE HEMP PRODUCTS; BY ADDING SECTION 46-55-80 SO AS TO PROVIDE THAT INTERSTATE COMMERCE IS NOT BEING LIMITED; AND BY ADDING CHAPTER 14 TO TITLE 61 SO AS TO PROVIDE DEFINITIONS RELATING TO INTOXICATING HEMP BEVERAGES, PROVIDE FOR ENFORCEMENT, PROVIDE FOR INTOXICATING HEMP BEVERAGE PRODUCT REQUIREMENTS, AND TO PROVIDE FOR LICENSING AND TAXES.

[HJ]

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The Committee on Judiciary proposed the following Amendment No. 1 to H. 4759 (LC-4759.SA0003H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 46-55-10(2) and inserting:

(2) “Cannabinoids” means any tetrahydrocannabinol (THC) derived from hemp except CBD, CBG, CBC, or other non-intoxicating hemp products that cause a psychoactive reaction.

Amend the bill further, SECTION 2, by striking Section 46-55-10(5) and inserting:

(5) “Consumable hemp product” means a finished hemp product that is intended for human consumption, ingestion, inhalation, or absorption and contains any part of the hemp plant, including intoxicating hemp products, cannabinoids, or any compound, concentrate, derivative, including synthetic derivatives, extract, isolate, or resin derived from hemp other than CBD, CBG, CBC, or CBN provided the products do not contain an intoxicating hemp product that cause a psychoactive reaction.

Amend the bill further, SECTION 2, by striking Section 46-55-10(17) and (18) and inserting:

(17) “Psychoactive Reaction” means an altered state of the brain that has significant effects on a person's psychological processes, consciousness, thinking, physical ability, perception, or emotion.

~~(13)(17)~~(18) “State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.

~~(14)(18)~~(19) “THC” means tetrahydrocannabinol.

Amend the bill further, SECTION 3, by striking Section 46-55-80 and inserting:

Section 46-55-80. Nothing in this chapter may be construed ~~to limit the interstate commerce of any product being transported through this State, to prohibit the continuous transportation through South Carolina of the plant Cannabis sativa L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis, produced in accordance with 7 U.S.C Section 1639o et. seq.~~

Amend the bill further, SECTION 4, by striking Section 61-14-20(2) and inserting:

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(2) "Cannabinoids" means any tetrahydrocannabinol (THC) derived from hemp except CBD, CBG, CBC, or other non-intoxicating hemp products.

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

SECTION X. Article 3, Chapter 14, Title 61 of the S.C. Code is amended by adding:

Section 61-14-370. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General's office, as appropriate, to implement a policy to educate and notify students of the provisions of this chapter which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law.

Amend the bill further, SECTION 6, by striking Section and inserting:

SECTION 6. ~~This act takes effect on July 1, 2026~~ The prohibition and enforcement of hemp beverage distribution and sales to individuals under the age of twenty-one are effective upon signature of the Governor. The remaining provisions of this act are effective October 1, 2026.

Renumber sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. JORDAN spoke in favor of the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. RUTHERFORD spoke against the amendment.

Rep. WOOTEN spoke in favor of the amendment.

Rep. ROSE spoke against the amendment.

The amendment was then adopted.

Rep. MCDANIEL moved that the House do now adjourn, which was rejected.

Rep. FORD proposed the following Amendment No. 2 to H. 4759 (LC-4759.VR0001H), which was tabled:

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

[HJ]

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SECTION 1. Title 46 of the S.C. Code is amended by adding:

**CHAPTER 59**

**Hemp-Derived Cannabinoid Products**

Section 46-59-10. (A) This chapter is known and may be cited as the “South Carolina Hemp-Derived Cannabinoid Products Act.”

(B) The General Assembly finds that:

(1) The regulation of full-spectrum hemp-derived cannabinoid products and broad-spectrum cannabinoid products that comply with the federal three-tenths of one percent total THC standard serves the public interest by ensuring product quality, consumer safety, and appropriate tax collection.

(2) A product registration system adapted from proven models will provide an efficient framework for tracking compliant products while preventing illegal and synthetic cannabinoid products from entering interstate commerce.

(3) Licensing of manufacturers, wholesalers, distributors, and retailers of full-spectrum hemp-derived cannabinoid products and broad-spectrum hemp-derived cannabinoid products will create accountability in the supply chain and protect public health.

(4) An excise tax on retail full-spectrum hemp-derived cannabinoid products and broad-spectrum hemp-derived cannabinoid products in all categories will generate state revenue while minimizing the regulatory burden on state law enforcement and compliant manufacturers, wholesalers, distributors, and retailers.

(5) The definition of synthetic cannabinoids must be comprehensive and explicit to distinguish between naturally derived hemp cannabinoids and prohibited synthetic cannabinoid forms.

(6) Age restrictions limiting the sale of full-spectrum cannabinoid products and broad-spectrum hemp-derived cannabinoid products to individuals twenty-one years of age and older will protect youth from potential harm associated with cannabinoid consumption and will align with federal and state policies governing age-restricted products.

(7) Creating a safe harbor protection system, in which hemp-derived cannabinoid products that are not permitted to be sold in South Carolina are permitted to be manufactured, stored, and distributed for use outside of South Carolina and researched in South Carolina, will benefit the South Carolina economy and scientific community.

Section 46-59-20. As used in this chapter:

(1) “Adult” or “adult consumer” means a natural person who attained twenty-one years of age and who is authorized to purchase and

possess full-spectrum or broad-spectrum cannabinoid products in accordance with this chapter.

(2) "Broad-spectrum hemp-derived cannabinoid product" means a hemp extract or hemp-derived cannabinoid product that:

(a) is derived from hemp;

(b) contains multiple naturally occurring hemp-derived cannabinoids, terpenes, and other naturally occurring compounds; and

(c) has had delta-9 tetrahydrocannabinol with a limit of quantification lower than 0.3 percent delta 9 tetrahydrocannabinol by weight.

(3) "Cannabidol" or "CBD" means the compound by the same name derived from the hemp variety of Cannabis sativa L plant.

(4) "Certificate of analysis" or "COA" means a report issued by an independent, third-party testing laboratory accredited by the International Organization for Standardization (ISO/IEC 17025:2017) that documents the complete cannabinoid profile, potency, purity, and contaminant testing results for a specific batch or lot of a full-spectrum or broad-spectrum hemp-derived cannabinoid product.

(5) "Commercial sales" means the sale of hemp products in the stream of commerce, at retail, wholesale, and online.

(6) "Consumable hemp product" means a finished product derived from hemp that is intended for human ingestion or inhalation, containing one or more hemp-derived cannabinoids, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis. This includes edibles, beverages, tinctures, gummies, capsules, oils for ingestion or vaporization, and inhalable products, but excludes topical products, seeds or seed-derived ingredients generally recognized as safe by the U.S. Food and Drug Administration, industrial hemp products not intended for consumption, and any product classified as marijuana under federal or state law.

(7) "Cultivating" means planting, watering, growing, and harvesting of a plant or crop.

(8) "Distributor" means any business located in South Carolina that purchases, receives, possesses, stores, transports, and offers for sale broad-spectrum hemp-derived cannabinoid products and/or full-spectrum hemp-derived cannabinoid products to wholesalers, retailers, or other distributors, but does not manufacture or process the products. A distributor includes wholesalers and wholesale warehouse operators.

(9) "Full-Spectrum Cannabinoid Product" means any finished hemp product intended for human consumption, ingestion, inhalation, absorption, or topical application that:

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(a) contains multiple cannabinoids and other plant compounds including, but not limited to, terpenes, flavonoids, and plant waxes derived from or extracted from the hemp plant *Cannabis sativa* L.;

(b) is derived from hemp containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis;

(c) includes any combination of the following non-psychoactive primary cannabinoids: cannabidiol (CBD), cannabichromene (CBC), cannabigerol (CBG), or cannabinol (CBN);

(d) may include regulated amounts of psychoactive tetrahydrocannabinol (THC) isomers and derivatives, provided they do not exceed applicable regulatory limits per serving and per package, and comply with labeling and potency verification requirements;

(e) is prepared in a form available for commercial sale in all product categories including, but not limited to, beverages, edibles, topicals, tinctures, oils, isolates, and distillates;

(f) does not contain synthetic cannabinoids as defined herein; and

(g) meets all product registration, certification of analysis, packaging, and labeling requirements established in this chapter.

(10) “Hemp” means the plant *Cannabis sativa* L. and any part of the plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis as defined in Section 46-55-10.

(11) “Hemp-derived cannabinoid” means any phytocannabinoid found in or derived from hemp including, but not limited to, delta-9 THC, tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), delta-7 THC, delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), or tetrahydrocannabiphrol (THCp). This excludes synthetic cannabinoids not derived from hemp.

(12) “Independent testing laboratory” means a laboratory accredited under ISO 17025 standards or registered with the U.S. Drug Enforcement Administration, with no financial interest in the tested entity, capable of testing for cannabinoids using high-performance liquid chromatography (HPLC) or a validated equivalent method.

(13) “Ingestible product” means a product consumed through the

mouth by swallowing into the gastrointestinal system or through tissue absorption.

(14) “Inhalable product” means a product consumed through respiratory system via the mouth or nasal passage, including vaporization.

(15) “Manufacturer” means any business located in this State that extracts, processes, concentrates, infuses, converts, compounds, chemically derives, or otherwise manufactures broad-spectrum hemp-derived cannabinoid products or full-spectrum hemp-derived cannabinoid products for sale or distribution within or outside the State. This includes engaging in:

(a) extraction and refinement of cannabinoids from hemp plant material;

(b) conversion of cannabinoid precursor compounds through chemical or biological processes;

(c) formulation and blending of extracted cannabinoids with other ingredients;

(d) packaging and labeling of cannabinoid products produced by the manufacturer or obtained from licensed in-state or out-of-state sources; or

(e) any combination of the above processes.

(16) “Product registration” means the process by which a manufacturer or distributor submits required documentation and pays applicable fees to the South Carolina Department of Agriculture to authorize a specific cannabinoid product formulation for lawful sale within this State. Each unique product, defined by its specific cannabinoid composition, serving size, and label, requires a separate registration. Product registration authorizes lawful manufacture, distribution, and retail sales but does not create any right or entitlement beyond those expressly granted by statute.

(17) “Proof of age” means a valid government-issued photographic identification document including, but not limited to, a driver's license, passport, military identification card, or state identification card, that evidences that the holder has attained twenty-one years of age.

(18) “Registry” means the database maintained by the South Carolina Department of Agriculture containing information regarding all broad-spectrum hemp-derived cannabinoid products and full-spectrum hemp-derived cannabinoid products approved for distribution and sale in this State, manufacturer information, retail location registrations, and testing documentation.

(19) “Registry certificate” means the official documentation issued by the South Carolina Department of Agriculture certifying that a retail location is authorized to sell registered full-spectrum CBD products and that the retailer is in compliance with all applicable registration and operational requirements.

(20) “Retailer” means any business or entity that purchases broad-spectrum hemp-derived cannabinoid products or full-spectrum hemp-derived cannabinoid products from a licensed manufacturer or distributor and sells such products at retail directly to consumers for personal use and does not resell products to other retailers or distributors.

(21)(a) “Synthetic cannabinoid” means any cannabinoid compound that is created, produced, or synthesized through chemical synthesis, chemical modification, or isomerization that does not occur naturally in the *Cannabis sativa* L. plant in appreciable quantities, or where the synthetic process creates a chemical structure that differs from naturally occurring cannabinoids found in hemp.

(b) “Synthetic cannabinoid” includes, but is not limited to:

(i) fully synthetic cannabinoids manufactured entirely through chemical synthesis (e.g., HU-210, JWH-018, JWH-073, XLR-11, or other synthetic cannabinoid receptor agonists).

(ii) structural isomers of tetrahydrocannabinol (THC), tetrahydrocannabiphrol (THCp), or other naturally occurring cannabinoids where the isomerization process does not replicate a naturally occurring form found in *Cannabis sativa* L. in its native state;

(iii) cannabinoids created through hydrogenation, hydration, or other chemical modification processes that produce compounds with chemical structures distinct from those naturally present in hemp plant material;

(iv) esters, ethers, salts, and acid derivatives of cannabinoids created through chemical synthesis where such forms are not naturally present in *Cannabis sativa* L. in appreciable quantities; and

(v) cannabinoid metabolites or degradation products that do not naturally occur in significant concentrations in the hemp plant.

(c) “Synthetic cannabinoid” does not include:

(i) cannabinoids (including delta-8 THC, delta-9 THC, delta-10 THC, THCA, CBDA, CBN, CBC, CBG, THCV, or other cannabinoids) derived directly through extraction, distillation, chromatography, or other mechanical or nonchemical separation processes from *Cannabis sativa* L. plant material or hemp biomass, regardless of isomer form, where the compound existed naturally in the source material in appreciable quantities;

(ii) isomeric forms of delta-9-THC or other naturally occurring cannabinoids that are separated from hemp plant material or naturally converted within the hemp plant through heating or enzymatic processes;

(iii) minor cannabinoid concentrates where the minor cannabinoid is naturally present in hemp and is concentrated through mechanical separation, extraction, or distillation without chemical synthesis or artificial creation; or

(iv) full-spectrum extracts that contain multiple naturally occurring cannabinoids in proportions consistent with or derived from hemp plant material;

(d) The Department of Agriculture shall develop and publish a list of approved cannabinoids and prohibited synthetic cannabinoids. Any cannabinoid not explicitly approved or listed as prohibited may only be distributed after the Department of Agriculture has issued written approval based on laboratory analysis and chemical verification.

(22) “Tincture” means a liquid broad-spectrum or full-spectrum hemp-derived cannabinoid non-potable liquid product, not a beverage or intended for drinking, that is intended for human consumption by oral ingestion or sublingual administration and consists of a hemp-derived cannabinoid concentrate or extract dissolved or suspended in a consumable oil-based carrier.

(23) “Total psychoactive cannabinoids” or “total THC” means a total of all psychoactive phytocannabinoid found in or derived from hemp including, but not limited to, delta-9 THC, tetrahydrocannabinolic acid (THCA), tetrahydrocannabivarin (THCV), delta-7 THC, delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), or tetrahydrocannabiphorol (THCp).

Section 46-59-30. (A) An individual may not use, consume, possess, distribute, or attempt to distribute a hemp-derived consumable product on public or charter school property or at a school function.

(B) For the purposes of this section:

(1) “School” means a public or charter elementary school, middle school, junior high school, or high school.

(2) “School property” means any building, bus, campus, athletic facility, playground, or land owned, leased, used, or operated by a school including any school bus or vehicle use to transport students.

(3) “School function” means any school-sponsored or school-related activity event, or program whether held on or off school property.

(C) This prohibition applies at all times, including during and outside normal school hours.

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(D) A violation of this section by a person under eighteen years of age must be handled in accordance with applicable school disciplinary policies and does not constitute a criminal offense.

(E) A violation of this section by a person eighteen years of age or older is subject to a civil fine of fifty dollars, consistent with enforcement of tobacco-related offenses on school property.

(F) Hemp-derived consumable products possessed in violation of this section are subject to seizure and forfeiture.

(G) This section does not apply to:

(1) a product approved by the United States Food and Drug Administration and lawfully prescribed to a student and administered in accordance with school policy; or

(2) a law enforcement officer's action within scope of official duties.

(H) Nothing in this chapter may be construed to limit the authority of a school district or governing body to adopt and enforce more restrictive policies regarding hemp-derived consumable products.

Section 46-59-40. (A) It is unlawful for any person to manufacture, possess with intent to sell, distribute, sell, or offer for sale any synthetic cannabinoid product within this state, or to cause such products to be transported into this State for sale or distribution.

(B) Any synthetic cannabinoid product possessed, distributed, sold, or offered for sale in violation of this section is contraband and may be seized by law enforcement.

(C) A person convicted of violating this section must be punished in the same manner as violations involving THC pursuant to Sections 44-53-190 and 44-53-370.

(D) The South Carolina Law Enforcement Division (SLED) shall enforce the provisions of this section in coordination with the Department of Agriculture.

Section 46-59-50. (A) An individual may not sell, distribute, dispense, give away, or offer for sale any full-spectrum hemp-derived cannabinoid product or broad-spectrum hemp-derived cannabinoid products to any individual under twenty-one years of age. This restriction applies to all full-spectrum or broad-spectrum cannabinoid products in all product categories including, but not limited to, beverages, edibles, topicals, tinctures, oils, isolates, distillates, capsules, and other forms.

(B)(1) Every retailer licensed to sell full-spectrum cannabinoid products and broad-spectrum hemp-derived cannabinoid products shall verify, through examination of government-issued photographic proof

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of age, that any customer attempting to purchase a full or broad spectrum cannabinoid product is at least twenty-one years of age prior to completing the sale.

(2) The retailer or sales representative shall:

(a) request valid proof of age from the customer;

(b) carefully examine the proof of age to verify the customer's date of birth;

(c) confirm that the customer is at least twenty-one years of age; and

(d) refuse the sale if the customer cannot provide satisfactory proof of age or if the proof of age indicates the customer is under twenty-one years of age;

(3) A retailer may not sell full-spectrum cannabinoid products and broad-spectrum hemp-derived cannabinoid products to any person who appears to be under thirty years of age without requesting and verifying proof of age. This presumption applies even if a customer claims to be of legal age.

(4) Cash or credit card transactions involving full-spectrum cannabinoid products and broad-spectrum hemp-derived cannabinoid products must clearly identify the product type.

(C)(1) Full-spectrum hemp-derived cannabinoid products and broad-spectrum hemp-derived cannabinoid products may not be sold:

(a) to any individual who is visibly intoxicated or impaired;

(b) to any individual who is on the premises of a school, school bus, or school-related event;

(c) through vending machines or other automated dispensing devices not monitored by a licensed retailer;

(d) by delivery to a residential address unless the delivery driver verifies proof of age upon delivery and obtains a signature confirming receipt from an adult at least twenty-one years of age;

(e) to any person who is below the legal age of twenty-one years, except that a parent or guardian may purchase the product for use for his minor child for nonrecreational, therapeutic purposes;

(f) via mail delivery or common carrier, except in compliance with all applicable federal and state laws governing age-restricted deliveries; or

(g) through social media, online platforms, or electronic marketplaces unless the seller implements a robust age verification system that requires proof of age prior to purchase and delivery.

(2) A retailer may not knowingly allow any person under twenty-one years of age to enter or remain on retail premises where full-

spectrum cannabinoid products and broad-spectrum hemp-derived cannabinoid products are displayed or sold, unless such person is accompanied by a parent or legal guardian who is at least twenty-one years of age.

(D)(1) Every retailer and every employee of a retailer who is authorized to sell full-spectrum cannabinoid products or broad-spectrum hemp-derived cannabinoid products shall complete age verification training prior to engaging in any sales of these products.

(2) The training must include:

(a) identification of valid government-issued photographic identification documents;

(b) techniques for detecting fraudulent or forged identification;

(c) procedures for proper age verification and documentation;

(d) state and federal laws governing the sale of age-restricted products;

(e) the legal consequences of selling products to individuals under twenty-one years of age; and

(f) customer service best practices when refusing a sale due to lack of proper age verification.

(3) Each retailer shall maintain documentation of completion of age verification training for all employees, including the date of training and the trainer's name.

(E)(1) Any retailer engaged in online sales or remote sales of full-spectrum or broad-spectrum cannabinoid products shall:

(a) implement an age verification system that requires the customer to provide proof of age before payment is processed;

(b) use a third-party age verification service that complies with federal identity verification standards;

(c) require a signature from an individual at least twenty-one years of age upon delivery of the product;

(d) maintain records of the age verification process and delivery signature for at least one year;

(e) clearly display a statement on all web pages, marketing materials, and product listings stating "Age 21+ Required" or similar language indicating the age restriction; and

(f) refuse delivery if the person receiving the package cannot provide satisfactory proof of age or if the proof of age indicates the person is under twenty-one years of age.

(2) A retailer may not ship or cause to be shipped any full-spectrum hemp-derived cannabinoid product or broad-spectrum hemp-derived cannabinoid products to any address where the retailer knows or

reasonably should know that a person under twenty-one years of age resides or will receive the product.

(F)(1) A retailer, manufacturer, distributor, or any other person who knowingly or intentionally sells, distributes, dispenses, gives away, or offers for sale any full-spectrum cannabinoid product or broad-spectrum hemp-derived cannabinoid products to a person under twenty-one years of age is subject to:

(a) a civil penalty of not less than five hundred dollars and not more than two thousand five hundred dollars for each violation;

(b) suspension of the retailer's or distributor's license for not less than thirty days;

(c) for subsequent violations within a five-year period, revocation of the retailer's or distributor's license;

(d) criminal penalties as provided in subsection (H).

(2) A retailer who fails to maintain proof of age verification records as required in subsection (B)(2)(e) is subject to a civil penalty of not less than one hundred dollars and not more than five hundred dollars for each day of noncompliance.

(3) Each sale to an individual under twenty-one years of age constitutes a separate and distinct violation.

(G)(1) A person who knowingly and intentionally violates the age restriction in subsection (A) by selling or distributing a full-spectrum hemp-derived cannabinoid product or broad-spectrum hemp-derived cannabinoid products to a person under twenty-one years of age is guilty of a misdemeanor and, upon conviction, may be fined not less than one thousand dollars and not more than five thousand dollars or imprisoned for not more than one year, or both.

(2) A person who negligently or recklessly fails to verify age in violation of subsection (B) is guilty of a misdemeanor and, upon conviction, may be fined not less than five hundred dollars and not more than two thousand dollars or imprisoned for not more than six months, or both.

(3) A person who provides false identification to purchase a full-spectrum hemp-derived cannabinoid product or broad-spectrum hemp-derived cannabinoid products, or who intentionally misrepresents their age to obtain such a product, is guilty of a misdemeanor and, upon conviction, may be fined not less than two hundred fifty dollars and not more than one thousand dollars or imprisoned for not more than thirty days, or both.

(H) It is an affirmative defense to a charge of selling a full-spectrum or broad-spectrum cannabinoid product to a person under twenty-one

years of age if the defendant exercised reasonable diligence in examining the proof of age and the proof of age appeared to be genuine and indicated that the purchaser was at least twenty-one years of age. The burden of proving reasonable diligence rests with the defendant and requires evidence of compliance with all requirements in subsections (B), (D), and (E).

(I) This section establishes minimum age requirements for the sale of full-spectrum or broad-spectrum cannabinoid products. Nothing in this section may be construed to prevent local governments in this State from enacting ordinances or regulations that impose stricter age requirements or additional restrictions on the sale of these products.

Section 46-59-60. (A) The Department of Agriculture has sole authority to issue, renew, suspend, and revoke licenses for manufacturers, distributors, and retailers of full-spectrum or broad-spectrum hemp-derived cannabinoid products in accordance with this section and regulations promulgated by the department.

(B) A person may not lawfully manufacture, distribute, or retail full-spectrum or broad-spectrum hemp-derived cannabinoid products without obtaining and maintaining a current, valid license issued by the Department of Agriculture.

(1) A manufacturer's license authorizes the licensee to:

(a) extract, process, refine, and manufacture full-spectrum or broad-spectrum hemp-derived cannabinoid products;

(b) sell products to other licensed manufacturers, distributors, or retailers;

(c) sell products outside this state in compliance with applicable federal and state laws; and

(d) possess and store hemp plant material and cannabinoid products at the licensed facility.

(2) A distributor's license authorizes the licensee to:

(a) purchase and take possession of full-spectrum or broad-spectrum hemp-derived cannabinoid products from licensed manufacturers, other distributors, or from out-of-state sources;

(b) store, transport, and warehouse products;

(c) sell and distribute products to licensed retailers, other distributors, or to consumers who are licensed retailers; and

(d) maintain records of all products received and distributed.

(3) A retailer's license authorizes the licensee to:

(a) purchase full-spectrum hemp-derived cannabinoid products from licensed manufacturers or distributors;

(b) store and possess products for retail sale;

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- (c) sell products at retail directly to consumers;
- (d) sell only products that are properly registered, labeled, and certified; and
- (e) comply with all age restriction requirements in Section 46-59-50.

(C) An applicant for any license shall submit to the Department of Agriculture:

- (1) a completed application on forms prescribed by the department;
- (2) proof of identity and, for business entities, proof of legal status, articles of incorporation, partnership agreement, or other organizational documents;
- (3) the physical address of the facility where products will be manufactured, stored, or sold;
- (4) a statement of the specific license type sought and the cannabinoid products to be handled;
- (5) proof that the facility complies with all applicable local zoning, land use, and building code requirements;
- (6) for manufacturers, a detailed description of extraction and processing methods, equipment, solvents, and quality control procedures;
- (7) for all applicants, proof of compliance with local government approval or permits, if required;
- (8) for retailers, verification that the applicant is not disqualified under subsection (G);
- (9) for retailers, evidence of a written policy and training procedures to ensure compliance with age restrictions in Section 46-59-50;
- (10) a nonrefundable application filing fee as established by the department not to exceed two hundred fifty dollars;
- (11) other information as the department deems necessary to determine qualifications and compliance.

(D)(1) The Department of Agriculture shall establish annual license fees, applicable in biennial license periods, by regulation as follows:

- (a) manufacturer's license: not to exceed fifteen thousand dollars per license, per biennial period;
  - (b) distributor's license: not to exceed five thousand dollars per license, per biennial period;
  - (c) retailer's license: not to exceed one thousand dollars per license, per biennial period.
- (2) License fees must be payable at the time of application and

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upon renewal.

(E) All licenses must be:

(1) effective upon issuance and valid for a biennial period unless suspended or revoked;

(2) nontransferable to a different location or to a different person without department approval;

(3) subject to annual compliance inspection;

(4) renewable upon payment of the renewal fee and submission of an application for renewal at least thirty days before expiration;

(5) subject to denial of renewal if the licensee fails to pay applicable fees, maintain compliance with regulations, provide required documentation, or maintain compliance with age restriction requirements in Section 46-59-50.

(F) The Department of Agriculture may refuse to issue or renew a license or shall revoke a license if the applicant or licensee:

(1) has been convicted of a felony involving distribution or manufacture of controlled substances within the preceding five years;

(2) has engaged in any fraudulent or deceptive practice regarding cannabinoid products;

(3) has been found to have distributed synthetic cannabinoids or nonregistered products;

(4) fails to cooperate with department inspections or investigations;

(5) fails to maintain proper records or provide required product documentation;

(6) is not in good standing with the Department of Revenue for tax purposes;

(7) has sold or distributed full-spectrum or broad-spectrum cannabinoid products to individuals under twenty-one years of age;

(8) has had a previous license revoked by the department within the preceding five years;

(9) engages in unlawful conduct related to controlled substances, tax evasion, or fraud;

(10) fails to implement or maintain age verification procedures and training as required in Section 46-59-50.

(G)(1) The Department of Agriculture may issue a notice of violation to a licensee for noncompliance with licensing requirements or regulations, including noncompliance with age restrictions.

(2) If a licensee fails to cure a violation within thirty days of notice, the department may suspend or revoke the license after providing notice and an opportunity to be heard.

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(3) In cases involving imminent public health or safety risks, or violations of age restrictions, the department may suspend a license without prior notice, provided that the licensee must be afforded an opportunity to be heard within ten days of suspension.

(4) A licensee whose license is revoked may not apply for a new license for at least three years from the date of revocation.

Section 46-59-70. (A) Broad-spectrum hemp-derived cannabinoid product or full-spectrum hemp-derived cannabinoid product may not be manufactured, distributed, or sold in this State unless the product has been registered with the Department of Agriculture and remains in active registration status. Product registration does not authorize interstate transport or sales in states where such products are prohibited, and registration is valid only for sales within South Carolina.

(B)(1) In-state manufacturers and distributors of broad-spectrum hemp-derived cannabinoid products or full-spectrum hemp-derived cannabinoid products shall register each product prior to offering it for sale in this State.

(2) Out-of-state manufacturers and distributors seeking to distribute broad-spectrum hemp-derived cannabinoid product or full-spectrum hemp-derived cannabinoid product in South Carolina shall register each product prior to introduction into commerce in the State.

(3) A retailer selling a product manufactured or distributed by another licensee is not required to register the product, provided it is properly registered by the manufacturer or distributor.

(C) Each product registration application must include:

(1) the name and address of the applicant, manufacturer or distributor;

(2) the brand name or company name to appear on the label, if different from applicant;

(3) the product name and description;

(4) a detailed list of all cannabinoids present in the product, including their specific names, CAS numbers, and percentages by weight;

(5) the complete botanical or natural source description;

(6) a statement that the product contains no synthetic cannabinoids as defined in Section 46-59-20;

(7) the intended product category such as, beverage, edible, topical, tincture, oil, isolate, capsule;

(8) the serving size, as a whole unit or specified volume or weight;

(9) a front and back copy of the complete product label that

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complies with Section 46-59-80;

(10) a Certificate of Analysis (COA) from an independent, ISO/IEC 17025:2017 accredited laboratory documenting:

(a) complete cannabinoid profile including all major and minor cannabinoids present;

(b) total THC content (THC + THCA);

(c) primary cannabinoid content (CBD, CBG, CBC, CBN, etc.);

(d) cannabinoid potency per serving and per container;

(e) testing for residual solvents, heavy metals, microbial contaminants, mycotoxins, and pesticide residues;

(f) batch number and lot identification; and

(g) laboratory accreditation number and testing date;

(11) for products manufactured out-of-state: a copy of the manufacturing or processing permit issued by the out-of-state regulatory authority, and a copy of applicable state regulations governing manufacture in the state of origin; and

(12) proof of payment of the product registration fee.

(D)(1) A nonrefundable product registration fee of one hundred dollars must be paid for each unique product formulation. For purposes of this section, a "unique product formulation" is defined as a product with a specific cannabinoid composition, serving size, and label.

(2) A new product registration and fee must be required if there are material changes to:

(a) the cannabinoid composition or formula of the product;

(b) the serving size or recommended use;

(c) the product label; or

(d) the manufacturing process that may alter the product profile.

(3) Registration fees must be paid by check or money order made payable to the "State of South Carolina, Department of Agriculture."

(E)(1) The Department of Agriculture shall approve or deny a product registration application within thirty days of receipt of a complete application with all required documentation and fee payment.

(2) If the department determines that an application is incomplete, it shall notify the applicant of the deficiencies, and the applicant has fifteen days to provide the missing information.

(3) Upon approval, the product registration is valid for two years from the date of issuance and must be renewable upon submission of the product registration renewal form and payment of a one hundred dollar renewal fee.

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(4) A product registration may be revoked by the Department of Agriculture if:

- (a) the product is found to contain synthetic cannabinoids;
- (b) laboratory testing reveals the product potency or cannabinoid content differs by more than twenty percent from the registered label;
- (c) the product is found to be contaminated with prohibited substances; or
- (d) the manufacturer, distributor, or retailer fails to maintain compliance with this section.

(F) Any testing laboratory conducting Certificate of Analysis testing for South Carolina product registrations must:

- (1) be accredited by the International Organization for Standardization (ISO) to ISO/IEC 17025:2017 standards;
  - (2) maintain no direct or indirect financial interest in any manufacturer, distributor, or retailer being tested;
  - (3) maintain equipment and procedures that accurately measure cannabinoid potency, residual solvents, heavy metals, microbial contaminants, and pesticides;
  - (4) provide testing results within fourteen days of sample receipt;
- and
- (5) retain records of all testing for at least three years.

Section 46-59-80. (A) Each container of a full-spectrum or broad-spectrum hemp-derived cannabinoid product must bear a label that includes, at a minimum, the following information:

- (1) the product name and brand name;
- (2) a complete list of all ingredients in descending order of predominance by weight;
- (3) the complete cannabinoid profile expressed as:
  - (a) total tetrahydrocannabinol (THC) content (THC + THCA + any other psychoactive cannabinoids);
  - (b) total primary cannabinoid content (CBD, CBG, CBC, or CBN, as applicable);
  - (c) milligrams of total THC per serving;
  - (d) milligrams of primary cannabinoid per serving;
  - (e) milligrams of total THC per container; and
  - (f) milligrams of primary cannabinoid per container;
- (4) the serving size expressed as a whole unit, for edibles, ounces, for beverages or liquids, or grams, for other products;
- (5) the total number of servings per container;
- (6) directions for use and recommended dosage;

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- (7) the manufacture date and expiration or "best by" date;
- (8) a batch number or lot number that corresponds to the Certificate of Analysis;
- (9) a quick response code (QR code) that links to the Certificate of Analysis for the specific batch;
- (10) the name and address of the manufacturer or distributor;
- (11) the statement: "This product contains hemp-derived cannabinoids and is intended for adult use only";
- (12) a prominent statement indicating "Age 21+ Required" or substantially similar language indicating that sale to persons under twenty-one years of age is prohibited;
- (13) a statement verifying that the product contains less than 0.3% delta-9 THC on a dry weight basis and no synthetic cannabinoids;
- (14) product registration number issued by the Department of Agriculture; and
- (15) all warnings required by subsection (B).

(B) The label of each hemp-derived consumable product intended for ingestion or inhalation must include the following text: "This product has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, mitigate, or prevent any disease."

(C)(1) Each container of a broad-spectrum and full-spectrum cannabinoid product must:

- (a) have a tamper-evident seal;
- (b) be in child-resistant packaging designed to comply with federal Poison Prevention Packaging Act standards;
- (c) display all required label information on the package or on a label affixed to the package;
- (d) not bear any imagery, language, or design that is appealing to children, including cartoons, animated characters, bright colors intended to attract youth, or likenesses to popular children's products or candy; and
- (e) include the "Age 21+ Required" notice on the front and back of the package in a conspicuous location.

(2) Product packaging may not include:

- (a) images or designs that mimic commercial candy, snack food, beverage, or baked-good packaging;
- (b) terms such as "candy," "treat," or other language suggesting the product is food intended for children;
- (c) claims that the product treats, cures, or prevents any disease or medical condition, unless such claims are supported by substantial

scientific evidence and do not violate FDA regulations; or

(d) any seal, insignia, or mark that could reasonably mislead consumers to believe the product is endorsed by the State of South Carolina, a state agency, or any federal agency.

(3) All text on labels must be legible and in a type-font size not smaller than 8-point font.

(D) Broad-spectrum hemp-derived cannabinoid products and full-spectrum hemp-derived cannabinoid products in nonliquid ingestible products, liquid ingestible products, and inhalable products must comply with the following serving size limits to ensure consumer safety:

(1) any hemp-derived consumable product intended for ingestion that is not a liquid may not:

(a) be sold in a serving that contains more than ten milligrams per serving of total psychoactive cannabinoids or total THC including, but not limited to:

- (i) Delta-8 THC;
- (ii) Delta-9 THC;
- (iii) Delta-10 THC;
- (iv) THCA; or

(b) be formed in the shape of an animal or cartoon character.

(2) any hemp-derived consumable product intended for ingestion that is a liquid form may not be sold in a serving that contains more than ten milligrams per serving of total psychoactive cannabinoids or total THC including, but not limited to:

- (a) Delta-8 THC;
- (b) Delta-9 THC;
- (c) Delta-10 THC;
- (d) THCA;

(3)(a) any hemp-derived consumable product intended for inhalation may not be sold in a container that contains more than ten milligrams of total psychoactive cannabinoids or total THC including, but not limited to:

- (i) Delta-8 THC;
- (ii) Delta-9 THC;
- (iii) Delta-10 THC;
- (iv) THCA;

(b) smokeable flower or prerolls are prohibited for sale to the general public;

(4) any hemp-derived consumable product in tincture form may not be sold in a container that contains more than ten milligrams per bottle of total psychoactive cannabinoids or total THC including, but not

limited to:

- (a) Delta-8 THC;
- (b) Delta-9 THC;
- (c) Delta-10 THC;
- (d) THCA.

(E)(1) The cannabinoid content reflected on the product label may not vary by more than twenty percent from the results documented in the Certificate of Analysis.

(2) A product that contains more than twenty percent variation from labeled potency must be considered noncompliant and may not be distributed or sold.

(3) The Department of Agriculture may conduct periodic testing of retail products to verify label accuracy and may assess penalties against manufacturers, distributors, or retailers who fail to meet potency requirements.

Section 46-59-90. (A) This chapter does not apply to:

- (1) a safe harbor hemp product;
- (2) a safe harbor manufacturer or storage facility; or
- (3) a safe harbor research institute or facility.

(B) For the purposes of this section, a "safe harbor hemp product" means a hemp-derived compound or cannabinoid, whether a finished product or in the process of being produced, that is permitted to be manufactured for distribution, produced for distribution, packaged for distribution, processed for distribution, prepared for distribution, treated for distribution, transported for distribution, or held for distribution in South Carolina for export from South Carolina but that is not permitted to be sold or distributed in South Carolina.

(C) For the purposes of this section, a "safe harbor manufacturer or storage facility" means a facility that manufactures for distribution, produces for distribution, packages for distribution, processes for distribution, prepares for distribution, treats for distribution, transports for distribution, or holds for distribution a safe harbor hemp product.

(D) For the purposes of this section, a "safe harbor research institute or facility" means a facility with accreditation from a US regional accreditor, a private or public university or college, or an institute with ISO accredited analytical research or testing that may work with hemp-derived cannabinoids that are not permitted to be sold or distributed in this State.

Section 46-59-100. (A)(1) The Department of Agriculture shall enforce all provisions of Sections 46-59-40, 46-59-50, 46-59-60, and 12-36-1210 related to licensing and taxation.

(2) The Department of Agriculture shall enforce all provisions of Sections 46-59-70 and 46-59-80 related to product registration, packaging and labeling requirements, and potency.

(2) The South Carolina Law Enforcement Division (SLED) shall enforce the provisions of Sections 46-59-50 and 46-59-30 related to age restrictions and possession of products on school grounds and at school functions and shall enforce all criminal provisions of this chapter and shall investigate violations of synthetic cannabinoid prohibitions and age restriction violations.

(3) All law enforcement agencies in South Carolina shall cooperate with the Department of Agriculture and SLED in investigating violations, including violations of age restrictions.

(B)(1) The Department of Agriculture and its authorized agents may conduct unannounced inspections of any licensed manufacturing, distribution, or retail facility to:

- (a) verify compliance with licensing requirements;
- (b) inspect products for compliance with registration and labeling requirements;
- (c) verify that only registered products are being distributed or sold;
- (d) verify age verification procedures and point-of-sale compliance;
- (e) inspect records, including sales records, product inventory, certificates of analysis, and proof of age verification documentation;
- (f) ensure that only properly licensed persons are handling cannabinoid products; and
- (g) verify that no sales have been made to individuals under twenty-one years of age.

(2) All licensees and product distributors shall cooperate fully with inspections and shall make products, facilities, records, and vehicles subject to inspection available upon request.

(3) If inspection reveals violations, the Department of Agriculture shall issue a notice of violation with a specified period for cure, no less than ten days, except for imminent public health threats or age restriction violations.

(C)(1) A full-spectrum or broad-spectrum cannabinoid product is considered contraband and may be seized by law enforcement if it:

- (a) contains synthetic cannabinoids;
- (b) is not registered with the SC Department of Agriculture;
- (c) does not comply with labeling requirements;
- (d) contains cannabinoid potency that varies by more than

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twenty percent from labeled content; or

(e) contains contaminants or prohibited substances.

(2) Upon seizure, the product must be destroyed unless the owner requests a hearing within fifteen days to contest the seizure.

(3) A hearing must be conducted in accordance with the South Carolina Administrative Procedures Act.

(D)(1) A person who violates any provision of this section including, but not limited to, manufacturing, distributing, or selling unregistered full-spectrum cannabinoid products, operating without a required license, violating labeling or packaging requirements, engaging in fraudulent product registration, or violating age restrictions pursuant to Section 46-59-50, is liable for a civil penalty of not less than one thousand dollars and not more than five thousand dollars per violation, plus the cost of investigation and enforcement.

(2) Each day of violation constitutes a separate violation.

(3) Civil penalties must be assessed by the Department of Agriculture and may be enforced through civil action.

(E)(1) A person who manufactures, distributes, possesses with intent to distribute, or sells synthetic cannabinoids is guilty of a misdemeanor and, upon conviction, must be punished pursuant to Sections 44-53-190 and 44-53-370, or as otherwise provided by law.

(2) A person who operates a manufacturing, distribution, or retail facility without the required license is guilty of a misdemeanor and, upon conviction, may be fined not less than five hundred dollars and not more than two thousand five hundred dollars or imprisoned for not more than one year, or both.

(3) A person who falsifies a certificate of analysis or engages in fraudulent product registration is guilty of a misdemeanor and, upon conviction, may be fined not less than one thousand dollars and not more than five thousand dollars or imprisoned for not more than two years, or both.

(4) A person who violates the age restriction pursuant to Section 46-59-50 is guilty of a misdemeanor and must be subject to the penalties prescribed therein.

(F) The Department of Agriculture shall suspend or revoke a license if a licensee:

(1) is convicted of a crime related to controlled substances or fraud;

(2) distributes synthetic cannabinoids or nonregistered products;

(3) fails to maintain compliance with labeling or packaging requirements;

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- (4) fails to pay assessed penalties or taxes;
- (5) engages in deceptive practices or violates any material provision of this chapter;
- (6) sells or distributes full-spectrum cannabinoid products to individuals under twenty-one years of age; or
- (7) fails to maintain age verification procedures and training pursuant to Section 46-59-50.

SECTION 2. Chapter 36, Title 12 of the S.C. Code is amended by adding:

Article 12

Cannabinoid Product Excise Tax

Section 12-36-1210. (A) An additional sales, use, and casual excise tax equal to ten percent is imposed on amounts taxable pursuant to this chapter upon the retail sale of all full-spectrum and broad-spectrum hemp-derived cannabinoid products including, but not limited to, beverages infused with delta-9 THC and other cannabinoid products in all product categories, edibles, tinctures, oils, topicals, capsules, isolates, distillates, and other forms, sold or offered for sale to consumers in South Carolina.

(B) The tax rate must be administered and remitted in the same manner as the tax imposed pursuant to Section 12-36-910.

(C) Revenue generated from this execution must be deposited in the state general fund and allocated as follows:

- (1) sixty percent to the state general fund;
- (2) twenty percent to the Department of Agriculture for administration and enforcement of this Chapter 59 of Title 46;
- (3) twenty percent to the South Carolina Law Enforcement Division (SLED) for enforcement and investigation of violations of Chapter 59 of Title 46.

(D) This excise tax may not apply to samples or promotional products distributed by manufacturers or wholesalers for marketing purposes, provided the aggregate value of samples does not exceed five hundred dollars per recipient per calendar year;

(E) In addition to any other penalty set forth in law, a retailer who fails to collect and remit this tax is subject to:

- (1) a penalty of ten percent of the unpaid tax;
- (2) interest at the rate of eighteen percent per annum on the unpaid tax amount; or
- (3) suspension or revocation of the retailer's license to sell full-spectrum or broad-spectrum cannabinoid products if non-payment continues for more than sixty days after notice.

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(F) The Department of Revenue may prescribe amounts that may be added to the sales price to reflect the additional taxes imposed pursuant to this article.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect on August 1, 2026, provided that:

(1) The Department of Agriculture shall begin accepting license applications on or after June 1, 2026.

(2) The Department of Agriculture shall begin accepting product registration applications on or after June 1, 2026.

(3) Any license or product registration issued on or before June 30, 2026, must be valid through the first full biennial period.

(4) All manufacturers, distributors, and retailers shall obtain required license prior to August 1, 2026, or cease operations.

(5) All broad-spectrum hemp derived cannabinoid products and full-spectrum hemp derived cannabinoid products being distributed or sold after December 31, 2026, must be registered and shall comply with all labeling and packaging requirements set forth.

(6) All retailers must comply with age verification procedures and training requirements pursuant to Section 46-59-50 prior to May 1, 2026.

Renumber sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

Rep. FORD spoke in favor of the amendment.

Rep. GATCH spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

Rep. GATCH spoke in favor of the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. WOOTEN spoke against the amendment.

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Rep. WOOTEN moved to table the amendment.

Rep. BALLENTINE demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 59; Nays 52

Those who voted in the affirmative are:

Bailey	Bannister	Brittain
Burns	Bustos	Calhoon
Caskey	Collins	Cox
Crawford	Davis	Duncan
Edgerton	Erickson	Forrest
Gagnon	Gilliam	Govan
Guest	Hardee	Hayes
Herbkersman	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Martin
McCabe	McCravy	McGinnis
C. Mitchell	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Sanders
Schuessler	G. M. Smith	Vaughan
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--59**

Those who voted in the negative are:

Anderson	Atkinson	Ballentine
Bamberg	Bauer	Beach
Bernstein	Bowers	Brewer
Chumley	Cobb-Hunter	Cromer
Dillard	Ford	Frank
Garvin	Gatch	Gilliard
Gilreath	Grant	Haddon
Harris	Hartnett	Henderson-Myers
Hosey	Howard	J. L. Johnson
Jones	Kilmartin	King

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Kirby	Luck	Magnuson
McDaniel	D. Mitchell	Montgomery
J. Moore	Reese	Rivers
Robbins	Rose	Rutherford
Scott	M. M. Smith	Stavrinakis
Teeple	Terrible	Waters
Weeks	Wetmore	White
Williams		

**Total--52**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 3 to H. 4759 (LC-4759.HDB0004H), which was rejected:

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

SECTION 1. Chapter 55, Title 46 of the S.C. Code is amended by adding:

Section 46-55-5. The purpose of this chapter is to encourage the cultivation, harvesting, and manufacturing of hemp in recognition that hemp is a valuable commodity. It is also the intent of the General Assembly to prohibit the possession, manufacturing, and distribution of consumable hemp products that contain tetrahydrocannabinol (THC) which is an illegal controlled substance under South Carolina law. In acknowledging consumable hemp products may be intoxicating, the prohibition of such products in this State is in the interest of the public health and safety of its citizens.

SECTION 2. Section 46-55-10 of the S.C. Code is amended to read:

Section 46-55-10. For the purposes of this chapter:

(1) "Cannabidiol" or "CBD" means the compound by the same name derived from the hemp variety of the Cannabis sativa L. plant.

(2) "Commercial sales" means the sale of hemp products in the stream of commerce, at retail, wholesale, and online.

(3) "Commissioner" means the Commissioner of the South Carolina Department of Agriculture.

(4) "Consumable hemp product" means a finished hemp product that is intended for human consumption, ingestion, injection, or inhalation and contains any part of the hemp plant, including intoxicating hemp products, or any compound, concentrate, derivative, including synthetic derivatives, extract, isolate, or resin derived from hemp other

than CBD, CBG, CBC, CBN provided the products do not contain an intoxicating hemp product that causes a psychoactive reaction. The term includes, but is not limited to, products that contain cannabinoids;

(4)(5) “Cultivating” means planting, watering, growing, and harvesting a plant or crop.

(5)(6) “Department” means the South Carolina Department of Agriculture.

(6)(7) “Federally defined THC level for hemp” means a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis; ~~or the THC concentration for hemp defined in 7 U.S.C. SECTION 5940; whichever is greater.~~

(7)(8) “Handling” means possessing or storing hemp for any period of time. “handling” also includes possessing or storing hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person. “Handling” does not mean possessing or storing finished hemp products.

(8)(9) “Hemp” or “industrial hemp” means the plant Cannabis sativa L. and any part of that plant, including the nonsterilized seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinoid (THC) concentration of no more than three-tenths of one percent (.3%) on a dry weight basis~~the federally defined THC level for hemp~~. Hemp shall be considered an agricultural commodity.

(9)(10) “Hemp products” means all products with ~~the federally defined THC level~~ a delta-9 tetrahydrocannabinoid (THC) concentration of no more than three-tenths of one percent (.3%) on a dry weight basis for hemp derived from, or made by, processing hemp plants or hemp plant parts, that are prepared in a form available for commercial sale, including, but not limited to, cosmetics, personal care products, food intended for animal ~~or human~~ consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol. Unprocessed or raw plant material, including nonsterilized hemp seeds, is not considered a hemp product.

(10)(11) “Intoxicating hemp products” are derivatives, extracts, cannabinoids, isomers, esters, ethers, acids, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation including, but not limited to:

(i) delta-10 cis or trans tetrahydrocannabinol and its optical

isomers;

\_\_\_\_\_ (ii) delta-9 cis or trans tetrahydrocannabinol and its optical

isomers;

\_\_\_\_\_ (iii) delta-8 cis or trans tetrahydrocannabinol and its optical

isomers;

\_\_\_\_\_ (iv) delta-7 cis or trans tetrahydrocannabinol and its optical

isomers;

\_\_\_\_\_ (v) delta-6a, 10a cis or trans tetrahydrocannabinol and its optical

isomers;

\_\_\_\_\_ (vi) exo-tetrahydrocannabinol;

\_\_\_\_\_ (vii) metabolites of tetrahydrocannabinol, including  
11-hydroxy-tetrahydrocannabinol, 3-27 hydroxy-tetrahydrocannabinol,  
and 7-12 hydroxy-tetrahydrocannabinol;

\_\_\_\_\_ (viii) tetrahydrocannabinolic acid;

\_\_\_\_\_ (ix) hydrogenated forms of tetrahydrocannabinol, including  
hexahydrocannabinol, hexahydrocannabiphrol, and  
hexahydrocannabihexol;

\_\_\_\_\_ (x) synthetic forms of tetrahydrocannabinol, including  
dronabinol;

\_\_\_\_\_ (xi) ester forms of tetrahydrocannabinol, including delta-8  
tetrahydrocannabinol, tetrahydrocannabinol-O-acetate, delta-9  
tetrahydrocannabinol-O-acetate, delta-10  
tetrahydrocannabinol-O-acetate, delta-6a, 10a  
tetrahydrocannabinol-O-acetate and hexahydrocannabinol-O-6 acetate;

\_\_\_\_\_ (xii) ether forms of tetrahydrocannabinol and  
hexahydrocannabinol including delta-9 tetrahydrocannabinol methyl  
ether and delta-8 tetrahydrocannabinol methyl ether;

\_\_\_\_\_ (xiii) tetrahydrocannabivarin, including delta-8  
tetrahydrocannabivarin but excluding delta-9 tetrahydrocannabivarin;

\_\_\_\_\_ (xiv) analogues or tetrahydrocannabinols with an alkyl chain of  
four (4) or more carbon atoms, including tetrahydrocannabiphorols,  
tetrahydrocannabiocyls, tetrahydrocannabihexols, or  
tetrahydrocannabutols;

\_\_\_\_\_ (xv) delta-8 isotetrahydrocannabinol, delta-4  
isotetrahydrocannabinol and isohexahydrocannabinol;

\_\_\_\_\_ (xvi) any combination of the compounds, including  
hexahydrocannabiphorol-o-ester and delta-8 tetrahydrocannabiphorol  
acetate, delta-9 tetrahydrocannabiphorol acetate. "Licensee" means an  
individual or business entity possessing a license issued by the  
department under the authority of this chapter to cultivate, handle, or  
process hemp.

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(12) “Licensee” means an individual or business entity possessing a license issued by the department under the authority of this chapter to cultivate, handle, or process hemp.

~~(11)~~(13) “Marijuana” has the same meaning as in Section 44-53-110 and does not include tetrahydrocannabinol in hemp or hemp products as defined herein.

~~(12)~~(14) “Processing” means converting an agricultural commodity into a marketable form.

~~(13)~~(15) ~~“State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.~~ “Psychoactive Reaction” means an altered state of the brain that has significant effects on a person's psychological processes, consciousness, thinking, physical ability, perception, or emotion.

~~(14)~~(16) ~~“THC” means tetrahydrocannabinol.~~ “State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.

(17) “THC” means tetrahydrocannabinol.

SECTION 3. Chapter 55, Title 46 of the S.C. Code is amended by adding:

Section 46-55-70. (A) Any consumable hemp product distributed, sold, or offered for sale to consumers in this State in violation of this chapter shall be considered contraband and may be seized by law enforcement as provided for by law.

(B) The sale or possession of a consumable hemp product is prohibited by law and punishable in the same manner as THC pursuant to Sections 44-53-190 and 44-53-370.

(C) Online sales, direct delivery, and direct shipments of consumable hemp products within or into this State are strictly prohibited. For purposes of this section, “direct shipment” means the shipment of any consumable hemp product from any producer or retailer of consumable hemp products directly to a resident of this State. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for three years, or both.

Section 46-55-80. Nothing in this chapter may be construed to prohibit the continuous transportation through South Carolina of the plant *Cannabis sativa* L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9

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tetrahydrocannabinol concentration of not more than three-tenths percent (0.3%) on a dry weight basis, produced in accordance with 7 U.S.C Section 1639 et. seq.

Section 46-55-90. Nothing in this chapter may be construed to prohibit the possession, manufacture, sale, or distribution of CBD products, provided those products do not produce an intoxicating or psychoactive reaction when consumed by a person. CBD products that contain THC or intoxicating hemp products or any other controlled substances are prohibited by law. A person who violates this section must be punished pursuant to Section 44-53-370 as applicable.

SECTION 4. Chapter 55, Title 46 of the S.C. Code is amended by adding:

Section 46-55-100. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General's office, as appropriate, to implement a policy to educate and notify students of the provisions of this chapter which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law.

SECTION 5. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. GATCH moved to recommit the Bill to the Committee on Judiciary.

Rep. JORDAN moved to table the motion.

Rep. HEWITT demanded the yeas and nays which were taken, resulting as follows:

Yeas 56; Nays 53

Those who voted in the affirmative are:

Bailey	Bannister	Bowers
Brittain	Burns	Bustos
Calhoon	Caskey	Chumley
Collins	Crawford	Duncan
Erickson	Gagnon	Gilliam
Guest	Haddon	Hardee
Herbkersman	Hewitt	Hiott

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Hixon	Holman	J. E. Johnson
Jordan	Landing	Lawson
Ligon	Long	Lowe
Martin	McCabe	McCrary
McDaniel	McGinnis	C. Mitchell
T. Moore	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Rankin
Robbins	Sanders	Schuessler
G. M. Smith	Taylor	Vaughan
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--56**

Those who voted in the negative are:

Anderson	Atkinson	Ballentine
Bamberg	Bauer	Beach
Bernstein	Brewer	Cobb-Hunter
Cromer	Davis	Dillard
Edgerton	Ford	Frank
Garvin	Gatch	Gilliard
Gilreath	Govan	Grant
Harris	Hartnett	Hayes
Henderson-Myers	Hosey	Howard
Huff	J. L. Johnson	Jones
Kilmartin	Kirby	Lastinger
Luck	Magnuson	D. Mitchell
Montgomery	J. Moore	Morgan
Reese	Rivers	Rose
Rutherford	Scott	M. M. Smith
Stavrinakis	Teeple	Terrible
Waters	Weeks	Wetmore
White	Williams	

**Total--53**

So, the motion to recommit the Bill was tabled.

The question then recurred to the adoption of the amendment.

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Rep. JORDAN demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 32; Nays 78

Those who voted in the affirmative are:

Bailey	Brittain	Burns
Crawford	Duncan	Edgerton
Erickson	Gilliam	Guest
Haddon	Hayes	Hewitt
Huff	J. E. Johnson	Jordan
Lastinger	Lawson	Ligon
Long	Martin	McCabe
McCravy	D. Mitchell	T. Moore
Morgan	B. Newton	W. Newton
Pedalino	Rankin	Schuessler
Vaughan	Willis	

**Total--32**

Those who voted in the negative are:

Anderson	Atkinson	Ballentine
Bamberg	Bannister	Bauer
Beach	Bernstein	Bowers
Brewer	Bustos	Caskey
Chumley	Cobb-Hunter	Collins
Cox	Cromer	Davis
Dillard	Ford	Forrest
Frank	Gagnon	Garvin
Gatch	Gilliard	Gilreath
Govan	Grant	Hardee
Harris	Hartnett	Henderson-Myers
Herbkersman	Hiott	Hixon
Holman	Hosey	Howard
J. L. Johnson	Jones	Kilmartin
King	Kirby	Landing
Luck	Magnuson	McDaniel
C. Mitchell	Montgomery	J. Moore
Moss	Neese	Oremus
Pope	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Scott	Sessions

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G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Terrible
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Wooten	Yow

**Total--78**

So, the amendment was rejected.

Rep. GOVAN moved to reconsider the vote whereby Amendment No. 2 was tabled.

Rep. JORDAN moved to table the motion to reconsider.

Rep. HEWITT demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 50

Those who voted in the affirmative are:

Bailey	Bannister	Bowers
Brittain	Burns	Bustos
Calhoon	Caskey	Chumley
Collins	Cox	Crawford
Cromer	Davis	Duncan
Erickson	Gagnon	Gilliam
Guest	Haddon	Hardee
Hayes	Herbkersman	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Martin	McCravy	McGinnis
C. Mitchell	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Robbins
Sanders	Schuessler	Sessions
G. M. Smith	Taylor	Vaughan

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Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--62**

Those who voted in the negative are:

Anderson	Atkinson	Ballentine
Bamberg	Bauer	Beach
Bernstein	Brewer	Cobb-Hunter
Dillard	Edgerton	Ford
Forrest	Frank	Garvin
Gatch	Gilliard	Gilreath
Govan	Grant	Harris
Hartnett	Henderson-Myers	Hosey
Howard	J. L. Johnson	Jones
Kilmartin	King	Kirby
Luck	Magnuson	McDaniel
D. Mitchell	Montgomery	J. Moore
Reese	Rivers	Rose
Rutherford	Scott	M. M. Smith
Stavrinakis	Teeple	Terrible
Waters	Weeks	Wetmore
White	Williams	

**Total--50**

So, the motion to reconsider was tabled.

Rep. W. NEWTON spoke in favor of the Bill.

Rep. GATCH spoke against the Bill.

Rep. RUTHERFORD spoke against the Bill.

Rep. KING spoke against the Bill.

Rep. GOVAN spoke against the Bill.

Rep. MCCRAVY moved to reconsider the motion whereby the House tabled the motion to recommit the Bill to the Judiciary Committee.

Rep. B. NEWTON moved to table the motion.

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Rep. B. NEWTON demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 50; Nays 60

Those who voted in the affirmative are:

Bailey	Bannister	Brittain
Bustos	Calhoon	Collins
Cox	Crawford	Davis
Duncan	Erickson	Gagnon
Gilliam	Guest	Haddon
Hardee	Herbkersman	Hewitt
Hiott	Hixon	Holman
J. E. Johnson	Jordan	Landing
Lawson	Ligon	Long
Lowe	Martin	McGinnis
C. Mitchell	T. Moore	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Rankin
Robbins	Sanders	Schuessler
G. M. Smith	Taylor	Vaughan
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--50**

Those who voted in the negative are:

Anderson	Atkinson	Ballentine
Bamberg	Bauer	Beach
Bernstein	Bowers	Brewer
Burns	Chumley	Cobb-Hunter
Cromer	Dillard	Edgerton
Ford	Forrest	Frank
Garvin	Gatch	Gilliard
Gilreath	Govan	Grant
Harris	Hartnett	Hayes
Henderson-Myers	Hosey	Howard
Huff	J. L. Johnson	Jones
Kilmartin	King	Kirby
Lastinger	Luck	Magnuson
McCravy	McDaniel	D. Mitchell
Montgomery	J. Moore	Morgan

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Moss	Pace	Reese
Rivers	Rose	Rutherford
Scott	M. M. Smith	Stavrinakis
Teeple	Terrible	Waters
Weeks	White	Williams

**Total--60**

So, the House refused to table the motion to reconsider.

Rep. JORDAN moved that the House do now adjourn, which was not agreed to by a division vote of 43 to 48.

The question then recurred to the motion to reconsider the vote whereby the House tabled the motion recommit the Bill to the Judiciary Committee, which was agreed to.

So, the question recurred to the motion to recommit the Bill to the Judiciary Committee.

Rep. B. NEWTON demanded the yeas and nays which were taken, resulting as follows:

Yeas 63; Nays 50

Those who voted in the affirmative are:

Anderson	Atkinson	Ballentine
Bamberg	Bauer	Beach
Bowers	Brewer	Burns
Chumley	Cobb-Hunter	Cox
Cromer	Davis	Dillard
Edgerton	Ford	Forrest
Frank	Garvin	Gatch
Gibson	Gilliard	Gilreath
Govan	Grant	Guffey
Harris	Hartnett	Hayes
Henderson-Myers	Holman	Hosey
Howard	Huff	J. L. Johnson
Jones	Kilmartin	King
Kirby	Lastinger	Luck
Magnuson	McCravy	McDaniel
D. Mitchell	Montgomery	J. Moore

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Morgan	Moss	Pace
Reese	Rivers	Rose
Rutherford	Scott	M. M. Smith
Stavrinakis	Teeple	Terribile
Waters	White	Williams

**Total--63**

Those who voted in the negative are:

Bailey	Bannister	Brittain
Bustos	Calhoon	Caskey
Collins	Crawford	Duncan
Erickson	Gagnon	Gilliam
Guest	Haddon	Hardee
Herbkersman	Hewitt	Hiott
Hixon	J. E. Johnson	Jordan
Landing	Lawson	Ligon
Long	Lowe	Martin
McGinnis	C. Mitchell	T. Moore
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Rankin	Robbins	Sanders
Schuessler	Sessions	G. M. Smith
Taylor	Vaughan	Weeks
Whitmire	Wickensimer	Willis
Wooten	Yow	

**Total--50**

So, the Bill was recommitted.

**ABSTENTION FROM VOTING**

February 4, 2026

The Honorable G. Murrell Smith Jr.

506 Blatt Building

Columbia, SC 29201

Dear Speaker Smith,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 that I will not participate in the vote on H. 4759 by a bill to amend the South Carolina Code of Laws by adding section 46-55-5 so as to

[HJ]

**WEDNESDAY, FEBRUARY 4, 2026**

provide a purpose of regulating the sale and distribution of consumable hemp products; by amending section 46-55-10, relating to hemp farming definitions, so as to add definitions for "consumable hemp product" and "intoxicating hemp product"; by adding section 46-55-70 so as to prohibit the sale of certain consumable hemp products; by adding section 46-55-80 so as to provide that interstate commerce is not being limited; and by adding Chapter 14 to Title 61 so as to provide definitions relating to intoxicating hemp beverages, provide for enforcement, provide for intoxicating hemp beverage product Requirements, and to provide for licensing and taxes, out of an abundance of caution.

I will abstain from this vote because of a potential conflict of interest as an economic interest of myself and/or the business with which I am associated may be affected. Please note this in the House Journal.

Sincerely,  
Representative Jordan Pace  
House District Number 117

**ABSTENTION FROM VOTING**

February 4, 2026  
The Honorable G. Murrell Smith, Jr.  
506 Blatt Building  
Columbia, SC 29201

Dear Speaker Smith,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 that I will not participate in the vote on H. 4759 by a bill to amend the South Carolina Code of Laws by adding section 46-55-5 so as to provide a purpose of regulating the sale and distribution of consumable hemp products; by amending section 46-55-10, relating to hemp farming definitions, so as to add definitions for "consumable hemp product" and "intoxicating hemp product"; by adding section 46-55-70 so as to prohibit the sale of certain consumable hemp products; by adding section 46-55-80 so as to provide that interstate commerce is not being limited; and by adding Chapter 14 to Title 61 so as to provide definitions relating to intoxicating hemp beverages, provide for enforcement, provide for intoxicating hemp beverage product Requirements, and to provide for licensing and taxes, out of an abundance of caution.

I will abstain from this vote because of a potential conflict of interest as an economic interest of myself and/or a family member may be affected. Please note this in the House Journal.

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Sincerely,  
Representative Daniel Gibson  
House District Number 12

**RECURRENCE TO THE MORNING HOUR**

Rep. B. NEWTON moved that the House recur to the morning hour, which was agreed to.

**H. 4758--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4758 -- Reps. W. Newton, Bradley, Brewer, Chapman, Crawford, Davis, Duncan, Erickson, Forrest, Gatch, Gilliam, Guest, Hartz, Hewitt, Hiott, Hixon, Holman, Lawson, Ligon, Lowe, Martin, McGinnis, T. Moore, B. Newton, Oremus, Pedalino, Pope, Rankin, Robbins, Schuessler, G. M. Smith, Taylor, Teeple, Vaughan, Whitmire, Willis, Wooten and McCravy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 46-55-5 SO AS TO PROVIDE THE PURPOSE OF THIS CHAPTER IS TO ENCOURAGE THE LAWFUL CULTIVATION, HARVESTING, AND MANUFACTURING OF HEMP; BY AMENDING SECTION 46-55-10, RELATING TO INDUSTRIAL HEMP CULTIVATION TERMS AND DEFINITIONS, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS, AND TO REVISE THE DEFINITIONS OF EXISTING TERMS; AND BY ADDING SECTIONS 46-55-70, 46-55-80, AND 46-55-90 SO AS TO REGULATE THE DISTRIBUTION AND SALE OF CONSUMABLE HEMP, TO PROVIDE THE PROVISIONS OF THIS CHAPTER MAY NOT BE CONSTRUED TO LIMIT INTERSTATE COMMERCE, OR TO PROHIBIT THE LAWFUL POSSESSION, MANUFACTURE, SALE, OR DISTRIBUTION OF CERTAIN CBD PRODUCTS, AND TO PROVIDE PENALTIES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4758 (LC-4758.CM0001H):

Amend the bill, as and if amended, SECTION 2, by striking Section 46-55-10(4) and inserting:

(4) "Consumable hemp product" means a finished hemp product that is intended for human consumption, ingestion, injection, or inhalation and contains any part of the hemp plant, including intoxicating

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hemp products, or any compound, concentrate, derivative, including synthetic derivatives, extract, isolate, or resin derived from hemp other than CBD, CBG, CBC, CBN provided the products do not contain an intoxicating hemp product that causes a psychoactive reaction. The term includes, but is not limited to, products that contain cannabinoids;

Amend the bill further, SECTION 2, by striking Section 46-55-10(15) and (16) and inserting:

~~(13)(15) “State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.~~ “Psychoactive Reaction” means an altered state of the brain that has significant effects on a person's psychological processes, consciousness, thinking, physical ability, perception, or emotion.

~~(14)(16) “THC” means tetrahydrocannabinol.~~ “State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.

(17) “THC” means tetrahydrocannabinol.

Amend the bill further, SECTION 3, by striking Section 46-55-80 and inserting:

Section 46-55-80. Nothing in this chapter may be construed ~~to limit the interstate commerce of any product being transported through this State~~ to prohibit the continuous transportation through South Carolina of the plant Cannabis sativa L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths percent (0.3%) on a dry weight basis, produced in accordance with 7 U.S.C Section 1639 et. seq.

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

SECTION X. Chapter 55, Title 46 of the S.C. Code is amended by adding:

Section 46-55-100. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General’s office, as appropriate, to implement a policy to educate and notify students of the provisions of this chapter which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law.

Renumber sections to conform.

Amend title to conform.

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Rep. JORDAN explained the amendment.

Rep. GATCH spoke against the amendment.

Rep. W. NEWTON moved that the House do now adjourn, which was agreed to.

Further proceedings were interrupted by adjournment, the pending question being consideration of Amendment No. 1.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5079 -- Reps. Duncan, Whitmire, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SENECA HIGH SCHOOL BOYS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2025 SOUTH CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE.

**ADJOURNMENT**

At 7:11 p.m. the House in accordance with the motion of Rep. W. NEWTON adjourned to meet at 10:00 a.m. tomorrow.

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