

NO. 33

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

WEDNESDAY, MARCH 11, 2026

**Wednesday, March 11, 2026
(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 119:105

As the Psalmist proclaims: "Your word is a lamp to my feet and a light for my path."

Let us pray: Most blessed and loving God, such a challenging and unsettling age do we find ourselves living through. The issues, the decisions which our leaders must make come loaded with consequences that are potentially explosive at virtually every level. So with the full yearning of our hearts, O Lord, we call upon You here in these pressure-packed days to lead these Senators to freely turn to You as You guide them in the ways they are to proceed, granting to them the means to readily make decisions that indeed will lead to best result conclusions for all of our citizens. And may the women and men serving You here in this Senate be known as leaders who always follow Your light, ever turning to You as they seek guidance. In Your loving name we pray, dear Lord. Amen.

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Cash	Climer	Corbin
Cromer	Davis	Devine
Fernandez	Gambrell	Garrett
Graham	Grooms	Hembree
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Massey	Ott	Peeler

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Reichenbach	Rice	Stubbs
Sutton	Turner	Verdin
Williams	Young	Zell

A quorum being present, the Senate resumed.

COMMUNICATION

March 10, 2026

The Honorable Henry D. McMaster State House, First Floor Columbia, SC 29201	The Honorable Jeffrey S. Gossett Suite 401 Gressette Building Columbia, SC 29201
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The Honorable Mark Hammond 1205 Pendleton Street Columbia SC 29201	The Honorable Charles F. Reid Blatt Building Columbia, SC 29201
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RE: Approval of Mr. Maxson K. Metcalf, 4th District, SCDOT Commission

Dear Governor McMaster, Secretary Hammond, Mr. Gossett, and Mr. Reid:

On March 5, 2026, the 4th Congressional District Senate Legislative Delegation met to consider the following:

STATEWIDE REAPPOINTMENT

Reappointment, Department of Transportation Commission, with the term to commence on February 15, 2026, and to expire on February 15, 2030.

Seat: Fourth Congressional District

Mr. Maxson K. Metcalf, 1128 Edwards Road, Greenville, SC 29615

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,
Daniel B. Verdin, III

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Confirmation

Reappointment, Department of Transportation Commission, with the term to commence on February 15, 2026, and to expire on February 15, 2030.

Seat: Fourth Congressional District

Mr. Maxson K. Metcalf, 1128 Edwards Road, Greenville, SC 29615

Doctor of the Day

Senator ZELL introduced Dr. Robert Ridgeway of Clarendon, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator VERDIN, at 1:08 P.M., Senator CAMPSSEN was granted a leave of absence for the balance of the week.

Leave of Absence

On motion of Senator GROOMS, at 1:44 P.M., Senator GOLDFINCH was granted a leave of absence for today.

Leave of Absence

On motion of Senator DEVINE, at 1:44 P.M., Senator MATTHEWS was granted a leave of absence for today.

Leave of Absence

On motion of Senator BRIGHT, at 5:42 P.M., Senator FERNANDEZ was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator RICE, at 5:42 P.M., Senator REICHENBACH was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator GARRETT, at 5:51 P.M., Senator KENNEDY was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

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

- S. 385 Sen. Walker
- S. 686 Sen. Grooms
- S. 823 Sen. Walker
- S. 919 Sen. Reichenbach

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S. 996 Sens. Zell, Elliott and Tedder

RECALLED

H. 5107 -- Reps. Schuessler, 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, 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 DEDICATE THE CITY OF CONWAY IN HORRY COUNTY AS THE HOLIDAY CAPITAL OF SOUTH CAROLINA.

Senator YOUNG asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1004 -- Senators Verdin and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO PROVIDE THAT CERTAIN UNPREPARED FOODS, THAT MAY BE PURCHASED WITH FOOD COUPONS WHICH ARE EXEMPT FROM TAXES, ARE NOT LIMITED TO CERTAIN FEDERAL REGULATIONS.

lc-0466dg26.docx

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

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S. 1005 -- Senator Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-1-200, RELATING TO THE ESTABLISHMENT OF SALARIES OF SUPREME COURT JUSTICES AND COURT OF APPEALS, CIRCUIT COURT, AND FAMILY COURT JUDGES, SO AS TO PROVIDE A REVISED SALARY SCHEDULE FOR JUDGES.

sr-0124cem26.docx

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

S. 1006 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-330, RELATING TO THE CAPITAL PROJECTS SALES TAX, SO AS TO DESIGNATE GREENSPACE AND GREENBELT PROGRAMS AS A QUALIFYING PROJECT.

lc-0465dg26.docx

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

H. 3368 -- Reps. Long, Forrest, Yow, C. Mitchell, Magnuson, Calhoon, J. E. Johnson, Crawford, Erickson, Davis, Bradley, Hager, Hartz, McCravy, Ballentine, Bowers, Bailey, Hardee, Guest, Hewitt, Jordan, Lowe, McGinnis, Sessions, Caskey, B. Newton, Hiott, Gilliam, Bannister, G. M. Smith, Ligon, Bustos, Hartnett, W. Newton, Wooten, Oremus, Pedalino, M. M. Smith, Cox, Landing, Robbins, Martin, Brewer, Ford, Teeple, Vaughan, Pope, Chapman, Gagnon, Gibson, Whitmire, Rankin, Sanders, Duncan, Wickensimer, Haddon, Herbkersman, Lawson, T. Moore, Taylor, Holman and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1120, RELATING TO MODIFICATIONS TO GROSS INCOME FOR INDIVIDUAL INCOME TAX PURPOSES, SO AS TO EXCLUDE OVERTIME PAY AND CERTAIN BONUS PAY FROM GROSS INCOME.

lc-0052dg25.docx

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

H. 5126 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2026, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE

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FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

H. 5127 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2025-2026, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

lc-0447dg26.docx

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

H. 5350 -- Rep. Robbins: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE WEDNESDAY, APRIL 1, 2026, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

lc-0222ph-rm26.docx

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 5351 -- Reprs. McGinnis, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 16, 2026, AS "SOUTH CAROLINA HIGHER EDUCATION DAY."

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lc-0680wab-ar26.docx

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

REPORTS OF STANDING COMMITTEES

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable with amendment report on:

S. 385 -- Senator Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “WOMEN’S CHILDBIRTH ALTERNATIVES, RESOURCES, AND EDUCATION (CARE) ACT” BY ADDING ARTICLE 21, CHAPTER 13 TO TITLE 24 SO AS TO PROVIDE FOR PREGNANCY TESTING OF CERTAIN WOMEN AFTER ADMISSION TO CERTAIN INCARCERATION FACILITIES, THE SUPERVISED PREINCARCERATION PROBATION OF PREGNANT WOMEN UNDER CERTAIN CIRCUMSTANCES, THE SELF SURRENDER OF WOMEN SERVING PREINCARCERATION TERMS OF PROBATION TWELVE WEEKS AFTER THE BIRTH OF THEIR CHILDREN, CRIMINAL PENALTIES FOR FAILURE TO SURRENDER, PROCEDURES FOR WOMEN TO FOLLOW IF THEY LOSE THEIR PREGNANCIES WHILE ON PREINCARCERATION PROBATION, AND CERTAIN REPORTING REQUIREMENTS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 504 -- Senators Blackmon, Hembree, Zell, Chaplin, Nutt, Stubbs, Fernandez, Elliott, Walker, Ott and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-445, RELATING TO THE DISTRIBUTION OF CONTROLLED SUBSTANCES WITHIN PROXIMITY OF SCHOOLS, SO AS TO INCLUDE CHILD CARE FACILITIES AND DAY PROGRAMS AND PROVIDE RELATED DEFINITIONS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 711 -- Senator Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-60, RELATING TO SCHOOL GUARDS REQUIREMENTS, SO AS TO

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PROVIDE AUTHORITY TO DIRECT AND CONTROL TRAFFIC ON PUBLIC ROADWAYS NEAR SCHOOLS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 808 -- Senators Rankin, Alexander and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-7-10, RELATING TO ILLEGAL ACTS DURING STATE OF EMERGENCY, SO AS TO INCLUDE THAT HARASSING OR THREATENING A WORKER RESTORING CRITICAL SERVICES IS A MISDEMEANOR, AND THAT ASSAULTING OR ENDANGERING A WORKER RESTORING OR DESTROYING OR TAMPERING WITH AN ELECTRIC UTILITY SYSTEM IS A FELONY, AND TO DEFINE CRITICAL SERVICES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 823 -- Senators Reichenbach, Hutto and Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 63-7-2630 AND 63-9-765 SO AS TO REQUIRE FAMILY COURTS TO CONSIDER THE APPROPRIATENESS OF NO CONTACT ORDERS OR SUPERVISED-CONTACT ORDERS WHEN TERMINATING PARENTAL RIGHTS OR FINALIZING ADOPTIONS; TO AUTHORIZE THESE ORDERS; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 829 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-25-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE APPROPRIATE DEFINITIONS; BY AMENDING SECTION 6-25-50, RELATING TO APPLICATION FILED WITH SECRETARY OF STATE, SO AS TO REVISE APPLICATION REQUIREMENTS; BY AMENDING SECTION 6-25-60, RELATING TO APPOINTMENT OF COMMISSIONERS, SO AS TO PROVIDE FOR ALTERNATIVE METHODS OF COMMISSIONER APPOINTMENT AND CONDITIONS OF SERVICE AS COMMISSIONER; BY AMENDING

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SECTION 6-25-70, RELATING TO CHANGE IN MEMBERSHIP OF JOINT SYSTEM, SO AS TO PROVIDE PROCEDURES FOR COMMISSIONER APPOINTMENT WHEN A NEW MEMBER IS ADDED TO A JOINT SYSTEM; BY AMENDING SECTION 6-25-80, RELATING TO DISSOLUTION OF SYSTEM, SO AS TO PROVIDE PROCEDURES FOR JOINT SYSTEM RECONSTITUTION AND MEMBER WITHDRAWAL; BY AMENDING SECTION 6-25-110, RELATING TO AUTHORIZATION TO INCUR DEBT AND ISSUE BONDS, SO AS TO PROVIDE PROCEDURES FOR BOND ISSUANCE BY A COMMISSION APPOINTED ENTIRELY BY THE GOVERNOR; AND BY AMENDING SECTION 6-25-128, RELATING TO CONTRACTS BETWEEN AUTHORITY AND JOINT SYSTEM; DURATION, SO AS TO PERMIT AUTOMATIC EXTENSION OF CONTRACT PROVISIONS COMMENSURATE WITH TERMS OF BONDS OR OTHER INDEBTEDNESS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 922 -- Senators Massey, Alexander, Hutto, Campsen, Leber and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-3-210, RELATING TO FILLING VACANCIES WHEN THE SENATE IS NOT IN SESSION, SO AS TO PROVIDE FOR WHEN THE GOVERNOR MAY MAKE AN INTERIM APPOINTMENT; BY AMENDING SECTION 7-3-10, RELATING TO THE STATE ELECTION COMMISSION, SO AS TO PROVIDE THAT THE MEMBERS OF THE ELECTION COMMISSION SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY ADDING SECTION 1-30-12 SO AS TO PROVIDE THAT CABINET MEMBERS WILL SERVE COTERMINOUS WITH THE GOVERNOR THAT APPOINTS THEM; BY AMENDING SECTION 1-13-40, RELATING TO THE COMMISSION ON HUMAN AFFAIRS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 1-15-10, RELATING TO THE COMMISSION ON THE STATUS OF WOMEN, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 1-31-10, RELATING TO THE COMMISSION FOR COMMUNITY ADVANCEMENT AND ENGAGEMENT, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 6-19-30,

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RELATING TO THE COMMISSION FOR COMMUNITY ADVANCEMENT, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 13-1-370, RELATING TO THE ADVISORY COMMITTEE OF THE DIVISION OF STATE DEVELOPMENT, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 13-19-10, RELATING TO THE MIDLANDS AUTHORITY, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 13-21-10, RELATING TO THE EDISTO DEVELOPMENT AUTHORITY, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 25-21-20, RELATING TO THE BOARD OF TRUSTEES FOR THE VETERANS TRUST FUND, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 38-89-160, RELATING TO THE DAY CARE JOINT UNDERWRITING ASSOCIATION BOARD OF DIRECTORS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-7-10, RELATING TO THE BOARD OF BARBER EXAMINERS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-13-10, RELATING TO THE BOARD OF COSMETOLOGY, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-20-40, RELATING TO THE PANEL FOR DIETETICS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-30-40, RELATING TO THE BOARD OF MASSAGE THERAPY, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-35-10, RELATING TO THE BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-47-11, RELATING TO THE MEDICAL DISCIPLINARY COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-51-30, RELATING TO THE BOARD OF PODIATRY EXAMINERS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-57-40, RELATING TO THE REAL ESTATE COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-59-10, RELATING TO THE RESIDENTIAL BUILDERS COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION

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40-60-10, RELATING TO THE REAL ESTATE APPRAISERS BOARD, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-63-10, RELATING TO THE BOARD OF SOCIAL WORK EXAMINERS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-67-10, RELATING TO THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-69-10, RELATING TO THE BOARD OF VETERINARY MEDICAL EXAMINERS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 40-81-50, RELATING TO THE STATE ATHLETIC COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 43-31-40, RELATING TO THE STATE AGENCY OF VOCATIONAL REHABILITATION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 44-43-1320, RELATING TO DONATE LIFE SOUTH CAROLINA, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 44-53-830, RELATING TO THE DARE FUND, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 46-41-260, RELATING TO THE AGRICULTURAL COMMODITIES ADVISORY COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 46-50-40, RELATING TO THE COMMISSIONER OF AGRICULTURE, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 48-23-10, RELATING TO THE COMMISSION OF FORESTRY, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 50-5-2700, RELATING TO THE ATLANTIC STATES MARINE FISHERIES COMPACT, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 51-13-1720, RELATING TO THE OLD JACKSONBOROUGH HISTORIC DISTRICT BOARD OF REGENTS, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 54-17-30, RELATING TO THE MARITIME SECURITY COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 60-11-40, RELATING TO THE COMMISSION OF ARCHIVES AND HISTORY, SO AS TO REMOVE THE ADVICE

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AND CONSENT OF THE SENATE; BY AMENDING SECTION 60-15-20, RELATING TO THE ARTS COMMISSION, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE; AND BY AMENDING SECTION 63-11-700, RELATING TO THE DIVISION FOR REVIEW OF THE FOSTER CARE OF CHILDREN, SO AS TO REMOVE THE ADVICE AND CONSENT OF THE SENATE.

Ordered for consideration tomorrow.

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

S. 961 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-1705, RELATING TO CATCH LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE CATCH LIMIT FOR RED DRUM; BY AMENDING SECTION 50-5-1710, RELATING TO SIZE LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE SIZE LIMIT FOR RED DRUM; AND BY AMENDING SECTION 50-5-1700, RELATING TO EQUIPMENT FOR THE CATCHING OF SALTWATER GAME FISH, SO AS TO REQUIRE A NON-OFFSET, NON-STAINLESS STEEL CIRCLE HOOK WHEN USING A HANDHELD HOOK AND LINE AND A HOOK SIZE OF 4/0 OR LARGER.

Ordered for consideration tomorrow.

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

H. 3629 -- Rep. T. Moore: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 48-23-120, RELATING TO FORESTRY COMMISSION ACQUISITIONS, SO AS TO SET PRICING VALUES; BY AMENDING SECTION 48-23-132, RELATING TO REVENUES FROM SPECIFIED SOURCES, SO AS TO OUTLINE WHAT THE FUNDS MAY BE USED FOR; BY AMENDING SECTION 48-33-60, RELATING TO DUTIES AND POWERS OF COUNTY FORESTRY BOARDS AND EMPLOYEES, SO AS TO SPECIFY DUTIES; BY AMENDING SECTION 48-33-70, RELATING TO FOREST FIRE PROTECTION ACTIVITIES, SO AS TO UPDATE PLAN REQUIREMENTS; BY AMENDING SECTION 48-33-80, RELATING TO ACCESS TO PROPERTY, SO AS TO DESIGNATE WHO MAY ACCESS LAND FOR THE PURPOSE OF PREVENTING OR CONTROLLING FIRES; BY REPEALING

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SECTION 48-23-270 RELATING TO USE OF REVENUE FOR SCRUB OAK ERADICATION, REFORESTATION, TIMBER STAND IMPROVEMENT, AND HARVEST CUTTING IN STATE PARKS; AND BY REPEALING SECTION 48-23-280 RELATING TO USE OF REVENUE FOR SCRUB OAK ERADICATION AND REFORESTATION IN MANCHESTER AND SANDHILLS STATE FORESTS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

H. 3831 -- Reps. Lawson, Hayes, Sessions, T. Moore, McCravy, Guffey, Chapman, M.M. Smith, Gagnon, Martin, Moss, Duncan, Sanders, Grant, Howard, Bauer, Pedalino, Robbins, Schuessler, Rivers and Waters: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SMART HEART ACT" BY ADDING SECTION 59-17-165 SO AS TO PROVIDE DEFINITIONS AND TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CARDIAC EMERGENCY RESPONSE PLAN IN EACH PUBLIC SCHOOL; AND BY AMENDING SECTION 59-17-155, RELATING TO THE AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM IN HIGH SCHOOLS, SO AS TO PROVIDE EACH PUBLIC SCHOOL SHALL ENSURE THE PRESENCE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ONSITE AND WITHIN CERTAIN PROXIMITY OF SCHOOL ATHLETIC VENUES, AND TO PROVIDE RELATED TESTING, MAINTENANCE, AND PERSONNEL TRAINING REQUIREMENTS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 4763 -- Reps. Oremus, Brittain, W. Newton, Bailey, Bradley, Brewer, Caskey, Crawford, Duncan, Erickson, Forrest, Gagnon, Gatch, Gilliam, Guest, Haddon, Hardee, Hartnett, Hartz, Hewitt, Hiott, Hixon, Holman, J.E. Johnson, Lawson, Ligon, Long, Lowe, Martin, McCravy, C. Mitchell, B. Newton, Pedalino, Pope, Robbins, Sanders, Schuessler, Sessions, G.M. Smith, M.M. Smith, Taylor, Teeple, Vaughan, Whitmire, Willis, Wooten, Yow, Terrible, White, Lastinger, Wickensimer, Atkinson, Chapman, Gibson, Cromer and Gilreath: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO

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ENACT THE “HELPING ALLEVIATE LAWFUL OBSTRUCTION (HALO) ACT”; AND BY ADDING SECTION 16-3-1092 SO AS TO DEFINE THE TERMS “EMERGENCY MEDICAL CARE PROVIDER”, “FIRST RESPONDER”, AND “HARASS”, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO APPROACH, IMPEDE, CAUSE HARM TO, OR HARASS A FIRST RESPONDER OR EMERGENCY MEDICAL CARE PROVIDER AFTER RECEIVING A VERBAL WARNING, AND TO PROVIDE A PENALTY.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., March 11, 2026

Mr. President and Senators:

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

S. 583 -- Senators Davis, Massey and Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION HOURS REQUIRED FOR LICENSEES OF THE BOARD OF FUNERAL EXAMINERS, SO AS TO REVISE PHYSICAL ATTENDANCE REQUIREMENTS FOR CONTINUING EDUCATION INSTRUCTION, AND TO DEFINE “PHYSICAL ATTENDANCE.”

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., March 10, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4216 -- Reps. Bannister, Pope, G.M. Smith, B. Newton, Hiott, Murphy, Moss, Crawford, Bradley, Hager, M.M. Smith, Bustos, Landing, Lowe, Lawson, B.J. Cox, Jordan, Brittain, Forrest, Neese, Vaughan, Long, Montgomery, Davis, Sessions, C. Mitchell, Gatch, Herbkersman, Schuessler, Caskey, T. Moore, Hewitt, Erickson, Bowers,

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Gilliam, Teeple, Guest, Bailey, Guffey, Holman, Yow, Ballentine, Martin, Calhoun, Taylor, Hartnett, Robbins, Willis, B.L. Cox, Ligon, Brewer, Gagnon, Hartz, Hixon and Pedalino: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-510, RELATING TO INCOME TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO REDUCE THE INCOME TAX RATE TO A FLAT 3.99 PERCENT AND TO SET FORTH STANDARDS FOR ADDITIONAL REDUCTIONS; BY AMENDING SECTION 12-6-50, RELATING TO INTERNAL REVENUE CODE SECTIONS SPECIFICALLY NOT ADOPTED BY THE STATE, SO AS TO NOT ADOPT THE FEDERAL STANDARD DEDUCTION AND ITEMIZED DEDUCTION; BY AMENDING SECTION 12-6-1140, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO ALLOW FOR A SOUTH CAROLINA INCOME ADJUSTED DEDUCTION (SCIAD); BY AMENDING SECTION 12-6-4910, RELATING TO PERSONS REQUIRED TO FILE A TAX RETURN, SO AS TO MAKE A CONFORMING CHANGE TO THE CALCULATION; AND BY AMENDING SECTION 12-6-1720, RELATING TO ADJUSTMENTS TO THE TAXABLE INCOME OF NONRESIDENT INDIVIDUALS, SO AS TO MAKE A CONFORMING CHANGE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 993 -- Senator Bennett: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE THE PINWOOD PREPARATORY SCHOOL BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM ON WINNING THE 2026 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION 4A STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

S. 994 -- Senator Stubbs: A CONCURRENT RESOLUTION TO CONGRATULATE AND EXPRESS APPRECIATION TO THE YMCA FOR 175 YEARS OF SERVICE TO THE NATION, TO COMMEND THE HUNDREDS OF THOUSANDS OF STAFF AND

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VOLUNTEERS, AND TO ENCOURAGE CONTINUED SUPPORT FOR THEIR EFFORTS TO ADDRESS SOCIAL ISOLATION AND LONELINESS BY CREATING PLACES AND SPACES THAT PROMOTE ACHIEVEMENT, WELL-BEING, AND CONNECTION.

Returned with concurrence.

Received as information.

S. 995 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE PINWOOD PREPARATORY SCHOOL GIRLS COMPETITION CHEER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2025 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION 3A/4A STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

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

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

S. 183 -- Senators Adams, Fernandez, Alexander, Garrett, Leber, Kimbrell, Matthews, Walker and Stubbs: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE AND TO PROVIDE A PENALTY; AND TO AMEND SECTION 16-1-10, RELATING TO THE EXEMPTION FROM THE CATEGORIZATION OF FELONIES AND MISDEMEANORS, SO AS TO INCLUDE DRUG-INDUCED HOMICIDE.

The Senate proceeded to consideration of the Bill.

Motion Adopted

Senator HUTTO moved under Rule 26B to take up further amendments on third reading.

There was no objection.

Senator HUTTO proposed the following amendment (SJ-183.MB0002S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 from the bill.

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Amend the bill further, SECTION 2, by striking the first undesignated paragraph and inserting:

Section 16-3-~~8065~~. Drug-induced homicide.

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

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

Section 16-3-65. (A) A person who knowingly sells, manufactures, cultivates, delivers, purchases or brings into this State, or who provides financial assistance for the purpose of unlawful drug activity or otherwise directs the sale, manufacture, cultivation, delivery, or purchase of a controlled substance in violation of the provisions of Section 44-53-370 or 44-53-375 commits the felony offense of drug-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the controlled substance.

(B) A person convicted of drug-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide. This section does not prohibit a person from being arrested, charged, or prosecuted for any other applicable offense, whether or not the offense arises from the same circumstances as provided in this section.

(D) A person who knowingly injects, inhales, absorbs, or ingests any amount of a controlled substance along with a consenting person, which is the proximate cause of the death of the consenting person, shall not be prosecuted under this section.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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Senator HUTTO proposed the following amendment (SJ-183.MB0003S), which was adopted:

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

SECTION X. Chapter 1, Title 15 of the S.C. Code is amended by adding:

Section 15-1-315. Any person, who in good faith gratuitously renders emergency care at the scene of a drug overdose to the victim thereof, shall not be liable for any civil damages for any personal injury as a result of any act or omission by such person in rendering the care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the person experiencing an overdose, except acts or omissions amounting to gross negligence or wilful or wanton misconduct.

SECTION X. Section 44-53-1920 of the S.C. Code is amended to read:

Section 44-53-1920. (A) A person who seeks medical assistance for another person who appears to be experiencing a drug or alcohol-related overdose may not be prosecuted for any of the offenses listed in subsection (B), if the evidence for prosecution was obtained as a result of the person seeking medical assistance for the apparent overdose on the premises or immediately after seeking medical assistance and the person:

- (1) acted in good faith when seeking medical assistance, upon a reasonable belief that he was the first person to call for assistance;
- (2) provided his own name to the 911 system or to a law enforcement officer upon arrival; and
- (3) did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(B) A person who seeks medical assistance for another person in accordance with the requirements of subsection (A) may not be prosecuted for:

- (1) dispensing or delivering a controlled substance in violation of Section 44-53-370(a), when the controlled substance is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose;
- (2) possessing a controlled substance in violation of Section 44-53-370(c);
- (3) possessing less than one gram of methamphetamine or cocaine base in violation of Section 44-53-375(A);

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(4) dispensing or delivering methamphetamine or cocaine base in violation of Section 44-53-375(B), when the methamphetamine or cocaine base is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose;

(5) possessing paraphernalia in violation of Section 44-53-391;

(6) selling or delivering paraphernalia in violation of Section 44-53-391, when the sale or delivery is to the person who appears to be experiencing a drug-related overdose;

(7) purchasing, attempting to purchase, consuming, or knowingly possessing alcoholic beverages in violation of Section 63-19-2440;

(8) transferring or giving to a person under the age of twenty-one years for consumption beer or wine in violation of Section 61-4-90; ~~or~~

(9) contributing to the delinquency of a minor in violation of Section 16-17-490; ~~or~~

(10) drug-induced homicide in violation of Section 16-3-65.

(C) If the person seeking medical assistance pursuant to this section previously has sought medical assistance for another person pursuant to this article, the court may consider the circumstances of the prior incidents and the related offenses to determine whether to grant the person immunity from prosecution.

(D) A person described in this section must use his or her own name when contacting authorities, fully cooperate with law enforcement and medical personnel, and must remain with the individual needing medical assistance until help arrives.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Fernandez

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Gambrell	Garrett	Graham
Grooms	Hembree	Hutto
Jackson	Johnson	Kennedy
Kimbrell	Leber	Massey
Ott	Peeler	Rankin
Reichenbach	Rice	Stubbs
Sutton	Tedder	Turner
Verdin	Walker	Williams
Young	Zell	

Total--41

NAYS

Total--0

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

CARRIED OVER

S. 76 -- Senators Hembree, Grooms, Young, Goldfinch, Sabb, Alexander, Kennedy, Cromer, Zell, Williams and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-8-230, RELATING TO DEFINITIONS, SO AS TO PROVIDE APPROPRIATE DEFINITIONS; BY AMENDING SECTION 16-8-240, RELATING TO USE OF OR THREAT OF PHYSICAL VIOLENCE BY CRIMINAL GANG MEMBERS AND PENALTIES, SO AS TO ESTABLISH UNLAWFUL CRIMINAL GANG ACTIVITY; BY ADDING SECTION 16-8-245 SO AS TO PROVIDE ADMISSIBILITY OF CRIMINAL GANG AND CRIMINAL GANG ACTIVITY EVIDENCE DURING A TRIAL OR PROCEEDING; BY AMENDING SECTION 16-8-250, RELATING TO PREVENTING WITNESSES OR VICTIMS FROM TESTIFYING AND PENALTIES, SO AS TO PROVIDE A MECHANISM TO ABATE A PUBLIC NUISANCE OF REAL PROPERTY USED BY A CRIMINAL GANG; BY ADDING SECTION 16-8-275 SO AS TO PROVIDE ADMISSIBILITY IN A CRIMINAL PROCEEDING OF THE ACCUSED'S COMMISSION OF CRIMINAL GANG ACTIVITY; BY ADDING SECTION 16-8-520 SO AS TO PROVIDE APPROPRIATE DEFINITIONS FOR THE ANTI-RACKETEERING ACT; BY ADDING SECTION 16-8-530 SO AS TO MAKE IT

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UNLAWFUL FOR ANY PERSON TO ENGAGE IN RACKETEERING ACTIVITY; BY ADDING SECTION 16-8-540 SO AS TO PROVIDE CRIMINAL PENALTIES FOR ENGAGING IN RACKETEERING ACTIVITY; BY ADDING SECTION 16-8-550 SO AS TO PROVIDE THAT THE CIRCUIT COURT MAY ENJOIN VIOLATIONS OF THE ANTI-RACKETEERING ACT BY ISSUING APPROPRIATE ORDERS; BY ADDING SECTION 16-8-560 SO AS TO ESTABLISH JURISDICTION FOR RACKETEERING ACTIVITY; BY ADDING SECTION 16-8-570 SO AS TO PROVIDE PROTECTION FROM DISCLOSURE OF INFORMANTS; AND BY AMENDING SECTION 14-7-1630, RELATING TO JURISDICTION OF JURIES, NOTIFICATION TO IMPANEL JURIES, POWERS AND DUTIES OF IMPANELING AND PRESIDING JUDGES, THE TRANSFER OF INCOMPLETE INVESTIGATIONS, EFFECTIVE DATES AND NOTICE REQUIREMENTS WITH RESPECT TO ORDERS OF JUDGE, AND APPEALS, SO AS TO ADD THE CRIME OF RACKETEERING TO THE JURISDICTION OF THE STATE GRAND JURY.

On motion of Senator BRIGHT, the Bill was carried over.

CARRIED OVER

H. 3974 -- Reps. Calhoon, Bernstein, Erickson, Schuessler, Bauer, Guffey and McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 10, TITLE 59 SO AS TO AUTHORIZE EVALUATORS TO EVALUATE PUBLIC SCHOOL STUDENTS FOR HEALTH, BEHAVIORAL HEALTH, OR THERAPEUTIC NEEDS, TO AUTHORIZE PRIVATE PROVIDERS TO PROVIDE RELATED SERVICES AT SCHOOLS DURING THE SCHOOL DAY, TO SPECIFY THESE EVALUATIONS AND SERVICES ONLY MAY OCCUR UPON REQUEST OF THE PARENT OR GUARDIAN OF THE STUDENT, TO PROVIDE SCHOOL DISTRICTS MAY NOT PROHIBIT SUCH EVALUATIONS OR SERVICES IN SCHOOLS DURING THE SCHOOL DAY, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT A RELATED MODEL POLICY, TO PROVIDE REQUIREMENTS FOR THE MODEL POLICY, TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT RELATED POLICIES, AND TO DEFINE NECESSARY TERMS.

On motion of Senator BRIGHT, the Bill was carried over.

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RECOMMITTED

S. 962 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO HONEY BEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5370, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CLIMER, the Resolution was recommitted to Committee on Agriculture and Natural Resources.

AMENDED, READ THE SECOND TIME

S. 831 -- Senators Grooms, Jackson, Kimbrell and Sutton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ESTABLISH A COORDINATING COUNCIL FOR TRANSPORTATION AND MOBILITY AND DEFINE ITS MEMBERSHIP, POWERS, AND RESPONSIBILITIES; SO AS TO MANDATE THAT THE DEPARTMENT OF TRANSPORTATION IS RESPONSIBLE FOR DEVELOPING THE LONG-RANGE STATEWIDE TRANSPORTATION PLAN; SO AS TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES; SO AS TO ALLOW THE IMPOSITION OF TOLLS IN CERTAIN SITUATIONS; SO AS TO WAIVE THE STATE'S IMMUNITY; SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO RECIPROCAL AGREEMENTS WITH OTHERS TO ENFORCE TOLL VIOLATIONS; SO AS TO PROVIDE FOR CANCELLATION OF PROJECTS IN CERTAIN CIRCUMSTANCES; SO AS TO PROVIDE THAT COSTS CAUSED BY AN UNREASONABLE DELAY ARE THE RESPONSIBILITY OF THE MUNICIPALITY; SO AS TO IDENTIFY AND TRANSFER OWNERSHIP OF NON-ESSENTIAL ROADS TO THE STATE HIGHWAY SYSTEM; SO AS TO INCLUDE NONTAX REVENUES OR OTHER LEGALLY AVAILABLE FUNDS AS A SOURCE FOR FUNDING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1330, SO AS TO ALLOW THE DEPARTMENT TO CONTRACT WITH OTHER POLITICAL SUBDIVISIONS IN DESIGNATING, ESTABLISHING, PLANNING, ABANDONING, FINANCING, IMPROVING, CONSTRUCTING, MAINTAINING, AND REGULATING TURNPIKE FACILITIES; SO AS TO ALLOW THE DEPARTMENT TO USE PHASED DESIGN-BUILD AS A PROJECT DELIVERY METHOD AND PROSCRIBE THE PROCEDURE FOR ENTERING

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INTO A PHASED DESIGN-BUILD CONTRACT; SO AS TO ALLOW THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; RELATING TO ALTERNATIVE FUEL FEES FOR VEHICLES POWERED BY ELECTRICITY, HYDROGEN, AND FUELS OTHER THAN MOTOR FUEL, SO AS TO INCREASE FEES, PROVIDE FOR ADJUSTMENT OF THE FEES, AND TO CREDIT THE FEES TO THE STATE HIGHWAY FUND; RELATING TO EXEMPTIONS IN THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO INCLUDE AN EXEMPTION FOR THE PURCHASE AND MANAGEMENT OF INFORMATION TECHNOLOGY BY THE DEPARTMENT OF TRANSPORTATION; SO AS TO PRESCRIBE A USER FEE ON ELECTRICITY CONSUMED WHEN USING A PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION; SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING "C" FUNDS REVENUES;

The Senate proceeded to consideration of the Bill.

Senator OTT proposed the following amendment (SMIN-831.MW0012S), which was adopted:

Amend the bill, as and if amended, SECTION 4, Section 57-3-205, by adding a subsection to read:

(I) Prior to entering into any public-private partnership arrangement structure as a design-build-finance-operate-maintain project in which the private entity assumes revenue risk, the Department shall promulgate regulations in accordance with the Administrative Procedures Act, Section 1-23-10 et seq., governing the solicitation, evaluation, award, financing and oversight of such projects.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator ALEXANDER proposed the following amendment (SR-831.CEM0009S), which was adopted:

Amend the bill, as and if amended, SECTION 17, by striking Section 11-35-710(A)(1) and inserting:

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~~(1) the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency-type parts or equipment utilized by the Department of Transportation or the Department of Public Safety the acquisition by the Department of Transportation of: transportation planning; the construction, maintenance, design, financing, operation, and repair of bridges, highways, roads, and other improvements within the state rights of way; technology related to operations within the state rights of way; and vehicle and road equipment maintenance and repair and other emergency-type parts and equipment. This exemption does not apply to welcome centers operated or staffed by the Department of Parks, Recreation and Tourism;~~

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (SMIN-831.MW0009S), which was carried over:

Amend the bill, as and if amended, SECTION 18, by striking Section 12-28-2740(N), (M), (N), and (Q) and inserting:

~~—(N) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996 and Section 2, Act 141 of 2001.~~

~~(O)~~ (M) Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution abolish the county transportation committee and devolve its powers and duties to appoint the members of the committee on the governing body of the county. This devolution may be reversed and the county transportation committee reestablished by a subsequent delegation resolution. ~~The exercise of county transportation committee powers and duties by a county governing body is not deemed to constitute dual office holding.~~

~~(P)(M)(N)~~ The Department of Transportation shall perform reviews to ensure compliance with subsections (C)(2), (C)(3), (C)(4), (C)(5), (C)(6), (C)(7), (C)(D), (D)(E), (E)(G), and (F)(J). A county failing to comply with these subsections must have all subsequent “C” fund allocations withheld until the requirements of those subsections are met. If a county fails to comply with those subsections within twenty-four months, then the county forfeits fifty percent of its allocations for the following year and the forfeited amount must be divided among the other counties as provided in subsection (A).

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~~(Q)(N)(O)~~ A county subject to a proposed withholding or forfeiture of “C” fund allocations pursuant to this section must be notified in writing of the ~~department's~~ Department's decision. The county, within sixty days of receipt of notice of the decision, may request a review of the decision by a panel consisting of the state highway engineer or his designee, the chairman of the affected county's transportation committee or his designee, and a third person named by mutual agreement between the state highway engineer and the county transportation committee chairman. The panel shall meet and render a decision within ninety days of the request by the county transportation committee. The decision of the panel may be appealed by requesting a contested case hearing before the Administrative Law Court pursuant to Section 1-23-600 and the rules of procedure for the Administrative Law Court. The request for a hearing must be made within thirty days of receipt of the panel's decision.

~~(R)(Q)(P)~~ The legislative delegation of the county, by resolution, may rename the county transportation committee established by this section as the (insert name of county) Legislative Delegation transportation committee. Upon the adoption of such a resolution, all references in this section and any other provisions of law to the county transportation committee, for purposes of that county, are deemed references to that county's legislative delegation transportation committee.

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question being the adoption of the amendment.

On motion of Senator HUTTO, the amendment was carried over.

Senators CLIMER, BENNETT and JOHNSON proposed the following amendment (SR-831.CEM0011S):

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

SECTION X. Chapter 1, Title 57 of the S.C. Code is amended by adding:

Section 57-1-375. (A) Upon notification from a county that the county has enacted a sales tax under Section 4-10-310 or Section 4-37-30 that include projects to improve the state highway system, the department must review the priority list for projects to be undertaken pursuant to Section 57-1-370(B)(8) to see if the projects proposed under

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the sales tax enacted by the county are also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8).

(B) The department shall provide certification within ninety days to the county if a project proposed under an enacted sales tax by that county is also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8).

(C) In the event the county funds in its entirety a project certified by the department pursuant to subsection (B), the department shall reprioritize the next project within that county that is also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8) in place of the project funded by the county. This subsection does not apply to bridges that are closed, load posted, or structurally deficient.

(D) The county must notify the department within ninety days of the enactment of a sales tax that includes the purpose of project to improve the state highway system.

Re-number sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

Motion Adopted

Senator GROOMS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B for the amendments that were carried over.

There was no objection.

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

ADOPTED

S. 964 -- Senators Hutto, Adams, Alexander, Allen, Bennett, Blackmon, Bright, Campsen, Cash, Chaplin, Climer, Corbin, Cromer, Davis, Devine, Elliott, Fernandez, Gambrell, Garrett, Goldfinch, Graham, Grooms, Hembree, Jackson, Johnson, Kennedy, Kimbrell, Leber, Martin, Massey, Matthews, Ott, Peeler, Rankin, Reichenbach, Rice, Sabb, Stubbs, Sutton, Tedder, Turner, Verdin, Walker, Williams, Young and Zell: A SENATE RESOLUTION TO HONOR CANCER PATIENTS, SURVIVORS, AND THEIR FAMILIES, REMEMBER THOSE WHO HAVE BEEN LOST TO CANCER, AND RECOGNIZE

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MARCH 4, 2026, AS “SUITS AND SNEAKERS DAY” IN SOUTH CAROLINA.

The Resolution was adopted.

ADOPTED

S. 978 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE MARCH 2026 AS “CHRONIC KIDNEY DISEASE AWARENESS MONTH” IN SOUTH CAROLINA.

The Resolution was adopted.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:21 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
DEBATE INTERRUPTED**

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.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Motion Adopted

Senator JOHNSON asked unanimous consent to proceed to Amendment No. 1A and if Amendment No. 1A fails, the Senate would return to the Committee Amendment.

There was no objection.

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Amendment No. 1A

Senator CASH proposed the following amendment (SJ-3924.MB0021S), which was not 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 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. The term includes, but is not limited to, products that contain cannabinoids;

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

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

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

~~(7)~~(8) “Handling” means possessing or storing hemp for any period of time. “handling” also includes possessing or storing hemp in a vehicle

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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;

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(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) tetrahydrocannabivarins, 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.

~~(14)~~(16) “THC” means tetrahydrocannabinol.

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 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 limit the interstate commerce of any product being transported through this State.

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

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

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

Senator FERNANDEZ spoke on the amendment.

Senator GARRETT spoke on the amendment.

The question then was the adoption of the amendment.

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

Ayes 18; Nays 22

AYES

Alexander	Blackmon	Bright
Cash	Chaplin	Corbin

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Cromer	Gambrell	Garrett
Grooms	Hembree	Kennedy
Massey	Peeler	Reichenbach
Rice	Stubbs	Verdin

Total--18

NAYS

Adams	Allen	Bennett
Climer	Davis	Devine
Elliott	Fernandez	Graham
Hutto	Johnson	Kimbrell
Leber	Ott	Rankin
Sutton	Tedder	Turner
Walker	Williams	Young
Zell		

Total--22

The amendment was not adopted.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, Senator GROOMS was granted leave to attend a subcommittee meeting and was granted leave to vote from the balcony.

Senator CORBIN moved that the Senate stand adjourned.

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

Ayes 10; Nays 29

AYES

Allen	Bright	Corbin
Devine	Graham	Hutto
Jackson	Kennedy	Tedder
Walker		

Total--10

NAYS

Adams	Alexander	Bennett
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Blackmon	Cash	Chaplin
Climer	Cromer	Davis
Elliott	Fernandez	Gambrell
Garrett	Grooms	Hembree
Johnson	Kimbrell	Leber
Massey	Peeler	Rankin
Reichenbach	Rice	Sutton
Turner	Verdin	Williams
Young	Zell	

Total--29

The motion to adjourn failed.

The Committee on Agriculture and Natural Resources proposed the following amendment (SJ-3924.MB0020S), which was adopted:

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

SECTION 1. The General Assembly finds and declares that:

(A) The State has a substantial interest in regulating intoxicating beverages that may cause impairment, such as beer, wine, liquor, and hemp-cannabinoid beverages, and an interest in regulating the activities of the manufacturers, importers, wholesalers, and retailers; and the influences that affect the consumption levels of such intoxicating beverages by the people of the State.

(B) The State has substantial interest in exercising its police power to promote the public health, safety, and welfare of the State by regulating the business of manufacturing, distributing, and retail sales of intoxicating beverages that may cause impairment in the manner and to the extent allowed by law to promote and preserve public health and safety while providing for economic opportunities within the State.

(C) The State has a substantial interest in prioritizing the health and safety of the children of South Carolina and is committed to ensuring proper age verification and efficient enforcement of the requirements and restrictions of this act.

(D) By this act, the General Assembly intends to promote the public health, safety, and welfare of residents of this State with laws intended to strictly regulate intoxicating beverages containing beer, wine, liquor, or hemp-cannabinoid products.

(E) This act has been enacted pursuant to the powers reserved to the states under the Tenth Amendment to the United States Constitution, and

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the inherent powers of the State under the Constitution of the State of South Carolina, 1895, and the statutes promulgated thereunder. It is the intent of the General Assembly that this act do all of the following:

(1) further regulate and control transactions in this State as to intoxicating beverages that may cause impairment under the control and supervision of the Department of Revenue;

(2) strictly regulate all intoxicating beverage transactions by fostering moderation and responsibility in the use and consumption of all intoxicating beverages;

(3) promote and assure the public's interest in fair and efficient distribution and quality control of intoxicating beverages in this State;

(4) promote orderly marketing of intoxicating beverages;

(5) provide for an orderly system of public revenues by facilitating the collection and accountability of this State and local excise taxes;

(6) facilitate the collection of state and local revenue;

(7) maintain trade stability and provide for the continuation of control and orderly processing by the State over the regulation of intoxicating beverages manufacturing locations and the process of selling intoxicating beverages to the state's consumers;

(8) ensure that the Department of Revenue and State Law Enforcement Division are able to monitor licensed operations through on-site inspections to confirm compliance with state law and that any intoxicating beverages shipped into, distributed, and sold throughout this State:

(a) have been registered for sale in this State with the Department of Revenue, as prescribed by law;

(b) are not subject to a government mandated or supplier initiated recall;

(c) are not counterfeit;

(d) are labeled in conformance with applicable laws, rules, and regulations;

(e) can be inspected and tested by the Department of Revenue or the State Law Enforcement Division; and

(f) are not prohibited by this State;

(9) promote and maintain a sound, stable, and viable three-tier system of distribution of intoxicating beverages to the public; and

(10) ensure that statutes and regulations relating to intoxicating beverages exist to serve the market participants by adopting protectionist measures with no demonstrable connection to the state's legitimate interests in regulating intoxicating beverages that may cause impairment.

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SECTION 2. Chapter 55, Title 46 of the S.C. Code is amended by adding:

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 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.

SECTION 3. 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) "Cannabinoids" means any compounds that bind to cannabinoid receptors.

(3) "Synthetic cannabis products" are prohibited products that are comprised of 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) exo-tetrahydrocannabinol;

(ii) delta-10 tetrahydrocannabinol;

(iii) delta-8 tetrahydrocannabinol;

(iv) delta-7 tetrahydrocannabinol;

(v) delta-6a10a tetrahydrocannabinol;

(vi) hydrogenated forms of tetrahydrocannabinol, including hexahydrocannabinol; hexahydrocannabiphrol, and hexahydrocannabihexol;

(vii) ester forms of tetrahydrocannabinol, including delta-8 tetrahydrocannabinol, tetrahydrocannabinol-O-acetate, delta-9 tetrahydrocannabinol-O-acetate, delta-10 tetrahydrocannabinol-O-acetate, delta-6a10a tetrahydrocannabinol-O-acetate, and hexahydrocannabinol-O-6 acetate;

(viii) ether forms of tetrahydrocannabinol and hexahydrocannabinol, including delta-9 tetrahydrocannabinol methyl ether and delta-8 tetrahydrocannabinol methyl ether;

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

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(x) delta-8 isotetrahydrocannabinol, delta-4 isotetrahydrocannabinol and isohexahydrocannabinol; or

(xi) any combination of the compounds, including hexahydrocannabiphorol-o-ester and delta-8 tetrahydrocannabiphorol acetate, or delta-9 tetrahydrocannabiphorol acetate.

~~(2)~~(4) “Commercial sales” means the sale of hemp products in the stream of commerce, at retail, wholesale, and online.

~~(3)~~(5) “Commissioner” means the Commissioner of the South Carolina Department of Agriculture.

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

(7) “Delta-8” means delta-8 tetrahydrocannabinol.

(8) “Delta-9” means delta-9 tetrahydrocannabinol.

(9) “Delta-10” means delta-10 tetrahydrocannabinol.

~~(5)~~(10) “Department” means the South Carolina Department of Agriculture.

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

~~(6) “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)~~(12) “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)~~(13)(a) “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 ~~the federally defined THC level for hemp~~ a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis. Hemp shall be considered an agricultural commodity.

(b) “Hemp” does not include:

(i) any viable seeds from a *Cannabis sativa* L. plant that exceeds a total THC concentration of 0.3 percent in the plant on a dry weight basis; or

(ii) any intermediate hemp-derived cannabinoid products containing:

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(I) cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;

(II) cannabinoids that:

(aa) are capable of being naturally produced by a Cannabis sativa L. plant; and

(bb) were synthesized or manufactured outside the plant; or

(III) more than 0.3 percent combined total of:

(aa) total tetrahydrocannabinols (including tetrahydrocannabinolic acid); and

(bb) any other cannabinoids that have similar effects (or are marketed to have similar effects) on humans or animals as a tetrahydrocannabinol (as determined by the Secretary of Health and Human Services); or

(iii) any intermediate hemp-derived cannabinoid products which are marketed or sold as a final product or directly to an end consumer for personal or household use; or

(iv) any final hemp-derived cannabinoid products containing:

(I) cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;

(II) cannabinoids that:

(aa) are capable of being naturally produced by a Cannabis sativa L. plant; and

(bb) were synthesized or manufactured outside the plant; or

(III) greater than 0.4 milligrams combined total per container of:

(aa) total tetrahydrocannabinols (including tetrahydrocannabinolic acid); and

(bb) any other cannabinoids that have similar effects (or are marketed to have similar effects) on humans or animals as a tetrahydrocannabinol (as determined by the Secretary of Health and Human Services)

(14) "Hemp product" means all products containing cannabidiol with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis 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 human and animal consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids such as, but not limited to: CBD, CBG, CBC, or CBN provided the product does not cause a psychoactive

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reaction. Unprocessed or raw plant material, including nonsterilized hemp seeds, is not considered a hemp product.

~~(9)(15) “Hemp-cannabinoid products” only means all-products with the federally defined THC level 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~~ permitted under Title 61 for human consumption.

~~(10)(16)~~ “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)(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.

~~(12)(18)~~ “Processing” means converting an agricultural commodity into a marketable form.

~~(13)(19)~~ “State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.

~~(14)(20)~~ “THC” means tetrahydrocannabinol.

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

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

(B) The division is vested with the enforcement of this section.

Section 46-55-80. Nothing in this chapter may be construed to limit the interstate commerce of any product being transported through this State.

Section 46-55-90. Cannabidiol in hemp product that does not have a psychoactive reaction is not restricted by this chapter.

SECTION 5. Section 61-2-60 of the S.C. Code is amended to read:

Section 61-2-60. The department and the division are authorized to promulgate regulations necessary to carry out the duties imposed upon

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them by law for the proper administration and enforcement of, and consistent with this title including, but not limited to:

- (1) regulations for the application and issuance of alcoholic liquor [and hemp-cannabinoid beverages](#) licenses, permits, and certificates;
- (2) regulations to prevent the unlawful manufacture, bottling, sale, distribution, transportation, and importation of alcoholic liquors [and hemp-cannabinoid beverages](#);
- (3) regulations necessary to effect an equitable distribution of alcoholic liquors [and hemp-cannabinoid beverages](#) in this State;
- (4) regulations for the analysis of alcoholic liquors [and hemp-cannabinoid beverages](#) sold in this State and for a procedure for obtaining the samples for this purpose;
- (5) regulations governing the administration and enforcement of provisions relating to producers and wholesalers of beer and wine [and hemp-cannabinoid beverages](#);
- (6) regulations for application for and issuance of beer licenses, permits, or brewers' certificates of approval and the sale, distribution, promotion, and shipment of beer into and within the State;
- (7) regulations for the operation of breweries and commercial wineries; ~~and~~
- (8) regulations governing the enforcement of provisions relating to brewpubs; ~~and~~
- (9) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training provisions.

SECTION 6. Section 61-2-100(I) of the S.C. Code is amended to read:

(I) The department may not issue a wholesale beer and wine [or a hemp-cannabinoid beverage](#) permit pursuant to this title unless the applicant is a legal resident of the United States and has been a legal resident of this State and has maintained his principal place of abode in this State for at least thirty days before the date of the application.

SECTION 7. Section 61-2-135 of the S.C. Code is amended to read:

Section 61-2-135. When a person licensed to sell alcoholic liquor ~~or~~, beer and wine, [or a hemp-cannabinoid beverages](#) 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 beverage retail license, the person must also have a license for alcoholic liquor or](#)

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beer and wine and continue selling both types of products in the new location.

SECTION 8. Section 61-2-136 of the S.C. Code is amended to read:

Section 61-2-136. Notwithstanding another provision of law, a currently licensed beer and wine wholesaler~~-or~~, currently licensed alcoholic liquor wholesaler, or currently licensed hemp-cannabinoid wholesaler who wishes to relocate the licensed business to a new location within the State must notify the department. This notice must be in writing, must precisely describe the premises to be licensed, must give the date of the move, and must be filed with the department at least thirty days prior to the move. Upon receipt of this notice, the department shall transfer the permit to the new premises effective on the date of the move. In addition to a hemp-cannabinoid beverage wholesaler license, the person must also have a license for alcoholic liquor or beer and wine and continue servicing both types of products in the new location.

SECTION 9. Section 61-2-150 of the S.C. Code is amended to read:

Section 61-2-150. If a fine is imposed by the department for a violation by a beer, wine, hemp-cannabinoid beverage, or liquor licensee, and the licensee fails 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 beer, wine, hemp-cannabinoid 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.

SECTION 10. Section 61-2-170 of the S.C. Code is amended to read:

Section 61-2-170. The department may not generate license fees to be deposited in the general fund of the State through the issuance of licenses or permits for on or off premises consumption which authorize alcoholic liquors, beer,~~-or~~ wine, or hemp-cannabinoid beverages to be sold on a drive-through or curbside service basis.

SECTION 11. Chapter 4, Title 61 of the S.C. Code is amended by adding:

Section 61-4-15. (A) "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.

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(B) For the purposes of this chapter, hemp-cannabinoid beverages that contain no more than five milligrams of an allowable THC concentration in a single serving in a twelve-ounce container shall be treated as beer or wine as described in Chapter 4, except for the provisions in Chapter 14 including creation of hemp-cannabinoid licenses, violations, and penalties.

SECTION 12. Section 61-4-20 of the S.C. Code is amended to read:

Section 61-4-20. It is unlawful for a person to sell or permit to be sold beer, ale, porter, wine, malt, [hemp-cannabinoid beverage](#), or other beverage authorized to be sold under this chapter on which the tax levied has not been paid. A person having charge of the sale of one of these beverages who sells or permits it to be sold in violation of the provisions of this section is guilty of a misdemeanor and, upon conviction, for each offense must be fined not less than twenty-five 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.

SECTION 13. Section 61-4-30 of the S.C. Code is amended to read:

Section 61-4-30. Beer ~~or~~, wine, [or hemp-cannabinoid beverages](#) sold by wholesalers to the holders of retail licenses in this State must be sold for cash only at the time of delivery or prior to delivery. For purposes of this section, “cash” means money or a bona fide check, money order, or electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on or before delivery of the beer or wine. The electronic transfer must be initiated by the wholesaler no later than one business day after delivery. A holder of a retail permit who issues a check or an irrevocable payment order in payment for beer or wine with insufficient funds at the bank to cover the check violates the provisions of this section. This provision for cash payment applies to cash deposits on empties when beer is delivered in returnable containers. This deposit on bottles or draft beer containers must not be less than the charge from the brewery to the wholesaler.

SECTION 14. Section 61-4-40 of the S.C. Code is amended to read:

Section 61-4-40. A holder of a beer permit ~~or~~, a beer and wine permit, [or a hemp-cannabinoid beverage permit](#) may not purchase beer ~~or~~, wine, [hemp-cannabinoid beverages](#) or ~~both~~ [all three](#), on credit by a dishonored check, an unpaid note or invoice, or other insufficient manner from a permitted beer and wine wholesaler. However, no action may be taken against the holder for a first violation of this section. If a holder commits a second or subsequent violation, his retailer's permit may be suspended, canceled, or revoked by the department, or a monetary penalty of not more than twenty-five dollars may be assessed against him.

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SECTION 15. Section 61-4-50 of the S.C. Code is amended to read:

Section 61-4-50. (A) It is unlawful for a person to sell beer, ale, porter, wine, [hemp-cannabinoid beverage](#), or other similar malt or fermented beverage to a person under twenty-one years of age. A person who makes a sale in violation of this section, 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.

(B) Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this section.

(C) A person who violates the provisions of this section also is required to successfully complete ~~a DAODAS~~ [an Office of Substance Use Services](#) approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars.

(D)(1) Whenever any person who has not previously been convicted of any offense under this section, pleads guilty to or is found guilty of a sale in violation of this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires provided that one such condition must be that he complete the merchant education program described in subsection (C). Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section must be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. However, a nonpublic record must be forwarded to and retained by the South Carolina Law Enforcement Division for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense under this section. The South Carolina Law Enforcement Division must produce this record upon subpoena or court order. Discharge and dismissal under this section may occur only once with respect to any person.

(2) Upon the dismissal of the person and discharge of the proceedings against him pursuant to item (1), the person may apply to

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the court for an order to expunge from all official records, other than the nonpublic records to be retained as provided in item (1), all recordation relating to his arrest, indictment or information, trial, finding of guilt, and dismissal and discharge pursuant to this section. If the court determines, after the hearing, that the person was dismissed and the proceedings against him discharged, it shall enter the order. The effect of the order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose, except when the person is providing sworn statements or giving testimony under oath. A conditional discharge granted pursuant to this section does not preclude a person from availing themselves of subsequent pre-trial diversion options provided by law.

(3) Before a person may be discharged and the proceedings dismissed pursuant to this subsection, the person must pay a fee of three hundred fifty dollars if the person is in a general sessions court and one hundred fifty dollars if the person is in a summary court. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this item must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The State Treasurer shall transmit these funds to the Prosecution Coordination Commission which shall then apportion these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds must be used for drug treatment court programs only. The amounts generated by this subsection are in addition to any amounts presently being provided for drug treatment court programs and may not be used to supplant funding already allocated for these services. The State Treasurer may request the State Auditor to examine the financial records of a jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to this subsection. The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

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(4) Conditional discharge may only be granted by the court in accordance with the provisions of this section upon approval of the circuit solicitor or prosecuting officer.

(E) Violations for sale of hemp-cannabinoid beverages to a person under the age of twenty-one are provided for in Section 61-14-320.

SECTION 16. Section 61-4-60 of the S.C. Code is amended to read:

Section 61-4-60. It is unlawful for a person to whom beer ~~or~~, wine, or hemp-cannabinoid beverage cannot be lawfully sold to knowingly give false information concerning his age for the purpose of purchasing beer or wine. A person who violates the provisions of this section, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

SECTION 17. Section 61-4-70 of the S.C. Code is amended to read:

Section 61-4-70. A person engaged in the business of selling at retail beer or wine or hemp-cannabinoid beverage must post in each location for which he has obtained a permit a sign with the following words printed thereon: "The possession of beer, wine, hemp-cannabinoid beverage or alcoholic liquors, 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 beer, wine, hemp-cannabinoid beverage or liquor". The department must prescribe by regulation the size of the lettering and the location of the sign on the seller's premises.

A retail seller of beer or wine or hemp-cannabinoid beverage 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.

A person found guilty of a violation of Section 61-6-1530 and this section may not be sentenced under both sections for the same offense.

SECTION 18. Section 61-4-90 of the S.C. Code is amended to read:

Section 61-4-90. (A) It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of beer or wine or hemp-cannabinoid beverage in the State, unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer and wine or hemp-cannabinoid beverage to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

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(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.

(B) A person found guilty of a violation of Section 61-6-4070 and this section may not be sentenced under both sections for the same offense.

(C) The provisions of this section do not apply to a:

(1) spouse over the age of twenty-one giving beer or wine to his spouse under the age of twenty-one in their home;

(2) parent or guardian over the age of twenty-one giving beer or wine to his children or wards under the age of twenty-one in their home; or

(3) person giving beer or wine to another person under the age of twenty-one in conjunction with a religious ceremony or purpose if the beer or wine [or hemp-cannabinoid beverage](#) was lawfully purchased.

(D) A person eighteen years of age and over lawfully employed to serve or remove beer, wine, or alcoholic beverages in establishments licensed to sell these beverages are not considered to be in unlawful possession of the beverages during the course and scope of their 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.

(E) This section does not apply to an employee lawfully engaged in the sale or delivery of these beverages in an unopened container.

(F) The provisions of this section do not apply to a student who:

(1) is eighteen years of age or older;

(2) is enrolled in an accredited college or university and a student in a culinary course that has been approved through review by the State Commission on Higher Education;

(3) is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

(4) tastes a beverage pursuant to item (3) only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must remain at all times in the possession and control of an authorized instructor of the college or university who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the

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beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted pursuant to the curriculum.

SECTION 19. Section 61-4-100 of the S.C. Code is amended to read:

Section 61-4-100. (A) If a person is charged with a violation of the unlawful sale of beer or wine [or hemp-cannabinoid beverage](#) to minors pursuant to Section 61-4-50, the minor also must be charged with a violation of the unlawful purchase or possession of beer or wine [or hemp-cannabinoid beverage](#) pursuant to Section 63-19-2440. In addition, if the minor violated false information as to age pursuant to Section 61-4-60 or if an adult violated the unlawful purchase of beer ~~or~~, wine, [or hemp-cannabinoid beverage](#) for a person who cannot lawfully buy pursuant to Section 61-4-80, these persons also must be charged with their violations.

(B) A person may not be charged with a violation of Section 61-4-50 if the provisions of subsection (A) are not met.

(C) Nothing in this section requires that charges made pursuant to this section be prosecuted to conclusion; but rather this determination must be made in the manner provided by law.

(D) Notwithstanding the provisions of subsections (A) and (B), a person under the age of twenty-one may be recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer or sale of beer or wine [or hemp-cannabinoid beverage](#) to a minor. The testing must be under the direct supervision of a law enforcement agency, and the agency must have the person's parental consent. If the requirements of this subsection are met, a person may be charged with a violation of Section 61-4-50 without the requirement that the minor also be charged.

SECTION 20. Section 61-4-150 of the S.C. Code is amended to read:

Section 61-4-150. If beer or wine [or hemp-cannabinoid beverage](#) is sold to anyone by a person who does not have a valid license to make the sale, all beer and wine [or hemp-cannabinoid beverage](#) found on the premises of the person is contraband and must be seized by a peace officer and treated as contraband liquor.

SECTION 21. Section 61-4-200 of the S.C. Code is amended to read:

Section 61-4-200. Notwithstanding any other provision of law, a holder of a retail permit to sell beer and wine [or hemp-cannabinoid beverage](#) may transfer beer and wine [or hemp-cannabinoid beverage](#) to other businesses. In order for this transfer to be lawful, all businesses involved in the transfer must hold a retail beer and wine permit [or retail hemp-cannabinoid beverage permit](#) issued to the same individual,

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partnership, or corporation. In addition, a particular brand of beer may be transferred only between retail stores located within the territorial restrictions described in the distribution agreement between the brewery and the wholesaler on file with the department pursuant to Section 61-4-1300. Transfers of beer and wine or hemp-cannabinoid beverage between retail beer and wine or hemp-cannabinoid beverage locations in a manner not authorized by this section, purchase of beer or wine by a retailer from another retailer for the purpose of resale, and sale of beer or wine or hemp-cannabinoid beverage by a retailer to a retailer for the purpose of resale are unlawful. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars.

SECTION 22. Section 61-4-210 of the S.C. Code is amended to read:

Section 61-4-210. (A) A person who purchases or acquires by lease, inheritance, divorce decree, eviction, or otherwise a retail business which sells beer or wine or hemp-cannabinoid beverage from a holder of a retail permit to sell beer or wine or hemp-cannabinoid beverage at the business, upon initiating the application process for a biennial retail beer or beer and wine permit or retail hemp-cannabinoid beverage permit, may be issued a temporary retail beer or beer and wine permit or retail hemp-cannabinoid beverage permit by the department at the time of the purchase or acquisition if the location for which the temporary permit is sought is not considered by the department to be a public nuisance and:

(1) the applicant currently holds a valid beer or beer and wine permit or retail hemp-cannabinoid beverage permit; or

(2) the applicant has had a criminal history background check conducted by the division within the past thirty days.

(B) A temporary beer or beer and wine or hemp-cannabinoid beverage permit issued pursuant to subsection (A) is valid until a biennial retail beer ~~or~~, beer and wine, or hemp-cannabinoid beverage permit is approved or disapproved by the department, but in no case is it valid for more than one hundred twenty days from the date of issuance.

(C) Notwithstanding subsection (B), the department may revoke a temporary retail beer ~~or~~, beer and wine, or hemp-cannabinoid beverage permit if the applicant fails to pursue the biennial retail beer ~~or~~, beer and wine, or hemp-cannabinoid beverage permit in a timely manner, as set forth by regulation of the department.

(D) The department shall collect a fee of twenty-five dollars for each temporary beer ~~or~~, beer and wine, or hemp-cannabinoid beverage permit. The funds generated by this fee must be deposited in the general fund of the State.

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SECTION 23. Section 61-4-230 of the S.C. Code is amended to read:

Section 61-4-230. A person who, upon demand of an officer or agent of the division:

(1) refuses to allow full inspection of the premises or any part of the premises which is licensed to sell beer or wine or hemp-cannabinoid beverage; or

(2) refuses to allow full inspection of the stocks and invoices of the licensee; or

(3) who prevents or in any way hinders an inspection is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than sixty days, or both.

A person found guilty of a violation of Section 61-6-4190 and this section may not be sentenced under both sections for the same offense.

SECTION 24. Section 61-4-300 of the S.C. Code is amended to read:

Section 61-4-300. "Producer" as used in this article means:

(1) a brewery or winery or a manufacturer, bottler, or importer of beer or wine into the United States;

(2) as used in this chapter, includes a manufacturer, a bottler, or importer of hemp-cannabinoid beverages into the United States.

SECTION 25. Section 61-4-310 of the S.C. Code is amended to read:

Section 61-4-310. (A) A producer must apply to the department on forms the department prescribes for a certificate of registration, which must be approved and issued before the shipment of beer or wine or hemp-cannabinoid beverage by the producer to a point within the State. A producer, at the same time application is made for a certificate of registration, must remit to the department a fee of two hundred dollars.

(B) The department, in its discretion upon consideration of the information contained in the application for a certificate of registration, must issue or reject the application.

(C) A certificate of registration is valid from the date of issue until the second August thirty-first after the issuance of the license. Beer and wine and hemp-cannabinoid beverage wholesalers must purchase beer, ale, ~~or wine,~~ or hemp-cannabinoid beverage from manufacturers or importers who hold a certificate of registration issued by the department. Nothing in this section or Section 61-4-940 prohibits the transfer or purchase and sale, for resale to retailers only, between wholesalers authorized by the registered producer or an exclusive agent in the State to distribute the same brand or brands of wine, beer, ~~or ale,~~ or hemp-cannabinoid beverages.

SECTION 26. Section 61-4-340 of the S.C. Code is amended to read:

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Section 61-4-340. No person other than a registered producer may ship, move, or cause to be shipped or moved, beer, ale, porter, malt beverage, ~~or wine,~~ [or hemp-cannabinoid beverage](#) from outside the State to a point in the State, and only in accordance with the provisions of this chapter. No brand may be registered by the producer unless the person registering the brand is either the American producer or the primary American source of supply in the United States of the brand as herein defined, and it is unlawful for a wholesaler in this State to order, purchase, or receive beer, ale, porter, malt beverage, ~~or wine,~~ [or hemp-cannabinoid beverage](#) from a producer who is not the primary American source of supply for the brand ordered, purchased, or received. The term primary American source of supply means the manufacturer, distiller, vintner, brewer, producer, winery, or owner of vinous or spirituous beverages at the time they become a marketable product, or bottler, or the exclusive agent of these persons, who, if the product cannot be secured directly from the manufacturer by an American distributor, is the source closest to the manufacturer in the channel of commerce from whom the product can be secured by an American distributor, or who, if the product can be secured directly from the manufacturer by an American distributor, is the manufacturer. The provisions of this section do not apply to a person who produces beer, ale, porter, malt beverage, or wine solely in this State and who subsequently ships or sells this beer, ale, porter, malt beverage, or wine solely in this State.

SECTION 27. Section 61-4-350 of the S.C. Code is amended to read:

Section 61-4-350. Beer or wine [or hemp-cannabinoid beverages](#) shipped or moved into this State in violation of this chapter is contraband and may be seized and sold as provided in Section 61-6-4310.

SECTION 28. Section 61-4-520 of the S.C. Code is amended to read:

Section 61-4-520. A retail permit authorizing the sale of beer or wine [or hemp-cannabinoid beverage](#) must not be issued unless:

(1) The applicant, a partner, or co-shareholder of the applicant, and each agent, employee, and servant of the applicant to be employed on the licensed premises are of good moral character.

(2) The applicant is a legal resident of the United States, has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of abode in the State for at least thirty days before the date of application.

(3) The applicant, within two years before the date of application, has not had revoked a beer ~~or~~, a wine, [or hemp-cannabinoid beverage](#) permit issued to him.

(4) The applicant is twenty-one years of age or older.

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(5) The location of the proposed place of business of the applicant is in the opinion of the department a proper one.

(6) The department may consider, among other factors, as indications of unsuitable location, the proximity to residences, schools, playgrounds, and churches. This item does not apply to locations licensed before April 21, 1986.

(7)(a) Notice of application has appeared at least once a week for three consecutive weeks in a newspaper most likely to give notice to interested citizens of the county, city, or community in which the applicant proposes to engage in business. The department shall determine which newspapers meet the requirements of this section based on available circulation figures. However, if a newspaper is published in the county and historically has been the newspaper where the advertisements are published, the advertisements published in that newspaper meet the requirements of this section. The notice must:

(i) be in the legal notices section of the newspaper or an equivalent section if the newspaper has no legal notices section;

(ii) be in large type, covering a space of one column wide and at least two inches deep; and

(iii) state the type license applied for and the exact location of the proposed business.

(b) An applicant for a beer or wine permit, [a hemp-cannabinoid beverage license](#), and an alcoholic liquor license may use the same advertisement for both if the advertisement is approved by the department.

(8) Notice has been given by displaying a sign for fifteen days at the site of the proposed business. The sign must:

(a) state the type of permit sought;

(b) state where an interested person may protest the application;

(c) be in bold type;

(d) cover a space at least twelve inches high and eighteen inches wide;

(e) be posted and removed by an agent of the division.

SECTION 29. Section 61-4-525 of the S.C. Code is amended to read:

Section 61-4-525. (A) A person residing in the county in which a retail beer and wine permit [or a retail hemp-cannabinoid beverage license](#) is requested to be granted, or a person residing within five miles of the location for which a retail beer and wine permit [or a retail hemp-cannabinoid beverage license](#) is requested, may protest the issuance or renewal of the permit if he files a written protest setting forth:

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(1) the name, address, and telephone number of the person filing the protest;

(2) the name of the applicant for the permit and the address of the premises sought to be licensed, or the name and address of the permit holder if the application is for renewal;

(3) the specific reasons why the application should be denied; and

(4) whether or not he wishes to attend a contested case hearing before the Administrative Law Court.

(B) Upon receipt of a timely filed protest, the department shall determine the protestant's intent to attend a contested hearing before the Administrative Law Court. If the protestant intends to attend a contested hearing, the department may not issue the permanent permit but shall forward the file to the Administrative Law Court.

(C) If the protestant, during the investigation expresses no desire to attend a contested hearing and offer testimony, the protest is considered invalid, and the department shall continue to process the application and shall issue the permit if all other statutory requirements are met.

(D) A person who files a protest and fails to appear at a hearing after affirming a desire to attend the hearing may be assessed a fine or penalty to include court costs.

SECTION 30. Section 61-4-530 of the S.C. Code is amended to read:

Section 61-4-530. In considering an application for a permit for the sale of beer or wine [or hemp-cannabinoid beverage](#) at a location within five miles of a political subdivision of another state in which the sale of beer ~~or~~, wine, [or hemp-cannabinoid beverage](#) is prohibited, the department must, in addition to the factors required to be considered, consider the proximity of the location to the prohibited area, the likelihood that large crowds may gather from time to time with attendant breaches of the peace, the requirement of increased law enforcement officers, and any other factor which in its judgment should be considered before issuing the permit.

These special considerations, however, do not apply where the application is made with respect to a location within the corporate limits of a municipality.

SECTION 31. Section 61-4-590 of the S.C. Code is amended to read:

Section 61-4-590. (A) The department has jurisdiction to revoke or suspend permits authorizing the sale of beer or wine [or hemp-cannabinoid beverage](#). The department may, on its own initiative or on complaint signed and sworn to by two or more freeholders resident for the preceding six months in the community in which the licensed premises are located or by a local peace officer, all of whom are charged

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with the duty of reporting immediately to the department a violation of the provisions of Section 61-4-580, revoke or suspend the permit pursuant to the South Carolina Revenue Procedures Act. The decision of the Administrative Law Court is not automatically superseded or stayed by the filing of a petition for judicial review.

(B) In addition to the notice requirements contained in the Administrative Procedures Act, the department may not suspend or revoke a licensee's permit authorizing the sale of beer or wine [or hemp-cannabinoid beverage](#) until the division has conducted and completed an investigation, and the department has made a departmental determination, as defined in Section 12-60-30, that the licensee's permit should be revoked or suspended.

SECTION 32. Section 61-4-600 of the S.C. Code is amended to read:

Section 61-4-600. Upon the revocation, cancellation, or suspension of a license or permit to sell beer or wine [or hemp-cannabinoid beverage](#) at wholesale or retail, the licensee must immediately surrender his license to the department. A person who violates this section 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, or both, in the discretion of the court.

SECTION 33. Section 61-4-1100 of the S.C. Code is amended to read:

Section 61-4-1100. (1) It is unlawful for a producer who holds a certificate of registration from the department (hereinafter "registered producer") or an officer, agent, or representative of a registered producer:

(a) to coerce, attempt to coerce, or persuade a person holding a permit to sell beer, ale, porter, [hemp-cannabinoid beverage](#) and other similar malt or fermented beverages at wholesale (hereinafter "beer wholesaler") to enter into an agreement to take any action which would violate a provision of this article or any ruling or regulation in accordance therewith; or

(b) to unfairly, without due regard to the equities of the beer wholesaler or without just cause or provocation, cancel or terminate a written or oral agreement or contract, franchise, or contractual franchise relationship of the wholesaler existing on May 1, 1974, or thereafter entered into, to sell beer manufactured by the registered producer; this provision is a part of a contractual franchise relationship, written or oral, between a beer wholesaler and a registered producer doing business with the beer wholesaler, just as though the provision had been specifically agreed upon between the beer wholesaler and the registered producer. However, notice of intention to cancel the agreement or contract, written

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or oral, franchise, or contractual franchise relationship must be given in writing at least sixty days before the date of the proposed cancellation or termination. The notice must contain (i) assurance that the agreement or contract, written or oral, franchise, or contractual franchise relationship is being terminated in good faith and for material violation of one or more provisions which are relevant to the effective operation of the agreement, or contract, written or oral, franchise, or contractual franchise relationship, if any, and (ii) a list of the specific reasons for the termination or cancellation.

(2) It is unlawful for a beer wholesaler:

(a) to enter into an agreement or take any action which would violate or tend to violate a provision of this article or any rule or regulation promulgated pursuant thereto;

(b) to unfairly, without due regard for the equities of a registered producer or without just cause or provocation, cancel or terminate a written or oral agreement or contract, franchise, or contractual franchise relationship of the registered producer existing on May 1, 1974, or thereafter entered into, to sell beer manufactured by the registered producer; this provision becomes a part of a contractual franchise relationship, written or oral, between a beer wholesaler and a registered producer doing business with the beer wholesaler, just as though this provision had been specifically agreed upon between the beer wholesaler and the registered producer. However, notice of intention to cancel the agreement or contract, written or oral, franchise, or contractual franchise relationship must be given in writing at least sixty days prior to the date of the proposed cancellation or termination. The notice must contain (i) assurance that the agreement or contract, written or oral, franchise, or contractual franchise relationship is being terminated in good faith and for material violation of one or more provisions which are relevant to the effective operation of the agreement or contract, written or oral, franchise, or contractual franchise relationship, if any, and (ii) a list of the specific reasons for the termination or cancellation;

(c) to refuse to sell to a licensed retailer whose place of business is within the geographical limits specified in a distributorship agreement between the beer wholesaler and the registered producer for the brands involved; or

(d) to store or warehouse beer or other malt beverages to be sold in the State in a warehouse located outside the State.

SECTION 34. Section 61-6-20 of the S.C. Code is amended to read:

Section 61-6-20. As used in the ABC Act, unless the context clearly requires otherwise:

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(1)(a) “Alcoholic liquors” or “alcoholic beverages” means any hemp-cannabinoid beverage that contains more than five milligrams of allowable THC concentration but not more than ten milligrams of allowable THC concentration, spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them, including, but not limited to, a powdered or crystalline alcohol, by whatever name called or known, which contains alcohol and is used as a beverage for human consumption, but does not include:

(i) wine when manufactured or made for home consumption and which is not sold by the maker of the wine or by another person; or

(ii) a beverage declared by statute to be nonalcoholic or nonintoxicating.

(b) “Alcoholic liquor by the drink” or “alcoholic beverage by the drink” means a drink poured from a container of alcoholic liquor, excluding hemp-cannabinoid beverage, without regard to the size of the container for consumption on the premises of a business licensed pursuant to Article 5 of this chapter.

(c) “Powdered or crystalline alcohol” means a powdered or crystalline product prepared or sold for either direct use or reconstitution for human consumption that contains any amount of alcohol when hydrolyzed.

(2) “Bona fide engaged primarily and substantially in the preparation and serving of meals” means a business that provides facilities for seating not fewer than forty persons simultaneously at tables for the service of meals and that:

(a) is equipped with a kitchen that is utilized for the cooking, preparation, and serving of meals upon customer request at normal meal times;

(b) has readily available to its guests and patrons either menus with the listings of various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons; and

(c) prepares for service to customers, upon the demand of the customer, hot meals at least once each day the business establishment chooses to be open.

(3) “Homeowners association chartered as a nonprofit by the Secretary of State” means an organization that has been recognized as a nonprofit by the Secretary of State, whose membership is limited to individuals who own property in the residential community, and whose affairs are governed by a board of directors elected by the membership. No member, officer, agent, or employee of the association may be paid a

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salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body, nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Additionally, a “homeowners association chartered as a nonprofit by the Secretary of State” must abide by all alcoholic liquor regulations that apply to a nonprofit organization, as defined by Section 61-6-20(7), except that upon dissolution of the “homeowners association chartered as a nonprofit by the Secretary of State”, the remaining assets, if any, may be distributed to its members. A “homeowners association chartered as a nonprofit by the Secretary of State” is eligible to be licensed under this chapter only at facilities located within the boundaries of the homeowners association.

(4) “Manufacturer” means a person operating a plant or place of business in this State for distilling, rectifying, brewing, fermenting, blending, or bottling alcoholic liquors.

(5) “Furnishing lodging” means those businesses which rent accommodations for lodging to the public on a regular basis consisting of not less than eighteen rooms.

(6) “Minibottle” means a sealed container of fifty milliliters or less of alcoholic liquor.

(7) “Nonprofit organization” means an organization not open to the general public, but with a limited membership and established for social, benevolent, patriotic, recreational, or fraternal purposes.

(8) “Producer”, as used in the ABC Act, means a manufacturer, distiller, rectifier, blender, or bottler of alcoholic liquors and includes an importer of alcoholic liquors engaged in importing alcoholic liquors into the United States.

(9) “Producer representative” means a person who is a citizen of this State, who maintains his principal place of abode in this State, and who is registered with the department pursuant to Article 7 of this chapter as the South Carolina representative of a registered producer.

(10) “Registered producer” means a producer who is registered with the department pursuant to Article 7 of this chapter.

(11) “Retail dealer” means a holder of a license issued under the provisions of Article 3 of this chapter, other than a manufacturer or wholesaler.

(12) “Wholesaler” means a person who purchases, acquires, or imports from outside this State or who purchases or acquires from a manufacturer in the State alcoholic liquors for resale.

SECTION 35. Section 61-6-120 of the S.C. Code is amended to read:

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Section 61-6-120. (A) The department shall not grant or issue any license provided for in this article, Article 5, or Article 7 of this chapter or [Chapter 14 of this title, as applicable to hemp-cannabinoid beverages with an allowable THC concentration of more than five milligrams up to ten milligrams](#), if the place of business is within three hundred feet of any church, school, or playground situated within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground, which, as used herein, shall be defined as follows:

(1) “church”, an establishment, other than a private dwelling, where religious services are usually conducted;

(2) “school”, an establishment, other than a private dwelling, where the usual processes of education are usually conducted; and

(3) “playground”, a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.

The above restrictions do not apply to the renewal of licenses and they do not apply to new applications for locations which are licensed at the time the new application is filed with the department.

(B) An applicant for license renewal or for a new license at an existing location shall pay a five dollar certification fee to determine if the exemptions provided for in subsection (A) apply.

(C)(1) Notwithstanding the provisions of subsection (A), the department may issue a license so long as any church, school, or playground located within the parameters affirmatively states that it does not object to the issuance of a license. This subsection only applies to a permit for on-premises consumption of alcoholic liquor.

(2)(a) Any applicant seeking to utilize the provisions of this subsection must provide a statement declaring the church, playground, or school does not object to the issuance of the specific license sought, as follows:

(i) if a church, from the decision-making body of the local church;

(ii) if a playground, from the decision-making body of the owner of the playground;

(iii) if a school, from the local school district board of trustees of the local public school, governing board of the charter school, or governing authority of the private school.

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(b) If more than one church, school, or playground is located within the parameters set forth in subsection (A), the applicant must provide the statement from all churches, schools, or playgrounds.

(c) At the time of any renewal period for the specific license, a school, from the local school district board of trustees of the local public school, governing board of the charter school, or governing authority of the private school, may withdraw its statement declaring it does not object to the issuance of the specific license sought by notifying the department of its withdrawal.

(3) The department may promulgate regulations necessary to implement the provisions of this subsection.

SECTION 36. Section 61-6-185 of the S.C. Code is amended to read:

Section 61-6-185. (A) A person residing in the county in which a retail liquor license [or retail hemp-cannabinoid beverage license](#) is requested to be granted, or a person residing within five miles of the location for which a retail liquor license is requested, may protest the issuance or renewal of the license if he files a written protest providing:

(1) the name, address, and telephone number of the person filing the protest;

(2) the name of the applicant for the license and the address of the premises sought to be licensed, or the name and address of the license holder if the application is for renewal;

(3) the specific reasons why the application should be denied; and

(4) whether or not he wishes to attend a contested case hearing before the Administrative Law Court.

(B) Upon receipt of a timely filed protest, the department shall determine the protestant's intent to attend a contested hearing before the Administrative Law Court. If the protestant intends to attend a contested hearing, the department may not issue the permanent license but shall forward the file to the Administrative Law Court.

(C) If the protestant during the investigation expresses no desire to attend a contested hearing and offer testimony, the protest is deemed invalid, and the department shall continue to process the application and shall issue the license if all other statutory requirements are met.

(D) A person who files a protest and fails to appear at a hearing after affirming a desire to attend the hearing may be assessed a penalty to include court costs.

SECTION 37. Section 61-6-505 of the S.C. Code is amended to read:

Section 61-6-505. (A) A person who purchases or acquires by lease, inheritance, divorce decree, eviction, or otherwise a retail business which sells alcoholic beverages from a holder of a retail liquor license [or a](#)

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[hemp-cannabinoid beverage retail license](#) at the business, upon initiating the application process for a permanent retail liquor license, may be issued a temporary retail liquor license by the department at the time of the purchase or acquisition if the location for which the temporary license is sought is not considered by the department to be a public nuisance and:

(1) the applicant currently holds a valid retail liquor license, [and a retail hemp-cannabinoid beverage license, as applicable](#); or

(2) the applicant has had a criminal history background check conducted by the State Law Enforcement Division within the past thirty days.

(B) A temporary license issued pursuant to subsection (A) is valid until a permanent license is approved or disapproved by the department, but in no case is it valid for more than one hundred twenty days from the date of issuance.

(C) Notwithstanding subsection (B), the department may revoke a temporary license if the applicant fails to pursue the permanent license in a timely manner, as set forth by the department by regulation.

(D) The department shall collect a fee of twenty-five dollars for each temporary license sought. The funds generated by this fee must be deposited in the general fund of the State.

SECTION 38. Section 61-6-900 of the S.C. Code is amended to read:

Section 61-6-900. In the event of a licensee's death, except in the case of a license issued to more than one person, the personal representative of the deceased licensee may, with the consent of the probate court and upon permit of the department, continue the operation of the business covered by the license. If the personal representative elects to discontinue the business or if the department does not issue a permit for its continuance, the unearned portion of the license tax, computed on the basis of the cost of the license per month for the period for which the license was issued, must be refunded to the personal representative. Alcoholic liquors, [including hemp-cannabinoid beverages](#), of the deceased which are subject to the control of the personal representative may be sold by him as provided in Section 61-6-950.

SECTION 39. Section 61-6-910 of the S.C. Code is amended to read:

Section 61-6-910. The department must refuse to issue any license under this article or Article 7 of this chapter [or Chapter 14](#) if the department is of the opinion that:

(1) the applicant is not a suitable person to be so licensed;

(2) the store or place of business to be occupied by the applicant is not a suitable place; or

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(3) a sufficient number of licenses have already been issued in the State, incorporated municipality, unincorporated community, or other community.

SECTION 40. Section 61-6-4000 of the S.C. Code is amended to read:

Section 61-6-4000. This article, except Section 61-6-4720, is complementary to and not in conflict with the laws providing for the lawful sale of beer, [hemp-cannabinoid beverages](#), wines, and other vinous, fermented, or malt liquors.

SECTION 41. Title 61 of the S.C. Code is amended by adding:

CHAPTER 14
Hemp Cannabinoid Beverages
Article 1
Definitions

Section 61-14-10. For the purpose of this chapter:

(1) “Allowable THC concentration” means the total naturally derived delta-9 THC concentration of not more than 5 mg on a liquid weight basis in a twelve-ounce serving container or more than five milligrams but not more than 10 mg on a liquid weight basis per serving, which can be up to one and of an ounce, in a 750 mL container.

(2) “Batch” means a specific quantity of a specific product containing cannabinoids, which is manufactured at the same time and use the same methods, equipment, and ingredients that are uniform and intended to meet specifications for identity, strength, purity, and composition; and is manufactured, packaged, and labeled according to a single-batch production record executed and documented.

(3) “Cannabinoids” means any compounds that bind to cannabinoid receptors derived from hemp.

(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.

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

(6) “Division” means the State Law Enforcement Division.

(7) “Hemp” has the same meaning as Section 46-55-10(12).

(8) “Hemp-cannabinoid beverage,” which 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:

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

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(b) as no more than seventeen servings with a total of 170 mg of THC in a single 750-milliliter bottle.

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

(10) “Manufacturer” means a person or entity who produces hemp-cannabinoid beverages for consumption and not for resale, including compounding, blending, extracting, infusing, cooking, packaging, labeling, or otherwise making or preparing hemp-cannabinoid beverages.

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

(12) “Proof of age” means a valid driver’s license or other government-issued identification card that contains a photograph of the person and confirms the person’s age is twenty-one years or older.

(13) “Retailer” means a person or entity that sells hemp-cannabinoid beverages 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.

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

(15) “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.

(16) “THC” means tetrahydrocannabinol.

(17) “Wholesaler” means a person who purchases, acquires, or imports from outside this State or who purchases or acquires from a manufacturer or producer in the State hemp-cannabinoid beverages, hemp-cannabinoid ingestible products, or both for resale.

Article 3

Enforcement

Section 61-14-300. (A) The functions, duties, and powers set forth in this chapter are vested in the department and the division. The department must administer the provisions of this chapter, and the division must enforce the provisions of this chapter.

(B) All hemp-cannabinoid beverages 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-

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cannabinoid beverages containing up to but no more than five milligrams an allowable THC concentration and Chapter 6, for hemp cannabinoid beverages containing more than five milligrams but no more than ten milligrams of an allowable THC concentration.

(C) Any hemp-cannabinoid beverage 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.

(E) The division is vested with the enforcement of this chapter.

(F) The department and the division are authorized to promulgate regulations necessary to carry out the duties imposed upon them by law for the proper administration and enforcement of, and consistent with, this chapter including, but not limited to:

(1) regulations for the application and issuance of hemp-cannabinoid beverage licenses;

(2) regulations to prevent the unlawful manufacture, bottling, packaging, sale, distribution, transportation, and importation of hemp-cannabinoid beverages;

(3) regulations necessary to effect an equitable distribution of hemp-cannabinoid beverages in this State;

(4) regulations for the analysis of hemp-cannabinoid beverages sold in this State and for a procedure for obtaining the samples for this purpose;

(5) regulations governing the administration and enforcement of provisions relating to producers and wholesalers of hemp-cannabinoid beverages; and

(6) regulations for the application for and issuance of hemp-cannabinoid licenses and the sale, distribution, promotion, and shipment of hemp-cannabinoid beverages into and within this State.

Section 61-14-310. The division has the exclusive authority to enforce the provisions of this chapter 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 61-14-320. (A) It is unlawful for a person to knowingly sell or distribute hemp-cannabinoid beverages to a person who is under twenty-one years of age or to purchase hemp-cannabinoid beverages on behalf of a person who is under twenty-one years of age.

(B) A person who violates this section:

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(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 for not more than five years or fined not more than ten thousand dollars, or both, and the licensee is subjected to revocation by the department of all licenses under Title 61.

(C)(1) It is unlawful for a person under the age of twenty-one to purchase, attempt to purchase, consume, or knowingly possess hemp-cannabinoid beverages. Possession is prima facie evidence that it was knowingly possessed. It is also unlawful for a person to falsely represent his age for the purpose of procuring hemp-cannabinoid beverages.

(2) A person who violates the provisions of this subsection 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.

(D) The manufacture, production, distribution, importation, sale or possession of a hemp-cannabinoid beverage 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.

(E) A person who is charged with a violation of this section may avail themselves of any affirmative defenses, diversion programs, conditional discharge provisions, intervention programs, or similar alternatives to conviction and sentencing that are provided by law and would be available to a person charged with a similar violation involving alcoholic liquor.

Section 61-14-330. (A) A person engaged in the business of selling retail hemp-cannabinoid beverages must post in each location that he has obtained a license, a sign with the following words printed: "The possession of hemp-cannabinoid beverages by a person under twenty-one years of age is a criminal offense under the laws of this State, and it also is unlawful for a person to knowingly give false information concerning his age for the purpose of possessing or acquiring hemp-cannabinoid beverages." The department shall proscribe by regulation the size of the lettering and the location of the sign on the seller's premises.

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(B) A retail seller of hemp-cannabinoid beverages 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.

Section 61-14-340. (A) This article does not permit a person to:

(1) undertake any task under the influence of hemp-cannabinoid beverages 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.

(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 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.

Section 61-14-350. It is unlawful for a person to have in his possession, except in the trunk or luggage compartment, a hemp-cannabinoid beverage 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. This section must not be construed to prohibit the transporting of hemp-cannabinoid beverage in a closed container in the trunk or luggage compartment, and this section does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement officers are on duty to perform traffic control duties. A person who violates the provisions of 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.

Section 61-14-360. (A) For purposes of this section:

(1) it is unlawful to sell hemp-cannabinoid beverages in bottles 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.

(2) For purposes of this chapter, a permit authorized by this section to sell hemp-cannabinoid beverages with an allowable THC concentration of five milligrams or less, may be issued only in those counties or municipalities where a majority of the qualified electors voting in a referendum vote in favor of the issuance of the permit for retail sales of hemp-cannabinoid beverages on Sundays in retail stores.

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The county or municipal election commission, as the case may be, shall conduct a referendum upon petition of at least ten percent but not more than seven thousand five hundred qualified electors of the county or municipality, as the case may be. The petition form must be submitted to the election commission not less than one hundred twenty days before the date of the referendum. The names on the petition must be on the petition form provided to county election officials by the State Election Commission. The names on the petition must be certified by the election commission within sixty days after receiving the petition form. The referendum must be conducted at the next general election. The election commission shall cause a notice to be published in a newspaper circulated in the county or municipality, as the case may be, at least seven days before the referendum. The state election laws shall apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the South Carolina Department of Revenue.

(B) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

(2) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

(3) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.

Article 5

Product Requirements

Section 61-14-500. (A) A hemp-cannabinoid beverage 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 was produced;

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

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certificate of analysis of each hemp-cannabinoid beverage 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 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.

Section 61-14-510. For the purpose of protecting the health, safety, and welfare of the residents of this State from dangerous foreign products, an independent testing laboratory must meet all the following requirements:

(1) accreditation by a third-party accrediting body as a competent testing laboratory pursuant to International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 17025:2017 of the International Organization for Standardization;

(2) having no direct or indirect interest in the producer whose product is being tested; and

(3) having no direct or indirect interest in the facility that cultivates, processes, distributes, or sells hemp-cannabinoid beverages in this State or in another jurisdiction.

Section 61-14-520. (A) The protocols for testing a hemp-cannabinoid beverage 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.

(B) The certificate of analysis must include, at a minimum, all of the following:

(1) the product name, the manufacturer name and location, and the laboratory name;

(2) the date the certificate of analysis is issued;

(3) the method of analysis for each test conducted;

(4) the batch number or lot number of the product;

(5) the results of the tolerance limits tested in (A)(1)-(7), including the cannabinoid profile by the percentage of dry weight of CBD and total THC content and verification that the product contains an amount of total THC not exceeding that which is stated on the label of the product; and

(6) a listing of all ingredients for each product, including, if present, solvents, pesticides, microbial contaminants, and heavy metals.

(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 container.

Section 61-14-530. (A) Packaging of hemp-cannabinoid beverages:

(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; and

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

(B) A person who knowingly sells, holds for sale, or distributes a hemp-cannabinoid beverage 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

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(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.

Section 61-14-540. Each container of a hemp-cannabinoid beverage must be labeled to include, at a minimum:

- (1) a list of all ingredients in descending order of predominance;
- (2) a scannable barcode or quick response code linked to the certificate of analysis;
- (3) the manufacture location, date of manufacture, and expiration date;
- (4) the batch number, which must correspond to the certificate of analysis;
- (5) the total number of milligrams of all THC's and types of THC's found in the container;
- (6) the serving size;
- (7) the total number of milligrams of all THC's per serving;
- (8) the country of origin of all THC's and cannabinoids found in the container;
- (9) warnings for health and safety concerns regarding:
 - (a) hemp-cannabinoid beverage consumption while pregnant or breastfeeding may be harmful;
 - (b) consumption of certain cannabinoids may impair your ability to drive or operate heavy machinery;
 - (c) keeping products away from children;
 - (d) consumption of this product may cause the person to fail a drug test due to the presence of THC;
 - (e) the product is not intended for use by anyone under the age of twenty-one; and
 - (f) hemp-cannabinoid beverages are not approved for any medical use by the United States Food and Drug Administration.

Article 7

Licensing; Relationship between Manufacturers, Wholesalers, and Retailers; Taxation

Section 61-14-700. (A)(1) A manufacturer, wholesaler, or retailer of hemp-cannabinoid beverages must be in possession of a valid, applicable hemp-cannabinoid license issued by the department that has sole and exclusive power to issue hemp-cannabinoid licenses.

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(2) A manufacturer, wholesaler, or retailer of hemp-cannabinoid beverages must be in possession of a valid applicable beer and wine or liquor license issued by the department.

(B) The department may issue, subject to revocation, the following licenses:

(1) hemp-cannabinoid beverage manufacturer's license, which authorizes the licensee to manufacture hemp-cannabinoid beverages and to sell, deliver, or ship hemp-cannabinoid beverages in accordance with regulations in bottles or cans to a person in this State who has a wholesaler's license issued pursuant to this article and in bottle or cans to person outside this State. However, deliveries or shipments may not be made into another state whose laws prohibit the consignee from receiving or selling hemp-cannabinoid beverages;

(2) hemp-cannabinoid beverage 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 in accordance with regulations to a person having a manufacturer's or retail license issued pursuant to this article; and

(3) hemp-cannabinoid beverage retail license, which authorizes the licensees to purchase hemp-cannabinoid beverages from wholesalers having licenses issued pursuant to this article, and to store, keep, possess, and sell hemp-cannabinoid beverages at retail.

(C) The department is authorized to issue, suspend, revoke, renew, or decline to renew hemp-cannabinoid beverage licenses pursuant to Article 3, Chapter 6, Title 61, Sections 61-2-90 through 140, and Section 61-2-260 or to revoke or decline to renew any licenses under Title 61 for violations of this chapter, or both.

Section 61-14-710.(A) A manufacturer of hemp-cannabinoid beverages 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 unless the person holds a valid hemp-cannabinoid beverage wholesaler's license, and a holder of a hemp-cannabinoid beverage wholesaler's license may not sell, barter, exchange, transfer, or deliver for resale hemp-cannabinoid beverages to a person who does not have a hemp-cannabinoid beverage manufacturer's, or retailer's license.

(B)(1) Manufacturers of hemp-cannabinoid beverages containing up to five milligrams of 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.

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(2) Manufacturers of hemp-cannabinoid beverages containing more than five milligrams but no more than ten milligrams of 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.

(C)(1) Wholesalers of hemp-cannabinoid beverages containing up to five milligrams of 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 alcoholic liquor.

(2) Wholesalers of hemp-cannabinoid beverages containing more than five milligrams but no more than ten milligrams of 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) Wholesalers of hemp-cannabinoid beverages must also maintain a wholesaler license issued under Chapter 4 or Chapter 6.

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

(2) Retailers of hemp-cannabinoid beverages more than five milligrams but no more than ten milligrams of allowable THC concentration are subject to Chapter 6 of Title 61, in the same manner and to the same extent those provisions apply to alcoholic liquor.

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

Section 61-14-720.(A) The biennial license taxes on hemp-cannabinoid licenses granted pursuant to this article in addition to all other licenses taxes are as follows:

- (1) manufacturer's license: fifty thousand dollars;
- (2) wholesaler's license: twenty thousand dollars;
- (3) retail license: one thousand two hundred dollars.

(B) Each applicant shall pay a filing fee of one hundred dollars, which must accompany the initial application for each location and is not refundable.

(C) A person who applies for a license after the first day of a license period shall pay license fees in accordance with the schedule provided in Section 61-6-1810.

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Section 61-14-730. (A) The license tax or taxes imposed on wholesale sales by this section shall, except as otherwise expressly provided, be in addition to all other licenses and taxes levied by law, as a condition precedent to engaging in any business or doing any act taxable under this chapter.

(B) In addition to all other taxes levied, assessed, collected, and paid in with respect to hemp-cannabinoid beverages, 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 (5) milligrams or less of an allowable THC concentration.

(C) In addition to all other taxes levied, assessed, collected, and paid in with respect to hemp-cannabinoid beverages, 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 (5) milligrams of an allowable THC concentration.

(D) 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.

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 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. 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.

Section 61-14-750. (A) For hemp-cannabinoid beverages 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.

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(B) For hemp-cannabinoid beverages 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.

(C) In no case shall any discount be allowed if the taxes are not paid in full or if either the report or the taxes are received by the department after the date due, or after the expiration of any extension granted by the department.

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 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.

Section 61-14-770. The department may promulgate rules and regulations for the payment and collection of the taxes levied by this article. The administrative provisions of Article 21, Chapter 21, Title 12 and Articles 3 and 5, Chapter 33, Title 12 wherever applicable, are adopted for the administration and enforcement of the provisions of this article.

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 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.

Section 61-14-790. (A) The cost of supplies and other expenses of the administration of this article shall be paid out of the proceeds derived from the collection of this tax upon warrants drawn by the department upon the State Treasurer.

(B) The hemp-cannabinoid beverages 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.

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Section 61-14-800. (A) It is unlawful for a person to sell or permit to be sold hemp-cannabinoid beverages 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.

(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. 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 sold on which taxes levied have not been paid is a separate offense.

Article 9

Provisions Affecting Hemp-Cannabinoid Beverages Only

Section 61-14-900. (A) A manufacturer, producer, distributor, wholesaler, and retailer must abide by the regulations of practices between each other, as established in Section 61-4-735 and Section 61-4-940, as applied to hemp-cannabinoid beverages.

(B) Except as provided in subsection (C), a manufacturer, producer, or wholesaler of hemp-cannabinoid, 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 beverage retail license any equipment, fixtures, free hemp-cannabinoid beverages, or service. The holder of a hemp-cannabinoid beverage retail license or a person acting on his behalf may not accept, directly or indirectly, any equipment, fixtures, free hemp-cannabinoid beverages, or service referred to in this subsection from a manufacturer, producer, wholesaler of hemp-cannabinoid beverages, except as provided in subsection (C).

(C) A wholesaler may furnish at no charge to the holder of a hemp-cannabinoid beverage retail license equipment, replacement parts of

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nominal value, and product displays as provided under 27 Code of Federal Regulations, Section 6.83, and point of sale advertising specialties. A wholesaler also may furnish the following services to a retailer: rotating stock, affixing price tags to hemp-cannabinoid beverages, building hemp-cannabinoid beverage displays, setting boxes, developing shelf schematics, stocking shelves, and assisting in hemp-cannabinoid beverage resets at the same rate as beer resets for any store having a retail permit during the hours of 8:00 a.m. to 8:00 p.m. Resets are defined as being a change in the location of the hemp-cannabinoid beverage department within a store or a rearrangement of the products on shelves within the store's hemp-cannabinoid department, which involves more than one wholesaler's products. All wholesalers must be notified in writing of any resets being requested by a retail store at least fourteen days prior to reset.

(D) Producers, manufacturers, and importers of hemp-cannabinoid beverages are declared to be in business on one tier, a wholesaler on another tier, and a retailer on another tier. For the purposes of this section, a manufacturer or producer of hemp-cannabinoid beverages is declared to be a tier one business, a wholesaler or importer owned solely by a wholesaler is declared to be a tier two business, and a retailer is declared to be a tier three business. A person or entity in the hemp-cannabinoid beverage business on one tier or a person acting directly or indirectly on his behalf may not have ownership or financial interest in a hemp-cannabinoid beverage business operated on another tier.

(E) A manufacturer, producer, importer, or wholesaler of hemp-cannabinoid beverages may discount product price based on quantity purchases if all discounts are on price only, appear on the sales records, and are available to all retail customers.

(F) A person or entity on one tier that has ownership or financial interest on January 1, 2026, in a business that upon the effective date of this section will be an entity on another tier has two years from the effective date of this section to divest the interest in either of the entities so as to only have ownership or financial interest in one tier as described in subsection (D). This section does not exempt any requirements of the three-tier system as described in Title 61. For purposes of this subsection, ownership or financial interest does not include the ownership of less than one percent of the stock in a corporation with a class of voting shares registered with the Securities and Exchange Commission or other federal agency under Section 12 of the Securities and Exchange Act of 1934, as amended, or a consulting agreement under which the consultant has no

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control over business decisions and whose compensation is unrelated to the profits of the business.

Section 61-14-920. Hemp-cannabinoid beverages in a 750 mL bottle or a single serving can with 10 mg of the allowable THC concentration per serving may be sold only in licensed alcoholic liquor stores.

SECTION 42. If the federal government exercises its right to regulate hemp-cannabinoid beverages through prohibition or regulation, then the allowable THC concentration shall be the lesser of either the federally defined THC level for hemp-cannabinoid beverages or delta-9 tetrahydrocannabinol that is not more than three-tenths of one percent on a dry weight basis or more than ten milligrams on a liquid basis.

SECTION 43. Pre-existing stock, purchased prior to the effective date of this act, may be sold through November 12, 2026, provided a certificate of analysis is available and sales are prohibited to anyone under the age of twenty-one.

SECTION 44. 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 45. 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 46. The prohibition and enforcement of hemp-cannabinoid beverage distribution and sales to individuals under the age of twenty-one are effective upon the signature of the Governor, and the remaining

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provisions of this act take effective sixty days after approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 29; Nays 4

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Chaplin
Climer	Cromer	Davis
Devine	Elliott	Gambrell
Graham	Hembree	Hutto
Jackson	Johnson	Kimbrell
Ott	Peeler	Rankin
Rice	Stubbs	Sutton
Tedder	Walker	Williams
Young	Zell	

Total--29

NAYS

Bright	Corbin	Garrett
Massey		

Total--4

The amendment was adopted.

Amendment No. 2B

Senator JOHNSON proposed the following amendment (SJ-3924.MB0026S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking paragraph (E)(10) and inserting:

(10) ensure that statutes and regulations relating to intoxicating beverages exist to serve the interests of the State of South Carolina and

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its citizens rather than to serve or protect the interests of the market participants by adopting protectionist measures with no demonstrable connection to the state’s legitimate interests in regulating intoxicating beverages that may cause impairment.

Amend the bill further, 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, SECTION 3, by striking Section 46-55-10(3)(x) and (xi) and inserting:

(x) delta-8 isotetrahydrocannabinol, delta-4 isotetrahydrocannabinol and isohexahydrocannabinol; ~~or~~

(xi) any combination of the compounds, including hexahydrocannabiphorol-o-ester and delta-8 tetrahydrocannabiphorol acetate, or delta-9 tetrahydrocannabiphorol acetate; or

(xii) any other substance that contains THC that, when ingested, inhaled, or absorbed into the body, produces an intoxicating or psychoactive reaction

Amend the bill further, SECTION 3, by striking Section 46-55-10(19) and (20) and inserting:

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

(13)(19)(20) “State plan” means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.

(14)(20)(21) “THC” means tetrahydrocannabinol.

Amend the bill further, SECTION 7, 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 beverages 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 beverage

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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.

Amend the bill further, SECTION 8, by striking Section 61-2-136 and inserting:

Section 61-2-136. Notwithstanding another provision of law, a currently licensed beer and wine wholesaler~~—or,~~ currently licensed alcoholic liquor wholesaler, or currently licensed hemp-cannabinoid wholesaler who wishes to relocate the licensed business to a new location within the State must notify the department. This notice must be in writing, must precisely describe the premises to be licensed, must give the date of the move, and must be filed with the department at least thirty days prior to the move. Upon receipt of this notice, the department shall transfer the permit to the new premises effective on the date of the move. In addition to a hemp-cannabinoid beverage wholesaler license, the person must also have a wholesale license for alcoholic liquor or beer and wine and continue ~~servicing~~ purchase, store, keep, possess, import into this State, transport, sell, and deliver both types of products: hemp-cannabinoid beverages and beer, wine, or liquor in the new location.

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

SECTION X. Section 61-2-30 of the S.C. Code is amended to read:

Section 61-2-30. The department and the division must employ personnel necessary to administer and enforce the laws and regulations governing alcoholic liquors, hemp-cannabinoid beverages, beer, and wine. Salaries of these personnel must be set by the department and the division, as applicable.

SECTION X. Section 61-2-80 of the S.C. Code is amended to read:

Section 61-2-80. The State, through the department, is the sole and exclusive authority empowered to regulate the operation of all locations authorized to sell beer, wine, hemp-cannabinoid beverages, or alcoholic liquors, is authorized to establish conditions or restrictions which the department considers necessary before issuing or renewing a license or permit, and occupies the entire field of beer, wine, hemp-cannabinoid-beverage and liquor regulation except as it relates to hours of operation more restrictive than those set forth in this title.

Nothing contained in this section may be considered as prohibiting judicial appeals from decisions of the Administrative Law Court, as authorized by Chapter 23 of Title 1, nor as limiting the authority of the courts in interpreting and applying the laws of this State relating to matters administered by the department.

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SECTION X. Section 61-2-105 of the S.C. Code is amended to read:

Section 61-2-105. Notwithstanding another provision of law, all initial alcoholic liquor, hemp-cannabinoid beverage, and beer and wine license application fees are increased by one hundred dollars, all biennial alcoholic liquor and beer and wine beverage fees and licenses are increased by two hundred dollars, and all local operation permit fees are increased by fifty dollars. These additional funds must be collected by the Department of Revenue and as soon as practicable allocated to the State Law Enforcement Division to offset the costs of inspections, investigations, and enforcement. SLED is authorized to receive, expend, and carry forward these funds.

SECTION X. Section 61-2-175 of the S.C. Code is amended to read:

Section 61-2-175. (A) Any person or corporate entity (including partnerships) located in another state or country who knowingly and intentionally ships, causes to be shipped, or accepts for shipment any beer, wine, hemp-cannabinoid beverages or alcoholic liquors directly to any resident of this State who does not hold a valid producer's, manufacturer's, wholesaler's, or special food manufacturer's license or producer representative's certificate of registration issued by the State of South Carolina is in violation of this title.

(B) Any person, corporation, or partnership found by the department to be in violation of subsection (A) of this section shall be issued a notice to cease and desist. Any person, corporation, or partnership who, after receiving a cease and desist order, is found by the department to be in violation of subsection (A) of this section for a second or subsequent occurrence within a two-year period of the first violation is guilty of a misdemeanor and, upon conviction, must be punished by a fine not to exceed \$10,000. This subsection shall not apply to any person, corporation, or partnership who has registered brands for sale with the department pursuant to this title and who has current licenses and who has posted adequate surety bonds as required by this title; however, violations of subsection (A) constitute grounds for the department to take appropriate administrative action against the person, including suspension or cancellation of license and forfeiture of bonds.

Amend the bill further, SECTION 15, by striking Section 61-4-50(C) and inserting:

(C) A person who violates the provisions of this section also is required to successfully complete a ~~DAODAS~~ an Office of Substance Use Services approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars.

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Amend the bill further, SECTION 15, by striking Section 61-4-50(D)(1) and inserting:

(D)(1) Whenever any person who has not previously been convicted of any offense under this section, pleads guilty to or is found guilty of a sale in violation of this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires provided that one such condition must be that he complete the merchant education program described in subsection (C). Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section must be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. However, a nonpublic record must be forwarded to and retained by the ~~South Carolina Law Enforcement Division~~division for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense under this section. The ~~South Carolina Law Enforcement Division~~division must produce this record upon subpoena or court order. Discharge and dismissal under this section may occur only once with respect to any person.

Amend the bill further, SECTION 24, Section 61-4-300, by striking the <<placeholder>> undesignated paragraph and inserting:

“Producer” as used in this article means:

—(1)— a brewery or winery or a manufacturer, bottler, or importer of beer or wine into the United States;

—(2)~~and, as used in this chapter, includes a manufacturer, a bottler, or importer of hemp-cannabinoid beverages into the United States.~~

Amend the bill further, SECTION 41, by striking Section 61-14-10(1) and inserting:

(1) “Allowable THC concentration” means the total naturally derived delta-9 THC concentration of:

—(a) ~~not more than 5 mg~~five milligrams on a liquid weight basis in a twelve-ounce single serving container sold in a retail store; or

—(b) more than five milligrams but not more than 10 mg~~ten milligrams~~ on a liquid weight basis per serving, which can be:

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

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

Amend the bill further, SECTION 41, by striking Section 61-14-10(6) and (7) and inserting:

(6) “Division” means the ~~State~~ South Carolina Law Enforcement Division.

(7) “Hemp” has the same meaning as Section 46-55-10~~(12)~~(13).

Amend the bill further, SECTION 41, by striking Section 61-14-10(8)(b) and inserting:

(b) as no more than seventeen servings with a total of ~~170 mg~~ one hundred-seventy milligrams of THC in a single 750-milliliter bottle.

Amend the bill further, SECTION 41, by striking Section 61-14-10(17) and inserting:

(17) “Wholesaler” means a person who purchases, acquires, or imports from outside this State or who purchases or acquires from a manufacturer or producer in the State hemp-cannabinoid beverages, ~~hemp-cannabinoid ingestible products, or both~~ for resale.

Article 3

Enforcement

Amend the bill further, SECTION 41, by striking Section 61-14-700(A)(2) and inserting:

(2) A ~~manufacturer~~, wholesaler, or retailer of hemp-cannabinoid beverages must be in possession of a valid applicable beer and wine or liquor license issued by the department.

Amend the bill further, SECTION 41, by striking Section 61-14-700(B)(3) and inserting:

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

Amend the bill further, SECTION 41, by striking Section 61-14-710(B)(1) and (2) 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 no 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.

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Amend the bill further, SECTION 41, by striking Section 61-14-710(C)(1) and inserting:

(C)(1) Wholesalers of hemp-cannabinoid beverages containing up to five milligrams of 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 ~~alcoholic liquor~~ beer and wine.

Amend the bill further, SECTION 41, by striking Section 61-14-710(D)(2) and inserting:

(2) Retailers of hemp-cannabinoid beverages containing more than five milligrams but no more than ten milligrams of allowable THC concentration 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 41, 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, 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 ~~(5)~~ milligrams or less of an allowable THC concentration.

(C) In addition to all other taxes levied, assessed, collected, and paid in with respect to hemp-cannabinoid beverages, 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 ~~(5)~~ milligrams of an allowable THC concentration.

Amend the bill further, SECTION 41, by striking Section 61-14-900(D) and inserting:

(D) Producers, manufacturers, and importers of hemp-cannabinoid beverages are declared to be in business on one tier, a wholesaler on another tier, and a retailer on another tier. For the purposes of this section, a manufacturer or producer of hemp-cannabinoid beverages is declared to be a tier one business, a wholesaler or importer owned solely by a wholesaler is declared to be a tier two business, and a retailer is declared to be a tier three business. A person or entity in the hemp-cannabinoid beverage business on one tier or a person acting directly or indirectly on his behalf may not have ownership or financial interest in a hemp-cannabinoid beverage business operated on another tier. For purposes of this subsection, ownership or financial interest does not include the ownership of less than one percent of the stock in a corporation with a class of voting shares registered with the Securities

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and Exchange Commission or other federal agency under Section 12 of the Securities and Exchange Act of 1934, as amended, or a consulting agreement under which the consultant has no control over business decisions and whose compensation is unrelated to the profits of the business.

Amend the bill further, SECTION 41, by striking Section 61-14-900(F) and inserting:

(F) A person or entity on one tier that has ownership or financial interest on January 1, 2026, in a business that upon the effective date of this section will be an entity on another tier has two years from the effective date of this section to divest the interest in either of the entities so as to only have ownership or financial interest in one tier as described in subsection (D). This section does not exempt any requirements of the three-tier system as described in Title 61. ~~For purposes of this subsection, ownership or financial interest does not include the ownership of less than one percent of the stock in a corporation with a class of voting shares registered with the Securities and Exchange Commission or other federal agency under Section 12 of the Securities and Exchange Act of 1934, as amended, or a consulting agreement under which the consultant has no control over business decisions and whose compensation is unrelated to the profits of the business.~~

Amend the bill further, SECTION 41, by striking Section 61-14-920 and inserting:

Section 61-14-920. Hemp-cannabinoid beverages in a ~~750 mL~~750-milliliter bottle or a single serving can with ~~10 mg~~more than five milligrams but not more than ten milligrams of the allowable THC concentration per serving may be sold only in licensed alcoholic liquor stores.

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 32; Nays 2

AYES

Adams
Bennett

Alexander
Blackmon

Allen
Bright

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Chaplin	Climer	Cromer
Davis	Devine	Elliott
Gambrell	Graham	Hembree
Hutto	Jackson	Johnson
Kimbrell	Massey	Ott
Peeler	Rankin	Rice
Stubbs	Sutton	Tedder
Turner	Walker	Williams
Young	Zell	

Total--32

NAYS

Corbin	Garrett
--------	---------

Total--2

The amendment was adopted.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William Harry Durham of Clemson, S.C. William was a graduate of the Alabama Polytechnic Institute in Auburn. He served in the United States Army in West Germany and later completed graduate school at the University of North Carolina. William worked for Clemson University in a variety of roles including being a radio-TV editor with the Department of Agricultural Communications, established the university's first television studio and directed its photographic and audio/visual services before retiring in 1993 as associate vice president of university relations. William retired from the Army Reserves with the rank of Colonel. He also served as a Rotarian, was a member of the Chamber of Commerce and board member of the Carolina/Georgia Blood Center. William and his wife Ina adopted students from Clemson University over the years and taught and mentored young couples in Sunday School at Clemson Baptist Church. His greatest joy was his family, and he enjoyed traveling and spending time with them. William was a loving father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 5:53 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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