

NO. 49

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

WEDNESDAY, APRIL 22, 2026
(STATEWIDE SESSION)

Wednesday, April 22, 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 John 3:17: “For God did not send his son into the world to condemn the world, but to save the world through him.”

Let us pray. Our God and our Father, how blessed is the Nation whose God is the Lord. You are kind and gracious and Your love is for all to repent and place their faith in your preeminent son. There is no other name given among men by which we must be redeemed. O God You proved Your love for us in this: while we were still sinners, Christ died for us. May we say with the apostle Paul, that “You, who did not spare His own Son but gave Him up for us all, how will He not also, along with Him, freely give us all things?” O Lord You provided for mankind his greatest need—redemption. How will You not give us the lesser blessings which flow from Your throne room of grace that can never be depleted. We, Your appointed servants, stand in need of infinite grace to administer the governmental affairs of this State. We need wisdom, discernment, and divine knowledge to accomplish this task. We are weak and needy. You are The Almighty and we look to You for help. Now to Him who is able to do far more abundantly beyond all that we ask or think, according to the power that works within us, be glory honor and dominion. 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 ACTING SPEAKER HIOTT.

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

MOTION ADOPTED

Rep. HAGER moved that when the House adjourns, it adjourn in memory of Ruthie Mae Robinson Williams, which was agreed to.

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REPORTS OF STANDING COMMITTEES

Rep. ERICKSON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 454 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS PERTAINING TO CHARTER SCHOOLS, SO AS TO CHANGE REFERENCES FROM "SPONSOR" TO "AUTHORIZER" AND TO PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO EXEMPTIONS, SO AS TO REQUIRE A CHARTER SCHOOL TO POST THEIR ANNUAL AUDIT ON THEIR WEBSITE AND TO NOTIFY AND PROVIDE A COPY OF ANY EDUCATION MANAGEMENT CONTRACTS TO THE AUTHORIZER; BY AMENDING SECTION 59-40-55, RELATING TO AUTHORIZER POWERS AND DUTIES AND THE RETENTION OF FUNDS, SO AS TO REQUIRE THE AUTHORIZER TO ADOPT AND IMPLEMENT POLICIES, PROCEDURES, AND PRACTICES THAT ENSURE GOOD GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER APPLICATIONS AND COMMITTEES, SO AS TO EXPAND THE CHARTER SCHOOL APPLICATION TO INCLUDE ANY PROPOSED CHARTER OR EDUCATION MANAGEMENT CONTRACTS CONTEMPLATED BY THE CHARTER SCHOOL; BY AMENDING SECTION 59-40-70, RELATING TO APPLICATION REQUIREMENTS AND PROCEDURES, SO AS TO SET A TIME FRAME TO HOLD A PUBLIC HEARING ON THE APPLICATION FOR A CHARTER SCHOOL; BY AMENDING SECTION 59-40-75, RELATING TO THE REMOVAL OF AN AUTHORIZER OR MEMBER OF A DISTRICT OR GOVERNING BOARD, SO AS TO REQUIRE THE GOVERNOR TO VACATE THE SEAT OF A MEMBER OF AN AUTHORIZER OR CHARTER SCHOOL GOVERNING BOARD WHO IS INDICTED FOR A CRIME; AND TO ALLOW THE GOVERNOR TO REMOVE A MEMBER FOR CHRONIC UNEXCUSED ABSENTEEISM, MEDICAL INCOMPETENCY, OR MEDICAL INCAPACITY; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALLOW AN APPEAL FOR ANY FINAL DECISION MADE PURSUANT TO THIS CHAPTER BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-115, RELATING TO

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TERMINATION OF A CONTRACT WITH AN AUTHORIZER, SO AS TO ALLOW A CHARTER SCHOOL TO TERMINATE ITS CHARTER AND CONTRACT WITH AN AUTHORIZER UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 59-40-150, RELATING TO THE DUTIES OF THE DEPARTMENT OF EDUCATION, SO AS TO ESTABLISH THE DUTIES OF THE DEPARTMENT OF EDUCATION TO SERVE AS THE STATE EDUCATION AGENCY FOR EACH AUTHORIZER AND ANNUALLY REVIEW THE POLICIES, PROCEDURES, AND PERFORMANCE OF EACH AUTHORIZER FOR COMPLIANCE; AND BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, SO AS TO CLARIFY THAT GUIDELINES WILL BE APPLICABLE TO NEW AUTHORIZERS AND CHARTER SCHOOLS.

Ordered for consideration tomorrow.

Rep. ERICKSON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 416 -- Senators Hembree and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-210, RELATING TO GROUNDS FOR WHICH TRUSTEES MAY EXPEL, SUSPEND, OR TRANSFER PUPILS; PETITIONS FOR READMISSION; AND EXPULSION, SUSPENSION, OR TRANSFER, SO AS TO PROHIBIT EXPELLED STUDENTS FROM ENTERING SCHOOL OR SCHOOL GROUNDS INCLUDING ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING A SCHOOL BUS, TO FURTHER PROHIBIT SUSPENDED STUDENTS FROM ENTERING THE SCHOOL OR SCHOOL GROUNDS EXCEPT FOR ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING THE SCHOOL BUS; BY AMENDING SECTION 59-63-235, RELATING TO THE EXPULSION OF A STUDENT DETERMINED TO HAVE BROUGHT A FIREARM TO SCHOOL, SO AS TO REQUIRE A STUDENT TO BE EXPELLED FOR NO LESS THAN ONE ACADEMIC YEAR FOR KNOWINGLY BRINGING A FIREARM TO A SCHOOL, TO ESTABLISH THE EXPULSION HEARING BE CONDUCTED BY THE DISTRICT BOARD OF TRUSTEES AND TO ALLOW AN EXPELLED STUDENT TO RECEIVE EDUCATIONAL SERVICES IN ALTERNATIVE SETTINGS TO INCLUDE VIRTUAL PROGRAMMING; AND BY AMENDING SECTION 59-63-250,

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RELATING TO THE TRANSFER OF PUPILS, SO AS TO CLARIFY THAT A BOARD MAY TRANSFER A PUPIL WITHIN THE SCHOOL DISTRICT AND REQUIRE NOTIFICATION AND INPUT FROM THE PRINCIPAL AT THE RECEIVING SCHOOL.

Ordered for consideration tomorrow.

Rep. ERICKSON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 5483 -- Reps. Erickson, Bradley, McGinnis, Hartnett, Teeple, Vaughan and Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EDUCATOR SAFETY AND CLASSROOM AUTHORITY ACT OF 2026" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59, SO AS TO PROVIDE FOR EDUCATOR SAFETY AND CLASSROOM AUTHORITY, TO DEFINE NECESSARY TERMS, TO ESTABLISH THE AUTHORITY OF EDUCATORS IN CLASSROOM MANAGEMENT AND STUDENT DISCIPLINE, TO PROVIDE PROCEDURES FOR STUDENT REFERRAL, REMOVAL, AND ADMINISTRATIVE RESPONSE, TO PROVIDE PROTECTIONS FOR EDUCATORS, ADMINISTRATORS, AND STAFF, TO REQUIRE CERTAIN ACTIONS BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR IMPLEMENTATION BY SCHOOL DISTRICTS.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 718 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY HAVE ANY TRANSIENT GUEST OF THE PARK REMOVED, AND TO PROVIDE GUIDELINES FOR REMOVAL OF THE GUEST.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 5538 -- Reps. Pope, Herbkersman, G. M. Smith, Hartz, W. Newton, Jordan, Ligon, Oremus, Neese, Taylor, Hiott, Cromer,

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Gilreath, Morgan, Lastinger, Huff, Burns, Chumley, Beach, D. Mitchell, McCabe, Pedalino, Vaughan and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "GUARANTEE BANKING ACT" BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROVIDE FOR FAIRNESS AND TRANSPARENCY IN BANKING.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 851 -- Senators Alexander, Young and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-3-900 SO AS TO DEFINE TERMS PERTAINING TO THE FINANCIAL EXPLOITATION OF AN ELIGIBLE ADULT AND TO OUTLINE A PROCEDURE FOR ESTABLISHING EMERGENCY CONTACTS FOR AN ELIGIBLE ADULT TO PROTECT THE ELIGIBLE ADULT FROM FINANCIAL EXPLOITATION.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 196 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 91 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS, EXEMPTIONS, AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE, PROVIDE EXEMPTIONS FOR EXAMINATION, REQUIRE CONTINUING EDUCATION, ESTABLISH A PROCESS FOR RENEWAL, SET STANDARDS OF CONDUCT FOR ADJUSTERS, AND TO PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE AND PENALTIES, AMONG OTHER THINGS; BY ADDING CHAPTER 92 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE AND PROVIDE EXEMPTIONS TO EXAMINATION, PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE, REQUIRE A BOND OR LETTER OF CREDIT, REQUIRE CONTINUING EDUCATION, ALLOW FOR FEES, AND SET

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STANDARDS OF CONDUCT FOR PUBLIC ADJUSTERS, AMONG OTHER THINGS; TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION; AND BY REPEALING CHAPTERS 47 AND 48 OF TITLE 38.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 150 -- Senators Blackmon and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA RENTAL KART AGE ACT"; BY AMENDING SECTION 41-18-30, RELATING TO APPLICABILITY AND EXCEPTIONS FOR THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, SO AS TO PROVIDE THAT AN INDIVIDUAL IS ALLOWED TO OPERATE A RENTAL KART IF THEY ARE EIGHTEEN YEARS OF AGE OR OLDER OR ARE FIFTEEN YEARS OF AGE OR OLDER AND HOLD A VALID DRIVER'S LICENSE OR PERMIT; AND BY AMENDING SECTION 41-18-40, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA AMUSEMENT PARK RIDES SAFETY CODE, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 697 -- Senator Gambrell: A BILL TO TRANSFER THE SOUTH CAROLINA 211 NETWORK TO THE DEPARTMENT OF CONSUMER AFFAIRS; TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-6-515 SO AS TO CREATE THE SOUTH CAROLINA 211 NETWORK WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY AMENDING SECTION 1-11-770, RELATING TO THE SOUTH CAROLINA 211 NETWORK, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 715 -- Senators Sutton, Rice, Elliott and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-50, RELATING TO ORGANIZATIONS EXEMPT FROM REGISTRATION PROVISIONS, ALTERNATE FILINGS, AND FUNDRAISING ACTIVITIES, SO AS TO INCREASE THRESHOLDS FOR CHARITIES REQUESTING EXEMPTIONS; BY AMENDING SECTION 33-56-70, RELATING TO THE REQUIREMENT THAT CONTRACTS WITH PROFESSIONAL SOLICITORS MUST BE IN WRITING, FILING REQUIREMENTS, JOINT FINANCIAL REPORTS FOR EACH CAMPAIGN, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO LIMIT FILING REQUIREMENTS TO COMMERCIAL CO-VENTURERS UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 33-56-90, RELATING TO DISCLOSURES TO SOLICITED PARTIES, SO AS TO REQUIRE ANY ENTITY THAT SOLICITS FOR CHARITABLE ORGANIZATIONS TO DISCLOSE THE LEGAL NAME AND PURPOSE OF THE CHARITY FOR WHICH THEY ARE SOLICITING; BY AMENDING SECTION 33-56-110, RELATING TO THE REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO LIMIT REGISTRATION REQUIREMENTS FOR COMMERCIAL CO-VENTURERS SOLICITING MORE THAN TEN THOUSAND DOLLARS IN A SINGLE SOLICITATION CAMPAIGN; BY AMENDING SECTION 33-56-110, RELATING TO REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO PROVIDE THAT IF A COMMERCIAL CO-VENTURER INTENDING TO BE EXEMPT FROM REGISTRATION WITH THE SECRETARY OF STATE COLLECTS, EARNS, OR RECEIVES CHARITABLE CONTRIBUTIONS IN EXCESS OF TEN THOUSAND DOLLARS DURING A SOLICITATION CAMPAIGN, THEN THE COMMERCIAL CO-VENTURER SHALL REPORT TO THE SECRETARY OF STATE; AND BY AMENDING SECTION 33-56-120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO PROHIBIT COMMERCIAL CO-VENTURERS FROM

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USING REGISTRATION WITH THE SECRETARY OF STATE AS AN ENDORSEMENT BY THE STATE.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 4476 -- Reps. Rutherford, Bamberg, J. Moore and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 ENTITLED "SOUTH CAROLINA-BAHAMAS TRADE COMMISSION" SO AS TO ESTABLISH THE SOUTH CAROLINA-BAHAMAS TRADE COMMISSION AND PROVIDE FOR ITS MEMBERSHIP AND PURPOSE.

Ordered for consideration tomorrow.

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 325 -- Senators Massey, Alexander, Walker and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-145 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR," SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104(6), 37-6-117(I), 37-6-501 THROUGH 510, 37-6-602, AND 37-6-604(B), ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

Ordered for consideration tomorrow.

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HOUSE RESOLUTION

The following was introduced:

H. 5558 -- Reps. Rivers, 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, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, 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 SIGNIFICANT IMPACT OF THE ORIGINAL GULLAH FESTIVAL OF SOUTH CAROLINA AND TO EXPRESS APPRECIATION FOR ITS MEANINGFUL INFLUENCE IN PRESERVING THE HISTORIC GULLAH CULTURE AND ITS ECONOMIC CONTRIBUTION TO THE STATE'S VITAL TOURISM INDUSTRY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5559 -- Reps. Rutherford, 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,

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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, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF TYLER CHRISTOPHER VAUGHT AND TO EXTEND THE DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5560 -- Reps. Waters, 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, 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, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE THE MILITARY MAGNET ACADEMY GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2026 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

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The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5561 -- Reps. Martin, Terribile, 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, 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, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR FLINT HILL FIRE CHIEF DAVID JENNINGS UPON THE OCCASION OF HIS RECENT RETIREMENT AS CHIEF AFTER FIVE DECADES OF DISTINGUISHED CIVIL SERVICE IN THE FIREFIGHTING COMMUNITY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5562 -- Reps. Herbkersman, 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,

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Hartnett, Hartz, Hayes, Henderson-Myers, 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, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE THE ASSOCIATED BUILDERS AND CONTRACTORS OF THE CAROLINAS AND TO DECLARE APRIL 22, 2026, AS "ABC CAROLINAS HARD HAT DAY" AT THE STATE HOUSE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5563 -- Reprs. Gilreath, 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, 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, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE EVA REED WILSON, MISS GOLDEN CORNER'S TEEN; TO COMMEND THE EXCEPTIONAL DISCIPLINE, ASPIRATIONS, AND TALENT THAT HAVE ENABLED HER TO REPRESENT THE GOLDEN CORNER AREA

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WITH DIGNITY AND POISE; AND TO WELCOME HER TO THE SOUTH CAROLINA STATE HOUSE ON APRIL 22, 2026, AS PART OF A STATE HOUSE DAY WITH THE MISS SOUTH CAROLINA ORGANIZATION.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5564 -- Reps. Henderson-Myers, 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, 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, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO WELCOME CONGRESSMAN JONATHAN L. JACKSON OF ILLINOIS TO SOUTH CAROLINA ON THE OCCASION OF SPARTANBURG'S THIRD ANNUAL DEMOCRACY FOR ALL BALL, WHICH HE WILL SERVE AS KEYNOTE SPEAKER.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5565 -- Rep. King: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE

[HJ]

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PASSING OF MRS. DOROTHY "DOT" COBB OF YORK COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 5566 -- Reprs. Rutherford, 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, Laster, 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, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM, HEAD COACH DAWN STALEY, HER COACHING STAFF, AND UNIVERSITY OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON THEIR SECOND STRAIGHT NCAA RUNNER-UP FINISH AND FIFTH CONSECUTIVE SOUTHEASTERN CONFERENCE REGULAR-SEASON TITLE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

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CONCURRENT RESOLUTION

The following was introduced:

H. 5567 -- Reps. Rutherford, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, 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, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, 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 CONCURRENT RESOLUTION TO INVITE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM AND SCHOOL OFFICIALS TO JOIN THE GENERAL ASSEMBLY IN JOINT SESSION AT A DATE AND TIME SCHEDULED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, WHEREBY COACH DAWN STALEY IS INVITED TO ADDRESS THE JOINT SESSION.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 1132 -- Senator Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE JUNE AS "TRAILS MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE RESIDENTS TO TAKE ADVANTAGE OF THE ABUNDANCE OF TRAILS IN THIS STATE AND ENJOY THE

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HEALTH, LEARNING, AND SOCIAL BENEFITS THAT CAN BE DERIVED FROM THEIR USE.

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. 5568 -- Rep. Gagnon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 11 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE A METHOD TO EFFECTUATE THE TRANSFER OF WATER SYSTEMS BETWEEN POLITICAL SUBDIVISIONS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

S. 765 -- Senator Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-83, RELATING TO PAYROLL DEDUCTIONS, SO AS TO AUTHORIZE THE COMPTROLLER GENERAL TO DEDUCT DUES FOR THE SOUTH CAROLINA WILDLIFE LAW ENFORCEMENT OFFICERS' ASSOCIATION FROM THE COMPENSATION OF STATE EMPLOYEES AND RETIREES.

Referred to Committee on Ways and Means

S. 879 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 14-11-25 SO AS TO PROVIDE THAT THE TERMS OF MASTERS-IN-EQUITY BEGIN JULY 1.

Referred to Committee on Judiciary

S. 915 -- Senators Garrett, Johnson, Adams, Bennett, Cash, Massey, Corbin, Turner, Blackmon, Kennedy, Stubbs, Reichenbach, Rice, Goldfinch, Elliott, Kimbrell, Alexander and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 43-7-60, RELATING TO THE PROHIBITION OF FALSE CLAIMS, STATEMENTS, OR REPRESENTATION BY MEDICAL PROVIDERS, SO AS TO CREATE TIERED VIOLATIONS AND PENALTIES FOR THIS

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SECTION AND PROVIDE FOR THE USE OF CONSENT AGREEMENTS; BY AMENDING SECTION 43-7-70, RELATING TO THE PROHIBITION OF FALSE STATEMENTS OR REPRESENTATION ON APPLICATIONS FOR ASSISTANCE, SO AS TO CREATE TIERED VIOLATIONS AND PENALTIES FOR THIS SECTION AND PROVIDE FOR THE USE OF CONSENT AGREEMENTS; AND BY AMENDING SECTION 43-7-90, RELATING TO THE ENFORCEMENT OF SECTIONS 43-7-60 TO 43-7-80, SO AS TO AUTHORIZE THE ATTORNEY GENERAL TO ISSUE ADMINISTRATIVE SUBPOENAS AND OTHER APPROPRIATE ACTIONS.

Referred to Committee on Judiciary

S. 1038 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-340 SO AS TO DESIGNATE THE FIRST DAY OF MARCH OF EACH YEAR AS "RELIGIOUS LIBERTY DAY" IN SOUTH CAROLINA.

Referred to Committee on Education and Public Works

ROLL CALL

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

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

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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
J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	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--121

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

ACTING SPEAKER HIOTT granted Rep. MONTGOMERY a leave of absence for the day.

LEAVE OF ABSENCE

ACTING SPEAKER HIOTT granted Rep. PACE a leave of absence for the day due to family medical reasons.

SPECIAL PRESENTATION

Rep. HUFF presented to the House the Woodmont High School "Lady Wildcats" AAAAA SCHSL Girls Volleyball State Champions.

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SPECIAL PRESENTATION

Rep. SCOTT presented to the House the Thomas Sumter Academy "Generals" 3A/4A SCISA Varsity/JV Competitive Cheer State Championship Team.

SPECIAL PRESENTATION

Rep. WOOTEN presented to the House Gray Collegiate Academy "Lady War Eagles" 4A 2025 Girls Softball Championship Team.

SPECIAL PRESENTATION

Rep. WOOTEN presented to the House Gray Collegiate Academy "Lady War Eagles" 2025 Girls Track and Field Championship Team.

DOCTOR OF THE DAY

Announcement was made that Dr. Ralph Riley of Saluda was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED

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. 3047
Date: ADD:
04/22/26 BAUER

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CO-SPONSOR(S) ADDED

Bill Number: H. 4042
Date: ADD:
04/22/26 M. M. SMITH

CO-SPONSOR(S) ADDED

Bill Number: H. 4162
Date: ADD:
04/22/26 MAGNUSON and EDGERTON

CO-SPONSOR(S) ADDED

Bill Number: H. 4461
Date: ADD:
04/22/26 MCDANIEL

CO-SPONSOR(S) ADDED

Bill Number: H. 5504
Date: ADD:
04/22/26 C. MITCHELL

CO-SPONSOR(S) ADDED

Bill Number: H. 5524
Date: ADD:
04/22/26 COLLINS

CO-SPONSOR(S) ADDED

Bill Number: H. 5538
Date: ADD:
04/22/26 CROMER and GILREATH

CO-SPONSOR(S) ADDED

Bill Number: H. 5538
Date: ADD:
04/22/26 MORGAN, LASTINGER, HUFF, BURNS,
CHUMLEY, KILMARTIN, BEACH,
D. MITCHELL, MCCABE, PEDALINO and
VAUGHAN

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SENT TO THE SENATE

The following Joint Resolutions were taken up, read the third time, and ordered sent to the Senate:

H. 5546 -- Reps. Martin, Guffey, King, Ligon, Moss, Pope, Sessions and Terrible: A JOINT RESOLUTION TO PROVIDE THAT THE YORK COUNTY SCHOOL DISTRICT 4 BOARD OF TRUSTEES MAY WAIVE THE REQUIREMENT THAT SCHOOL DAYS MISSED BY FLINT HILL ELEMENTARY SCHOOL ON MARCH 5 AND 6, 2026, DUE TO A CHEMICAL LEAK ON PROPERTY ADJACENT TO THE SCHOOL BE MADE UP, NOTWITHSTANDING ANY OTHER PROVISION OF LAW.

H. 5547 -- Reps. Williams, Jordan, Lowe, Alexander and Kirby: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF ADMINISTRATION, THE STATE FISCAL ACCOUNTABILITY AUTHORITY, OR THE APPROPRIATE AGENCY, TO TRANSFER THE NATIONAL GUARD ARMORY IN TIMMONSVILLE, SOUTH CAROLINA, TO THE CITY OF TIMMONSVILLE.

SENT TO THE SENATE

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 3408 -- Reps. Haddon, Forrest, Gilliam, Ligon, Taylor, C. Mitchell, Pope, Magnuson, Pedalino, McCravy, Chumley, Hixon, W. Newton, Calhoon, D. Mitchell, Cromer, Gilreath, Duncan, M. M. Smith and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-1-80 SO AS TO PROVIDE THAT CERTAIN COMPANIES OWNED, IN WHOLE OR IN PART, BY ANY UNITED STATES-DECLARED FOREIGN ADVERSARY MAY NOT OWN, LEASE, POSSESS, OR EXERCISE ANY CONTROL OVER ANY REAL ESTATE IN THIS STATE AND TO PROVIDE THAT FRAUDULENT TRANSACTIONS ARE VOID.

H. 5288--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 5288 -- Reps. J. E. Johnson, Brittain, Yow, Guest, Haddon, Jordan, Robbins, Wickensimer, C. Mitchell, Calhoon, W. Newton and Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

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ADDING SECTION 16-13-136 SO AS TO DEFINE NECESSARY TERMS, CREATE CARGO THEFT OFFENSES, AND PROVIDE PENALTIES FOR THE OFFENSES.

Rep. J. E. JOHNSON explained the Bill.

Reps. STAVRINAKIS, RUTHERFORD, WEEKS, HAYES, GARVIN, GILLIARD, BERNSTEIN, BAUER and WETMORE requested debate on the Bill.

H. 3047--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3047 -- Reps. Moss, Haddon and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-11-705 SO AS TO CREATE THE OFFENSE OF INTENTIONALLY RELEASING, ORGANIZING THE RELEASE OF, OR INTENTIONALLY CAUSING THE RELEASE OF BALLOONS INFLATED WITH GAS THAT IS LIGHTER THAN AIR, AND TO PROVIDE EXCEPTIONS; BY AMENDING SECTION 16-11-700, RELATING TO THE DUMPING OF LITTER ON PRIVATE OR PUBLIC PROPERTY, EXCEPTIONS, AND PENALTIES, SO AS TO INCLUDE BALLOONS IN THE LITTER STATUTE; AND BY AMENDING SECTION 16-11-710, RELATING TO THE ACCEPTANCE OF A CASH BOND IN LIEU OF AN IMMEDIATE COURT APPEARANCE IN LITTER CONTROL PROSECUTIONS, SO AS TO INCLUDE A VIOLATION OF THE BALLOON STATUTE WHEN A CASH BOND IS ALLOWED.

Rep. RUTHERFORD proposed the following Amendment No. 2 to H. 3047 (LC-3047.PH0005H), which was adopted:

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

SECTION 1. Article 7, Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-705. (A) It is unlawful for a person to intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air with the following exceptions:

(1) balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or

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meteorological purposes;

- (2) hot air balloons recovered after launching; or
- (3) balloons released indoors.

(B) A violation of this section is subject to a civil fine of up to fifty dollars. The court, instead of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of community service. However, a person seventeen years of age or younger may not be charged with a violation of this section.

(C) For purposes of this section, “person” means an individual, group of individuals, or organization.

SECTION 2. During the first one hundred eighty days after the effective date of this act, law enforcement officers shall only issue warnings for violations of this section.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect on July 1, 2027.

Re-number sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3047 (LC-3047.AHB0001H), which was tabled:

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

SECTION 1.A. Section 16-11-700(A) of the S.C. Code is amended to read:

(A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste,

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as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74), and including balloons that are intentionally released and not subsequently recovered and properly discarded, cigarette butts, and cigarette component litter, upon waters or public or private property in the State for which he is not the legal owner or a person otherwise granted permission by the legal owner including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:

(1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

B. Section 16-11-700 of the S.C. Code is amended by adding:

(N) The provisions of subsection (A) relating to litter offenses regarding balloons do not apply, and a person may not be charged with a violation, if:

(1) balloons are released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(2) hot air balloons are recovered after launching;

(3) balloons are released indoors; or

(4) balloons are released by a person under the age of eighteen.

SECTION 2. During the first one hundred eighty days after the effective date of this act, law enforcement officers shall only issue warnings for litter violations regarding the release of balloons pursuant to subsection 16-11-700(A) as amended by this act.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect on July 1, 2026.

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Renumber sections to conform.
Amend title to conform.

Rep. J. E. JOHNSON moved to table the amendment, which was agreed to.

Rep. J. E. JOHNSON explained the Bill.

The yeas and nays were taken resulting as follows:
Yeas 92; Nays 17

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bauer	Bernstein	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Chapman
Chumley	Clyburn	Cobb-Hunter
Collins	Cox	Cromer
Davis	Dillard	Duncan
Erickson	Ford	Forrest
Frank	Gagnon	Garvin
Gatch	Gilliam	Gilliard
Gilreath	Grant	Guest
Haddon	Hager	Hardee
Harris	Hartnett	Hartz
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hixon	Holman
Hosey	Howard	Huff
J. E. Johnson	Jones	Jordan
Lastinger	Lawson	Ligon
Long	Lowe	Luck
Magnuson	Martin	McCabe
McCravy	McGinnis	D. Mitchell
T. Moore	Moss	Neese
B. Newton	W. Newton	Pedalino
Pope	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
G. M. Smith	Stavrinakis	Taylor
Teeple	Vaughan	Waters
Weeks	Wetmore	Whitmire

[HJ]

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Wickensimer	Williams	Willis
Wooten	Yow	

Total--92

Those who voted in the negative are:

Beach	Crawford	Edgerton
Guffey	Hart	Kilmartin
King	Landing	McDaniel
C. Mitchell	Morgan	Oremus
Rankin	Sessions	M. M. Smith
Terribile	White	

Total--17

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

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 3047. If I had been present, I would have voted in favor of the Bill.

Rep. Phillip Bowers

H. 5504--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 5504 -- Reps. Crawford, G. M. Smith, Teeple and C. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "FOREIGN INFLUENCE OPERATIONS OUT OF AMERICAN EDUCATION ACT" BY ADDING SECTION 59-101-425 SO AS TO PROHIBIT PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM SOLICITING OR ACCEPTING CERTAIN GIFTS OR TRAVEL FROM FOREIGN ADVERSARY NATIONS, FOREIGN PRINCIPALS, OR FOREIGN TERRORIST ORGANIZATIONS, TO RESTRICT FOREIGN INFLUENCE ON HIRING, CURRICULUM, AND CAMPUS ORGANIZATIONS, AND TO REQUIRE DISCLOSURE OF GIFTS AND CONTRACTS FROM FOREIGN COUNTRIES AND FOREIGN PRINCIPALS TO THE OFFICE OF THE STATE TREASURER.

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The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 5504 (LC-5504.WAB0001H):

Amend the bill, as and if amended, SECTION 2, by striking Section 59-101-425(F)(4) and inserting:

(4) Prior to July 1, 2027, the committee shall establish criteria to be used for the designations outlined in this section. By July 31, 2027, and annually by July thirty-first thereafter, the committee shall report to the General Assembly the names ~~any of~~ foreign nations, or foreign principals of said nations, that are funding any public institution of higher learning in this State ~~as being and which are~~ prohibited entities for purposes of this section ~~and make recommendations regarding. The committee also shall designate any~~ additions to the list of entities prohibited from funding public institutions of higher learning.

Re-number sections to conform.

Amend title to conform.

Rep. MCGINNIS explained the amendment.

Reps. MCDANIEL, KING, GOVAN, MCGINNIS, ERICKSON, HARDEE, CRAWFORD, BAILEY, VAUGHAN, DILLARD, BAUER, GUEST, WILLIAMS, HOSEY, HENDERSON-MYERS, WATERS, JONES and SCOTT requested debate on the Bill.

H. 5201--INTERRUPTED DEBATE

The following Bill was taken up:

H. 5201 -- Reps. Pedalino, Teeple and Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SAFE SCHOOLS ACT OF 2026" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59, SO AS TO ESTABLISH A MULTIJURISDICTIONAL SCHOOL SAFETY TASK FORCE, TO REQUIRE SCHOOL DISTRICTS TO DEVELOP MULTHAZARD EMERGENCY OPERATION PLANS, TO PROVIDE FOR CERTIFIED SCHOOL SAFETY ASSESSMENTS AND REQUIRED LIVE DRILLS, AND TO PROVIDE OVERSIGHT AND TECHNICAL ASSISTANCE BY SLED, AMONG OTHER THINGS.

Rep. PEDALINO explained the Bill.

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Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of the Bill.

OBJECTION TO RECALL

Rep. MAGNUSON asked unanimous consent to recall H. 5183 from the Committee on Judiciary.

Rep. STAVRINAKIS objected.

OBJECTION TO RECALL

Rep. EDGERTON asked unanimous consent to recall H. 4671 from the Committee on Judiciary.

Rep. KING objected.

H. 3924--SENATE AMENDMENTS AMENDED AND INTERRUPTED DEBATE

Debate was resumed on the following Bill, the pending question being the motion to recommit the Bill to the Judiciary Committee:

H. 3924 -- Reps. Wooten, W. Newton, Erickson, Neese, Hager, Bannister, Herbkersman, M. M. Smith, Pedalino, C. Mitchell, Bustos, Lawson, Guffey, Hiott, Taylor, Ballentine, Vaughan, White, Long, Ligon, Guest, Gilliam, Hartnett, Bailey, Landing, B. J. Cox, Hayes, Atkinson, Willis, Lowe, T. Moore, Davis, Hixon, Martin, Pope, Henderson-Myers and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 56 TO TITLE 46 SO AS TO REGULATE THE SALE OF HEMP-DERIVED CONSUMABLES, AMONG OTHER THINGS.

Rep. JORDAN moved to table the motion to recommit the Bill, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 1A to H. 3924 (LC-3924.SA0011H), which was withdrawn:

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

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consumable hemp products that contain more than three-tenths of one percent (.3%) on a dry weight basis of 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 more than three tenths (.3 %) on a dry weight basis of tetrahydrocannabinol (THC) concentration. The term includes, but is not limited to, products that contain cannabinoids. Smokeable flower or prerolls are not considered a consumable hemp product and are prohibited from being sold in this State.

(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, tetrahydrocannabiocytls, 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.~~

(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.

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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 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.

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.

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Rep. MCCRAVY moved to pass over the amendment.
Rep. W. NEWTON objected.

POINT OF ORDER

Rep. MCCRAVY raised the Point of Order that it was out of order for Rep. W. Newton's to object to his request to Passover Amendment No. 1 to Senate Amendments to H. 3924.

The SPEAKER stated that the request to Passover the amendment was a unanimous consent request, and that Rep. W. Newton's objection was in order. He overruled the Point of Order.

Rep. MCCRAVY then withdrew Amendment No. 1.

Rep. MCCRAVY moved to withdraw the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 2A to H. 3924 (LC-3924.SA0004H), which was tabled:

Amend the bill, as and if amended, SECTION 39, Article 5, Chapter 14, Title 61, by adding:

Section 61-14-550. (A) In addition to any other notice or labeling provisions provided in this chapter, each container of hemp beverage or chewable must contain the warning that "This product contains psychoactive tetrahydrocannabinol (THC), an intoxicating substance. Use of this product may impair driving, judgment, and motor coordination. Do not drive or operate a motor vehicle or heavy machinery while using this product. Concurrent use with alcohol or other intoxicants multiplies impairment and crash risk. Onset of effects may be delayed."

(B) The warning required by this section must be printed in a minimum of twelve-point type, in bold font, and conspicuously displayed on the primary display panel of the container in a manner that is clearly visible and legible to a reasonable consumer at the point of sale.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

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Rep. MCCRAVY spoke in favor of the amendment.

Rep. JORDAN spoke upon the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 3A to H. 3924 (LC-3924.SA0012H), which was tabled:

Amend the bill, as and if amended, by striking SECTION 40 and inserting:

SECTION 40. A. If the federal government exercises its right to regulate hemp-cannabinoid products through prohibition or regulation, then the allowable THC concentration shall be the lesser of either the federally defined THC level for hemp-cannabinoid products or delta-9 tetrahydrocannabinol that is not more than three-tenths of one percent on a dry weight basis or not more than ten milligrams per serving.

B. If the federal government exercises its right to regulate hemp-cannabinoid products through prohibition or regulation of the types of allowable products then a hemp-cannabinoid product for purposes of this act shall include the more restrictive ~~list~~ definition of allowable products.

C. The Department of Revenue, in consultation with SLED and the Department of Agriculture, must implement this SECTION immediately upon the effective date of the applicable federal change and may issue emergency regulations or guidance to ensure compliance.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. JORDAN spoke upon the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 4A to H. 3924 (LC-3924.SA0003H), which was tabled:

Amend the bill, as and if amended, SECTION 39, Article 9, Chapter 14, Title 61 by adding:

Section 61-14-930. Any establishment that is required to have a hemp-cannabinoid product retail license, that also sells any products containing a total THC content of more than 0.4 mg total THC per serving or container, must carry an insurance policy in the same coverage and

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amount as required for liquor liability coverage as provided by law and with the same penalties as provided by law for failing to maintain liquor liability coverage.

Renumber sections to conform.
Amend title to conform.

Rep. MCCRAVY explained the amendment.

SPEAKER *PRO TEMPORE* IN CHAIR

Rep. MCCRAVY continued speaking.
Rep. MCCRAVY spoke in favor of the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Rep. FORD proposed the following Amendment No. 5A to H. 3924 (LC-3924.SA0019H), which was tabled:

Amend the bill, as and if amended, SECTION 8, by striking Section 61-2-135 and inserting:

Section 61-2-135. When a person licensed to sell alcoholic liquor ~~or~~ beer and wine, or a hemp-cannabinoid product moves his business to a new location in the same county that was licensed in the same manner within ninety days of the time of the move, the person may use his current license and is not required to initiate a new application upon approval by the department. In addition to a hemp-cannabinoid product retail license, the a person must also have a retail license for alcoholic liquor or beer and wine and to continue selling both types of products containing more than five milligrams and not more than ten milligrams of allowable THC concentration as referred to in Section 61-6-20 in the new location.

Amend the bill further, SECTION 39, by striking Section 61-14-710(D)(2) and (3) and inserting:

(2) Retailers of hemp-cannabinoid beverages containing more than five milligrams but not more than ten milligrams of an allowable THC concentration or hemp gelatin chewables containing not more than ten milligrams are subject to Chapter 6 of Title 61, in the same manner and to the same extent those provisions apply to alcoholic liquor. A retailer subject to this subsection must also maintain a license to sell alcoholic liquors for off-premises consumption.

~~—(3) Retailers of hemp-cannabinoid products must also maintain a retail license for beer and wine or alcoholic liquor to be eligible for a~~

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~~hemp-cannabinoid product retailer's license in addition to any additional requirements required by the department.~~

Re-number sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 6A to H. 3924 (LC-3924.VR0007H), which was tabled:

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

SECTION X. Section 61-3-120 of the S.C. Code is amended to read:

Section 61-3-120. (A)(1) The department shall approve alcohol server and hemp-cannabinoid product training programs offered by providers that are based on best evidence practice standards. The department may collaborate with DBHDD and the division to determine appropriate providers for the purposes of this chapter. The department shall approve or deny a program within sixty days of application by a provider. A provider may appeal a denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures Act.

(2) A provider may charge a licensee, permittee, or individual seeking training for the purpose of employment as an alcohol or hemp-cannabinoid product server or manager a fee not to exceed fifty dollars per participant.

(B) The curricula of each program must include the following subjects:

(1) state laws and regulations pertaining to:

(a) the sale and service of alcoholic beverages or hemp-cannabinoid products;

(b) the permitting and licensing of sellers of alcoholic beverages or hemp-cannabinoid products;

(c) impaired driving or driving under the influence of alcohol or drugs;

(d) liquor liability issues;

(e) the carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages or hemp-cannabinoid products; and

(f) life consequences, such as the loss of education

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scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages [or hemp-cannabinoid products](#);

(2) the effect that alcohol [or a hemp-cannabinoid product](#) has on the body and human behavior including, but not limited to, its effect on an individual's ability to operate a motor vehicle when intoxicated;

(3) information on blood alcohol [or cannabinoid](#) concentration and factors that change or alter blood alcohol [or cannabinoid](#) concentration;

(4) the effect that alcohol [or a hemp-cannabinoid product](#) has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

(5) information on recognizing the signs of intoxication and methods for preventing intoxication;

(6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

(7) methods of identifying and refusing to serve or sell alcoholic [or hemp-cannabinoid product](#) beverages to individuals under twenty-one years of age and intoxicated individuals;

(8) methods for properly and effectively checking the identification of an individual, for identifying illegal identification, and for handling situations involving individuals who have provided illegal identification;

(9) South Carolina law enforcement information including, but not limited to, the most recently published official statistics on drunk [or otherwise impaired](#) driving accidents, injuries, and deaths in South Carolina; and

(10) other topics related to alcohol [or hemp-cannabinoid product](#) server education and training designated by the department, in collaboration with DBHDD and the division, to be included.

(C) The department shall approve only online designed training programs that meet each of the following criteria:

(1) a program must cover the content specified in subsection (B);

(2) the content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic [or hemp-cannabinoid product](#) beverages and must be developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible;

(3) a program shall be offered online;

(4) online training must be at least four hours, be available in English and Spanish, and include a test;

(5) online or computer based training programs must use linear

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navigation that requires the completion of a module before the course proceeds to the next module, with no content omitted, be interactive, have audio for content, and include a test;

(6) training and testing must be conducted online. All tests must be monitored by an online proctor. A passing grade for a test, as provided by the program, is required; and

(7) training certificates are issued by the provider only after training is complete and a test has been passed successfully.

(D) Within ten business days after a training is completed, each provider must give to the department a report of all individuals who have successfully completed the training and testing. The provider must also maintain these records for at least five years following the end of the training program for purposes of verifying certification validity by the department or the division.

(E) The department, in collaboration with DBHDD and the division, may suspend or revoke the authorization of a provider that the department determines has violated the provisions of this chapter. If a provider's authorization is suspended or revoked, then that provider must cease operations in this State immediately and refund any money paid to it by individuals enrolled in that provider's program at the time of the suspension or revocation.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 7A to H. 3924 (LC-3924.VR0016H), which was tabled:

Amend the bill, as and if amended, SECTION 2, by striking Section 46-55-5 and inserting:

Section 46-55-5. The purpose of this chapter is to regulate the sale and distribution of hemp products. It is the intent of the General Assembly that the manufacture, sale, and distribution of hemp-cannabinoid products are strictly prohibited unless specifically provided for in this chapter and Chapters 2, ~~4~~, 6, and 14 of Title 61, and synthetic cannabis products are strictly prohibited and a violation should be treated as marijuana under Chapter 53, Title 44.

Amend the bill further, by deleting SECTIONS 16, 17, 18, 19, 20, 21,

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22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 from the bill.

Amend the bill further, SECTION 39, by striking Section 61-14-10(1)(a) and inserting:

(a) not more than five milligrams per serving which can be sold in a twelve-ounce single serving container in a ~~retail~~liquor store; or

Amend the bill further, SECTION 39, by striking Section 61-14-10(15) and inserting:

(15) ~~“Retail establishment” means a place of business open to the general public for the sale of goods or services.~~ Reserved.

Amend the bill further, SECTION 39, by striking Section 61-14-920 and inserting:

Section 61-14-920. Hemp-cannabinoid beverages in a 750-milliliter bottle, a single serving can or bottle ~~containing more than five milligrams but not more than ten milligrams of an allowable THC concentration~~, or a hemp gelatin chewable as permitted by this chapter must be sold only in licensed alcoholic liquor stores.

Amend the bill further, by deleting SECTION 46 from the bill.

Amend the bill further, SECTION 47, by striking Section 61-14-15(A) and inserting:

(A) It is unlawful for a licensee of ~~a retail establishment or~~ a liquor store not to maintain any hemp-cannabinoid product behind the counter of a ~~retail establishment or a~~ liquor store in an area inaccessible to the customer.

Re-number sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 8A to H. 3924 (LC-3924.VR0011H), which was tabled:

Amend the bill, as and if amended, SECTION 39, by striking Section 61-14-10(1)(b) and inserting:

(b) not more than ten milligrams per serving, which can be: sold in a twelve-ounce single serving container in a liquor store.

~~—— (i) up to one and one-half of an ounce, in a 750-milliliter container sold in a liquor store;~~

~~—— (ii) a twelve-ounce single serving container sold in a liquor store; or~~

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~~(iii) one hemp gelatin chewable in a liquor store.~~

Amend the bill further, SECTION 39, by striking Section 61-14-10(8) and inserting:

(8) “Hemp-cannabinoid beverage” is a chemically intoxicating beverage subject to the exercise of the police power of the General Assembly, pursuant to Section 1, Article VIII-A of the South Carolina Constitution. “Hemp-cannabinoid beverages” may not contain beer, wine, or liquor, and may not contain more than the allowable THC concentration, and must be sold: as a single serving in twelve-ounce cans or bottles.

~~— (a) as a single serving in twelve-ounce cans or bottles, or~~

~~— (b) as no more than seventeen servings with a total of one hundred seventy milligrams of THC in a single 750-milliliter bottle.~~

Amend the bill further, SECTION 39, by striking Section 61-14-10(19) and inserting:

~~(19) “Serving” means a hemp cannabinoid beverage containing either:~~

~~— (a) twelve fluid ounces in a single serving container;~~

~~— (b) no more than one and one-half fluid ounces in a 750-milliliter bottle; or~~

~~— (c) or a chewable containing no more than ten milligrams of an allowable THC concentration per gummy.~~

(19) “Serving” means a hemp-cannabinoid beverage containing twelve fluid ounces in a single serving container.

Amend the bill further, SECTION 39, by striking Section 61-14-920 and inserting:

Section 61-14-920. Hemp-cannabinoid beverages in ~~a 750-milliliter bottle~~, a single serving can or bottle containing more than five milligrams but not more than ten milligrams of an allowable THC concentration, or a hemp gelatin chewable as permitted by this chapter must be sold only in licensed alcoholic liquor stores.

Re-number sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 9A to H. 3924 (LC-3924.VR0013H), which was tabled:

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Amend the bill, as and if amended, SECTION 39, by striking Section 61-14-10(1)(b) and inserting:

- ~~— (b) not more than ten milligrams per serving, which can be:~~
- ~~— (i) up to one and one-half of an ounce, in a 750-milliliter container sold in a liquor store;~~
- ~~— (ii) a twelve-ounce single serving container sold in a liquor store; or~~
- ~~— (iii) one hemp gelatin chewable in a liquor store.~~
- (b) not more than five milligrams per serving, which can be:
- (i) up to three-fourths of an ounce, in a 750-milliliter container sold in a liquor store;
- (ii) a twelve-ounce single serving container sold in a liquor store; or
- (iii) one hemp gelatin chewable in a liquor store.

Amend the bill further, SECTION 39, by striking Section 61-14-10(9) and inserting:

(9) “Hemp gelatin chewable,” “chewable,” or “gummy” is an edible, chewable product that contains intoxicating alcoholic liquid converted into a gelatin or a kosher gelatin alternative substance subject to the exercise of the police power of the General Assembly, pursuant to Section 1, Article VIII-A of the South Carolina Constitution. Chewables may contain no more than ~~ten~~five milligrams per serving of an allowable THC concentration per chewable or gummy and must be sold in containers of no more than four chewables per package, ~~forty~~twenty milligrams total THC per package. Baked goods or other food products of any kind are not chewables or gummies.

Amend the bill further, SECTION 39, by striking Section 61-14-10(19)(b) and (c) and inserting:

- (b) no more than ~~one and one-half fluid ounces~~three-fourths of a fluid ounce in a 750-milliliter bottle; or
- (c) or a chewable containing no more than ~~ten~~five milligrams of an allowable THC concentration per gummy.

Amend the bill further, SECTION 39, by striking Section 61-14-300(B) and inserting:

(B) All hemp-cannabinoid beverages or chewables distributed into or within the State and offered for sale and sold to consumers in this State must be governed by this chapter, and where applicable Chapter 4 for hemp-cannabinoid beverages or hemp gelatin chewables containing not more than five milligrams of an allowable THC concentration, ~~or Chapter 6, for hemp cannabinoid products containing more than five milligrams but not more than ten milligrams of an allowable THC~~

concentration.

Amend the bill further, SECTION 39, by striking Section 61-14-710(B) and inserting:

~~—(B) (1) Manufacturers of hemp-cannabinoid beverages containing up to five milligrams of an allowable THC concentration are subject to Chapter 4, Title 61 in the same manner and to the same extent as those provisions apply to manufacturers of beer or wine.~~

~~—(2) Manufacturers of hemp-cannabinoid beverages containing more than five milligrams but not more than ten milligrams of an allowable THC concentration or hemp gelatin chewables containing not more than ten milligrams of an allowable THC concentration are subject to Chapter 6, Title 61 in the same manner and to the same extent as those provisions apply to manufacturers of alcoholic liquor.~~

(B) Manufacturers of hemp-cannabinoid beverages or hemp gelatin chewables containing up to five milligrams of an allowable THC concentration are subject to Chapter 4, Title 61 in the same manner and to the same extent as those provisions apply to manufacturers of beer or wine.

Amend the bill further, SECTION 39, by striking Section 61-14-710(C)(1), (2), and (3) and inserting:

(C)(1) Wholesalers of hemp-cannabinoid beverages or hemp gelatin chewables containing up to five milligrams of an allowable THC concentration are subject to Chapter 4, Title 61 in the same manner and to the same extent those provisions apply to wholesalers of beer and wine.

~~—(2) Wholesalers of hemp-cannabinoid beverages containing more than five milligrams but not more than ten milligrams of an allowable THC concentration or hemp gelatin chewables containing not more than ten milligrams of an allowable THC concentration are subject to Chapter 6, Title 61 in the same manner and to the same extent those provisions apply to wholesalers of alcoholic liquor.~~

~~(3)~~(2) Wholesalers of hemp-cannabinoid products must also maintain a wholesaler license issued under Chapter 4 ~~or Chapter 6~~, Title 61.

Amend the bill further, SECTION 39, by striking Section 61-14-710(D)(1), (2), and (3) and inserting:

(D)(1) Retailers of hemp-cannabinoid beverages or hemp gelatin chewables containing up to five milligrams of an allowable THC concentration are subject to Chapter 4, Title 61 in the same manner and to the extent those provisions apply to beer and wine.

~~—(2) Retailers of hemp-cannabinoid beverages more than five~~

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~~milligrams but not more than ten milligrams of an allowable THC concentration or hemp gelatin chewables containing not more than ten milligrams are subject to Chapter 6 of Title 61, in the same manner and to the same extent those provisions apply to alcoholic liquor.~~

~~(3)~~(2) Retailers of hemp-cannabinoid products must also maintain a retail license for beer and wine or alcoholic liquor to be eligible for a hemp-cannabinoid product retailer's license in addition to any additional requirements required by the department.

Amend the bill further, SECTION 39, by striking Section 61-14-730(C) and (D) and inserting:

~~—(C) In addition to all other taxes levied, assessed, collected, and paid in with respect to hemp cannabinoid beverages and hemp gelatin chewables, every licensed wholesaler shall be subject to the payment of a tax of one hundred two thousandths cent per ounce or fractional quantity thereof on each hemp cannabinoid beverage sold and containing more than five milligrams but not more than ten milligrams and hemp gelatin chewables sold and containing not more than ten milligrams of an allowable THC concentration.~~

~~(D)~~(C) Eleven percent of the excise tax revenues collected pursuant to this section must be placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund and distributed pursuant to Chapter 12, Title 61.

Re-number sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 10A to H. 3924 (LC-3924.VR0015H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by striking Section 46-55-10(17) and inserting:

~~(11)~~(17) "Marijuana" has the same meaning as in Section 44-53-110 and does not include tetrahydrocannabinol in hemp or hemp products as defined herein ~~or hemp-cannabinoid beverages or chewables~~ as defined in Section 61-14-20.

Amend the bill further, SECTION 39, by striking Section 61-14-10(1)(b) and inserting:

~~—(b) not more than ten milligrams per serving, which can be:~~

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~~(i) up to one and one-half of an ounce, in a 750-milliliter container sold in a liquor store;~~

~~(ii) a twelve-ounce single serving container sold in a liquor store; or~~

~~(iii) one hemp gelatin chewable in a liquor store.~~

(b) not more than ten milligrams per serving, which can be:

(i) up to one and one-half of an ounce, in a 750-milliliter container sold in a liquor store; or

(ii) a twelve-ounce single serving container sold in a liquor store.

Amend the bill further, SECTION 39, by striking Section 61-14-10(4) and inserting:

(4) “Certificate of analysis” means a document issued by an independent testing laboratory, which provides information about the chemical composition of a particular batch of a hemp-cannabinoid beverage ~~or hemp gelatin chewable.~~

Amend the bill further, SECTION 39, by striking Section 61-14-10(9) and (10) and inserting:

(9) ~~“Hemp gelatin chewable,” “chewable,” or “gummy” is an edible, chewable product that contains intoxicating alcoholic liquid converted into a gelatin or a kosher gelatin alternative substance subject to the exercise of the police power of the General Assembly, pursuant to Section 1, Article VIII A of the South Carolina Constitution. Chewables may contain no more than ten milligrams per serving of an allowable THC concentration per chewable or gummy and must be sold in containers of no more than four chewables per package, forty milligrams total THC per package. Baked goods or other food products of any kind are not chewables or gummies. Reserved.~~

(10) “Manufacture” or “produce” means to compound, blend, extract, infuse, cook, or otherwise make or prepare hemp-cannabinoid beverages, ~~or chewables~~ including the process of extraction, infusion, packaging, repackaging, labeling, and relabeling of hemp-cannabinoid beverages ~~or chewables.~~

Amend the bill further, SECTION 39, by striking Section 61-14-10(12) and inserting:

(12) “Producer” as used in this chapter includes a manufacturer, a bottler, or importer of hemp-cannabinoid beverages ~~or chewables,~~ into the United States.

Amend the bill further, SECTION 39, by striking Section 61-14-10(14) and inserting:

(14) “Retailer” means a person or entity that sells hemp-

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cannabinoid beverages ~~or chewables~~ for consumption and not for resale and is a holder of a license issued under the provisions of this chapter, other than a manufacturer or wholesaler.

Amend the bill further, SECTION 39, by striking Section 61-14-10(19) and inserting:

~~—(19) “Serving” means a hemp-cannabinoid beverage containing either:~~

~~—(a) twelve fluid ounces in a single serving container;~~

~~—(b) no more than one and one-half fluid ounces in a 750-milliliter bottle; or~~

~~—(c) or a chewable containing no more than ten milligrams of an allowable THC concentration per gummy.~~

(19) “Serving” means a hemp-cannabinoid beverage containing either:

—(a) twelve fluid ounces in a single serving container; or

—(b) no more than one and one-half fluid ounces in a 750-milliliter bottle.

Amend the bill further, SECTION 39, by striking Section 61-14-300(B), (C), and (D) and inserting:

(B) All hemp-cannabinoid beverages ~~or chewables~~ distributed into or within the State and offered for sale and sold to consumers in this State must be governed by this chapter, and where applicable Chapter 4 for hemp-cannabinoid beverages containing not more than five milligrams of an allowable THC concentration, or Chapter 6, for hemp cannabinoid products containing more than five milligrams but not more than ten milligrams of an allowable THC concentration.

(C) Any hemp-cannabinoid beverages ~~or chewables~~ possessed, distributed, sold, or offered for sale to consumers in this State in violation of this article must be considered contraband and must be seized by law enforcement as provided for by law.

(D) The department shall administer the provisions of this chapter related to the licensing and taxation of hemp-cannabinoid beverages ~~and chewables~~.

Amend the bill further, SECTION 39, by striking Section 61-14-320(D) and inserting:

(D) The manufacture, production, distribution, importation, sale, or possession of a hemp-cannabinoid beverage ~~or hemp-gelatin chewable~~ containing more than the allowable THC concentration is prohibited by law and punishable in the same manner as marijuana pursuant to Sections 44-53-190 and 44-53-370, unless otherwise deemed a safe harbor hemp product by the department.

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Amend the bill further, SECTION 39, by striking Section 61-14-330(B) and inserting:

(B) A retail seller of hemp-cannabinoid beverages ~~or hemp gelatin chewable~~ who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

Amend the bill further, SECTION 39, by striking Section 61-14-340(A)(1) and (2) and inserting:

(1) undertake any task under the influence of hemp-cannabinoid beverages ~~or hemp gelatin chewable~~ when doing so would constitute negligence or professional malpractice; or

(2) operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle while under the influence of a hemp-cannabinoid beverage ~~or hemp gelatin chewable~~.

Amend the bill further, SECTION 39, by striking Section 61-14-340(B) and inserting:

(B) This article does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the use of hemp-cannabinoid beverages ~~or hemp gelatin chewable~~ or relieve a person from any requirement under the law to submit to a breath, blood, urine, oral swab, or other test to detect the presence of a controlled substance.

Amend the bill further, SECTION 39, by striking Section 61-14-360(A)(1) and inserting:

(1) it is unlawful to sell hemp-cannabinoid beverages in bottles ~~or hemp gelatin chewables~~ from liquor stores on Sundays, on Christmas Day, or during periods proclaimed by the Governor in the interest of law and order or public morals and decorum. Full authority to proclaim these periods is conferred upon the Governor in addition to all other powers conferred upon the Governor.

Amend the bill further, SECTION 39, by striking Section 61-14-500(A), (B), and (C) and inserting:

(A) A hemp-cannabinoid beverage ~~or hemp gelatin chewable~~ may not be distributed into or within the State or offered for sale or sold at retail within the State, unless the product:

(1) has a corresponding certificate of analysis as described in Section 61-14-520, issued by an independent testing laboratory that tests the batch from which the hemp-cannabinoid beverage ~~or hemp gelatin chewable~~ was produced;

(2) is in the original sealed container as packaged by the producer

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and meets the packaging restrictions in Section 61-14-530;

(3) meets the serving size and product content requirements, including total THC, described in this chapter; and

(4) meets the labeling requirements described in Section 61-14-540.

(B) Every manufacturer, producer, importer, and distributor shall maintain and make immediately available for inspection to any law enforcement officer or authorized agent of the department a copy of the certificate of analysis of each hemp-cannabinoid beverage ~~or hemp gelatin-chewable~~ being distributed by a distributor or offered for sale by a retailer.

(C) Any person, including any servant, agent, or employee of the person who distributes, sells, or offers for sale any hemp-cannabinoid beverage ~~or hemp gelatin-chewable~~ in violation of this section is subject to the following penalties:

(1) for a first offense within a three-year period, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years, or fined not more than five thousand dollars, or both;

(2) for a second offense within a three-year period, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both; and

(3) for a third or subsequent offense within a three-year period, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both. A third offense within a three-year period subjects the licensee of the retailer to revocation by the department of all licenses under Title 61.

Amend the bill further, SECTION 39, by striking Section 61-14-520(A) and inserting:

(A) The protocols for testing a hemp-cannabinoid beverage ~~or a hemp gelatin-chewable~~ by an independent testing laboratory must include the following, as well as a determination of corresponding tolerance limits:

(1) a cannabinoid profile of content and potency including, but not limited to, all the following:

- (a) total THC (THC+THCA);
- (b) total CBD (CBD+CBDA);
- (c) other detectable cannabinoids; and
- (d) total THC/CBD ratio; if applicable;

(2) terpene profiles;

(3) heavy metals including, but not limited to, arsenic, cadmium, mercury, and lead;

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(4) chemical contamination, such as residual solvents remaining after extraction, and concentration;

(5) microbials including, but not limited to, pathogenic microbials such as E. coli, salmonella, and mold;

(6) mycotoxins; and

(7) residual insecticides, fungicides, herbicides, and growth regulators used during cultivation.

Amend the bill further, SECTION 39, by striking Section 61-14-520(C) and inserting:

(C) The manufacturer must include a scannable barcode or quick response code linked to the certificate of analysis on the label on the hemp-cannabinoid beverage ~~or hemp gelatin chewable~~ container.

Amend the bill further, SECTION 39, by striking Section 61-14-530(A) and (B) and inserting:

(A) Packaging of hemp-cannabinoid beverages ~~or hemp gelatin chewables~~:

(1) may not bear the likeness or contain cartoon-like characteristics of real or fictional persons, animals, or fruits that appeal to children;

(2) may not be modeled after a brand or products primarily consumed by or marketed to children;

(3) may not include a statement, artwork, or design that could reasonably appeal to children or mislead an individual to believe that the package contains anything other than a hemp-cannabinoid beverage ~~or hemp gelatin chewable, as applicable~~;

(4) may not be packaged in any way that violates federal trademark or copyright laws, and

(5) for the purposes of hemp gelatin chewable packaging must be child resistant.

(B) A person who knowingly sells, holds for sale, or distributes a hemp-cannabinoid beverage ~~or hemp gelatin chewable~~ that violates subsection (A):

(1) for a first offense within a three-year period, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years, or fined not more than five thousand dollars, or both;

(2) for a second offense within a three-year period, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both; and

(3) for a third or subsequent offense within a three-year period, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both. A

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third offense within a three-year period subjects the licensee of the retailer to revocation by the department of all licenses under Title 61.

Amend the bill further, SECTION 39, by striking Section 61-14-540(9)(a) and inserting:

(a) hemp-cannabinoid beverage ~~and hemp-gelatin-chewable~~ consumption while pregnant or breastfeeding may be harmful;

Amend the bill further, SECTION 39, by striking Section 61-14-540(9)(f) and inserting:

(f) hemp-cannabinoid beverages ~~and hemp-gelatin-chewables~~ are not approved for any medical use by the United States Food and Drug Administration;

Amend the bill further, SECTION 39, by striking Section 61-14-700(A)(1) and inserting:

(1) A manufacturer, wholesaler, or retailer of hemp-cannabinoid beverages, ~~hemp-gelatin-chewables~~, or safe harbor hemp products must be in possession of a valid, applicable hemp-cannabinoid product license issued by the department that has sole and exclusive power to issue hemp-cannabinoid product licenses.

Amend the bill further, SECTION 39, by striking Section 61-14-700(B)(1)(a) and inserting:

(a) hemp-cannabinoid beverages ~~and hemp-gelatin-chewables~~ and to sell, deliver, or ship hemp-cannabinoid beverages ~~and hemp-gelatin-chewables~~ in accordance with regulations in bottles or cans or containers to a person in this State who has a wholesaler's license issued pursuant to this article and in bottle or cans or containers to person outside this State; or

Amend the bill further, SECTION 39, by striking Section 61-14-700(B)(2) and (3) and inserting:

(2) hemp-cannabinoid product wholesaler's license, which authorizes the licensee to purchase, store, keep, possess, import into this State, transport, sell, and deliver hemp-cannabinoid beverages in bottles or cans ~~and hemp-gelatin-chewables~~ in accordance with regulations to a person having a manufacturer's or retail license issued pursuant to this article; and

(3) hemp-cannabinoid product retail license, which authorizes the licensees to purchase hemp-cannabinoid beverages ~~and hemp-gelatin-chewables~~ from wholesalers having licenses issued pursuant to this article, and to store, keep, possess, and sell hemp-cannabinoid product at retail, and which excludes sales of hemp-cannabinoid product for on-premise consumption.

Amend the bill further, SECTION 39, by striking Section 61-14-

710(A) and inserting:

(A) A manufacturer of hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ or a person who imports these beverages produced outside the United States may not sell, barter, exchange, transfer, or deliver for resale hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ unless the person holds a valid hemp-cannabinoid product wholesaler's license, and a holder of a hemp-cannabinoid product wholesaler's license may not sell, barter, exchange, transfer, or deliver for resale hemp-cannabinoid products to a person who does not have a hemp-cannabinoid product manufacturer's, or retailer's license.

Amend the bill further, SECTION 39, by striking Section 61-14-710(B)(2) and inserting:

(2) Manufacturers of hemp-cannabinoid beverages containing more than five milligrams but not more than ten milligrams of an allowable THC concentration ~~or hemp gelatin chewables containing not more than ten milligrams of an allowable THC concentration~~ are subject to Chapter 6, Title 61 in the same manner and to the same extent as those provisions apply to manufacturers of alcoholic liquor.

Amend the bill further, SECTION 39, by striking Section 61-14-710(C)(2) and inserting:

(2) Wholesalers of hemp-cannabinoid beverages containing more than five milligrams but not more than ten milligrams of an allowable THC concentration ~~or hemp gelatin chewables containing not more than ten milligrams of an allowable THC concentration~~ are subject to Chapter 6, Title 61 in the same manner and to the same extent those provisions apply to wholesalers of alcoholic liquor.

Amend the bill further, SECTION 39, by striking Section 61-14-710(D)(2) and inserting:

(2) Retailers of hemp-cannabinoid beverages more than five milligrams but not more than ten milligrams of an allowable THC concentration ~~or hemp gelatin chewables containing not more than ten milligrams~~ are subject to Chapter 6 of Title 61, in the same manner and to the same extent those provisions apply to alcoholic liquor.

Amend the bill further, SECTION 39, by striking Section 61-14-730(B) and (C) and inserting:

(B) In addition to all other taxes levied, assessed, collected, and paid in with respect to hemp-cannabinoid beverages ~~and hemp gelatin chewables~~, every licensed wholesaler shall be subject to the payment of a tax of six-tenths cent per ounce or fractional quantity thereof on sales of each hemp-cannabinoid beverage sold and containing five milligrams or less of an allowable THC concentration.

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(C) In addition to all other taxes levied, assessed, collected, and paid in with respect to hemp-cannabinoid beverages ~~and hemp gelatin chewables~~, every licensed wholesaler shall be subject to the payment of a tax of one hundred two thousandths cent per ounce or fractional quantity thereof on each hemp-cannabinoid beverage sold and containing more than five milligrams but not more than ten milligrams ~~and hemp gelatin chewables sold and containing not more than ten milligrams of an allowable THC concentration.~~

Amend the bill further, SECTION 39, by striking Section 61-14-740 and inserting:

Section 61-14-740. The tax prescribed in this article must be paid by requiring each wholesaler to make a report to the department, in the form the department prescribes, of all hemp-cannabinoid beverages ~~and all hemp gelatin chewables~~ sold or disposed of within this State by the wholesaler and to pay the tax due thereon not later than the twentieth of the month following the sale of the hemp-cannabinoid beverages ~~and hemp gelatin chewables~~. Any wholesaler who fails to file the report or to pay the tax as prescribed in this section must pay a penalty of one quarter of one percent of the amount of the tax due and unpaid or unreported for each day the tax remains unpaid or unreported. The penalty must be assessed and collected by the department in the manner as other taxes are assessed and collected. The department may grant any wholesaler extensions of time for filing the reports and paying the taxes prescribed in this article and no penalties may be assessed or collected to the extent that the extensions of time are granted.

Amend the bill further, SECTION 39, by striking Section 61-14-750(A) and (B) and inserting:

(A) For hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ containing five milligrams or less of an allowable THC concentration, and under the reporting method of tax payment on such sales of hemp-cannabinoid beverages as prescribed in Section 61-14-730, the department shall allow a discount of two percent to the wholesaler on the amount of tax reported on each monthly report.

(B) For hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ containing more than five milligrams of an allowable THC concentration, and under the reporting method of tax payment on such sales of hemp-cannabinoid beverages as prescribed in Section 61-14-730, the department shall allow a discount of one percent to the wholesaler on the amount of tax reported on each monthly report.

Amend the bill further, SECTION 39, by striking Section 61-14-760 and inserting:

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Section 61-14-760. Every person, firm, corporation, club, or association, or any organization or individual within this State, importing, receiving, or acquiring from without the State or from any other sources whatever, hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ as defined in this chapter on which the tax imposed by this chapter has not been paid, for use or consumption within the State, shall be subject to the payment of a license tax at the same rates provided in Sections 61-14-730 and 61-14-740.

Amend the bill further, SECTION 39, by striking Section 61-14-780 and inserting:

Section 61-14-780. The department or any agent or representative designated by it for that purpose and all peace officers or police officers of the State may enter upon the premises of any person selling or offering for sale any hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ without a warrant and examine or cause to be examined any books, records, papers, memoranda or commodities and secure any other information directly or indirectly pertaining to the enforcement of this article.

Amend the bill further, SECTION 39, by striking Section 61-14-790(B) and inserting:

(B) The hemp-cannabinoid ~~beverages and hemp gelatin chewables~~ beverage taxes and license fees provided for by this article must be paid to and collected by the department and deposited to the credit of the general fund of the State, unless otherwise specified by this article.

Amend the bill further, SECTION 39, by striking Section 61-14-800(A), (B), and (C) and inserting:

(A) It is unlawful for a person to sell or permit to be sold hemp-cannabinoid beverages ~~or hemp gelatin chewables~~ authorized to be sold under this chapter on which taxes levied have not been paid.

(1) For a first violation of this section, a person is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days, in the discretion of the court.

(2) For a second offense of this section, a person is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars, imprisoned not more than thirty days, or both.

(3) For a third or subsequent offense of this section, a person is guilty of a felony and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars, imprisoned for not less than thirty days nor more than sixty days, or both.

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(B) It is unlawful for a person who does not hold a license pursuant to this chapter to sell or permit to be sold hemp-cannabinoid beverages ~~or hemp gelatin chewables~~. A person who violates this subsection is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than two-thousand five hundred dollars or imprisoned for not less than thirty days nor more than sixty days, or both, and is prohibited from being a licensee under any chapter of Title 61.

(C) Each hemp-cannabinoid beverage ~~or hemp gelatin chewable~~ sold on which taxes levied have not been paid is a separate offense.

Article 9

Provisions Affecting Hemp-Cannabinoid Products Only

Amend the bill further, SECTION 39, by striking Section 61-14-900(B) and inserting:

(B) Except as provided in subsection (C), a manufacturer, producer, or wholesaler of hemp-cannabinoid products, or a person acting on his behalf, must not give, furnish, rent, lend, or sell, directly or indirectly, to the holder of a hemp-cannabinoid product retail license any equipment, fixtures, free hemp-cannabinoid beverages ~~or hemp gelatin chewables~~, or service. The holder of a hemp-cannabinoid product retail license or a person acting on his behalf may not accept, directly or indirectly, any equipment, fixtures, free hemp-cannabinoid beverages ~~or hemp gelatin chewables~~, or service referred to in this subsection from a manufacturer, producer, or wholesaler of hemp-cannabinoid products, except as provided in subsection (C).

Amend the bill further, SECTION 39, by striking Section 61-14-920 and inserting:

Section 61-14-920. Hemp-cannabinoid beverages in a 750-milliliter bottle, or a single serving can or bottle containing more than five milligrams but not more than ten milligrams of an allowable THC concentration, ~~or a hemp gelatin chewable~~ as permitted by this chapter must be sold only in licensed alcoholic liquor stores.

Re-number sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 12A to H. 3924 (LC-3924.PH0003H), which was tabled:

Amend the bill, as and if amended, by adding an appropriately

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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. It is unlawful to export products prohibited in this State to other states and jurisdictions.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 14A to H. 3924 (LC-3924.SA0005H), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 40 from the bill.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 15A to H. 3924 (LC-3924.SA0007H), which was tabled:

Amend the bill, as and if amended, SECTION 42, by striking Section 61-6-1500(A)(1), (2), and (3) and inserting:

(1) sell, barter, exchange, give, or offer for sale, barter, or exchange, or permit the sale, barter, exchange, or gift, of alcoholic liquors or psychoactive hemp-cannabinoid products without regard to the size of the container:

(a) between the hours of 7:00 p.m. and 9:00 a.m.;

(b) for consumption on the premises;

(c) to a person under twenty-one years of age;

(d) to an intoxicated person;

(e) to a mentally incompetent person; or

(f) to a person the retail dealer knows is another retail dealer, except as provided in Section 61-6-950 or between locations owned by the same retail dealer;

(2) permit the drinking of alcoholic liquors or psychoactive

[hemp-cannabinoid products](#) in his store or place of business;

(3) sell alcoholic liquors [or psychoactive hemp-cannabinoid products](#) on credit; however, this item does not prohibit payment by electronic transfer of funds if:

(a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors [or psychoactive hemp-cannabinoid products](#); and

(b) the electronic transfer is initiated by the retailer no later than one business day after delivery;

Amend the bill further, SECTION 42, by striking Section 61-6-1500(A)(5) and inserting:

(5) purchase, barter, exchange, receive, or offer to purchase, barter, exchange, receive or permit the purchase, barter, exchange, or receipt, of alcoholic liquors [or psychoactive hemp-cannabinoid products](#) without regard to the size of the container from another retail dealer, except as provided in Section 61-6-950 or between locations owned by the same retail dealer.

However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors [or psychoactive hemp-cannabinoid products](#).

Amend the bill further, SECTION 42, by striking Section 61-6-1500(B)(1) and inserting:

(B)(1) It is unlawful for a person licensed to sell alcoholic liquors [or psychoactive hemp-cannabinoid products](#) pursuant to the provisions of this section to knowingly and willfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor [or psychoactive hemp-cannabinoid products](#), or otherwise tamper with the contents of the bottle.

Amend the bill further, SECTION 42, by striking Section 61-6-1500(B)(4) and inserting:

(4) The possession of a refilled or reused bottle or other container of alcoholic liquors [or psychoactive hemp-cannabinoid products](#) is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

Amend the bill further, SECTION 42, by striking Section 61-6-1500(C), (D), and (E) and inserting:

(C) A retail dealer must keep a record of all sales of alcoholic liquors [or psychoactive hemp-cannabinoid products](#) sold to establishments licensed for on-premises consumption. The record must include the name of the purchaser and the date and quantity of the sale

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by brand and bottle size.

(D) It is unlawful to sell alcoholic liquors or psychoactive hemp-cannabinoid products except during lawful hours of operation.

(E) It is unlawful for a retail dealer to sell psychoactive hemp-cannabinoid products for delivery directly to a customer's residence.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 16A to H. 3924 (LC-3924.SA0008H), which was tabled:

Amend the bill, as and if amended, SECTION 39, by adding:

Section 61-14-930. Notwithstanding any other provision of law, psychoactive hemp-cannabinoid products may not be sold in the same transaction as any alcoholic product including liquor, beer, or wine.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 17A to H. 3924 (LC-3924.SA0002H), which was adopted:

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 more than 0.4mg of total THC per container. 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:

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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, provided the products do not contain more than 0.4mg of total THC per container and do not contain cannabinoids, regardless of concentration that are synthesized or manufactured outside the cannabis plant. Smokeable flower or prerolls are not considered a consumable hemp product and are prohibited from being sold in this State.

~~(4)(6)~~ “Cultivating” means planting, watering, growing, and harvesting a plant or crop.

~~(5)(7)~~ “Department” means the South Carolina Department of Agriculture.

~~(6)(8)~~ “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)(9)~~ “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)(10)~~ “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)(11)~~ “Hemp products” means all products with a delta-9 tetrahydrocannabinoid (THC) concentration~~the federally defined THC level~~

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.

(12) “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

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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, tetrahydrocannabiocytls, 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.~~

(13) “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.

~~(14)~~(14) “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)~~(15) “Processing” means converting an agricultural commodity into a marketable form.

~~(13)~~(16) ~~“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)~~(17) ~~“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.

(18) “THC” means tetrahydrocannabinol.

(19) “Total Tetrahydrocannabinol” or “Total THC” means the sum of Delta 9 THC, tetrahydrocannabinolic acid (THCA) after conversion, and any other cannabinoid, isomer, analogue, derivative, or synthetic equivalent that has intoxicating or psychoactive effects.

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

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Section 46-55-70. (A) Any intoxicating hemp product or hemp product that contains a higher concentration of total THC than specified in Section 46-55-10(4) 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 an intoxicating hemp product or hemp product that contains a higher concentration of total THC than specified in Section 46-55-10(4) is prohibited by law and punishable in the same manner as THC pursuant to Sections 44-53-190 and 44-53-370.

(C) It is unlawful to manufacture, distribute, sell, offer for sale, or possess with intent to distribute any beverage exceeding the total THC limit established herein.

(D) 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 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.

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.

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Renumber sections to conform.
Amend title to conform.

Rep. MCCRAVY explained the amendment.

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

Yeas 56; Nays 36

Those who voted in the affirmative are:

Bradley	Brittain	Burns
Calhoon	Chumley	Collins
Cox	Crawford	Cromer
Davis	Edgerton	Erickson
Forrest	Gatch	Gilliam
Gilreath	Guest	Hager
Hardee	Hartz	Hiott
Hixon	J. E. Johnson	Jordan
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Martin	McCabe	McCraVY
C. Mitchell	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Robbins
G. M. Smith	Taylor	Teeple
Terrible	Vaughan	White
Whitmire	Wickensimer	Willis
Wooten	Yow	

Total--56

Those who voted in the negative are:

Bailey	Ballentine	Bamberg
Bannister	Bauer	Bernstein
Brewer	Bustos	Chapman
Clyburn	Cobb-Hunter	Dillard
Duncan	Ford	Frank
Gilliard	Guffey	Harris
Hart	Hartnett	Henderson-Myers
Hosey	Huff	Jones

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King	Magnuson	McDaniel
D. Mitchell	Rose	Rutherford
Sanders	Schuessler	Scott
Stavrinakis	Weeks	Wetmore

Total--36

The amendment was then adopted.

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 3924, Amendment No. 17A. If I had been present, I would have voted in favor of the amendment.

Rep. Phillip Bowers

Rep. GATCH moved to reconsider the vote whereby Amendment 17A was adopted.

Rep. LONG moved to table the motion to reconsider.

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

Yeas 53; Nays 41

Those who voted in the affirmative are:

Bannister	Bowers	Bradley
Burns	Calhoon	Chapman
Chumley	Collins	Cox
Crawford	Cromer	Davis
Edgerton	Erickson	Forrest
Frank	Gagnon	Gilliam
Gilreath	Guest	Hager
Hartz	Hewitt	Hiott
Hixon	Jordan	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Martin
McCabe	McCrary	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Pedalino
Pope	Rankin	G. M. Smith
Taylor	Vaughan	White

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Whitmire	Wickensimer	Willis
Wooten	Yow	

Total--53

Those who voted in the negative are:

Alexander	Bailey	Bamberg
Bauer	Bernstein	Brewer
Bustos	Clyburn	Cobb-Hunter
Dillard	Duncan	Ford
Gatch	Gilliard	Govan
Grant	Guffey	Harris
Hart	Hartnett	Henderson-Myers
Hosey	Huff	J. L. Johnson
Jones	King	Kirby
Magnuson	McDaniel	C. Mitchell
Oremus	Rose	Rutherford
Sanders	Schuessler	Stavrinakis
Teeple	Terrible	Weeks
Wetmore	Williams	

Total--41

So, the motion to reconsider was tabled.

Rep. CROMER moved that the House recede until 2:00 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of the Senate Amendments.

THE HOUSE RESUMES

At 2:00 p.m. the House resumed, the SPEAKER in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

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**H. 3924--SENATE AMENDMENTS AMENDED AND
RETURNED TO THE SENATE**

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

H. 3924 -- Reps. Wooten, W. Newton, Erickson, Neese, Hager, Bannister, Herbkersman, M. M. Smith, Pedalino, C. Mitchell, Bustos, Lawson, Guffey, Hiott, Taylor, Ballentine, Vaughan, White, Long, Ligon, Guest, Gilliam, Hartnett, Bailey, Landing, B. J. Cox, Hayes, Atkinson, Willis, Lowe, T. Moore, Davis, Hixon, Martin, Pope, Henderson-Myers and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 56 TO TITLE 46 SO AS TO REGULATE THE SALE OF HEMP-DERIVED CONSUMABLES, AMONG OTHER THINGS.

Rep. FORD proposed the following Amendment No. 27A to H. 3924 (LC-3924.PH0009H), which was tabled:

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

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

CHAPTER 56

Consumable Hemp Products

Section 46-56-10. It is unlawful for a person under the age of twenty-one to possess or consume a “consumable hemp product.” A “consumable hemp product” is defined as a hemp, tetrahydrocannabinol (THC) or cannabinoid product that is a hemp- or cannabinoid- derived good intended for human ingestion, absorption, or consumption made from a cannabinoid that is naturally occurring in a hemp plant or made from a cannabinoid that is chemically derived or otherwise synthetically manufactured that has been extracted or purified from an agricultural product. The following chemically derived hemp cannabinoids are specifically included in the definition of a consumable hemp product:

- (1) Hexahydrocannabinol (HHC);
- (2) Tetrahydrocannabinol acetate ester (THCo);
- (3) Tetrahydrocannabiphorol (THCp);
- (4) Delta 8 Tetrahydrocannabinol;
- (5) Delta 10 Tetrahydrocannabinol;
- (6) Delta 4 Tetrahydrocannabinol;
- (7) Delta 11 Tetrahydrocannabinol;
- (8) Delta 6a10a Tetrahydrocannabinol;
- (9) Hexahydrocannabinol Acetate (HHC-O);

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- (10) Delta 9 Tetrahydrocannabiphorol;
- (11) Delta 9 Tetrahydrocannabihexol;
- (12) Delta 9 Tetrahydrocannabinol octyl;
- (13) Delta 9 Tetrahydrocannabinol methyl ether (THC-M);
- (14) Delta 8 Tetrahydrocannabinol octyl;
- (15) Delta 7 Tetrahydrocannabinol; or
- (16) any synthetic derivative or analog of the above compounds.

Section 46-56-20. (A) No person may knowingly:

(1) sell or distribute a product containing a consumable hemp product to a person who is under twenty-one years of age or purchase a product containing a consumable hemp product on behalf of a person who is under twenty-one years of age;

(2) persuade, entice, send, or assist a person who is under twenty-one years of age to purchase, acquire, receive, or attempt to purchase a consumable hemp product. This section does not preclude law enforcement efforts involving:

(a) the use of a minor if the minor's parent or legal guardian has consented to this action; or

(b) the use of a person under twenty-one years of age who is not a minor if the individual has consented to this action;

(3) distribute samples of consumable hemp product in or on a public street, sidewalk, or park; or

(4) sell or distribute a consumable hemp product without having first obtained proof of age from the purchaser or recipient.

(B) Any consumable hemp beverage product offered for retail sale shall be merchandised in such a manner including, but not limited to, signage, shelf-talkers, and stickers on cooler doors, so as to clearly indicate to consumers the product contains hemp-derived cannabinoids.

(C) With the exception of consumable hemp beverages, it is a violation to fail to maintain any product containing consumable hemp products locked away or behind the counter of a retail establishment in an area inaccessible to the customer.

(D) A person violating subsection (A) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(E) Section 61-6-4080 is applicable to a person who is in violation

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of subsection (A)(1) for the sale or distribution of a consumable hemp product.

(F) It is unlawful for a person under twenty-one years of age to:

(1) knowingly purchase, possess, or accept receipt of a consumable hemp product; or

(2) knowingly present purported proof of age that is false, fraudulent, or not actually that person for the purpose of purchasing or receiving a consumable hemp product.

(G) A person violating subsection (F) is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or must be imprisoned for not more than thirty days, or both.

(H) A person eighteen years of age and older lawfully employed to serve or remove consumable hemp products, beer, wine, or alcoholic beverages in establishments licensed to sell these beverages is not considered to be in unlawful possession of the beverages during the course and scope of his duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty-one years of age.

Section 46-56-40. (A) A person engaged in the business of selling at retail consumable hemp products must post in each location for which he has obtained a license a sign with the following words printed thereon:

"The possession of a consumable hemp product by a person under twenty-one years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing a consumable hemp product."

(B) The South Carolina Department of Agriculture must prescribe by regulation the size of the lettering and the location of the sign on the seller's premises.

(C) A retail seller of consumable hemp products who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.

Section 46-56-50. (A) Nothing in this act shall be construed to:

(1) legalize the sale, possession, or consumption of THC products by any person in this State where such products are otherwise prohibited by law;

(2) permit the sale or distribution of any product that exceeds the established THC limits; or

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(3) prohibit the sale or distribution of any hemp product that is otherwise legal under state or federal law provided the sale or distribution is not in violation of this article.

(B) This article does not limit or affect any other federal or state law more strictly regulating THC or controlled substances in this State.

Section 46-56-60. An entity that is in the business of manufacturing or selling products containing a hemp-derived cannabinoid in this State, including a producer or retailer, may not be located within one thousand feet of a school, daycare facility, or other similar locations.

SECTION 2. 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 3. During the first 180 days after the effective date of this act, law enforcement officers shall only issue warnings for violations of this article.

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

Rep. GATCH spoke in favor of the amendment.

Rep. WOOTEN spoke against the amendment.

Rep. WOOTEN moved to table the amendment.

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

Yeas 58; Nays 56

Those who voted in the affirmative are:

Bailey	Bannister	Beach
Bowers	Bradley	Brittain

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Burns	Bustos	Calhoon
Chapman	Chumley	Collins
Crawford	Cromer	Davis
Duncan	Edgerton	Erickson
Forrest	Gilliam	Guest
Haddon	Hager	Hartz
Herbkersman	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Martin
McCabe	McCrary	C. Mitchell
T. Moore	Morgan	Moss
B. Newton	W. Newton	Oremus
Pedalino	Pope	Robbins
G. M. Smith	Taylor	Whitmire
Wickensimer	Willis	Wooten
Yow		

Total--58

Those who voted in the negative are:

Alexander	Anderson	Atkinson
Ballentine	Bamberg	Bauer
Bernstein	Brewer	Clyburn
Cobb-Hunter	Dillard	Ford
Frank	Gagnon	Garvin
Gatch	Gilliard	Gilreath
Govan	Grant	Guffey
Hardee	Harris	Hartnett
Hayes	Henderson-Myers	Hosey
J. L. Johnson	Jones	Kilmartin
King	Kirby	Luck
Magnuson	McDaniel	McGinnis
D. Mitchell	J. Moore	Neese
Reese	Rivers	Rose
Rutherford	Sanders	Schuessler
Scott	Sessions	M. M. Smith
Stavrinakis	Teeple	Terrible

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Waters	Weeks	Wetmore
White	Williams	

Total--56

So, the amendment was tabled.

Rep. FORD proposed the following Amendment No. 29A to H. 3924 (LC-3924.PH0030H), which was tabled:

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

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

Article 11

Hemp Specialty Retailers

Section 61-14-1100. The purpose of this article is to establish that the General Assembly finds that hemp is an agricultural commodity lawfully produced under federal and state law and that retail access to hemp-derived products should be regulated in a manner that:

- (1) promotes public safety and responsible retailing;
- (2) supports South Carolina hemp farmers, processors, and small businesses;
- (3) provides regulated retail channels distinct from alcohol and tobacco retail establishments; and
- (4) ensures that existing lawful hemp retailers may continue to operate under a clear and consistent regulatory framework.

Section 61-14-1110. For the purposes of this chapter, a “hemp specialty retailer” means a licensed retail establishment that:

- (1) is primarily engaged in the sale of hemp products, hemp-derived consumable products, and hemp-cannabinoid beverages, pursuant to this chapter and Chapter 55, Title 46;
- (2) holds a valid hemp specialty retailer license issued by the department pursuant to Section 61-14-715;
- (3) complies with all age verification, signage, product display, and operational requirements pursuant to this chapter;
- (4) maintain proper certificates of analysis for all hemp-cannabinoid beverages and hemp-derived consumable products offered for sale;
- (5) operates in compliance with all local zoning ordinances and distance requirements from schools and churches; and
- (6) does not sell tobacco products, pursuant to Section 16-17-501,

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or alcoholic beverages unless separately licensed as provided by law.

Section 61-14-1120. (A) The department may issue a hemp specialty retailer's license authorizing the licensee to sell at retail:

(1) hemp-cannabinoid beverages containing no more than five milligrams of allowable THC concentration in a single serving twelve-ounce container;

(2) hemp-cannabinoid beverages containing more than five milligrams but not more than ten milligrams of allowable THC concentration per serving pursuant to Section 61-14-540;

(3) hemp-derived consumable products intended for ingestion that are not liquids, including edible products containing not more than ten milligrams of allowable THC concentration per serving, provided that a package contains not more than three hundred servings;

(5) non-psychoactive cannabidiol products derived from pursuant to Chapter 55, Title 46.

(B) A hemp specialty retailer:

(1) may not sell tobacco products, pursuant to Section 16-17-501;

(2) may not sell alcoholic liquors, beer, or wine; and

(3) must primarily operate as a retail establishment engaged in the sale of hemp-derived products.

Section 61-14-1130. (A) An applicant for a hemp specialty retailer's license must submit to the department:

(1) a completed application on forms prescribed by the department;

(2) a non-refundable application fee of five hundred dollars;

(3) proof that the applicant is at least twenty-one years of age;

(4) proof of legal residency in the United States and residency in South Carolina for at least thirty days prior to application;

(5) documentation that the proposed retail location complies with all distance requirements from elementary, middle, and high schools and churches, pursuant to Section 61-14-920;

(6) certification that the applicant and all principals have completed a criminal background check by the division;

(7) proof of completion of a department approved responsible vendor training program, addressing hemp-cannabinoid beverage laws, age verification procedures, and product handling requirements;

(8) documentation of local business licenses and compliance with local zoning ordinance; and

(9) such other information as the department may reasonably require to ensure compliance with this chapter.

(B) The department shall conduct a criminal background check on

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all applicants and principals associated with the application. The department may deny a license based on a criminal history pursuant to Section 61-14-710.

Section 61-14-1140. (A) The biennial license fee for a hemp specialty retailer's license is two thousand dollars.

(B) A hemp specialty retailer's license is valid for two years from the date of issuance and may be renewed upon payment of the renewal fee and demonstration of continued compliance with all requirements of this chapter.

(C) All license fees collected under this section shall be deposited and allocated pursuant to Section 61-14-730.

(D) The department may not establish a numerical cap or moratorium on hemp specialty retailer's licenses, provided that applicants meet the requirements established in this chapter.

Section 61-14-1150. (A) A hemp specialty retailer must:

(1) maintain all certificates of analysis for hemp-cannabinoid beverages and hemp-derived consumable products pursuant to Section 61-14-530;

(2) display all required signage regarding age restrictions and possession laws pursuant to Section 61-4-70 and Section 61-14-900;

(3) implement and maintain age verification procedures to ensure no sales to persons under twenty-one years of age;

(4) comply with all product display and merchandising requirements established by the department;

(5) maintain accurate records of all hemp-cannabinoid beverage and hemp-consumable product purchases and sales for a period not less than three years;

(6) ensure all employees who handle or sell hemp-cannabinoid beverages or hemp-derived consumables products are at least eighteen years of age and have completed department approved training;

(7) comply with all packaging requirements, ensuring that products do not include imagery, language, or design that is appealing to children, including cartoons, animated characters, or imagery intended to attract youth;

(8) comply with all other operational requirements established by this chapter and regulations promulgated by the department; and

(9) purchase hemp-cannabinoid beverages from a licensed wholesaler authorized to distribute products pursuant to Chapter 4, Chapter 6, or Chapter 14, Title 61.

(B) Hemp-cannabinoid beverages and hemp-derived consumable products sold by hemp specialty retailers must not be consumed on the

premises of the licensed establishment.

Section 61-14-1160. (A) The department may suspend or revoke a hemp specialty retailer's license for violation of this chapter by using the procedures and standards pursuant to Sections 61-14-330 through 61-14-350.

(B) A hemp specialty retailer who violates the provisions of this chapter is subject to the penalties established in Article 3, Chapter 14 including, but not limited to:

(1) sale to persons under twenty-one years of age pursuant to Section 61-14-320;

(2) sale of products without proper certificates of analysis pursuant to Section 61-14-530;

(3) failure to maintain required signage pursuant to Section 61-14-900; and

(4) sale of products exceeding the allowable THC concentration limits pursuant to Section 61-14-540.

Section 61-14-1170. Nothing in this article prohibits a county or municipality from adopting ordinances regulating the time, place, and manner of operation of hemp specialty retailers within its jurisdiction, provided such ordinances do not conflict with state law.

Section 61-14-1180. The department in consultation with the South Carolina Department of Agriculture and the division, is authorized to promulgate regulations necessary to implement the provisions of this amendment including, but not limited to:

(1) application procedures and forms for hemp specialty retailer's licenses;

(2) responsible vendor training program requirements and curriculum approval;

(3) product display and merchandising standards for hemp specialty retailers;

(4) record-keeping and reporting requirements;

(5) inspection protocols and monitoring procedures; and

(6) such other regulations as necessary to ensure public health, safety, and compliance with this chapter.

Section 61-14-1190. The division has the exclusive authority to enforce the provisions of this article in a manner that may reasonably be expected, and shall conduct random, unannounced inspections of locations where such products are manufactured, produced, sold, or distributed to ensure compliance with this chapter.

Section 61-14-1200. A retail establishment that was lawfully engaged in the retail sale of hemp products in South Carolina prior to

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January 1, 2026 may continue operations and may obtain a hemp specialty retailer's license upon application and without being considered a new location for purpose of distance requirements pursuant to Section 61-14-920(B). The provisions of Section 61-14-1120 are required.

B. (A) The department shall begin accepting applications for hemp specialty retailer licenses no later than ninety days after the effective date of this act.

(B) Existing retail establishments that were lawfully selling hemp products as of the effective date of this act and that desire to obtain a hemp specialty retailer's license shall have one hundred-eighty days from the effective date to submit a complete application and comply with Section 61-14-1120.

(C) During the transition period, an existing retailer may continue operations under its current authorizations until the department acts upon the hemp specialty retailer's license application, provided the retailer maintains compliance with all applicable laws and regulations including, but not limited to Section 61-14-1120 and Section 61-14-1150.

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. FORD moved to table the amendment, which was agreed to.

Rep. GATCH moved to continue the Bill.

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

Yeas 33; Nays 78

Those who voted in the affirmative are:

Alexander	Anderson	Bamberg
Bauer	Brewer	Cobb-Hunter
Dillard	Edgerton	Ford
Frank	Garvin	Gatch
Gilliard	Gilreath	Grant
Guffey	Hosey	Howard
J. L. Johnson	Jones	King
Kirby	Luck	McDaniel
J. Moore	Rivers	Rose

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Rutherford	Scott	Waters
Weeks	Wetmore	Williams

Total--33

Those who voted in the negative are:

Atkinson	Bailey	Ballentine
Bannister	Beach	Bowers
Bradley	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Collins
Cox	Crawford	Cromer
Davis	Duncan	Erickson
Forrest	Gagnon	Gilliam
Guest	Haddon	Hager
Hardee	Harris	Hartz
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hiott	Hixon
Holman	Huff	J. E. Johnson
Jordan	Kilmartin	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Magnuson
Martin	McCabe	McCrary
McGinnis	C. Mitchell	D. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Reese	Robbins	Sanders
Schuessler	G. M. Smith	Stavrinakis
Taylor	Terribile	Vaughan
White	Whitmire	Wickensimer
Willis	Wooten	Yow

Total--78

So, the House refused to continue the Bill.

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

Rep. B. NEWTON moved to table the motion.

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

Yeas 78; Nays 38

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bannister	Beach	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Collins	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Erickson	Forrest
Gagnon	Gilliam	Guest
Haddon	Hager	Hardee
Harris	Hartz	Hayes
Herbkersman	Hewitt	Hiott
Hixon	Holman	Huff
J. E. Johnson	Jordan	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Magnuson
Martin	McCabe	McCrary
McGinnis	C. Mitchell	D. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Robbins	Rose	Sanders
Schuessler	Sessions	G. M. Smith
Taylor	Terribile	Vaughan
White	Whitmire	Wickensimer
Willis	Wooten	Yow

Total--78

Those who voted in the negative are:

Alexander	Anderson	Bamberg
Bauer	Bernstein	Clyburn
Cobb-Hunter	Dillard	Ford
Frank	Gatch	Gilliard
Gilreath	Govan	Grant

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Guffey	Hartnett	Henderson-Myers
Hosey	Howard	J. L. Johnson
Jones	Kilmartin	King
Kirby	Luck	McDaniel
J. Moore	Reese	Rivers
Rutherford	Scott	Stavrinakis
Teeple	Waters	Weeks
Wetmore	Williams	

Total-38

So, the motion to recommit the Bill was tabled.

Rep. FORD proposed the following Amendment No. 31A to H. 3924 (LC-3924.PH0020H), which was tabled:

Amend the bill, as and if amended, SECTION 8, by striking Section 61-2-135 and inserting:

Section 61-2-135. When a person licensed to sell alcoholic liquor ~~or~~, beer and wine, or a hemp-cannabinoid ~~product~~ beverages or has a hemp specialty retailer's license moves his business to a new location in the same county that was licensed in the same manner within ninety days of the time of the move, the person may use his current license and is not required to initiate a new application upon approval by the department. In addition to a hemp-cannabinoid product retail license, the person must also have a retail license for alcoholic liquor or beer and wine and continue selling both types of products in the new location.

Renumber sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

Rep. GATCH moved that the House do now adjourn.

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

Yeas 34; Nays 76

Those who voted in the affirmative are:

Alexander	Anderson	Bamberg
Bauer	Clyburn	Dillard
Edgerton	Frank	Garvin
Gatch	Gilliard	Govan

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Grant	Hardee	Henderson-Myers
Hosey	Howard	Huff
J. L. Johnson	Jones	Kilmartin
King	Kirby	Luck
J. Moore	Reese	Rivers
Rose	Rutherford	Scott
Waters	Weeks	Wetmore
Williams		

Total--34

Those who voted in the negative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Bradley
Brewer	Brittain	Burns
Calhoon	Caskey	Chapman
Chumley	Collins	Cox
Crawford	Cromer	Davis
Duncan	Erickson	Ford
Forrest	Gagnon	Gibson
Gilliam	Gilreath	Guest
Guffey	Haddon	Hager
Harris	Hartnett	Hartz
Herbkersman	Hewitt	Hiott
Hixon	Holman	J. E. Johnson
Jordan	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Magnuson	Martin
McCabe	McCrary	McDaniel
McGinnis	C. Mitchell	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Robbins
Sanders	Schuessler	Sessions
G. M. Smith	Taylor	Teeple
Terribile	Vaughan	Whitmire
Wickensimer	Willis	Wooten
Yow		

Total--76

So, the House refused to adjourn.

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The question then recurred to the adoption of the amendment.

Rep. JORDAN moved to table the amendment.

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

Yeas 75; Nays 41

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bannister	Beach	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Collins	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Erickson	Forrest
Gagnon	Gilliam	Gilreath
Govan	Guest	Guffey
Haddon	Hager	Hardee
Hartz	Hayes	Herbkersman
Hewitt	Hiott	Hixon
Holman	J. E. Johnson	Jordan
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Magnuson	Martin	McCabe
McCravy	McGinnis	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Robbins
Sanders	Schuessler	Sessions
G. M. Smith	Taylor	Teeple
Vaughan	Whitmire	Wickensimer
Willis	Wooten	Yow

Total--75

Those who voted in the negative are:

Alexander	Anderson	Bamberg
Bauer	Bernstein	Clyburn

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Cobb-Hunter	Dillard	Ford
Frank	Garvin	Gatch
Gilliard	Grant	Harris
Hartnett	Henderson-Myers	Hosey
Howard	Huff	J. L. Johnson
Jones	Kilmartin	King
Kirby	Luck	McDaniel
D. Mitchell	J. Moore	Reese
Rivers	Rose	Rutherford
Scott	Stavrinakis	Terrible
Waters	Weeks	Wetmore
White	Williams	

Total--41

So, the amendment was tabled.

Rep. GATCH moved to adjourn debate on the Bill until Tuesday, April 28.

Rep. HIOTT moved to table the motion.

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

Yeas 77; Nays 39

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bannister	Beach	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Collins	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Erickson	Forrest
Gagnon	Gibson	Gilliam
Guest	Haddon	Hager
Hardee	Harris	Hartz
Hayes	Herbkersman	Hewitt
Hiott	Hixon	Holman
J. E. Johnson	Jordan	Landing

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Lastinger	Lawson	Ligon
Long	Lowe	Magnuson
Martin	McCabe	McCrary
McGinnis	C. Mitchell	D. Mitchell
T. Moore	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Robbins
Sanders	Schuessler	Sessions
G. M. Smith	Taylor	Teeple
Terribile	Vaughan	White
Whitmire	Wickensimer	Willis
Wooten	Yow	

Total--77

Those who voted in the negative are:

Alexander	Anderson	Bamberg
Bauer	Bernstein	Clyburn
Cobb-Hunter	Dillard	Ford
Frank	Garvin	Gatch
Gilliard	Gilreath	Govan
Grant	Hartnett	Henderson-Myers
Hosey	Howard	Huff
J. L. Johnson	Jones	Kilmartin
King	Kirby	Luck
McDaniel	J. Moore	Morgan
Reese	Rivers	Rose
Rutherford	Scott	Waters
Weeks	Wetmore	Williams

Total--39

So, the motion to adjourn debate was tabled.

Rep. FORD proposed the following Amendment No. 32A to H. 3924 (LC-3924.PH0021H), which was tabled:

Amend the bill, as and if amended, SECTION 10, by striking Section 61-2-150 and inserting:

Section 61-2-150. If a fine is imposed by the department for a violation by a [hemp specialty retailer licensee or a beer, wine, hemp-cannabinoid ~~product~~ beverage](#), or liquor licensee, and the licensee fails

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to pay the fine and ceases doing business on the premises where the violation occurred, the department must not require a subsequent tenant of the premises to pay the fine as a condition to being issued a [hemp specialty retailer's license or a beer, wine, hemp-cannabinoid product beverage](#) or liquor license. However, this prohibition does not apply to any person who is related by blood within the third degree or marriage to, is in business with, or is acting for or on behalf of, directly or indirectly, the licensee so fined.

The burden is on the new tenant to prove that no such relationship exists between him and the licensee.

Re-number sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

Rep. JORDAN moved to table the amendment.

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

Yeas 74; Nays 41

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bannister	Beach	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Collins	Cox	Crawford
Cromer	Duncan	Edgerton
Erickson	Forrest	Gagnon
Gibson	Gilliam	Guest
Haddon	Hager	Hardee
Hartz	Hayes	Herbkersman
Hewitt	Hiott	Hixon
Holman	J. E. Johnson	Jordan
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Magnuson	Martin	McCabe
McCravy	McGinnis	C. Mitchell
D. Mitchell	T. Moore	Morgan
Moss	Neese	B. Newton

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W. Newton	Oremus	Pedalino
Pope	Robbins	Schuessler
Sessions	G. M. Smith	Taylor
Teeple	Vaughan	White
Whitmire	Wickensimer	Willis
Wooten	Yow	

Total--74

Those who voted in the negative are:

Alexander	Anderson	Bamberg
Bauer	Bernstein	Clyburn
Cobb-Hunter	Dillard	Ford
Frank	Garvin	Gatch
Gilliard	Gilreath	Govan
Grant	Harris	Hartnett
Henderson-Myers	Hosey	Howard
Huff	J. L. Johnson	Jones
Kilmartin	King	Kirby
Luck	McDaniel	J. Moore
Reese	Rivers	Rose
Rutherford	Scott	Stavrinnakis
Terrible	Waters	Weeks
Wetmore	Williams	

Total--41

So, the amendment was tabled.

Rep. FORD proposed the following Amendment No. 33A to H. 3924 (LC-3924.PH0022H), which was tabled:

Amend the bill, as and if amended, SECTION 39, by striking Section 61-14-10(9) and inserting:

(9) "Hemp gelatin chewable," "chewable," or "gummy" is an edible, chewable product that contains intoxicating alcoholic liquid converted into a gelatin or a kosher gelatin alternative substance subject to the exercise of the police power of the General Assembly, pursuant to Section 1, Article VIII-A of the South Carolina Constitution. Chewables may contain no more than ten milligrams per serving of an allowable THC concentration per chewable or gummy and must be sold in containers of no more than ~~four~~thirty chewables per package, ~~forty~~three

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[hundred](#) milligrams total THC per package. Baked goods or other food products of any kind are not chewables or gummies.

Renumber sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

LEAVE OF ABSENCE

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

Rep. FORD moved to table the amendment, which was agreed to.

Rep. FORD proposed the following Amendment No. 35A to H. 3924 (LC-3924.PH0025H), which was tabled:

Amend the bill, as and if amended, SECTION 39, by striking Section 61-14-700(B)(3) and inserting:

(3) hemp-cannabinoid product retail license [or a hemp specialty retailer's license](#), which authorizes the licensees to purchase hemp-cannabinoid beverages and hemp gelatin chewables from wholesalers having licenses issued pursuant to this article, and to store, keep, possess, and sell hemp-cannabinoid product at retail, and which excludes sales of hemp-cannabinoid product for on-premise consumption.

Renumber sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

Rep. HIOTT moved to table the amendment.

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

Yeas 66; Nays 46

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bannister	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Collins
Cox	Crawford	Cromer

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Duncan	Erickson	Forrest
Gagnon	Gilliam	Guest
Haddon	Hager	Hartz
Hayes	Herbkersman	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Landing	Lawson	Ligon
Long	Lowe	Martin
McCabe	McCrary	McGinnis
C. Mitchell	T. Moore	Moss
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Robbins	Schuessler	Sessions
G. M. Smith	Taylor	Teeple
Vaughan	Whitmire	Wickensimer
Willis	Wooten	Yow

Total--66

Those who voted in the negative are:

Alexander	Anderson	Bauer
Beach	Bernstein	Clyburn
Cobb-Hunter	Dillard	Edgerton
Ford	Frank	Gatch
Gilliard	Gilreath	Govan
Grant	Guffey	Hardee
Harris	Hartnett	Henderson-Myers
Hosey	Howard	J. L. Johnson
Jones	Kilmartin	King
Kirby	Lastinger	Luck
Magnuson	McDaniel	D. Mitchell
Morgan	Reese	Rivers
Rose	Rutherford	Scott
Stavrinakis	Terrible	Waters
Weeks	Wetmore	White
Williams		

Total--46

So, the amendment was tabled.

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Rep. ROBBINS proposed the following Amendment No. 40A to H. 3924 (LC-3924.SA0030H), which was tabled:

Amend the bill, as and if amended, by deleting SECTIONS 43 and 44 from the bill.

Renumber sections to conform.

Amend title to conform.

Rep. ROBBINS explained the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Reps. W. NEWTON, JORDAN, and WOOTEN proposed the following Amendment No. 42A to H. 3924 (LC-3924.PH0036H), which was adopted:

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

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

CHAPTER 56

Consumable Hemp Products

Section 46-56-10. It is unlawful for a person under the age of twenty-one to possess or consume a “consumable hemp product.” A “consumable hemp product” is defined as a hemp, tetrahydrocannabinol (THC) or cannabinoid product that is a hemp- or cannabinoid- derived good intended for human ingestion, absorption, or consumption made from a cannabinoid that is naturally occurring in a hemp plant or made from a cannabinoid that is chemically derived or otherwise synthetically manufactured that has been extracted or purified from an agricultural product. The following chemically derived hemp cannabinoids are specifically included in the definition of a consumable hemp product:

- (1) Hexahydrocannabinol (HHC);
- (2) Tetrahydrocannabinol acetate ester (THCo);
- (3) Tetrahydrocannabiphorol (THCp);
- (4) Delta 8 Tetrahydrocannabinol;
- (5) Delta 10 Tetrahydrocannabinol;
- (6) Delta 4 Tetrahydrocannabinol;
- (7) Delta 11 Tetrahydrocannabinol;
- (8) Delta 6a10a Tetrahydrocannabinol;
- (9) Hexahydrocannabinol Acetate (HHC-O);
- (10) Delta 9 Tetrahydrocannabiphorol;
- (11) Delta 9 Tetrahydrocannabihexol;
- (12) Delta 9 Tetrahydrocannabinol octyl;
- (13) Delta 9 Tetrahydrocannabinol methyl ether (THC-M);

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- (14) Delta 8 Tetrahydrocannabinol octyl;
- (15) Delta 7 Tetrahydrocannabinol; or
- (16) any synthetic derivative or analog of the above compounds.

Section 46-56-20. (A) No person may knowingly:

(1) sell or distribute a product containing a consumable hemp product to a person who is under twenty-one years of age or purchase a product containing a consumable hemp product on behalf of a person who is under twenty-one years of age;

(2) persuade, entice, send, or assist a person who is under twenty-one years of age to purchase, acquire, receive, or attempt to purchase a consumable hemp product. This section does not preclude law enforcement efforts involving:

(a) the use of a minor if the minor's parent or legal guardian has consented to this action; or

(b) the use of a person under twenty-one years of age who is not a minor if the individual has consented to this action;

(3) distribute samples of consumable hemp product in or on a public street, sidewalk, or park; or

(4) sell or distribute a consumable hemp product without having first obtained proof of age from the purchaser or recipient.

(B) Any consumable hemp beverage product offered for retail sale shall be merchandised in such a manner including, but not limited to, signage, shelf-talkers, and stickers on cooler doors, so as to clearly indicate to consumers the product contains hemp-derived cannabinoids.

(C) With the exception of consumable hemp beverages, it is a violation to fail to maintain any product containing consumable hemp products locked away or behind the counter of a retail establishment in an area inaccessible to the customer.

(D) A person violating subsection (A) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(E) Section 61-6-4080 is applicable to a person who is in violation of subsection (A)(1) for the sale or distribution of a consumable hemp product.

(F) It is unlawful for a person under twenty-one years of age to:

- (1) knowingly purchase, possess, or accept receipt of a

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consumable hemp product; or

(2) knowingly present purported proof of age that is false, fraudulent, or not actually that person for the purpose of purchasing or receiving a consumable hemp product.

(G) A person violating subsection (F) is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or must be imprisoned for not more than thirty days, or both.

(H) A person eighteen years of age and older lawfully employed to serve or remove consumable hemp products, beer, wine, or alcoholic beverages in establishments licensed to sell these beverages is not considered to be in unlawful possession of the beverages during the course and scope of his duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty-one years of age.

Section 46-56-40. (A) A person engaged in the business of selling at retail consumable hemp products must post in each location for which he has obtained a license a sign with the following words printed thereon:

"The possession of a consumable hemp product by a person under twenty-one years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing a consumable hemp product."

(B) The South Carolina Department of Agriculture must prescribe by regulation the size of the lettering and the location of the sign on the seller's premises.

(C) A retail seller of consumable hemp products who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.

Section 46-56-50. (A) Nothing in this act shall be construed to:

(1) legalize the sale, possession, or consumption of THC products by any person in this State where such products are otherwise prohibited by law;

(2) permit the sale or distribution of any product that exceeds the established THC limits; or

(3) prohibit the sale or distribution of any hemp product that is otherwise legal under state or federal law provided the sale or distribution is not in violation of this article.

(B) This article does not limit or affect any other federal or state law

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more strictly regulating THC or controlled substances in this State.

Section 46-56-60. An entity that is in the business of manufacturing or selling products containing a hemp-derived cannabinoid in this State, including a producer or retailer, may not be located within one thousand feet of a school, daycare facility, or other similar locations.

SECTION X. 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.

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

SECTION X. During the first 180 days after the effective date of this act, law enforcement officers shall only issue warnings for violations of this article.

Renumber sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. BAMBERG spoke against the amendment.

ACTING SPEAKER HIOTT IN CHAIR

Rep. BAMBERG continued speaking.

Rep. GATCH spoke against the amendment.

Rep. WILLIAMS spoke in favor of the amendment.

Rep. MAGNUSON spoke in favor of the amendment.

The amendment was then adopted.

Rep. FORD proposed the following Amendment No. 24A to H. 3924 (LC-3924.PH0010H), 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

[HJ]

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Compassionate Care Act.”

SECTION 2. The General Assembly finds that:

(1) as of January 1, 2023, thirty-seven states and the District of Columbia have removed state level criminal penalties from the medical use, cultivation, and distribution of cannabis, and South Carolina now joins in this effort for the health and welfare of its citizens;

(2) the United States Congress has signaled support for allowing states to set their own medical cannabis policies by approving budgets that include a proviso that restricts the Department of Justice from using any appropriated funds to interfere with the implementation of those laws;

(3) on January 12, 2017, the National Academies of Sciences, Engineering, and Medicine issued a report presenting nearly one hundred conclusions related to the health effects of cannabis and cannabinoid use. Among other things, this report concluded that there is evidence that cannabis or cannabinoids are effective for the treatment of several medical conditions and symptoms, including chronic pain, chemotherapy induced nausea and vomiting, and the improvement of multiple sclerosis spasticity symptoms;

(4) clinical studies continue to show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions, including relief of neuropathic pain that often fails to respond to conventional treatments, reduced reliance on opiate based painkillers, and symptoms of autism; and

(5) cannabis has many accepted medical uses in the United States, having been recommended by thousands of licensed physicians to more than four million patients in the states that have medical cannabis laws, and a wide range of medical and public health organizations have recognized the medical utility of cannabis, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, the National Multiple Sclerosis Society, the U.S. Pain Foundation, and the Epilepsy Foundation.

SECTION 3. Nothing in this act shall be construed or interpreted as an effort by the South Carolina General Assembly to legalize cannabis for any reason except for therapeutic benefit to patients, upon the certification and with the supervision of a physician, under the circumstances and subject to the guidelines contained herein.

SECTION 4. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Article 20

[HJ]

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South Carolina Compassionate Care Act

Section 44-53-2010. As used in this article:

(1)(a) “Allowable amount of medical cannabis” or “allowable amount of cannabis products” means, for a fourteen-day period:

(i) cannabis products for topical administration including, but not limited to, patches for transdermal administration or lotions, creams, or ointments, that contain a total of no more than four thousand milligrams of tetrahydrocannabinol;

(ii) cannabis products for oral administration including, but not limited to, oils, tinctures, capsules, or edible forms, that contain a total of no more than one thousand six hundred milligrams of tetrahydrocannabinol;

(iii) cannabis products that consist of oils for vaporization that contain a total of no more than eight thousand two hundred milligrams of tetrahydrocannabinol; or

(iv) for any other modes of delivery, an equivalent amount as determined by the department.

(b)(i) In any case in which a physician has specified a certain amount of cannabis products pursuant to Section 44-53-2050(B), an allowable amount of cannabis products is the amount of cannabis products specified for a fourteen-day period.

(ii) In any case in which a physician has not specified a certain amount of cannabis products, an allowable amount of cannabis products is the amount of cannabis products specified for a fourteen-day period as provided in subitems (a)(i), (ii), (iii), or (iv).

(c) The allowable amount of medical cannabis does not include industrial hemp for human consumption.

(2) “Bona fide physician-patient relationship” has the same meaning as in Section 40-47-113(A).

(3)(a) “Cannabis” means:

(i) all parts of any plant of the cannabis genus of plants, whether growing or not;

(ii) the seeds of the plant;

(iii) the resin extracted from any part of the plant; and

(iv) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(b) “Cannabis” does not mean:

(i) the mature stalks of the plant;

(ii) fiber produced from the stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) a product approved as a prescription medication by the

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United States Food and Drug Administration; or

(v) the sterilized seeds of the plant that are incapable of germination.

(4) “Cannabis product” means a product that is infused with or otherwise contains cannabis or an extract thereof and that is intended for use, ingestion, absorption, or any method of consumption by humans cultivated and produced by a licensed facility in South Carolina. The term includes, but is not limited to, an edible cannabis product, beverage, topical, ointment, oil, patch, rosin, spray, suppository, syrup, or tincture.

(5) “Cardholder” means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card from the department.

(6) “Child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly, substantially similar to those defined by 16 C.F.R. 1700.20 (1995), opaque so that the packaging does not allow the product to be seen without opening the packaging material, and resealable for any product intended for more than a single use or containing multiple servings.

(7) “Cultivation center” means a secure indoor facility located in South Carolina operated by an organization or business that is licensed by the department pursuant to this article to cultivate, possess, transport, and distribute cannabis products to processing facilities, therapeutic cannabis pharmacies, qualifying research facilities, and independent testing laboratories. Land used for cultivation may not exceed a total of two acres or 87,120 square feet per license, and provided that if a vertically tiered or shelving system is included in the cultivation area, the surface area of each tier or shelf must be included in calculating the grow canopy area.

(8) “Debilitating medical condition” means:

(a) a diagnosis of one or more of the following that also results in a debilitating condition to the individual patient:

(i) cancer;

(ii) multiple sclerosis;

(iii) a neurological disease or disorder, including epilepsy;

(iv) post-traumatic stress disorder, subject, however, to the evidentiary requirements in Section 44-53-2090(A)(2) to confirm that the applicant has experienced one or more traumatic events;

(v) Crohn’s disease;

(vi) sickle cell anemia;

(vii) ulcerative colitis;

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(viii) cachexia or wasting syndrome;

(ix) autism;

(x) severe or persistent nausea in a person who is not pregnant that is related to end-of-life or hospice care, or who is bedridden or homebound because of a condition;

(xi) a chronic medical condition causing severe and persistent muscle spasms; or

(xii) any chronic or debilitating disease or medical condition for which an opioid is currently or could be prescribed by a physician based on generally accepted standards of care, subject, however, to the requirements of Section 44-53-2050(A)(3)(h)(i) and (ii) as to a physician's attestation regarding objective proof of the etiology of the patient's pain or regarding the patient having been diagnosed with a specific medical condition or disease that causes the patient severe pain;

(b) a terminal illness with a life expectancy of less than one year in the opinion of the person's treating physician; or

(c) any other serious medical condition or its treatment added by the Medical Cannabis Advisory Board, as provided for in Section 44-53-2030.

(9) "Department" means the South Carolina Department of Public Health.

(10) "Designated caregiver" or "caregiver" means a person who possesses a valid registry identification card issued by the department authorizing the person to assist a qualifying patient with the medical use of cannabis. A designated caregiver must be at least twenty-one years of age unless the person is the parent or legal guardian of each qualifying patient the person assists.

(11) "Diversion" means the obtaining or transferring of cannabis products from a legal possession or use to an illegal use.

(12) "Edible cannabis product" means an individually packaged food or potable liquid into which has been incorporated a cannabinoid concentrate or extract or the dried leaves or flowers of cannabis with a tetrahydrocannabinol concentration of not more than ten milligrams per serving and may include a gelatin-based chewable product; however, an edible cannabis product cannot resemble or taste like commercially sold candies or other food that is typically marketed to children. An edible cannabis product cannot be in the shape of cartoons, toys, animals, or people. An edible cannabis product cannot include baked goods that would be attractive to children.

(13) "Exit packaging" means a sealed, child-resistant packaging receptacle into which prepackaged cannabis products are placed at the

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retail point of sale at a therapeutic cannabis pharmacy.

(14) “Human consumption” means absorption, ingestion, inhalation, topical application, or any other method of introduction in the human body.

(15) “Independent testing laboratory” means a facility licensed by the department pursuant to this article to offer or perform testing related to cannabis or cannabis products that is independent of cultivation centers, processing facilities, therapeutic cannabis pharmacies, and physicians who issue written certifications for the use of medical cannabis.

(16) “Industrial hemp” has the same meaning as “hemp” or “industrial hemp” in Section 46-55-10(8).

(17) “Integrated operator” means an operation licensed by the department pursuant to this article to cultivate cannabis, process cannabis products, including proper packaging and labeling, possess, transport, and operate one or more therapeutic cannabis pharmacies that sell medical cannabis.

(18) “Medical cannabis establishment” means a cultivation center, therapeutic cannabis pharmacy, transporter, independent testing laboratory, integrated operator facilities, processing facility, or qualifying research facility licensed by the department pursuant to this article.

(19) “Medical cannabis establishment agent” means a board member, owner, officer, pharmacist, employee, or volunteer of a medical cannabis establishment.

(20) “Medical cannabis establishment principal” means a person who is designated as having responsibility over the actions of a board member, owner, officer, pharmacist, employee, volunteer, or agent of a medical cannabis establishment and who also has responsibility and control over any liability for any financial accounts.

(21) “Medical use” means the acquisition, administration, possession, preparation, storage, transportation, or use of cannabis products, or paraphernalia used to administer cannabis products, to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition and includes the transfer of cannabis products from a designated caregiver to a qualifying patient whom the designated caregiver is authorized to assist. “Medical use” does not include smoking.

(22) “Opioid” means a narcotic drug or substance that is a Schedule II controlled substance defined in Section 44-53-210(b) or (c).

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(23) “Paraphernalia” means paraphernalia as defined in Section 44-53-110 or other devices used for the human consumption of cannabis, if its sole intended purpose is for use with cannabis products, except that it shall not include bongs, pipes, rolling papers, blowtorches, or any other paraphernalia that is used to smoke cannabis.

(24) “Pharmacist” means a person who is a pharmacist as defined in Section 40-43-30(65).

(25) “Physician” means a person who:

(a) is a physician as defined in Section 40-47-20 or a podiatrist as defined in Section 40-51-20, is authorized to prescribe medication under state law and by the South Carolina Board of Medical Examiners, and has a controlled substances registration pursuant to Section 44-53-290 and a controlled substances registration issued by the federal Drug Enforcement Administration; and

(b) specifically treats a debilitating medical condition.

(26) “Processing facility” means a facility located in South Carolina and operated by an organization or business that is licensed by the department pursuant to this article that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products for human consumption to a therapeutic cannabis pharmacy and/or to an independent testing laboratory and/or a qualifying research facility.

(27) “Qualifying patient” or “patient” means a person with a debilitating medical condition who possesses a valid registry identification card issued by the department.

(28) “Qualifying research facility” means an organization permitted by the department to receive and possess cannabis and cannabis products for research purposes. It may include, but is not limited to, the University of South Carolina’s College of Pharmacy and School of Medicine, the Medical University of South Carolina, a professor, or student working on an advanced degree who is conducting Institutional Review Board approved research. Each qualifying research facility shall be issued a registration and registry identification number by the department.

(29) “Registry identification card” means a document issued by the department that identifies a person as a qualifying patient or designated caregiver, or documentation that is deemed a registry identification card pursuant to Section 44-53-2090.

(30) “SLED” means the South Carolina Law Enforcement Division.

(31) “Smoking” or “smoke” means the inhalation of smoke caused by the combustion of raw cannabis or cannabis products that causes burning, except for the vaporization of an oil or concentrate product in

conformance regulation issued by the department as provided in Section 44-53-2380(C).

(32) “Standard of care for dispensing cannabis products or certifying a patient for medical cannabis” means the level and type of care that a reasonably competent and skilled healthcare professional with a similar background and in the same medical community would provide, which must include whether the physician exercised a standard of care in connection with the issuance of a written certification for the medical use of a cannabis product, to a qualifying patient, pursuant to Section 44-53-2050.

(33) “Tamper-resistant paper” means paper that possesses an industry recognized feature that prevents the copying of the paper, erasure, or modification of information on the paper, or use of counterfeit documentation.

(34) “Therapeutic cannabis pharmacy” means a location for which a pharmacy permit has been issued by the Board of Pharmacy and in which cannabis products, industrial hemp for human consumption, and paraphernalia are maintained and dispensed to cardholders. Each therapeutic cannabis pharmacy shall be issued a registration and a registry identification number by the department.

(35) “Transporter” means an entity licensed by the department pursuant to this article that acquires, possesses, and/or stores cannabis and cannabis products for human consumption and delivers, transfers, and transports cannabis products between medical cannabis establishments.

(36) “Verification system” means a secure, confidential, and web based system established and maintained by the department that is available to authorized department personnel, law enforcement personnel, and medical cannabis establishment agents for the verification of registry identification cards.

(37) “Written certification” means a document dated, signed, and submitted by a physician to the department, on a form developed by the department, stating that a person has been diagnosed with a debilitating medical condition and that the potential benefits of using cannabis products outweigh any risks. The certification may be made only in the course of a bona fide physician-patient relationship; must specify the person’s debilitating medical condition or conditions; must indicate the date of the person’s follow up appointment, not to exceed six months from the original date of issuance; and must be updated annually for each person by the certifying physician. If the person with a debilitating medical condition is expected to recover from the debilitating medical

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condition within a year of the written certification, not including remission due to medical cannabis treatment, or if the person is not expected to benefit from cannabis products for an entire year, then the written certification must specify that fact.

Section 44-53-2020. (A) Subject to Chapter 35, Title 11, the South Carolina Consolidated Procurement Code, the department is authorized to procure the services of qualified contractors or other state agencies to assist the department in implementing this article, including licensure, testing, audits, inspections, registry identification card and electronic patient registry management, verification system management, seed-to-sale tracking system management, diversion control, and other compliance services.

(B) Subject to Chapter 35, Title 11, the South Carolina Consolidated Procurement Code, the Board of Pharmacy may procure the services of qualified contractors or other state agencies to assist the Board of Pharmacy with the implementation of this article.

Section 44-53-2030. (A) There is created a Medical Cannabis Advisory Board, which must be comprised of:

(1) one member appointed by the director of the department, or his designee;

(2) the following members appointed by the Governor, upon the advice and consent of the Senate:

(a) one licensed medical doctor authorized by the State to practice medicine who does not issue written certifications for the use of medical cannabis;

(b) one licensed medical doctor authorized by the State to practice medicine who issues written certifications for the use of medical cannabis;

(c) one licensed doctor of osteopathic medicine who does not issue written certifications for the use of medical cannabis;

(d) one licensed doctor of osteopathic medicine who issues written certifications for the use of medical cannabis;

(e) one licensed medical doctor who is board certified to practice addiction medicine in South Carolina;

(f) one research scientist with expertise in the field of cannabinoid medicine;

(g) one licensed pharmacist who does not dispense a cannabis product;

(h) one licensed pharmacist who dispenses a cannabis product;

and
(i) one qualifying patient and one parent of a minor qualifying

patient. For an appointment made before registry identification cards are issued, this provision applies to one patient or one parent of a minor with a debilitating medical condition who intends to use medical cannabis;

(3) two members appointed by the President of the Senate who meet any of the qualifications provided in item (2); and

(4) two members appointed by the Speaker of the House of Representatives who meet any of the qualifications provided in item (2).

(B) The advisory board shall meet at least once per year for the purpose of reviewing petitions to add or remove debilitating medical conditions. The advisory board may consult with experts in South Carolina and other states with medical cannabis programs, as well as review any available research. The advisory board may hold public hearings before voting on whether to add or remove a certain condition as a debilitating medical condition.

(C) The advisory board shall have a chairman who is appointed by the Governor. The chairman shall be responsible for scheduling advisory board meetings, presiding over all advisory board meetings, and determining whether a public hearing should be held in conjunction with an advisory board meeting.

(D) Members of the advisory board serve up to two terms of four years or until their successors are appointed and qualify. A vacancy on the advisory board must be filled in the manner of the original appointment for the remainder of the unexpired term.

(E) Members of the advisory board may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees.

(F) Except as designated in subsection (A)(2)(i), members of the advisory board may not also be a qualifying patient and in possession of a registration identification card. Prior to being appointed to the advisory board, the department shall certify that the appointee does not have a current registration identification card. The department shall advise the Governor of any appointee who has previously had a registration identification card and the circumstances under which the card is no longer valid. If a member of the advisory board becomes a qualifying patient, then he shall resign from the advisory board and notify the department and the Governor.

Section 44-53-2040. Nothing in this article may be construed to require a health insurance provider, healthcare plan, property and casualty insurer, or medical assistance program to be liable for or reimburse a claim for the medical use of cannabis. Consultations in which physicians diagnose debilitating medical conditions and complete

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written certifications shall be reimbursed consistent with a qualifying patient's health plan design.

Section 44-53-2050. (A) The department shall develop a written certification form to be annually completed and submitted electronically to the department by a physician. The written certification must include:

(1) the physician's name, mailing address, email address, telephone number, medical license number, federal controlled substances registration number, and state controlled substances registration number;

(2) an acknowledgement to be signed by the physician that sets forth the penalties for providing false information, including the department's right to notify the South Carolina Board of Medical Examiners or other similar authority established pursuant to Chapter 47, Title 40;

(3) a statement for the physician to attest to and sign with the following provisions:

(a) that the physician and patient have a bona fide physician-patient relationship as a prerequisite to any certification;

(b) that the physician has consulted the prescription drug monitoring program, established pursuant to Article 15, Chapter 53, Title 44, to review the patient's controlled substance prescription history and has documented such consultation in the patient's medical record;

(c) that the physician has conducted an in person evaluation and collected relevant clinical history commensurate with the presentation of the patient prior to issuing a written certification. At a minimum, the evaluation should include the patient's:

(i) history of present illness;

(ii) social history;

(iii) past medical and surgical history

(iv) alcohol and substance use history;

(v) family history with an emphasis on addiction, mental illness, or psychotic disorders;

(vi) physical exam; and

(vii) documentation of therapies with inadequate response;

(d) that the patient has a debilitating medical condition; that the treatment of the debilitating medical condition, or one or more symptoms of the debilitating medical condition or side effects of its treatment, falls within the physician's area of practice, identifying the patient's condition; and that the symptoms or side effects of the condition or its treatment could benefit from a certification for the medical use of cannabis;

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(e) that the physician has developed a written treatment plan that includes:

(i) a review of other measures attempted to ease the suffering caused by the debilitating medical condition that do not involve cannabis products for medical use, including chiropractic interventions;

(ii) advice about other options for managing the debilitating medical condition;

(iii) advice about the potential risks of the use of cannabis products, to include:

(A) the risk of cannabis use disorder;

(B) adverse events, potential exacerbation of psychotic disorders, adverse cognitive effects for children and young adults, and other risks, including falls or fractures;

(C) the risks of using cannabis products during pregnancy or breast feeding;

(D) the need to safeguard all cannabis products from children and pets or other domestic animals; and

(E) the variability of the quality and concentration of cannabis products;

(iv) additional diagnostic evaluations or other planned treatments; and

(v) an ongoing treatment plan as medically appropriate;

(f) notification of the patient or caregiver that cannabis products are for the qualifying patient's use only and that cannabis products must not be donated or otherwise supplied to another individual;

(g) that the physician has discussed the risks and benefits of the use of cannabis products with the patient or caregiver, including an admonition that qualifying patients must not drive or operate heavy machinery while under the influence of medical cannabis; and

(h) in the case of a patient whose debilitating medical condition is a chronic or debilitating disease or medical condition for which an opioid is currently or could be prescribed:

(i) an attestation that the physician has reviewed objective proof of the etiology of the patient's pain, such as a diagnostic test, which may include, but is not limited to, the results of an x-ray, computerized tomography scan, or magnetic resonance imaging; or

(ii) an attestation that the patient has been diagnosed with a specific medical condition or disease that causes the patient severe pain, which includes, but is not limited to, complex regional pain syndrome, residual limb pain, rheumatoid arthritis, spinal cord disease, spinal cord

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injury, fibromyalgia, shingles, or trigeminal neuralgia;

(i) that the physician has either objectively diagnosed the debilitating disease himself or has verified the diagnosis with the treating physician;

(j) that the physician has independently verified evidence provided under Section 44-53-2050(A)(3)(h);

(4) a statement that the physician maintains documentation in the patient's medical record if the patient's debilitating medical condition is one for which opioid medications could be or have been prescribed;

(5) a statement that the patient's debilitating medical condition is expected to last either for one year, or until a date when the patient is no longer expected to benefit from cannabis products;

(6) the date of the patient's follow up appointment to assess whether the patient has found relief from his debilitating medical condition and the patient's overall health and level of function. The follow up appointment shall not exceed six months after the initial consultation or renewal appointment; and

(7) an acknowledgement that the physician has considered that any patient who has a history of substance use disorder or a co-occurring mental health disorder shall require specialized assessment and treatment; in those instances, the physician must seek a consultation with or refer the patient to a pain management, psychiatric, addiction, or mental health specialist as needed.

(B) A physician may also choose to include a specific amount of cannabis products certified every fourteen days and the reason for the dosage, in which case the qualifying patient shall be limited to those amounts in the verification system.

(C) Nothing in this article may be construed to require a physician to issue a written certification to any person for the use of medical cannabis.

(D) A physician in a bona fide physician-patient relationship with a patient may review the patient's medical cannabis certification and dispensing history as provided by the department in regulation.

Section 44-53-2060. (A) Any physician who issues written certifications must:

(1) be licensed and in good standing as a physician;

(2) be currently practicing medicine;

(3) register with the department to issue written certifications in a manner and on a format determined by the department;

(4) attest that he has an active, unrestricted medical license, unrestricted federal controlled substances registration, and unrestricted

state controlled substances registration; and

(5)(a) complete a three-hour continuing medical education course on medical cannabis on a yearly basis, including an online course, that is approved by the South Carolina Board of Medical Examiners; and

(b) attest to the completion of the course electronically or as otherwise specified by the department prior to writing any certifications.

(B) A physician is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Medical Examiners or any other occupational or professional licensing entity, for providing a written certification as authorized by state law. A physician may not be sued for medical malpractice solely as a result of certifying a qualifying patient's medical use of cannabis products in accordance with this article, but this section shall not be construed to prevent a physician from being disciplined or sued for violating the standard of care or for any violations of this article, including certifying a person for cannabis products who does not have a debilitating medical condition.

(C)(1) A physician shall not:

(a) accept, solicit, or offer any form of pecuniary remuneration, including a salary or other monetary compensation, from or to a therapeutic cannabis pharmacy;

(b) offer a discount or any other thing of value to a cardholder who uses or agrees to use a particular therapeutic cannabis pharmacy;

(c) examine a person for the purpose of diagnosing a debilitating medical condition at a location where cannabis products are sold;

(d) refer a patient to a particular therapeutic cannabis pharmacy or display or distribute therapeutic cannabis pharmacy marketing materials within his office if he certifies debilitating medical conditions for patients for participation in the medical cannabis program;

(e) certify the use of cannabis products for himself or for a family member; or

(f) have a full or partial ownership interest in a therapeutic cannabis pharmacy.

(2) If the South Carolina Board of Medical Examiners finds that a physician engaged in unprofessional conduct by violating this article, then the South Carolina Board of Medical Examiners shall notify the department as specified in department regulations that the physician's authority to certify patients for the medical use of cannabis, or his prescriptive authority, has been restricted, which may be in addition to

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any other sanction imposed by the South Carolina Board of Medical Examiners, including any disciplinary action up to the suspension or revocation of the physician's medical license.

Section 44-53-2070. (A) A pharmacist who dispenses a cannabis product pursuant to this article must:

(1) be in good standing with the South Carolina Board of Pharmacy;

(2) register with the department to dispense a cannabis product;

(3) attest that he has an active, unrestricted pharmaceutical license; and

(4)(a) complete a three-hour continuing education course on medical cannabis on a yearly basis that is approved by the South Carolina Board of Pharmacy, which must include best practices regarding dosage, based upon medical conditions or symptoms, modes of administration, and cannabinoid profiles; and

(b) attest to the completion of the course electronically or as specified by the department prior to dispensing cannabis products.

(B) A pharmacist is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Pharmacy of any other occupational or professional licensing entity, for dispensing cannabis products as authorized by state law. A pharmacist may not be sued for malpractice solely as a result of dispensing cannabis products to a qualifying patient in accordance with this article, but this section shall not be construed to prevent a pharmacist from being disciplined or sued for violating the standard of care or for any violations of this article including, but not limited to, dispensing cannabis products to a person who does not have a registry identification card.

(C)(1) A pharmacist shall not:

(a) accept, solicit, or offer any form of pecuniary remuneration from or to a physician;

(b) offer a discount or any other thing of value to a cardholder who uses or agrees to use a particular therapeutic cannabis pharmacy; or

(c) refer a patient to a particular physician or display or distribute marketing materials for a physician within therapeutic cannabis pharmacies.

(2) If the South Carolina Board of Pharmacy finds that a pharmacist engaged in unprofessional conduct by violating this article or a provision of Chapter 43, Title 40, then the South Carolina Board of Pharmacy shall notify the department as specified in department

regulations that the pharmacist's authority to dispense cannabis products has been restricted, which may be in addition to any other sanction imposed by the South Carolina Board of Pharmacists, including any disciplinary action up to the suspension or revocation of the pharmacist's license.

(3) The continuing education requirements included in subsection (A)(4)(a) are applicable to all therapeutic cannabis pharmacy employees who assist the pharmacist in the preparation or dispensing of cannabis products or who interact with qualifying patients or designated caregivers.

Section 44-53-2080. (A) The South Carolina Board of Pharmacy shall promulgate regulations relating to the dispensing of cannabis products for therapeutic use. In considering appropriate regulations, the Board of Pharmacy shall seek input from relevant stakeholders including, but not limited to, the Office of the Attorney General, and professional law enforcements organizations and associations.

(B) Regulations for dispensing of cannabis products for the therapeutic use must include, but not be limited to:

(1) standards, procedures, and protocols for cannabis products for therapeutic use as provided by law;

(2) standards, procedures, and protocols for consulting the verification system to verify a written certification and for entering information into the medical cannabis monitoring program to follow dispensing and tracking information of medical cannabis;

(3) procedures and protocols to explicitly provide that no cannabis product may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this State;

(4) standards, procedures, and protocols for determining the amount of usable cannabis products necessary to constitute an adequate supply to ensure uninterrupted availability for an allowable amount of medical cannabis;

(5) standards, testing procedures, and protocols to ensure that all dispensed cannabis products are pharmaceutical grade;

(6) provisions for other licensing, renewal, and operational standards deemed necessary by the Board of Pharmacy;

(7) requirements for the health, safety, and security for therapeutic cannabis pharmacies;

(8) requirements for a pharmacist-in-charge, who accepts responsibility for the operation of a therapeutic cannabis pharmacy; and

(9) requirements for consultations between a pharmacist and a cardholder, including when a cannabis product has not previously been

dispensed to a patient.

(C) The Board of Pharmacy shall develop a process and promulgate regulations for issuing a permit to a therapeutic cannabis pharmacy. The Board of Pharmacy shall not prohibit a pharmacist who owns a nontherapeutic cannabis pharmacy from obtaining a permit to own and operate a therapeutic cannabis pharmacy, provided that the pharmacies must be located in independent structures that are at least one quarter mile apart from the other.

(D) A therapeutic cannabis pharmacy shall not dispense any controlled substances other than cannabis products.

Section 44-53-2090. (A) The department shall promulgate regulations:

(1) developing and establishing registry identification card application forms and the process for the issuance of registry identification cards for qualifying patients and designated caregivers, including a state and national fingerprint based criminal records check for designated caregivers, and for the issuance, denial, suspension, and revocation of registry identification cards;

(2) providing guidelines for the types of evidence accepted to confirm that an applicant experienced one or more traumatic events. Acceptable evidence must include, but is not limited to, proof of military service in an active combat zone, that the person was the victim of a violent or sexual crime, or that the person was a first responder.

(B) The department shall either create the necessary software for an electronic patient registry or engage a company that can do so. The registry must be able to accept and store all necessary information pursuant to this article and department regulations.

(C) No later than ninety days after the effective date of the regulations promulgated pursuant to subsection (A), the department shall begin accepting applications for registry identification cards.

Section 44-53-2100. (A) A registry identification card issued pursuant to this section must be printed with tamper-resistant technology and contain, at a minimum, the following information:

- (1) the name of the cardholder;
- (2) the address of the cardholder;
- (3) the cardholder's date of birth;
- (4) a designation of whether the cardholder is a designated caregiver or qualifying patient;
- (5) the date of issuance and expiration date of the registry identification card;
- (6) a random alphanumeric identification number that is unique

to the cardholder;

(7) if the cardholder is a designated caregiver, the random alphanumeric identification number of the qualifying patients that the designated caregiver is authorized to assist; and

(8) a photograph of the cardholder.

(B) Except as provided in this section or department regulations, a registry identification card shall expire one year after the date the written certification is signed by a physician.

(C) If a physician stated in the written certification that the qualifying patient is expected to recover from the debilitating medical condition in less than one year or that the qualifying patient is expected to benefit from cannabis products for less than one year, then the registry identification card shall expire on the date specified by the physician on the written certification.

(D) The department shall issue a registry identification card pursuant to Section 44-53-2110 within twenty-five days of receiving a valid, complete electronic application and any other required materials from a qualifying patient applicant or designated caregiver applicant in accordance with this article.

Section 44-53-2110. (A) The department shall issue a registry identification card to a qualifying patient applicant who submits a valid, complete electronic application and, at a minimum, the following, in accordance with the department's regulations:

(1) the application or annual renewal fee set by the department pursuant to Section 44-53-2530;

(2) the name, residential and mailing address, email address, telephone number, and date of birth of the qualifying patient applicant, except that if the applicant is homeless, then no residential address is required;

(3) a recent passport-sized photograph of the qualifying patient applicant's face;

(4) the name, mailing address, and telephone number of the qualifying patient applicant's physician authorized by this article to certify the medical use of cannabis products;

(5) a written certification dated, signed, and submitted to the department by the physician. For a first-time qualifying patient applicant between the ages of eighteen and twenty-three, the qualifying patient must have written certifications dated, signed, and submitted to the department by two physicians;

(6) the name, address, date of birth, and any other contact information required by department regulations for each proposed

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designated caregiver. If more than one designated caregiver is designated at any given time, then the qualifying patient applicant must submit documentation demonstrating that the additional designated caregiver is needed due to the qualifying patient applicant's age, medical condition, or place of residence;

(7)(a) a statement signed by the qualifying patient applicant agreeing not to divert cannabis products to anyone and acknowledging that the diversion of cannabis products is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the qualifying patient to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both;

(b) an attestation that the individual is not employed in, or contracted to perform, any job:

(i) in which the person will carry a weapon, including a firearm;

(ii) requiring a law enforcement credential;

(iii) requiring a commercial driver's license, charter boat license, or a pilot's license;

(iv) involving the operation of trains, buses, or any form of public transportation; or

(v) involving the operation of heavy machinery;

(8) a questionnaire that asks if the qualifying patient applicant would like to be notified by the department of any clinical studies needing human subjects for research on the medical use of cannabis. The department shall notify interested patients of studies that will be conducted in the United States;

(9) the date of a prescheduled follow up appointment with the qualifying patient applicant's physician, which shall be no later than six months after the date of the written certification. A follow up appointment may be conducted in person or through telemedicine;

(10) for a patient whose debilitating medical condition is post-traumatic stress disorder, evidence that the person experienced trauma pursuant to Section 44-53-2090(A)(2); and

(11) an applicant's job title and description of the applicant's job, provided that an applicant may not receive or keep a registry identification card if the applicant is employed in public safety, commercial transportation, or commercial machinery. A false representation of an applicant's job title or description is a felony and, upon conviction, the applicant's registry identification card shall be revoked. The offense is punishable by a fine of not more than five thousand dollars, imprisonment of not more than five years, or both. The

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department must include a notice on the application that employment in public safety, commercial transportation, or commercial machinery is a prohibition on receiving a registry identification card, and that a false representation is a felony.

(B) After a qualifying patient applicant has been approved for a registry identification card by the department, the department shall issue registry identification cards to associated designated caregiver applicants who submit a valid, complete electronic application and, at a minimum, the following, in accordance with department regulations:

(1) An associated designated caregiver applicant who is a natural person must submit:

(a) the application or annual renewal fee set by the department;

(b) the name, residential mailing address, email address, telephone number, date of birth, and any other contact information for the designated caregiver applicant as specified in department regulations;

(c) a recent passport-sized photograph of the designated caregiver applicant's face;

(d) a complete set of fingerprints for a state criminal records check and national criminal records check for which the applicant must pay the costs;

(e) a statement signed by the designated caregiver applicant agreeing not to divert cannabis products to anyone other than the qualifying patients to whom the designated caregiver is associated and acknowledging that the diversion of cannabis products is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the designated caregiver to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both; and

(f) a statement signed by the designated caregiver applicant agreeing to not consume cannabis products intended for a qualifying patient.

(2)(a) An associated designated caregiver applicant that is a facility licensed by the department that provides care to qualifying patients must submit:

(i) the application or annual renewal fee set by the department;

(ii) the facility's full name, business and mailing address, license number issued by the department, email address, and telephone number; the name, title, and signature of an authorized facility representative; and any other contact information for the designated caregiver applicant as specified in department regulations;

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(iii) a statement signed by an authorized facility representative of the designated caregiver applicant agreeing not to divert cannabis products to anyone who is not allowed to possess cannabis products pursuant to this article and acknowledging that the diversion of cannabis products is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the designated caregiver to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both; and

(iv) a statement signed by an authorized facility representative of the designated caregiver applicant agreeing to secure and ensure the proper handling of cannabis products intended for a qualifying patient.

(b) A staff member of a designated caregiver facility licensed by the department that provides care to qualifying patients must submit a designated caregiver application as a natural person in accordance with subsection (B) and may be required to provide additional proof of employment or contract with the designated caregiver facility.

(C) The department shall deny, suspend, or revoke a registry identification card for a designated caregiver applicant or a designated caregiver if he has been convicted of, or pled guilty or nolo contendere to, a felony drug related offense, unless the designated caregiver applicant completed the sentence, including any term of probation or supervised release, at least fifteen years prior.

(D) Each patient applicant or, in the case of a minor, the parent or guardian of each minor patient applicant who applies for a registry identification card must be asked if he wants to participate voluntarily in observational studies and other data collection on medical cannabis including those funded pursuant to Section 44-53-2540(A).

(E) Each designated caregiver applicant must undergo a state criminal record check, supported by fingerprints, by the State Law Enforcement Division (SLED), and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal record checks must be reported to the department and cannot be further disseminated. SLED and the FBI are authorized to provide the department with current and future information regarding that individual, including arrest, convictions, dispositions, warrants, and other information available to the FBI, including civil and criminal information. The department shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

Section 44-53-2120. (A) The department may not issue a registry

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identification card to a person under eighteen years of age who is a qualifying patient applicant unless:

(1) a physician electronically submits a written certification to the department that certifies the minor's medical use of cannabis products and lists the designated custodial parent or legal guardian with the legal authority to make healthcare decisions on behalf of the minor;

(2) the physician attests to explaining the potential risks and benefits of the medical use of cannabis products to the custodial parent or legal guardian with the legal authority to make healthcare decisions on behalf of the minor;

(3) the custodial parent or legal guardian with the legal authority to make healthcare decisions on behalf of the minor consents in writing to:

(a) allow the minor's medical use of cannabis products; and

(b)(i) serve as one of the minor's designated caregivers and determine the frequency and route of administration of cannabis products to the patient; or

(ii) designate another appropriate individual as caregiver for the patient; and

(4) the custodial parent or legal guardian with the legal authority to make healthcare decisions on behalf of the minor completes applications in accordance with the requirements of Section 44-53-2110(B) on behalf of the minor and as a caregiver to the minor.

(B) The department may not issue a registry identification card to an incapacitated person who is a qualifying patient applicant unless:

(1) a physician electronically submits a written certification to the department that certifies the incapacitated person's medical use of cannabis products and lists the designated person with the legal authority to make healthcare decisions on behalf of the incapacitated person;

(2) the physician attests to explaining the potential risks and benefits of the medical use of cannabis products to the person with the legal authority to make healthcare decisions on behalf of the incapacitated person;

(3) the person with the legal authority to make healthcare decisions on behalf of the incapacitated person consents in writing to:

(a) allow the incapacitated person's medical use of cannabis products;

(b) serve as one of the incapacitated person's designated caregivers; and

(c) determine the frequency and route of administration of cannabis products to the incapacitated person;

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(4) the person with the legal authority to make healthcare decisions for the incapacitated person completes applications in accordance with the requirements of Section 44-53-2110 and Section 44-53-2120 on behalf of the incapacitated person and as a caregiver to the incapacitated person; and

(5) the person submitting an application on the incapacitated person's behalf submits a signed statement agreeing not to consume cannabis products intended for a qualifying patient.

(C) For a new patient applicant, not to include a renewal, the department may not issue a registry identification card to a patient applicant who is between the ages of eighteen and twenty-three years unless two physicians who have performed in person exams and verified the patient applicant's debilitating medical condition submit a written certification to the department on behalf of the patient applicant.

(D)(1) The department may not issue a registry identification card to a person who is employed in or contracted for any job:

(a) in which the individual will carry a weapon, including a firearm;

(b) requiring a law enforcement credential;

(c) requiring a commercial driver's license, a charter boat license, or a pilot's license;

(d) involving the operation of trains, buses, or any form of public transportation; or

(e) involving the operation of heavy machinery.

(2) The department may compare applicants for registry identification cards to any professional, licensing, or other relevant database to ensure compliance with this section.

Section 44-53-2130. (A) A designated caregiver may serve only one patient, unless the caregiver:

(1) is a facility licensed by the department that provides care to qualifying patients; or

(2) is the spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption, of each qualifying patient.

(B) In no event may a natural person who is a designated caregiver serve more than two patients.

(C) A designated caregiver must be a natural person unless it is a facility licensed by the department that provides care to qualifying patients.

Section 44-53-2140. The department shall promulgate regulations governing facilities licensed by the department that provide care to

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qualifying patients and that serve as designated caregivers.

Section 44-53-2150. (A) Until ninety days after the department begins accepting applications for registry identification cards, a copy of a patient's valid, written certification issued and printed by the physician on tamper-resistant paper within the previous year must be deemed a registry identification card for the qualifying patient.

(B) Until ninety days after the department begins accepting applications for registry identification cards, the following must be deemed a registry identification card for a designated caregiver:

(1) a copy of a qualifying patient's valid, written certification issued and printed by a physician on tamper-resistant paper within the previous year; and

(2) a notarized affidavit attesting that the person has significant responsibility for managing the well-being of the qualifying patient and that the person has been chosen by the qualifying patient.

Section 44-53-2160. (A)(1) A qualifying patient shall notify the department of any change in his name, address, telephone number, or email address, or if he ceases to have a debilitating medical condition, not including if his debilitating medical condition or the underlying cause of the debilitating medical condition goes into remission due to medical cannabis, within thirty days of the change.

(2) A designated caregiver shall notify the department of any change in his name, address, telephone number, or email address, or if he becomes aware that the qualifying patient is deceased, within ten days of the change.

(3) Before a qualifying patient changes his designated caregiver, the qualifying patient shall notify the department.

(4) If a cardholder loses his registry identification card, then the cardholder shall notify the department within ten days of becoming aware that the card has been lost.

(5) A qualifying patient shall notify the department and surrender his registry identification card before starting any job or contract:

(a) in which he will carry a weapon, including a firearm;

(b) requiring a law enforcement credential;

(c) requiring a commercial driver's license, a charter boat license, or a pilot's license;

(d) involving operation of trains, buses, or any forms of public transportation; or

(e) involving the operation of heavy machinery.

(B) If a cardholder notifies the department of an occurrence identified in subsection (A) and remains eligible for a registry

identification card pursuant to this article, then the department shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within a reasonable time period, not to exceed fourteen business days, of receiving the updated information and a replacement card fee set by the department. If the person notifying the department is a qualifying patient, then the department shall also issue the qualifying patient's designated caregiver, if any, a new registry identification card within a reasonable time period, not to exceed thirty business days, of receiving the updated information and a replacement card fee set by the department.

(C) A cardholder who fails to notify the department as required by this section is subject to a civil penalty, punishable by a fine of not more than five hundred dollars per occurrence.

(D) If a qualifying patient's physician notifies the department in writing either that the qualifying patient has ceased to suffer from a debilitating medical condition, not including if the qualifying patient's debilitating medical condition goes into remission due to cannabis products, or that the physician no longer believes that the qualifying patient could benefit from the medical use of cannabis products, then the patient's and designated caregiver's registry identification cards shall become null and void; however, the qualifying patient shall have fifteen days to destroy all remaining cannabis products by returning it to a therapeutic cannabis pharmacy for destruction.

Section 44-53-2170. (A)(1) The Department of Public Health, Bureau of Drug Control, shall establish and maintain a program to monitor the dispensing of all cannabis products, which shall be recorded in a secure web-based verification system.

(2) For each cardholder, the department shall include in the secure web-based verification system the:

- (a) cardholder's name;
- (b) cardholder's registration number;
- (c) whether the cardholder is a qualifying patient or a designated caregiver;
- (d) in the case of a designated caregiver, the associated patient's name, address, date of birth and registry identification number;
- (e) expiration date of the registry identification card;
- (f) photograph;
- (g) the allowable amount of cannabis product if the physician specified an amount; and
- (h) the name, address, and phone number of the certifying physician.

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(B)(1) Before dispensing cannabis products, a therapeutic cannabis pharmacy shall:

(a) confirm the registry identification card presented at the therapeutic cannabis pharmacy is valid using the secure web-based verification system;

(b) verify each person presenting a registry identification card is the person identified on the registry identification card;

(c) determine the amount of cannabis dispensed to the qualifying patient directly or via the designated caregiver in the previous fourteen days; and

(d) ensure that the amount to be dispensed does not exceed the qualifying patient's limit.

(2) A therapeutic cannabis pharmacy shall electronically submit to the Bureau of Drug Control information regarding each dispensing of cannabis product. The following information must be submitted for authorization:

(a) the date and time that the cannabis product was dispensed;

(b) the qualifying patient or designated caregiver's registry identification card number;

(c) NDC code for the drug dispensed, if there is one;

(d) quantity of cannabis product dispensed;

(e) whether the cannabis product was dispensed directly to the qualifying patient or to the qualifying patient's designated caregiver;

(f) the approximate number of days supplied;

(g) the qualifying patient's name, address, and date of birth;

(h) the registry identification card number of the therapeutic cannabis pharmacy that dispensed the cannabis product; and

(i) the expiration date of the registry identification card.

(C) In developing the requirements for the secure web-based verification system, the department shall consider transmission methods and protocols provided in the latest edition of the "ASAP Telecommunications Format for Controlled Substances," developed by the American Society for Automation in Pharmacy.

(D) Information submitted to the Bureau of Drug Control and the secure web-based verification system is confidential and not subject to public disclosure under the Freedom of Information Act or any other provision of law, except as provided in subsections (F) and (G).

(E) The Bureau of Drug Control shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed, except as provided in subsections (F) and (G).

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(F) If there is reasonable cause to believe that a violation of law or breach of professional standards may have occurred, then the Bureau of Drug Control shall notify the appropriate law enforcement agency or professional licensure, certification, or regulatory agency or entity and shall provide prescription information required for an investigation.

(G) The Bureau of Drug Control may provide data in the cannabis monitoring program to the following persons:

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

(2) a qualifying patient or designated caregiver who requests the individual's own cannabis monitoring information in accordance with procedures established by law;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for licensure, regulation, or discipline of physicians, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances, and who is involved in a bona fide specific investigation involving a designated person;

(4) a local or state law enforcement or prosecutorial official pursuant to a court-ordered search warrant issued in connection with a criminal investigation involving a designated person;

(5) a properly convened grand jury pursuant to a properly issued subpoena for the records;

(6) personnel of the department and the Board of Pharmacy for purposes of administration and enforcement of this article;

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

(8) a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in a specific inquiry into the cause and manner of death of a designated person pursuant to Chapter 5, Title 17;

(9) a physician who requests the physician's own written certification history;

(10) the presiding judge of a court pertaining to a specific case involving a designated person.

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(H)(1) A pharmacist or other therapeutic cannabis pharmacy staffer dispensing cannabis who knowingly fails to submit medical cannabis monitoring information to the Bureau of Drug Control, or to submit the information required in the verification system, as required by this article, or who knowingly submits incorrect information, is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(2) A person who knowingly discloses medical cannabis authorization monitoring information in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(3) A person who knowingly uses medical cannabis authorization monitoring information in a manner or for a purpose in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(4) A pharmacist or therapeutic cannabis pharmacy staffer who knowingly discloses medical cannabis monitoring information in a manner or for a purpose in violation of this article shall be reported to his respective board for disciplinary action.

(I) Nothing in this chapter requires a pharmacist to obtain information about a patient from the medical cannabis authorization monitoring program.

(J) For the purposes of this subsection, the system may only disclose to state and local law enforcement personnel the following, if the law enforcement personnel inputs a registry identification card number:

- (1) whether the registry identification card is valid;
- (2) the name, address, and date of birth of the cardholder;
- (3) a photograph of the cardholder;
- (4) whether the cardholder is a qualifying patient or a designated caregiver; and
- (5) the registry identification card number of any associated qualifying patients or designated caregivers.

(K) An authorized employee of the department may access the secure web-based verification system in the course of his official duties.

Section 44-53-2180. (A) Cannabis product information received and maintained by the department pursuant to this article is confidential and not subject to public disclosure under the Freedom of Information Act or any other provision of law, except as provided in subsections (D) and (E) and Section 44-53-2180.

(B) The department shall maintain procedures to ensure that the privacy and confidentiality of qualifying patients and qualifying patient

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information collected, recorded, transmitted, and maintained is not disclosed, except as provided for in subsections (D) and (E) and Section 44-53-2180.

(C) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards and all of their information required in Section 44-53-2110. The department shall maintain a confidential list of any person who submitted a registry identification card application. The lists maintained pursuant to this subsection may not be combined or linked in any manner with any other list with the exception of the medical cannabis dispensing database created pursuant to Section 44-53-2170. The department may provide the names and contact information for patients who volunteer to participate in research to qualified personnel for the purpose of bona fide research or education pursuant to a written agreement between qualified personnel and the department.

(D) If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, then the department shall notify the appropriate law enforcement or professional licensure, certification, or regulatory agency or entity and shall provide cannabis product information required for an investigation.

(E) The department must provide cannabis product information to the following persons:

(1) a physician who requests information and certifies that the requested cannabis product information is for the purpose of providing medical or pharmaceutical treatment in the course of a bona fide physician-patient relationship;

(2) a qualifying patient or designated caregiver who requests his own cannabis product information;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of any person authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(4) a local or state law enforcement or prosecutorial official pursuant to a court-ordered search warrant issued in connection with a crime or civil investigation involving a designated person;

(5) a properly convened grand jury pursuant to a subpoena properly issued for the records;

(6) personnel of the department for the purposes of the administration and enforcement of this article;

(7) qualified personnel for the purpose of bona fide research,

except that the department may only provide the names and contact information for qualifying patients who volunteer to participate in bona fide research, including observational studies or other data collection on cannabis product pursuant to Section 44-53-2110(D). Release of the information may only be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this subsection;

(8) a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in a specific inquiry into the cause and manner of death of a designated person pursuant to Chapter 5, Title 17;

(9) a physician who requests the physician's own written certification history; or

(10) the presiding judge of a court pertaining to a specific case involving a designated person.

(F) The department shall establish by regulation reporting requirements for emergency room treatment facilities for medical cannabis incidents involving qualifying patients to be listed on the web-based verification system.

Section 44-53-2190. (A) A qualifying patient may purchase cannabis products, industrial hemp for human consumption, or paraphernalia for medical use pursuant to this article from a therapeutic cannabis pharmacy, provided that a qualifying patient may not obtain more than an allowable amount of cannabis products in a fourteen-day period.

(B) A designated caregiver may purchase cannabis products or paraphernalia to assist a qualifying patient with the medical use of cannabis products pursuant to this article from a therapeutic cannabis pharmacy, provided that the designated caregiver and the designated caregiver's associated qualifying patient may not obtain more than an allowable amount of cannabis products for a fourteen-day period for each qualifying patient.

Section 44-53-2200. (A) A qualifying patient is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege for the medical use of cannabis products pursuant to this article if the qualifying patient does not possess more than the allowable amount of cannabis products and is lawfully using cannabis products under this article.

(B) A designated caregiver is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege for assisting a qualifying patient with the

medical use of cannabis products pursuant to this article if the designated caregiver does not possess more than the allowable amount of cannabis products for each associated qualifying patient.

(C) A designated caregiver is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege for transporting cannabis products or administering cannabis products to a qualifying patient, provided that the caregiver does so in compliance with regulations promulgated pursuant to this article.

(D) A cardholder is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege for delivering or transporting an allowable amount of cannabis products to an independent testing laboratory.

(E) A cardholder is presumed to be lawfully in possession of cannabis products if the cardholder possesses an amount of cannabis products that does not exceed an allowable amount of cannabis products.

(F) If a cardholder is found to be in possession of cannabis products in an amount or type that exceeds an allowable amount of cannabis products, then the excess amount or type of cannabis products is subject to seizure by law enforcement and may not be returned. The cardholder is also subject to criminal charges for possession of the amount in excess of the allowable amount of cannabis products as provided in this article.

(G) The presumption provided for in subsection (E) may be rebutted by evidence that conduct related to the use of cannabis products was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition pursuant to this article.

Section 44-53-2210. (A) It is unlawful for a physician to certify cannabis products to any person for the purposes of smoking or burning.

(B) It is unlawful for a cardholder to possess cannabis in plant form or to smoke cannabis or use a device to facilitate the smoking of cannabis. A person in violation of this subsection is subject to the applicable provisions of law for unlawful possession of marijuana.

(C) A qualifying patient who violates this section a second or subsequent time may have his registry identification card suspended or revoked.

Section 44-53-2220. (A) This article does not authorize any person to engage in, and does not prevent the imposition of, any civil, criminal, or other penalties for engaging in the following conduct:

(1) undertaking any task under the influence of cannabis, if doing

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so would constitute negligence or professional malpractice;

(2) possessing cannabis or cannabis products or otherwise engaging in the medical use of cannabis products in any correctional facility, any local or county jail, or any Department of Juvenile Justice facility;

(3) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis;

(4) using cannabis products if the person does not have a debilitating medical condition or possessing cannabis products if the person is not a qualifying patient, designated caregiver, medical cannabis establishment agent, or someone who is authorized to assist a qualifying patient;

(5) allowing any person who is not authorized to use cannabis products under this article to use cannabis products that a cardholder is allowed to possess under this article; or

(6) transferring cannabis products for medical use to any person contrary to the provisions of this article.

(B) Nothing in this article may be construed to prevent the arrest or prosecution of a qualifying patient for reckless driving or driving under the influence of cannabis products if probable cause exists. The mere presence of cannabis metabolites shall not automatically deem a person under the influence. If a qualifying patient refuses to submit to a blood sample test, as provided in Section 56-5-2950, then the qualifying patient's privilege to drive is suspended for at least six months and his registry identification card is suspended for six months. The qualifying patient has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension. If the person does not request a contested case hearing for all issues including, but not limited to, probable cause, the refusal of, or compliance with Section 56-5-2950, or if the qualifying patient's suspension is upheld at the contested case hearing, then the qualifying patient shall enroll in an Alcohol and Drug Safety Action Program. Upon completion of the suspension period and the Alcohol and Drug Safety Action Program, the qualifying patient may reapply for a registry identification card.

(C) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis products for medical use, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis products to avoid arrest or prosecution is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense, in addition

to any other penalties that may apply for making a false statement or for the use of cannabis products other than use undertaken pursuant to this article.

(D) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis products for medical use, knowingly making a misrepresentation of a medical condition to a physician or fraudulently providing material misinformation to a physician in order to obtain a written certification is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense.

(E) Any cardholder who sells cannabis products or is convicted of a criminal violation of this article shall have his registry identification card permanently revoked and is subject to other penalties for the unauthorized sale of cannabis. An individual who has had his registry identification card revoked for a criminal violation of this article may never be issued another registry identification card.

(F) Any qualifying patient who commits a violation of subsection (A)(3) or refuses a properly requested test related to operating any mode of transportation while under the influence of cannabis products shall have his registry identification card revoked for a period of one year.

(G) The diversion of cannabis products to any individual who is not allowed to possess cannabis products pursuant to this article is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the relevant cardholder to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both.

Section 44-53-2230. (A) It is unlawful for a qualifying patient to vaporize a cannabis product in a motor vehicle of any kind that is being operated on the public highways or highway rights of way of this State.

(B)(1) It is unlawful for a qualifying patient, designated caregiver, or transporter to have in his possession, except in the trunk, glove compartment, closed console, or luggage compartment, a cannabis product in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this State.

(2) If a qualifying patient, designated caregiver, or transporter is a passenger in a motor vehicle of another then the provisions of item (1) do not apply; however, the qualifying patient, designated caregiver, or transporter must keep the cannabis product concealed on his person or in his personal property.

(C) A person who violates the provisions of this section shall have his registry identification card suspended and is guilty of a misdemeanor. Upon conviction, the qualifying patient must be fined not more than one hundred dollars or imprisoned not more than thirty days. Upon the

satisfaction of the fine, or imprisonment, or both, the qualifying patient may reapply for a registry identification card.

Section 44-53-2240. (A) The department may deny, revoke, or suspend the registry identification card of a qualifying patient or designated caregiver for a violation of this article or of department regulations. The qualifying patient or designated caregiver is also subject to other penalties established by law.

(B) A person whose registry identification card is denied, revoked, or suspended may request a hearing in the Administrative Law Court within thirty days of the receipt of written notification of the denial, revocation, or suspension and is not subject to the requirements set forth in Section 44-1-60.

Section 44-53-2250. (A) If a state or local law enforcement officer has probable cause to believe that cannabis products are possessed at a specific address in violation of South Carolina law, then the officer may verify whether the address is associated with a qualifying patient, designated caregiver, or medical cannabis establishment through the department's verification system.

(B) The department shall notify a law enforcement officer about falsified or fraudulent information submitted to the department.

Section 44-53-2260. (A) Except as provided in this article, a qualifying patient who uses cannabis products for medical use must be afforded the same rights under state and local law, including those guaranteed pursuant to Section 1-13-10, et seq., as the person would be afforded if the person was solely prescribed pharmaceutical medications, as pertaining to drug testing required by any state or local law, agency, governmental official, or state or local governmental employer.

(B) The rights provided by this section do not apply to the extent that they conflict with an entity's obligations under federal law or regulations, or to the extent that the rights would disqualify a state or local agency from a monetary or licensing related benefit under federal law or regulations.

(C) Nothing in this article requires an employer to make any accommodation for the use of cannabis products on the property or premises of any place of employment, to allow the ingestion of cannabis products in any workplace, or to allow any employee to work while under the influence of cannabis products. This article in no way limits an employer's ability to discipline or terminate an employee for being under the influence of cannabis products in the workplace or for working while under the influence of cannabis products.

(D) No employer may be penalized or denied any benefit under

state law for employing a cardholder.

(E) Except as otherwise provided by this section, the provisions of this article do not require any person, corporation, landlord, or other entity that occupies, owns, or controls a property to allow the vaporization of cannabis products on that property.

(F) Nothing in this article requires a motor carrier or private carrier, as defined in Section 58-23-1110, to make any accommodation for the use of cannabis products by any employee whose duties affect the safety of operation of motor vehicles in transportation on public roads.

Section 44-53-2270. (A) Nothing in this article shall require an employer to permit or accommodate any applicant's or employee's use, consumption, or possession of, or impairment by, cannabis products in any form on its premises or during work-related activities. This article also does not affect the ability of a private employer to enforce a drug-free workplace policy or zero tolerance drug testing policy prohibiting any applicant or employee from having a detectable amount of marijuana metabolites in the applicant's or employee's system.

(B) No employer may be penalized or denied any benefit under state law for employing a cardholder.

(C) This article does not create a private cause of action against a private employer for wrongful discharge, discrimination, or any other adverse employment action.

Section 44-53-2280. A person who is employed by, contracting with, or an agent of the State of South Carolina is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of any right or privilege for engaging in conduct authorized by this article, if the conduct is within the scope of the person's employment.

Section 44-53-2290. (A) Nothing in this act shall be interpreted to require or allow any person or entity to infringe on another person's right to own or possess a firearm, ammunition, or to receive any related firearms certification.

(B) No state or local agency, and no employee or agent of any state or local agency, may:

(1) restrict, revoke, suspend, or otherwise infringe upon a person's right to own or possess a firearm, ammunition, or any related firearms certification based solely on the person's status as qualifying patient or for using medical cannabis consistent with the act; or

(2) directly or indirectly inform a federal agency or federal official that a person owns, possesses, purchases, or may attempt to own, possess, or purchase a firearm or ammunition while possessing or using

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medical cannabis or while being a qualifying patient, designated caregiver, or agent of a medical cannabis establishment.

Section 44-53-2300. (A) No school or landlord may refuse to enroll, lease to, or otherwise penalize a person solely for the person's status as a cardholder, unless:

(1) failing to do so would violate federal law or regulations or would cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations; or

(2) the landlord, manager, or school, is required to deny or terminate Section 8 housing or educational opportunities to a cardholder for cannabis-related conduct due to federal law. Denials or terminations on the basis of cannabis related conduct must be reported to the Attorney General's Office for assessment for racially discriminatory conduct or disparate racial impact.

(B) No school or landlord may be penalized or denied any benefit under state law for enrolling or leasing to a cardholder.

Section 44-53-2310. (A) A physician is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Medical Examiners or any other occupational or professional licensing entity, for providing a written certification as authorized by state law. A physician may not be sued for medical malpractice solely as a result of certifying a qualifying patient's medical use of cannabis products in accordance with this article, but this section shall not be construed to prevent a physician from being disciplined or sued for violating the standard of care or for any violations of this article, including certifying a person for cannabis products who does not have a debilitating medical condition.

(B) A pharmacist or other individual authorized to dispense medical cannabis by the Board of Pharmacy is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Pharmacy of any other occupational or professional licensing entity, for dispensing cannabis products as authorized by state law. A pharmacist or other individual authorized to dispense medical cannabis by the Board of Pharmacy may not be sued for malpractice solely as a result of dispensing cannabis products to a qualifying patient in accordance with this article, but this section shall not be construed to prevent him from being disciplined or sued for violating the standard of care or for any violations of this article including, but not limited to, dispensing

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cannabis products to a person who does not have a registry identification card.

Section 44-53-2320. (A) For the purposes of this section:

(1) "Financial institution" means a bank, savings and loan association, credit union, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States or South Carolina.

(2) "Financial services" includes receiving deposits, extending credit, conducting fund transfers, and transporting cash or financial instruments.

(B) A bank, savings and loan association, or credit union, licensed attorney, or certified public accountant, and all associated employees, are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, the denial of a right or privilege for engaging in conduct authorized by this article, or professional discipline for providing advice or services related to medical cannabis establishments or applications to operate medical cannabis establishments on the basis that cannabis is illegal under federal law.

(C) A licensed attorney, a certified public accountant, or another holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to medical cannabis establishments or applications to operate medical cannabis establishments on the basis that cannabis is illegal under federal law.

(D) An applicant for a professional or occupational license may not be denied a license based on previous employment related to medical cannabis establishments operating in accordance with state law.

(E) A financial institution and agents operating on its behalf are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for providing financial services to medical cannabis establishments and applicants for medical cannabis establishments.

(F)(1) A medical cannabis establishment or its principal may request in writing that the department share a person's application, license, and other regulatory and financial information with a financial institution of the person's designation. The written request shall include a waiver authorizing the transfer of that information and any confidentiality or privilege that applies to that information.

(2) Notwithstanding any law that might proscribe the disclosure

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of application, license, and other regulatory and financial information, upon receipt of a written request and waiver pursuant to item (1), the department may share an application, license, and other regulatory and financial information with the financial institution designated by the licensee in the request for the purpose of facilitating the provision of financial services for that licensee.

(3) A person who provides a waiver may withdraw the waiver at any time. Upon receipt of the withdrawal of a waiver, the department shall cease to share application, license, or other regulatory or financial information with a financial institution.

Section 44-53-2330. A person is not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege for:

(1) being in the presence or vicinity of a qualifying patient engaged in the medical use of cannabis products or a designated caregiver assisting a qualifying patient with the medical use of cannabis products;

(2) being in the presence of a medical cannabis establishment principal or agent engaged in conduct authorized pursuant to this article;

(3) assisting a qualifying patient with the act of using or administering cannabis products for medical use; or

(4) storing or otherwise possessing a registered qualifying patient's cannabis products on the patient's behalf at the patient's residence, a residential facility, a school, a daycare or healthcare facility, or a similar location that is caring for the qualifying patient.

Section 44-53-2340. (A) The lawful use of cannabis products pursuant to this article shall not be used as a relevant factor or evidence in proceedings regarding parental rights, child welfare, guardianship, decision making, or probate matters.

(B) A person entitled to the custody of, or visitation or parenting time with, a child must not be denied these rights for conduct allowed pursuant to this article unless the person's behavior is such that it creates an unreasonable danger to the safety of the child as established by clear and convincing evidence.

(C) This section shall not be construed to allow a person to engage in any conduct that would be negligent to undertake while impaired by cannabis.

Section 44-53-2350. For the purposes of medical care, including organ and tissue transplants, a qualifying patient's use of cannabis products according to this article is considered the equivalent of the authorized use of any other medication used at the discretion of a

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physician and does not constitute the use of an illicit substance or otherwise disqualify the qualifying patient from needed medical care.

Section 44-53-2360. (A) The department shall create a commission to assist in promulgating regulation. At a minimum, members of the commission must include:

- (1) the director of the department, or his designee;
- (2) the Director of the South Carolina Department of Labor, Licensing and Regulation, or his designee;
- (3) the President of the South Carolina Board of Medical Examiners, or his designee;
- (4) the Chief of SLED, or his designee, unless they decline participation;
- (5) a sheriff designated by the South Carolina Sheriffs' Association, unless they decline participation;
- (6) the Commissioner of the South Carolina Department of Agriculture, or his designee;
- (7) a patient representative, appointed by the Governor;
- (8) an industry representative, appointed by the Governor;
- (9) an individual selected by the South Carolina Advocates for Epilepsy;
- (10) a certified public accountant or an attorney with experience in contract law, appointed by the Governor;
- (11) a representative of the African American community, pointed by the Governor in consultation with the South Carolina Commission for Minority Affairs;
- (12) the Dean or Acting Dean, or his designee, for the University of South Carolina School of Medicine; and
- (13) the President, or his designee, of the Medical University of South Carolina.

(B) Members of the commission may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees.

(C) Upon the issuance of all of the medical cannabis establishment licenses pursuant to Section 44-53-2420, the commission shall dissolve.

Section 44-53-2370. (A) The department shall promulgate regulations to:

- (1) establish the form and content of medical cannabis establishment license and renewal applications;
- (2)(a) license medical cannabis establishments utilizing a variety of business models including, but not limited to, applicants that intend to operate only a single business and integrated operators that intend to

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operate a cultivation center, processing facility, and one or more therapeutic cannabis pharmacies, while imposing a reasonable cap on the number of medical cannabis establishments a person or entity may hold more than five percent ownership interest in, both in any region and statewide, to avoid undue market concentration;

(b) establish a system to numerically score competing medical cannabis establishment applicants, which must include separate application types for independent licenses and integrated operators, and which must include the award of additional points for medical cannabis establishment applicants that meet any of the following:

(i) an existing agricultural business in operation for over two years in the State of South Carolina;

(ii) an existing production or manufacturing business in operation for over two years in the State of South Carolina;

(iii) an existing company working in the hemp industry for over two years in the State of South Carolina;

(iv) an applicant of whom more than fifty percent of the principals are residents of the State of South Carolina;

(c) in cases in which more applicants apply than are allowed by the local government, the system must include an analysis of:

(i) in the case of therapeutic cannabis pharmacies, the suitability of the proposed location and its accessibility to patients;

(ii) the character, veracity, diversity, residency, background, qualifications, and relevant experience of medical cannabis establishment principals and agents; and

(iii) the business plan proposed by the medical cannabis establishment applicant, which in the case of cultivation centers and therapeutic cannabis pharmacies shall include the ability to maintain an adequate supply of cannabis products, plans to ensure the safety and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis products available to low income qualifying patients;

(3) in coordination with the Division of Small and Minority Business Contracting and Certification, implement policies to:

(a) engage in outreach to encourage racial, ethnic, and gender diversity in the South Carolina medical cannabis industry; and

(b) ensure that diverse groups are afforded equal opportunity in licensing;

(4) govern medical cannabis establishments, with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft, without creating an undue burden or compromising

the confidentiality of cardholders, including:

(a) oversight requirements;

(b) recordkeeping and inventory management requirements;

(c) security requirements, which must be developed in consultation with a private security expert in good standing, including lighting, physical security, and alarm requirements and, in the case of a cultivation center, access controls, perimeter intrusion detection systems, personnel identification systems, and a twenty four hour surveillance system to monitor the interior and exterior of the cultivation center, which are accessible to authorized law enforcement personnel and the department;

(d) health and safety regulations, including:

(i) restrictions on the use of pesticides that are injurious to human health; and

(ii) standards for testing cannabis and cannabis products, including specifying prohibited concentrations of heavy metals, pesticides, microbes, and other contaminants that are injurious to human health; and

(iii) requirements that any oils intended for vaporization may be sold as either prefilled, tamper-resistant, nonrefillable cartridges that are not capable of use with nicotine vaporization devices, or as disposable “all-in-one” systems that are tamper-resistant, non-fillable, and do not contain nicotine;

(e) standards for the manufacture of cannabis products and both the secure, indoor cultivation of cannabis by cultivation centers, including environmental impact regulations;

(f) requirements for the secure transportation and storage of cannabis and cannabis products by medical cannabis establishments, which must be developed in consultation with a private security expert in good standing;

(g) employment and training requirements, including requiring medical cannabis establishments to create, administer, and track an identification badge for each medical cannabis establishment agent and principal;

(h) standards for the safe manufacture of cannabis products, including extracts and concentrates;

(i) restrictions on the advertising, signage, and display of cannabis products, provided that the restrictions may not prevent appropriate signs on the property of a therapeutic cannabis pharmacy; listings in business directories, including phone books; listings in cannabis-related or medical publications; and the sponsorship of health

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or not-for-profit charity or advocacy events, provided that the restrictions must include:

(i) requirements that the medical cannabis establishment's logo, advertising, and signage be tasteful, respectful, and medically focused and must not appeal to minors or contain cartoon-like figures or attempts at humor;

(ii) requirements that medical cannabis establishments submit any logo or sign for review to the department in accordance with department regulations;

(iii) prohibitions on medical cannabis establishments from using marijuana leaves or slang for cannabis or cannabis products in or on their signs, logos, packaging, or structures;

(iv) limitations on the size or location of signs; and

(v) prohibitions against using neon-colored signage, logos, or packaging, or neon-colored signage or logos on structures;

(j) requirements and procedures for the safe and accurate packaging and labeling of medical cannabis, cannabis products, and industrial hemp for human consumption;

(k) standards for independent testing laboratories, including requirements for equipment and qualifications for personnel;

(l) protocol for the safe delivery of cannabis products from therapeutic cannabis pharmacies to cardholders, which must be developed after consulting with a private security expert in good standing;

(m) requirements and procedures to maintain sanitary conditions for facilities and equipment;

(n) odor mitigation measures to ensure cannabis or cannabis products cannot be smelled outside of the property of a medical cannabis establishment; and

(o) requirements for medical cannabis establishments to maintain a discreet, professional appearance that is compatible with existing commercial structures or land uses within the immediate area, including requirements to maintain the medical cannabis establishment in a manner to prevent blight, deterioration, diminishment, or impairment of property values within the vicinity of the medical cannabis establishment;

(5) establish procedures for suspending or revoking the licenses of medical cannabis establishments that commit multiple or serious violations of the provisions of this article or the regulations promulgated pursuant to this section;

(6) establish labeling requirements for cannabis, cannabis

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products, and industrial hemp for human consumption, which must require cannabis product labels to include the following:

(a) the length of time it typically takes for the product to take effect;

(b) the disclosure of ingredients, including an indication of whether the cannabis is Sativa, Indica, or a hybrid, and possible allergens;

(c) a nutritional fact panel; and

(d) the clear identification of edible cannabis products, if practicable, with a standard symbol indicating that the product contains cannabis;

(7) establish requirements and procedures for the safe, appropriate, and accurate packaging and labeling of cannabis products and industrial hemp for human consumption, including prohibiting the use of any images designed or likely to appeal to minors, including cartoons, toys, animals, or children; any other likeness to images, characters, or phrases that are popularly used to advertise to children; or any imitation of candy packaging or labeling;

(8) establish requirements to ensure that cannabis products and industrial hemp for human consumption are designed, marketed, and packaged in a manner that is appropriate for a medicinal product and that does not resemble commercially sold candies or other food that is typically marketed to children;

(9) establish restrictions on the forms, appearance, and flavor of edible cannabis products and syrups in order to reduce their appeal to minors, including prohibiting edible cannabis products in the shapes of cartoons, toys, animals, or people;

(10) establish the standards and requirements necessary for an independent testing laboratory to be licensed;

(11) establish the standards of care and required testing to be carried out by an independent testing laboratory consistent with the guidelines promulgated by the American Herbal Pharmacopoeia;

(12) establish minimum capital requirements for each type of medical cannabis establishment that reasonably ensure medical cannabis establishment principal applicants have sufficient resources to open and operate a medical cannabis establishment without requiring more than reasonably necessary and allowing for some of the capital requirements to be satisfied by ownership of the real property and for resources to be pooled among multiple medical cannabis establishment principals; and

(13) establish standards and requirements necessary for the destruction of cannabis, cannabis products, and cannabis waste.

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(B) The department shall, no less frequently than every two years, reevaluate and at its discretion:

(1) determine the appropriate number and geographical density of licenses for cultivation centers, processing facilities, therapeutic cannabis pharmacies, and independent testing laboratories; and

(2) evaluate the effectiveness of integrated operators and independent business types at providing patients a variety of product choices at reasonable prices; and

(3) evaluate whether caps to market concentration are meeting goals of a competitive marketplace, or whether the limits should be revised.

(C) After consulting with public health experts, medical professionals, and analysts who conduct health and safety research on vaporizers; reviewing federal regulations governing electronic nicotine delivery systems; and reviewing other states' regulations on medical cannabis vaporization, the department shall promulgate regulations to foster the health and safety of patients using medical cannabis vaporization products. The regulations may include:

(1) mandating that all models of vaporization devices sold by therapeutic cannabis pharmacies be subject to laboratory testing, including stress tests and shelf-life tests;

(2) requiring laboratory testing of medical cannabis cartridges that are allowed to be used with vaporization devices, including testing of the aerosolized products;

(3) banning all additives, cutting agents, and flavorings that are known to be harmful;

(4) creating a list of any noncannabis ingredients that are permitted to be included in medical cannabis cartridges, which have been identified as safe for inhalation, and specifying the proportion of those ingredients that are allowed in each cartridge;

(5) issuing standards for heavy metals included in hardware;

(6) developing warning labels that must be included on vaporization devices, detailing any known risks;

(7) requiring that any vaporization device is not able to be used with cartridges containing nicotine; and

(8) requiring that any disposable "all-in-one" vaporization device is tamper-resistant, nonrefillable, and does not contain nicotine.

(D) The department may waive some requirements that apply to other medical cannabis establishments in the case of some or all qualifying research facilities.

(E) The department shall not prohibit the accurate listing of

ingredients on a cannabis product that is a beverage.

Section 44-53-2380. (A) The department shall establish standards for and shall license up to five independent testing laboratories to test cannabis products that are to be sold in the State. An independent testing laboratory must analyze a representative sample of all cannabis products pursuant before the sale or transfer to a therapeutic cannabis pharmacy and/or a qualifying research facility by a processing facility.

(B) An independent testing laboratory must be responsible for selecting, picking up, and testing product samples and must be able to determine accurately:

- (1) the concentration of tetrahydrocannabinol, cannabidiol, and other cannabinoids, if applicable;
- (2) whether the testing material is organic or nonorganic;
- (3) moisture content;
- (4) allergens;
- (5) potency;
- (6) foreign matter, including heavy metals;
- (7) microbiological screening results;
- (8) residual solvent testing results;
- (9) the presence and identification of fungi, including molds;
- (10) the presence and concentration of fertilizers and other nutrients; and
- (11) any other determinations required by the department.

(C) An independent testing laboratory shall report the results of all testing required by the department to the department's seed-to-sale tracking system.

(D) No principal, manager, employee, or agent of an independent testing laboratory may work for, contract with, receive compensation from, or have an equity interest in any other medical cannabis establishment.

Section 44-53-2390. (A) To prevent diversion and protect public safety, the department shall require the use of a single, real-time, seed-to-sale tracking system used by all medical cannabis establishments and by the department that complies with Health Insurance Portability and Accountability Act guidelines, is hosted on a platform that allows for the dynamic allocation of resources, provides data redundancy, and is capable of recovering from natural disasters within hours.

(B) The department shall require that the system be capable of:

- (1) tracking and uniquely identifying each plant, product, package, waste, transfer, conversion, sale, and returns. A unique identifier shall be issued for each cannabis plant, and shall be attached at

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the base of each plant;

(2) tracking plant and package information throughout the entire chain of custody until the point of sale to a cardholder;

(3) tracking each product, conversion, and derivative throughout the entire seed-to-sale chain of custody in real-time;

(4) tracking plant and product destruction;

(5) tracking the transportation of products;

(6) performing complete product and package recall tracking capabilities that must be able to clearly identify all of the following details relating to a specific product and package subject to recall:

(a) all sold products;

(b) products available for sale that are in finished inventory but have not been sold;

(c) products that are in the transfer process;

(d) work-in-progress products, which are in the process of being converted; and

(e) raw material products, which are in the post harvest stage of the process, such as drying, trimming, or curing;

(7) reporting and tracking loss, theft, or the diversion of products containing cannabis to the department;

(8) reporting and tracking all inventory discrepancies to the department;

(9) reporting and tracking all sales and refunds to the department;

(10) notifying the department in real-time regarding when propagation sources are planted, when plants are harvested and destroyed, and when cannabis products are transported, sold, or destroyed;

(11) tracking each plant and product using a tagging methodology that optimizes reporting efficiencies for cultivation centers, medical cannabis establishments, and the department;

(12) receiving testing results electronically from independent testing laboratories via a secure application program interface into the seed-to-sale tracking system and directly attaching the testing results to the source package or sample;

(13) restricting the altering of test results and allowing for the collection of detailed test results and uploading of a certificate of analysis;

(14) providing the department with real-time access to the database;

(15) providing real-time analytics to the department regarding key performance indicators including, but not limited to:

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- (a) total daily sales;
- (b) total plants in production;
- (c) total plants destroyed; and
- (d) total inventory adjustments;

(16) providing the department with the ability to determine the amount of medical cannabis that a registered qualifying patient or registered designated caregiver has purchased that day in real-time by searching a patient registration number; and

(17) providing other information specified by the department.

(C) The department shall require the provider of the seed-to-sale system to:

(1) have current security audit that is no more than twelve months old and that was performed by a third party certified to perform such audits, demonstrating the use of sound security measures and practices by the provider hosting the data or application processing the data, as defined by a nationally recognized security framework;

(2) submit an annual update on any open corrective action plans associated with the most recent audit's noted deficiencies;

(3) produce a new or updated audit every three years; and

(4) have experience implementing and maintaining a seed-to-sale tracking system of a similar size and nature for at least two other state governmental agencies within the last two years without interruptions of service or security breaches, or otherwise demonstrate the ability to implement and maintain such systems.

(D) Upon the request of a state or local law enforcement agency, licensing authorities shall allow access to or provide information contained within the database for the seed-to-sale tracking system to assist law enforcement in their duties and responsibilities.

(E) Banks and other financial institutions may be allowed access to specific limited information from the seed-to-sale tracking system. The information that may be available to these institutions shall be limited to financial data of individuals and business entities that have a business relationship with these institutions. This information shall be limited to the information needed for banks to comply with applicable federal regulations and shall not disclose any medical or personal information about registered cardholders or designated caregivers.

Section 44-53-2400. (A) It is not unlawful for a cultivation center to:

(1) possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis;

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- (2) possess, use, or manufacture cannabis paraphernalia;
- (3) deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or educational materials to processing facilities; or
- (4) deliver, transfer, or transport cannabis to independent testing laboratories.

(B) It is not unlawful for a processing facility to:

- (1) obtain, possess, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis or cannabis products;
- (2) possess, use, or manufacture cannabis paraphernalia;
- (3) deliver, sell, supply, transfer, or transport cannabis, cannabis products, industrial hemp for human consumption, or educational materials to therapeutic cannabis pharmacies or universities in South Carolina engaged in conducting Institutional Review Board-approved medical cannabis or cannabinoid research; or
- (4) deliver, transfer, or transport cannabis or cannabis products to independent testing laboratories.

(C) It is not unlawful for a therapeutic cannabis pharmacy to obtain, possess, transport, or dispense cannabis products, industrial hemp for human consumption that has passed independent laboratory testing, cannabis paraphernalia, or educational materials to a cardholder in accordance with the requirements of this article or to universities in South Carolina engaged in conducting Institutional Review Board-approved medical cannabis or cannabinoid research.

(D) It is not unlawful for an independent testing laboratory to possess or transport cannabis, cannabis products, or cannabis paraphernalia in accordance with the requirements of this article.

(E) It is not unlawful for a transporter to possess or transport cannabis, cannabis products, or cannabis paraphernalia in accordance with the requirements of this article.

(F) It is not unlawful for a grower of industrial hemp who is permitted pursuant to Chapter 55, Title 46 to sell or transport industrial hemp for human consumption to a therapeutic cannabis pharmacy, provided that the industrial hemp products for human consumption are compliant with all regulations regarding laboratory testing, packaging, and labeling as determined by the department.

(G) It is not unlawful for a qualifying research facility, to possess, store, or administer medical cannabis or cannabinoids to human or animal subjects in accordance with any department rules.

(H) Industrial hemp operations and individuals who have been issued permits pursuant to Section 46-55-20, relating to the cultivation of industrial hemp, are authorized to provide industrial hemp for human

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consumption to processing facilities or therapeutic cannabis pharmacies licensed pursuant to this article.

(I) A medical cannabis establishment is not subject to prosecution, search, seizure, or penalty in any manner and may not be denied any right or privilege, including civil penalty or disciplinary action by a court, or business-licensing board or entity, for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

(J) A medical cannabis establishment principal and medical cannabis establishment agent are not subject to arrest by state or local law enforcement, prosecution, or penalty under state or local law, or the denial of a right or privilege for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

(K) Nothing in this article may be construed to prohibit medical cannabis establishments from processing, producing, or selling products for human consumption from industrial hemp.

Section 44-53-2410. (A) The department shall issue licenses to the following numbers of qualified medical cannabis establishment applicants:

- (1) fifteen cultivation center licenses;
- (2) thirty processing facility licenses;
- (3) four transporter licenses;
- (4) no more than three therapeutic cannabis pharmacy licenses in any single county;
- (5) five independent testing laboratory licenses;
- (6) the number of integrated operator licenses recommended by the commission as being sufficient to enable the department to analyze, assess, and compare the various business models in the written reports required by Section 44-53-2380(B) and SECTION 10. For each function that an integrated operator performs for which a license is required, one license shall be deducted from the number of licenses allowed for each specific function pursuant to this section; and
- (7) any number of qualifying research facilities that meet requirements established by the department.

The department shall, pursuant to the regulations promulgated in Section 44-53-2380(B)(2)(a) and (b), issue these licenses in a manner that promotes a variety of business models including, but not limited to, applicants that intend to operate only a single business and integrated operator applicants that intend to operate a cultivation center, processing facility, and one or more therapeutic cannabis pharmacies, and that enables the department to analyze, assess, and compare the various

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business models in the written reports required by Section 44-53-2380(B) and SECTION 10.

(B) In order to be licensed as a medical cannabis establishment, a medical cannabis establishment principal applicant shall submit to the department a completed electronic application signed by each medical cannabis establishment principal that, at a minimum, includes the following:

(1) a nonrefundable application fee to be determined by the department pursuant to Section 44-53-2530;

(2) proof that the applicant has sufficient liquid and nonliquid assets to open and operate the medical cannabis establishment, as determined by the department through regulation;

(3) on renewal, a financial statement reviewed by a licensed certified public accountant or a licensed public accountant in accordance with generally accepted accounting principles, including all disclosures required by generally accepted accounting principles;

(4) the legal name of the proposed medical cannabis establishment;

(5) the physical address of the proposed medical cannabis establishment, which:

(a) except in the case of a qualifying research facility located in a college or university, shall not be within one thousand feet of a public or private school existing before the date the medical cannabis establishment application is received by the department, except as provided in Section 44-53-2450(B);

(b) if a therapeutic cannabis pharmacy applicant, shall be located in an area zoned for commercial use; and

(c) if a processing facility or cultivation center applicant, shall be located in an area zoned for manufacturing or agricultural use;

(6) a sworn statement certifying that the proposed medical cannabis establishment is in compliance with local governmental zoning restrictions, if applicable;

(7) a copy of any local registration, license, or permit required by local government for the proposed medical cannabis establishment;

(8) the name, date of birth, and contact information for each principal of the proposed medical cannabis establishment, with a copy of a SLED and an FBI criminal records check for each principal, paid for by the principal;

(9) operating procedures for the proposed medical cannabis establishment to ensure accurate recordkeeping and adequate security measures;

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(10) a security plan that meets all requirements promulgated by the department, which, in connection therewith, shall consult with and receive input from a private security expert in good standing;

(11) for a cultivation center applicant, documentation demonstrating that the applicant has appropriate expertise in agriculture and is qualified to process cannabis to sell, deliver, transport, or distribute solely for use pursuant to this article;

(12) for a processing facility applicant, documentation demonstrating that the applicant is qualified to process medical cannabis into cannabis products, utilizing industry standards for the safe handling of food products and consistency in production;

(13) for an independent testing laboratory applicant, documentation demonstrating that the applicant meets the standards and requirements for accreditation, inspection, and testing established through regulation by the department;

(14) a medical cannabis establishment applicant's plan to hire employees from within the community in which it will be operating; and

(15) for a medical cannabis establishment applicant who is applying for more than one license, a notation on the application regarding the additional licenses for which the applicant has applied.

(C)(1) Except as provided in items (2) and (3) and in the case of a qualifying research facility, if a licensee is not operable within twelve months of the issuance of a license, then the license is void, and the department shall within thirty days issue a license to the most qualified applicant in accordance with this article.

(2) A licensee may request and shall be granted one or more three month extensions of the deadline if it is able to show a cause of delay that was out of the licensee's control, despite exhibiting concerted efforts to begin operation in time to meet the deadline.

(3) A licensee shall not be considered "not operational" for the purposes of this subsection if it is a processing facility or therapeutic cannabis pharmacy and is not operational solely because sufficient cultivation facilities have not begun harvesting and distributing cannabis to supply it with cannabis.

(D) No license issued to a medical cannabis establishment is transferable until the expiration of thirty-six months from the date of issuance by the department, and until at least twenty-four months have passed since the medical cannabis establishment began operations. The license shall not be transferrable to any person who has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense. Qualifying research facility licenses are not transferrable.

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(E) If a smaller number of qualified applicants applies for any type of medical cannabis establishment license than the department is required to issue, then the department shall issue licenses to all qualified applicants for that type of license.

(F) Prior to operating, a medical cannabis establishment shall pay a nonrefundable license fee in an amount determined by the department pursuant to Section 44-53-2530. If a license renewal application is not submitted by the license expiration date, the license may be renewed within ninety days after its expiration date upon application, payment of the annual license fee, and satisfaction of any renewal requirement. The licensee may continue to operate during the ninety days after the license expiration date.

(G) The department shall issue a renewal license within thirty days of receiving, prior to the expiration of the license, a completed electronic license renewal application signed by each medical cannabis establishment principal and the renewal fee from a medical cannabis establishment if the license is not under suspension or has not been revoked.

(H) Medical cannabis establishments must notify the department of any changes in medical cannabis establishment principals and must include their name, date of birth, contact information, a copy of a SLED and an FBI criminal records check, and any other information required by department regulations.

(I) The department shall deny, suspend, or revoke a medical cannabis establishment license if any medical cannabis establishment principal applicant or medical cannabis establishment principal has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense.

(J) In addition to any requirements established by the department, in order to be eligible for a therapeutic cannabis pharmacy license, the applicant must possess a therapeutic cannabis pharmacy permit issued by the Board of Pharmacy pursuant to Section 44-53-2070 and Section 44-53-2080.

Section 44-53-2420. (A) Except in the case of qualifying research facilities, prior to any medical cannabis establishment agent beginning work at a medical cannabis establishment, the medical cannabis establishment principal shall request a license from the department for each agent and principal. The request must be accompanied by a complete set of fingerprints for a state criminal records check and a national criminal records check for which the applicant or establishment must pay the costs.

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(B) Each applicant to become a medical cannabis establishment agent or principal must undergo a state criminal record check, supported by fingerprints, by the State Law Enforcement Division (SLED), and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal record checks must be reported to the department and cannot be further disseminated. SLED and the FBI are authorized to provide the department with current and future information regarding that individual including arrest, convictions, dispositions, warrants, and other information available to the FBI, including civil and criminal information. The department shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

(C) The department shall issue identification cards to a medical cannabis establishment agent or principal and allow them to work for the medical cannabis establishment if:

(1) the person is twenty-one years of age or older;

(2) the person has not been convicted of, or pled guilty or nolo contendere to, a felony drug related offense, or if the person completed the sentence, including any term of probation or supervised release, at least ten years prior;

(3) the person is not included in the list of individuals who are not allowed to serve as medical cannabis establishment agents or principals; and

(4) the person has completed, or indicated in writing that he will complete within ninety days of being hired, an educational requirement approved by the department.

(D) Each medical cannabis establishment shall retain all records documenting compliance with this article with regard to medical cannabis establishment agents and medical cannabis establishment principals for at least five years after the end of their employment.

(E) The department may require qualifying research facility staff who handle medical cannabis to register with the department, undergo a criminal records check, and/or receive a badge.

Section 44-53-2430. (A) The department is responsible for performing inspections of medical cannabis establishments and investigating suspected violations of this article and of department regulations and is primarily responsible for other duties with respect to regulating cannabis and cannabis products for medical use, as are specifically delegated to the department by the General Assembly.

(B) A medical cannabis establishment is subject to inspection by

the department.

(C) During an inspection, the department may review the medical cannabis establishment's records required pursuant to this article and department regulations. Medical cannabis establishment records must track qualifying patient specific and designated caregiver specific information, if applicable, by registry identification card number to protect confidentiality.

(D) The department may contract with state occupational or professional licensing entities and the law enforcement division of other state agencies to enforce the provisions of this article with respect to inspections and audits that apply to cultivation centers, processing facilities, therapeutic cannabis pharmacies, transporters, and independent testing laboratories.

(E) Authorized employees of state or local law enforcement agencies shall immediately notify the department if any person in possession of a registry identification card has been determined by a court of law to have willfully violated the provisions of this article or has pled guilty to an offense.

(F) A therapeutic cannabis pharmacy is also subject to inspections by the Board of Pharmacy.

Section 44-53-2440. (A) Except as provided in this section, a medical cannabis establishment may not be located within one thousand feet of a school. This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds of the school.

(B) The department has the discretion to allow an exception to the prohibition in subsection (A) if it is shown by the applicant that the exception is necessary to provide adequate access to patients. The department may require as part of granting an exception that the medical cannabis establishment undertake additional security or other restrictions to protect children as determined by the department.

(C) This restriction does not apply to a qualifying research facility located in a college or university, unless otherwise provided by department regulation.

Section 44-53-2450. (A) A local government may enact ordinances or regulations not in conflict with this article or with regulations enacted pursuant to this article, governing the time, place, manner, and number of medical cannabis establishment operations in the locality. A local government may establish penalties for the violation of an ordinance or regulation governing the time, place, and manner of a medical cannabis establishment that may operate in the locality.

(B) A local government may prohibit medical cannabis establishments from operating in the jurisdiction.

(C) The burden for compliance with zoning or land use regulations and the requirements for seeking a variance should be no greater for a cannabis-related business than for any other similar business.

Section 44-53-2460. (A) Medical cannabis establishments shall employ a former or retired law enforcement officer in good standing, former or retired military personnel, or a security service agency with the ability to provide security to deter and prevent the theft of cannabis and cannabis products and unauthorized entrance into areas containing cannabis or cannabis products. The department shall consult with SLED to promulgate regulations regarding the qualifications for former or retired law enforcement officers in good standing, including requirements that the officer must have experience in securing and protecting controlled substances or similar products.

(B) All cultivation centers and processing facilities must conduct cultivation, harvesting, processing, and packaging of cannabis and cannabis products in a secure facility at a physical address provided to the department and SLED during their license application process. A processing facility or cultivation center may only be accessed by medical cannabis establishment agents, medical cannabis establishment principals, authorized department personnel, law enforcement personnel, emergency personnel, and adults who are twenty-one years of age and older who are accompanied by medical cannabis establishment agents or principals.

(C) All medical cannabis establishments are subject to random inspection by the department and SLED in accordance with regulations promulgated by the department, which shall be developed by the department after consulting with and receiving input from SLED.

Section 44-53-2470. (A) The department shall require each cultivation center and processing facility to conduct routine testing, at a minimum, of cannabis and cannabis products at an independent testing facility in accordance with department regulations.

(B) A cultivation center shall test each strain's cannabinoid profile at least once per harvest.

(C) A processing facility shall test each extraction batch and each batch of ingestible products manufactured.

Section 44-53-2480. (A) All cultivation center cannabis by product, cannabis scrap, and harvested cannabis not intended for distribution to a processing facility or independent testing laboratory must be destroyed and disposed of in accordance with department

regulations. Documentation of destruction and disposal must be retained by the cultivation center for a period of not less than one year. The cultivation center shall maintain a record of the date of destruction and the amount destroyed.

(B) A therapeutic cannabis pharmacy shall destroy all cannabis products that are not sold to qualifying patients or designated caregivers in accordance with department regulations or transported to a qualified research facility or another therapeutic cannabis pharmacy. The therapeutic cannabis pharmacy shall retain documentation of the destruction and disposal for a period of not less than one year. The therapeutic cannabis pharmacy shall maintain a record of the date of destruction and the amount destroyed.

(C) A therapeutic cannabis pharmacy shall destroy all unused cannabis products that are returned to the therapeutic cannabis pharmacy by a former qualifying patient who no longer qualifies for the use of medical cannabis or his caregiver.

Section 44-53-2490. (A) Each therapeutic cannabis pharmacy must employ a pharmacist-in-charge who is licensed by the State as a pharmacist and who completed a medical cannabis continuing education course approved by the South Carolina Board of Pharmacy as provided by Section 44-53-2070(4)(a). A pharmacist must be reasonably available during business hours to advise and educate patients in person and, in connection with providing such advice and education, shall be subject to being sued by a patient for negligence in the event that the pharmacist violates the applicable standard of care. For purposes of discharging the standard of care, a pharmacist must have an in-person consultation with a patient who is receiving a medical cannabis product for the first time. A pharmacist must be physically on premises during dispensing hours.

(B) Each pharmacist and other therapeutic cannabis pharmacy staffer authorized by the Board of Pharmacy who dispenses cannabis products to qualifying patients must complete a medical cannabis continuing education course approved by the South Carolina Board of Pharmacy prior to dispensing cannabis products. The continuing education course must include best practices regarding dosage, based upon medical conditions or symptoms, modes of administration, side effects, therapeutic contraindications, potential interactions, and cannabinoid profiles.

(C)(1) All cannabis products and industrial hemp for human consumption sold at a therapeutic cannabis pharmacy must be properly labeled and contained in child-resistant packaging. Each label must comply with state laws and regulations and, at a minimum, must include:

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- (a) the name of the therapeutic cannabis pharmacy;
 - (b) the percentage of tetrahydrocannabinol and the percentage of cannabidiol within a profile tolerance range of ten percent. For edible cannabis products, the cannabinoid profile should be listed by milligrams per serving;
 - (c) the name of the cultivation center and processing facility;
- and
- (d) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads, “NOT FOR RESALE. FOR MEDICAL USE ONLY. KEEP OUT OF THE REACH OF CHILDREN AND ANIMALS.”

(2) Labels shall indicate whether the cannabis is Sativa, Indica, or hybrid and may include cannabinoid and terpene profiles for identification.

(3) All cannabis products purchased in therapeutic cannabis pharmacies should be placed in child-resistant exit packaging before leaving the therapeutic cannabis pharmacy.

(D) A therapeutic cannabis pharmacy shall not allow a person under the age of eighteen to enter a therapeutic cannabis pharmacy unless the minor is accompanied by his parent, legal guardian, or designated caregiver.

Section 44-53-2500. (A) After consulting with medical professionals who are knowledgeable about the risks and benefits of cannabis and cannabis products, the department shall develop a scientifically accurate safety information flyer, which shall be provided to each person applying for a registry identification card. The flyer must be offered at every therapeutic cannabis pharmacy when a cannabis product is dispensed. It must include:

- (1) advice about the potential risks of the use of cannabis products, including:
 - (a) the variability of quality and concentration of cannabis products;
 - (b) the risk of cannabis and cannabis product use disorder and resources to reach out to for help;
 - (c) any potential exacerbation of psychotic disorders and any adverse cognitive effects for children and young adults;
 - (d) potential adverse events and other risks, including falls or fractures;
 - (e) the risks of using cannabis products during pregnancy or breast feeding; and
 - (f) the need to safeguard all cannabis and cannabis products

from children and pets or other domestic animals;

(2) a notification that cannabis products are for a qualifying patient's use only and that cannabis products should not be donated or otherwise supplied to another individual;

(3) a warning that qualifying patients should not drive or operate heavy machinery while under the influence of medical cannabis; and

(4) unless federal statutory law or case law has changed and such a warning is no longer accurate, a disclosure that under the United States government's 1986 Gun Control Act, any "unlawful" user of a controlled substance is prohibited from purchasing or owning a gun, that federally licensed gun dealers must ask prospective customers about drug use habits before approving a purchase, and that because cannabis is a Schedule I substance under federal law, the United States government maintains that there is no way to use cannabis products lawfully.

(B) The department shall make the information identified in subsection (A) available online with a link to the information conspicuously located on the department's website.

Section 44-53-2510. (A) The department may deny, suspend, or revoke the license of a medical cannabis establishment as a result of a violation of this article or department regulations.

(B) The department may require medical cannabis establishments to ban an individual from serving as a medical cannabis establishment agent or principal at any medical cannabis establishment for a violation of this article or department regulations. The department may maintain and disseminate to each medical cannabis establishment a list of individuals who are prohibited from serving as a medical cannabis establishment agent or principal.

(C) The department shall create a tiered structure for the identification, investigation, and resolution of potential violations of this article and department regulations.

(D) Medical cannabis establishments must be granted a reasonable resolution period established by the department to implement corrective actions acceptable to the department.

(E) The department shall create a progressive penalty structure for violations of this article and department regulations.

(F) The department is authorized to impose monetary penalties on a medical cannabis establishment for violations of this article.

(G) If a medical cannabis establishment's license is denied, suspended, or revoked, then the medical cannabis establishment may request a hearing in the Administrative Law Court, and is not subject to the requirements set forth in Section 44-1-60, within thirty days of the

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receipt of written notification of the denial, suspension, or revocation.

Section 44-53-2520. (A) The department shall establish registry identification application and renewal fees and medical cannabis establishment application, licensing, and renewal fees provided:

(1) the fees may not be established in an amount that is anticipated to generate more revenue than the department determines is reasonably necessary to administer the program;

(2) the registry identification application and renewal fees charged to qualifying patients and designated caregivers must be no greater than the costs of processing the applications and issuing registry identification cards;

(3) the department shall provide discounts for qualifying patient application and renewal fees based upon a qualifying patient's household income and shall waive all applicable fees for veterans; and

(4) the department shall establish and charge an inspection fee in an amount to be determined by the department to cover the expense to the department for conducting an inspection.

(B) The Board of Pharmacy shall establish application, permit, and renewal fees for therapeutic cannabis pharmacies. The fees may not be established in an amount that exceeds what the Board of Pharmacy determines is reasonably necessary to administer the program.

(C) The department shall establish a South Carolina Medical Cannabis Program Fund to ensure the availability of funds necessary to carry out the department's responsibilities under this article. All monies the department collects pursuant to this article must be deposited into the fund. The fund must be used solely for the direct costs of implementation, administration, and enforcement of this article.

(D) Notwithstanding any other provision of law, the department and Board of Pharmacy shall periodically adjust fees charged pursuant to this article to ensure there is no surplus and to avoid generating more revenue than is necessary to administer the program.

Section 44-53-2530. (A) The department may develop, seek any necessary federal approval for, and carry out research programs relating to the medical use of cannabis. Participation in any research program must be voluntary on the part of a qualifying patient, designated caregiver, or physician.

(B) The department shall collect data on the efficacy and safety of cannabis products from qualifying patients who voluntarily provide this information. The department may require therapeutic cannabis pharmacies to collect that information from qualifying patients who voluntarily provide it.

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(C) Physicians who issue written certifications may, but are not required to, participate in data collection.

Section 44-53-2540. (A) The department shall provide a report to the General Assembly by the second Tuesday of each year addressing the effectiveness of the medical cannabis program operated pursuant to this article and recommendations for any changes to the program.

(B) The report must, without disclosing any identifying information about cardholders, physicians, qualifying patients, designated caregivers, or medical cannabis establishments, contain the following, at a minimum:

(1) the number of registry identification card applications submitted, approved, and renewed;

(2) the number of qualifying patients and designated caregivers served by each medical cannabis establishment during the report year;

(3) the nature of the debilitating medical conditions of the qualifying patients by percentage, and a breakdown of qualifying patients by the following age groups:

(a) 0 to 10 years of age;

(b) 11 to 17 years of age;

(c) 18 to 23 years of age;

(d) 24 to 35 years of age;

(e) 36 to 49 years of age;

(f) 50 to 65 years of age;

(g) over 65 years of age.

Within each age group, the report must provide a breakdown, by percentage, of debilitating medical conditions of the qualifying patients;

(4) the efficacy of, and side effects reported to, or satisfaction or dissatisfaction with cannabis products on a yes-no questionnaire as submitted by qualifying patients in a voluntary, anonymous survey, which may be conducted online by the department;

(5) the number of registry identification cards denied, suspended, or revoked;

(6) the number of physicians providing written certifications for qualifying patients and a breakdown of how many physicians wrote certifications in the following numbers:

(a) 1 to 100;

(b) 101 to 249;

(c) 250 to 500;

(d) 501 to 750;

(e) 751 to 1,000; and

(f) over 1000;

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(7) the number and type of medical cannabis establishments by county;

(8) the percentage of all physicians providing written certifications who accounted for eighty percent of the total annual prescriptions written;

(9) the total revenue of the South Carolina Medical Cannabis Program fund and the total expenses of the department in administering the program; and

(10) a year-by-year chart showing the total number of annual certifications, the total number of registry identification cards issued, and the total number of fourteen-day supply purchases made.

(C) After four years, the department shall evaluate the efficacy of cannabis as medicine and make a recommendation with regard to the rescheduling of cannabis on a lower schedule in the State of South Carolina.

Section 44-53-2550. The department shall require annually from a medical cannabis establishment proof of liability coverage of no less than one million dollars.

Section 44-53-2560. Members of the General Assembly and immediate family members, as defined in Section 8-13-100(18), may not operate, directly or indirectly, receive financial payments of any kind from, or directly own a medical cannabis establishment until July 1, 2029, and are prohibited from being a medical cannabis establishment agent or a medical cannabis establishment principal.

SECTION 5. Article 31, Chapter 5, Title 56 of the S.C. Code is amended by adding:

Section 56-5-3910. (A) It is unlawful for a driver of a motor vehicle to vaporize cannabis products as defined in Section 44-53-2010 while operating the motor vehicle.

(B) It is unlawful for a qualifying patient, designated caregiver, or transporter to have in his possession, except in the trunk, glove compartment, closed console, or luggage compartment, a cannabis product in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this State.

(C) If a qualifying patient, designated caregiver, or transporter is a passenger in a motor vehicle of another then the provisions of subsection (B) do not apply; however, the qualifying patient, designated caregiver, or transporter must keep the cannabis product concealed on his person or in his personal property.

(D) A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars

or imprisoned for not more than thirty days.

SECTION 6.A. Sections 44-53-1810 through 44-53-1830 of the S.C. Code are amended to read:

Section 44-53-1810. As used in this article:

(1) “Academic medical center” means a research hospital that operates a medical residency program for physicians and conducts research that involves human subjects, and other hospital research programs conducting research as a subrecipient with the academic medical center as the prime awardee. A South Carolina research university shall be considered an “academic medical center” for the purpose of this article.

(2) “Approved source” means:

_____ (a) a provider approved by the United States Food and Drug Administration which produces ~~cannabidiol~~ cannabis that has been manufactured and tested in a facility approved or certified by the United States Food and Drug Administration; or

_____ (b) a medical cannabis establishment licensed by the South Carolina Department of Public Health pursuant to the South Carolina Compassionate Care Act.

~~_____ (a) has been manufactured and tested in a facility approved or certified by the United States Food and Drug Administration or similar national regulatory agency in another country which has been approved by the United States Food and Drug Administration; and~~

~~_____ (b) has been tested in animals to demonstrate preliminary effectiveness and to ensure that it is safe to administer to humans.~~

~~_____ (3) “Cannabidiol” means a finished preparation containing, of its total cannabinoid content, at least 98 percent cannabidiol and not more than 0.90 percent tetrahydrocannabinol by volume that has been extracted from marijuana or synthesized in a laboratory.~~

_____ (3)(a) “Cannabis” means:

_____ (i) all parts of any plant of the cannabis genus of plants, whether growing or not;

_____ (ii) the seeds of the plant;

_____ (iii) the resin extracted from any part of the plant; and

_____ (iv) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

_____ (b) “Cannabis” does not mean:

_____ (i) the mature stalks of the plant;

_____ (ii) fiber produced from the stalks;

_____ (iii) oil or cake made from the seeds of the plant; or

_____ (iv) a product approved as a prescription medication by the

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United States Food and Drug Administration.

~~—(4) “Designated caregiver” means a person who provides informal or formal care to a qualifying patient, with or without compensation, on a temporary or permanent or full-time or part-time basis and includes a relative, household member, day care personnel, and personnel of a public or private institution or facility.~~

(4) “Debilitating medical condition” means a diagnosis of one or more of the following that also results in a debilitating condition:

— (a) cancer;

— (b) multiple sclerosis;

— (c) a neurological disease or disorder, including epilepsy;

— (d) glaucoma;

— (e) post-traumatic stress disorder;

— (f) Crohn’s disease;

— (g) sickle cell anemia;

— (h) ulcerative colitis;

— (i) cachexia or wasting syndrome;

— (j) autism;

— (k) severe or persistent nausea in a person who is not pregnant, that is related to end-of-life or hospice care, or who is bedridden or homebound because of a condition;

— (l) a chronic medical condition causing severe and persistent muscle spasms;

— (m) a chronic medical condition causing severe and persistent pain; or

— (n) a terminal illness with a life expectancy of less than one year in the opinion of the person’s treating physician.

(5) “Pharmacist” means an individual health care provider licensed by this State to engage in the practice of pharmacy.

~~(6)~~(5) “Physician” means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

~~— (7) “Qualifying patient” means anyone who suffers from Lennox-Gastaut Syndrome, Dravet Syndrome, also known as severe myoclonic epilepsy of infancy, or any other form of refractory epilepsy that is not adequately treated by traditional medical therapies.~~

(6) “Qualifying patient” means a person with a debilitating medical condition.

Section 44-53-1820. (A) A statewide investigational new drug application may be established in this State, if approved by the United States Food and Drug Administration to conduct expanded access

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clinical trials using ~~eannabidiol~~cannabis on qualifying patients with severe forms of epilepsy pursuant to an investigational drug application (IND).

(B) Any physician who is board certified and practicing in an academic medical center in this State and treating patients with ~~severe forms of epilepsy~~one or more debilitating medical conditions may serve as the principal investigator for such clinical trials if such physician:

(1) applies to and is approved by the United States Food and Drug Administration as the principal investigator in a statewide investigational new drug application; and

(2) receives a license from the United States Drug Enforcement Administration.

(C) Such physician, acting as principal investigator, may include subinvestigators who are also board certified ~~and who practice in an academic medical center in this State~~ and treat patients with severe forms of epilepsy. ~~Such subinvestigators shall comply with subsection (B)(2) of this section~~ debilitating medical conditions.

(D) The principal investigator and all subinvestigators shall adhere to the rules and regulations established by ~~the relevant institutional review board for each participating academic medical center and by the~~ United States Food and Drug Administration, the United States Drug Enforcement Administration, and the National Institute on Drug Abuse.

(E) Nothing in this article prohibits a physician licensed in South Carolina from applying for Investigational New Drug authorization from the United States Food and Drug Administration.

Section 44-53-1830. (A) Expanded access clinical trials conducted pursuant to a statewide investigational new drug application established pursuant to this chapter only shall utilize ~~eannabidiol~~cannabis which is:

(1) from an approved source; and

(2) approved by the United States Food and Drug Administration to be used for treatment of a condition specified in an investigational new drug application.

(B) The principal investigator and any subinvestigator may receive ~~eannabidiol~~cannabis directly from an approved source or authorized distributor for an approved source for use in the expanded access clinical trials.

(C) A qualifying research facility registered by the South Carolina Department of Public Health may receive and possess cannabis and cannabis products for research purposes.

B. Article 18, Chapter 33, Title 44 is renamed "Julian's Law: Investigational New Drug Applications: Expanded Access Cannabis

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Clinical Trials.”

SECTION 7. Article 4, Chapter 53, Title 44 of the S.C. Code is repealed.

SECTION 8. (A) After the effective date of this act, the South Carolina Department of Public Health shall:

(1) create a commission pursuant to Section 44-53-2370, as added by this act, within thirty days;

(2) develop a written certification form pursuant to Section 44-53-2050, as added by this act, no later than forty-five days after the effective date of this act;

(3) promulgate regulations pursuant to Section 44-53-2080(A), as added by this act, after no later than one year after the effective date of this act;

(4) engage a company to create the necessary software for an electronic patient registry pursuant to Section 44-53-2090(A), as added by this act, after no later than one hundred twenty days;

(5) develop a safety information flyer pursuant to Section 44-53-2510, as added by this act, after no later than ten days after the effective date of regulations promulgated pursuant to Section 44-53-2090(A);

(6) establish a secure web-based verification system pursuant to Section 44-53-2400, as added by this act, within one year;

(7) promulgate regulations pursuant to Section 44-53-2530, as added by this act, after no later than one year;

(8) begin accepting applications for licensure pursuant to Section 44-53-2420, as added by this act, no later than thirty days after the effective date of regulations promulgated pursuant to Section 44-53-2380; and

(9) evaluate all complete and timely submitted applications and issue licenses pursuant to Section 44-53-2420 for no later than six months after the effective date of regulations being promulgated.

(B) If the South Carolina Department of Public Health fails to promulgate regulations to implement this act within two years of the effective date of this act, then a qualifying patient may commence an action in the South Carolina Administrative Law Court to compel the South Carolina Department of Public Health to perform the actions mandated by the provisions of this act.

(C) No later than thirty days after the effective date of this act, the South Carolina Board of Medical Examiners shall approve a three-hour continuing medical education course on cannabis products, pursuant to Section 44-53-2060(A)(5)(a), as added by this act.

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(D) After the effective date of this act, the South Carolina Board of Pharmacy shall:

(1) promulgate regulations pursuant to Section 44-53-2080, as added by this act, after no later than one year;

(2) begin accepting applications for therapeutic cannabis pharmacies pursuant to Section 44-53-2070, as added by this act, no later than thirty days after the effective date of regulations promulgated pursuant to Section 44-53-2080; and

(3) evaluate all complete and timely submitted applications and issue therapeutic cannabis permits no later than six months after the effective date of regulations being promulgated.

SECTION 9. SECTIONS 1 through 8 shall be repealed by operation of law if a federal court, pursuant to a filing by the United States of America or one of its authorized executive agencies, issues a final order declaring that those SECTIONS have been preempted by the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the "Controlled Substances Act."

SECTION 10. This act shall be repealed five years after first sales of medical cannabis from a therapeutic cannabis pharmacy to a qualifying patient. No later than eighteen months prior to this repeal, the department shall survey all qualifying patients and designated caregivers enrolled in the program, certifying practitioners, medical cannabis establishments, and other stakeholders and invite public comment on whether the program should be re-enacted and if any changes should be made. No later than one year prior to this repeal, the department shall issue a written report to the South Carolina General Assembly that includes, but is not limited, to information compiled from previous annual reports, and that includes:

(1) results from a survey and public comment;

(2) the status of medical cannabis in other states, federally, and in other nations;

(3) the department's findings on the appropriate number and geographical density of licenses for cultivation centers, processing facilities, therapeutic cannabis pharmacies, and independent testing laboratories;

(4) the department's findings on the effectiveness of integrated operators and independent business types at providing patients a variety of product choices at reasonable prices;

(5) any information submitted to the department by the Medical Cannabis Advisory Board;

(6) a copy of each annual report provided to the South Carolina

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General Assembly which addresses the effectiveness of the medical cannabis program pursuant to Section 44-53-2550(A);

(7) any recommendation for changes to the program provided to the General Assembly as part of the annual report pursuant to Section 44-53-2550(A);

(8) all data collected regarding the safety and efficacy of cannabis products pursuant to Section 44-53-2540(B);

(9) any research studies conducted pursuant to Section 44-53-2540(A);

(10) the recommendation with regard to the scheduling of cannabis in the State of South Carolina pursuant to Section 44-53-2550(C);

(11) an analysis of the effectiveness of the contracted seed-to-sale system;

(12) the total annual sales made through licensed therapeutic cannabis pharmacies;

(13) the total number of South Carolina residents employed within the South Carolina medical cannabis industry;

(14) a list of the municipalities which have chosen to opt out of allowing medical cannabis establishments from operating within their jurisdiction;

(15) information regarding and recalls which must include the medical cannabis establishment, the type and number of products recalled for each recall issued, and the number of patients who were sold recalled products;

(16) a document which provides a description of the violation of department regulations, if any, including the penalties, fines, suspensions and/or revocation of licenses;

(17) the number of violations by practitioners, if any; and

(18) any other information that the department considers to be material to an assessment by the General Assembly on whether to renew this act.

SECTION 11. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for

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the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 12.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 13. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

POINT OF ORDER

Rep. JORDAN raised the Rule 9.3 Point of Order that Amendment No. 24 was not germane to H.3924. He stated that the bill dealt with THC in consumable drinks, and that the Amendment concerned the use of marijuana for medical purposes.

Rep. FORD argued contra.

Rep. POPE argued in favor of the Point.

Rep. MCCRAVY argued in favor of the Point

ACTING SPEAKER HIOTT stated that the Amendment went beyond the scope of the Bill as amended by the House and Senate and that the Amendment was not germane. He sustained the Point of Order.

SPEAKER IN CHAIR

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

ABSTENTION FROM VOTING

April 22, 2026

The Honorable House Murrell Smith Jr.

506 Blatt Building

Columbia, SC 29201

[HJ]

WEDNESDAY, APRIL 22, 2026

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. 3924 by adding Chapter 56 to Title 46 so as to regulate the sale of hemp-derived consumables, among other things 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 the business with which I am associated may be affected. Please note this in the House Journal.

Sincerely,

Representative Daniel Gibson
House District Number 12

LEAVE OF ABSENCE

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

H. 3556--INTERRUPTED DEBATE

The Senate Amendments to the following Bill were taken up for consideration:

H. 3556 -- Reps. B. Newton, Schuessler, Guest, Taylor and Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-17-560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR CERTAIN PRIMARY PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALSO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFICERS, AND MUNICIPAL OFFICERS, TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A RESOLUTION TO REQUIRE THE FILING OF ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A BOND WITH SURETY, AND TO PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTESTS, SO AS TO EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HEARINGS; BY AMENDING SECTION 5-15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE THAT SUCH PROTESTS AND CONTESTS ARE TO BE

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FILED, HEARD, AND DECIDED IN THE MANNER PROVIDED IN SECTIONS 7-17-560 AND 7-17-570; AND BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, AND 7-17-590 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES.

Rep. MAGNUSON proposed the following Amendment No. 1A to H. 3556 (LC-3556.HDB0004H) :

Amend the bill, as and if amended, SECTION 1, Section 7-17-560, by adding a subsection to read:

(C) A candidate that challenges or protests his election shall, for the purposes of an independent election audit, immediately be provided for each precinct, voting center, and tabulator where in-person or absentee votes were tabulated, or where both in-person or absentee votes were tabulated, in an electronic form, free of charge:

(1) cast vote records;

(2) ballot summary reports;

(3) precinct detail reports and poll tapes for each of the precincts within the district that the challenger or protester is seeking election;

(4) poll lists of registrants who voted in each precinct or voter location;

(5) a list of provisional and challenged ballots;

(6) a list of absentee voters; and

(7) logic and accuracy reports for each precinct to ensure that each machine properly tested candidate selection.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. HIOTT 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. 1A.

ADJOURNMENT

At 3:55 p.m. the House, in accordance with the motion of Rep. HAGER, adjourned in memory of Ruthie Mae Robinson Williams, to meet at 10:00 a.m. tomorrow.

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[HJ]

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