

NO. 37

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

WEDNESDAY, MARCH 18, 2026

**Wednesday, March 18, 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:

I Samuel 3:10

After several earlier visits, we are told that: “ The Lord came and stood there, calling as the other times, ‘Samuel! Samuel!’ Then Samuel said, ‘Speak, for your servant is listening.’ ”

Friends, please bow with me in prayer: We are fully aware, O Lord, how much indeed is expected from these servants of Yours -- each of these Senators and every staff aide -- individuals who have chosen to work here in the Senate of South Carolina. Indeed, the roles they have taken on in serving the people and tackling issues -- often problems that are varied and frequently challenging -- how great indeed do all of these individuals need Your guidance and blessing. So we simply ask today, dear God, that You will bestow upon each one of these servants Your richest gifts as they continue to lead our State ever forward. And as always, O Lord, we again call upon You to mercifully bring peace and hope to the many places globally where turmoil and warfare continue to rage. We so pray in Your loving name. 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
Campsen	Cash	Chaplin
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Johnson
Kennedy	Kimbrell	Leber

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Martin	Massey	Matthews
Ott	Peeler	Reichenbach
Rice	Sabb	Stubbs
Sutton	Turner	Verdin
Walker	Williams	Young
Zell		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Bamberg County:

Donald L. Price, 2534 Tractor Road, Bamberg, SC 29003

Leave of Absence

On motion of Senator BRIGHT, at 1:09 P.M., Senator FERNANDEZ was granted a leave of absence for today.

Leave of Absence

At 1:12 P.M., Senator MARTIN requested a leave of absence beginning at 2:27 P.M. until Tuesday, March 24, 2026.

Leave of Absence

At 3:49 P.M., Senator GROOMS requested a leave of absence from 4:00 P.M - 12:00 A.M.

Leave of Absence

On motion of Senator GAMBRELL, at 4:16 P.M., Senator GOLDFINCH was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator DAVIS, at 4:56 P.M., Senator KIMBRELL was granted a leave of absence for one hour.

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Leave of Absence

On motion of Senator RICE, at 6:32 P.M., Senator REICHENBACH was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 9:21 P.M., Senator JACKSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator DAVIS, at 10:41 P.M., Senator KIMBRELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator CASH, at 11:52 P.M., Senator GAMBRELL 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. 682 Sen. Alexander

S. 1023 Sen. Hutto

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1026 -- Senator Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ZEUS INDUSTRIAL PRODUCTS SOUTH CAROLINA FOR ADVANCING TO THE TOP FOUR OF THE 2026 MANUFACTURING MADNESS: THE COOLEST THING MADE IN SOUTH CAROLINA CONTEST.

sr-0589km-amb26.docx

The Senate Resolution was adopted.

S. 1027 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-200 SO AS TO AUTHORIZE COMMUNITY DEVELOPMENT CORPORATIONS, TO DEFINE TERMS, TO ESTABLISH LENDING AUTHORITY, CONDITIONS AND LIMITATIONS, AND EXEMPTIONS, AND TO PROVIDE A SUNSET CLAUSE.

lc-0237ph26.docx

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

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S. 1028 -- Senators Bright, Goldfinch, Climer, Fernandez and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS TO PROVIDE THAT REFERENDA HELD PURSUANT TO SECTION 4-8-120, SECTION 4-10-30, SECTION 4-10-35, SECTION 4-10-330, SECTION 4-10-425, 4-10-460, SECTION 4-10-550, 4-10-570, SECTION 4-10-740, SECTION 4-10-750, SECTION 4-10-760, SECTION 4-10-930, SECTION 4-10-980, SECTION 4-11-265, SECTION 4-20-20, 4-23-1015, SECTION 4-37-30, SECTION 5-15-30, SECTION 5-31-235, SECTION 6-1-320, SECTION 6-1-630, SECTION 6-11-271, SECTION 6-11-273, SECTION 6-11-2070, SECTION 6-13-120, SECTION 13-12-15, SECTION 48-9-590, SECTION 48-11-70, SECTION 48-11-100, 48-11-120, 48-11-185, SECTION 48-11-190, AND SECTION 61-6-2010 MUST BE HELD ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN EVEN-NUMBERED YEARS.

sr-0538km26.docx

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

S. 1029 -- Senators Garrett and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-40, RELATING TO THE DEPARTMENT OF PUBLIC HEALTH'S GENERAL SUPERVISION OF VACCINATION, SCREENING, AND IMMUNIZATION, SO AS TO ALLOW THE DEPARTMENT OF PUBLIC HEALTH TO HAVE GENERAL SUPERVISION OF EXEMPTIONS TO VACCINATIONS, SCREENING, AND IMMUNIZATION; BY ADDING SECTION 44-29-45 SO AS TO ALLOW A PARENT OR GUARDIAN OF A MINOR CHILD TO SEEK A PERSONAL EXEMPTION FROM ANY VACCINATION OR IMMUNIZATION REQUIRED TO ATTEND A PUBLIC INSTITUTION, SCHOOL, OR DAY CARE; AND BY AMENDING SECTION 44-29-180, RELATING TO THE VACCINATION OR IMMUNIZATION OF CHILDREN IN DAY CARE, SO AS TO INCLUDE A CERTIFICATE OF PERSONAL EXEMPTION.

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Read the first time and referred to the Committee on Medical Affairs.

S. 1030 -- Senators Alexander and Martin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 20, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE RIGHT TO KEEP AND BEAR ARMS, SO AS TO CLARIFY

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THAT EVERY CITIZEN HAS THE PERSONAL, FUNDAMENTAL RIGHT TO KEEP AND BEAR ARMS AND THAT RIGHT SHALL NOT BE INFRINGED BY INTERNATIONAL TREATIES OR LAWS THAT VIOLATE THE UNITED STATES CONSTITUTION.

sr-0580km26.docx

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

S. 1031 -- Senator Stubbs: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 4-1-190 AND 5-25-950 SO AS TO PROHIBIT GOVERNING BODIES FROM LIMITING THE USE OF SPECIFIC STYLES OF EXTERIOR CLADDING OR FINISH MATERIALS FOR RESIDENTIAL OR COMMERCIAL BUILDINGS.

sr-0125cem26.docx

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

S. 1032 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE NURSEADVANCE INNOVATIONS FOR BEING A MANUFACTURING COMPANY THAT BRINGS GREAT PRIDE TO THE STATE OF SOUTH CAROLINA.

lc-0240ph-gm26.docx

The Senate Resolution was adopted.

S. 1033 -- 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 EXPRESS PROFOUND SORROW UPON THE PASSING OF DALE JOHNSON MOORE AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

sr-0593km-amb26.docx

The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEE

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

S. 97 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-45-25 SO

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AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF COUNTY TREASURER.

Ordered for consideration tomorrow.

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

S. 98 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-39-25 SO AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF COUNTY AUDITOR.

Ordered for consideration tomorrow.

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

S. 344 -- Senators Johnson, Ott, Graham, Adams, Peeler, Leber and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT"; BY ADDING CHAPTER 61 TO TITLE 11 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION AS A GRANT PROGRAM THAT ASSISTS THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA, TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING, TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION, TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND, AND TO PROVIDE DEFINITIONS RELATED TO HORSE RACING.

Ordered for consideration tomorrow.

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

S. 508 -- Senators Verdin, Goldfinch, Martin, Peeler, Bennett, Young, Blackmon, Kimbrell, Zell, Nutt, Fernandez, Alexander, Turner, Adams, Leber, Corbin, Grooms, Hembree, Rice, Massey, Garrett, Chaplin, Cromer, Johnson, Gambrell, Kennedy, Davis, Climer, Campsen, Reichenbach, Bright and Cash: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 10-1-165, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS OR MEMORIALS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO WITHHOLD DISBURSEMENTS FROM THE LOCAL GOVERNMENT FUND

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FOR ANY COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION, TO PROVIDE FOR THE CARE AND PRESERVATION OF MONUMENTS AND MEMORIALS BY CERTAIN PEOPLE OR ORGANIZATIONS, TO PROVIDE STANDING TO CERTAIN PEOPLE OR ORGANIZATIONS TO BRING A CIVIL ACTION IN RESPONSE TO A VIOLATION OF THIS SECTION OR TO PREVENT SUCH VIOLATION, AND TO PROVIDE FOR LIMITATIONS ON THE TRANSFER OF REAL PROPERTY UNDERNEATH A MONUMENT OR MEMORIAL OR THE TRANSFER OF REAL PROPERTY NECESSARY TO MAINTAIN, ACCESS, OR VIEW A MONUMENT OR MEMORIAL.

Ordered for consideration tomorrow.

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

S. 682 -- Senators Young, Kimbrell, Corbin, Gambrell, Cromer, Massey, Rice, Verdin, Campsen, Kennedy, Garrett, Elliott, Stubbs, Ott and Nutt: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3830 SO AS TO ALLOW AN INCOME TAX CREDIT FOR A TIMBER CASUALTY LOSS IN A FEDERALLY DECLARED DISASTER AREA RESULTING FROM HURRICANE HELENE; AND BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO ALLOW A DEDUCTION FOR PAYMENTS RECEIVED FROM CERTAIN DISASTER RELIEF AGENCIES RESULTING FROM HURRICANE HELENE.

Ordered for consideration tomorrow.

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

S. 866 -- Senators Elliott and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MUNICIPAL TAX RELIEF ACT" BY ADDING CHAPTER 41 TO TITLE 5 SO AS TO AUTHORIZE CERTAIN MUNICIPALITIES TO IMPOSE UP TO A ONE PERFECT SALES TAX TO PROVIDE PROPERTY TAX RELIEF TO OWNER-OCCUPIED HOMES AND TO FINANCE CERTAIN PROJECTS, TO SPECIFY THE MANNER IN WHICH THE TAX MUST BE IMPOSED AND ADMINISTERED AND THE MANNER IN WHICH THE PROPERTY TAX CREDIT IS CALCULATED.

Ordered for consideration tomorrow.

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

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, B.L. 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.

Ordered for consideration tomorrow.

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

H. 3514 -- Reps. Wooten, Mitchell, Pedalino, Guest, Crawford and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT STATE DEPARTMENTS, AGENCIES, INSTITUTIONS, AND POLITICAL SUBDIVISIONS MAY NOT USE PUBLIC FUNDS TO PURCHASE CERTAIN FLAGS UNLESS THE FLAGS ARE MADE IN THE UNITED STATES.

Ordered for consideration tomorrow.

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

H. 3768 -- Reps. Brewer, Gatch, Robbins, Schuessler and Sessions: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ACT 36 OF 2019, RELATING TO HIGHWAY SYSTEM CONSTRUCTION, SO AS TO CHANGE THE SUNSET EXPIRATION PROVISION TO JULY 1, 2031.

Ordered for consideration tomorrow.

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

H. 4303 -- Reps. Gatch, Cobb-Hunter, Sessions, M.M. Smith, Brewer, Rutherford, Gagnon, Guest, Guffey, Weeks, Hosey and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-620, RELATING TO TAX RATES ON PRODUCTS CONTAINING TOBACCO, SO AS TO TAX CIGARETTES FOR HEATING ONE AND ONE-QUARTER MILLS ON EACH CIGARETTE.

Ordered for consideration tomorrow.

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

SECOND READING BILL

H. 5182 -- Reps. Hager, Erickson and W. Newton: A BILL TO AUTHORIZE THE JASPER COUNTY COUNCIL TO PROVIDE LOCAL FUNDS ON A PER-PUPIL BASIS TO CHARTER SCHOOLS IN THE COUNTY THAT SATISFY CERTAIN CRITERIA, AND TO PROVIDE THE COUNCIL MAY DESIGNATE AND ALLOCATE ANY COUNTY REVENUE SOURCE FOR ALLOCATION TO ELIGIBLE CHARTER SCHOOLS PURSUANT TO THE SUBSECTION.

On motion of Senator DAVIS.

SECOND READING BILL

S. 1020 -- Senator Kennedy: A BILL TO PROVIDE THAT THE ELECTION OF SCHOOL TRUSTEES IN LEXINGTON COUNTY SCHOOL DISTRICTS 1, 2, AND 4 BE ON A PARTISAN BASIS BEGINNING IN 2028.

On motion of Senator KENNEDY.

Recorded Vote

Senator MASSEY desired to be recorded as voting against the second reading of the Bill.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, SECOND READING FAILED

H. 3924 -- Reps. Wooten, W. Newton, Erickson, Neese, Hager, Bannister, Herbkersman, M.M. Smith, Pedalino, C. Mitchell, Bustos,

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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. 4A.

Amendment No. 4A

Senators KIMBRELL, ZELL, DAVIS and LEBER proposed the following amendment (SJ-3924.MB0043S), which was tabled:

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

Section 46-55-5. (A) 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 Chapter 56 of Title 45 and Chapters 2, 4, 6, and 14 of Title 61, and synthetic ~~cannabis~~cannabinoid products are strictly prohibited and a violation should be treated as marijuana under Chapter 53, Title 44.

(B) It is unlawful for any person to manufacture, possess with intent to sell, distribute, or offer for sale any synthetic cannabinoid product within South Carolina, or to cause such products into this State for sale or distribution.

(C) It is unlawful for any person to offer for sale or distribution within this State any hemp-derived consumable product containing synthetic cannabinoid as defined in Section 46-55-10.

(D) The department shall develop and publish a list of approved cannabinoids and prohibited synthetic cannabinoids. Any cannabinoid not explicitly approved may only be distributed in the State after the department has issued written approval based on laboratory analysis and chemical verification.

(E) Violations of this section must be punished in the same manner as violation involving THC pursuant to Sections 44-53-190 and 44-53-370.

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(F) The division shall enforce the provisions of this section in coordination with the department.

Amend the bill further, SECTION 3, by striking Section 46-55-10(13)(a), (b), (aa), (bb), (aa), and (bb) and inserting:

~~(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 consistent with the federal Agriculture Improvement Act of 2018. 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:~~

~~— (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~~

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

Amend the bill further, SECTION 3, by striking Section 46-55-10(14), (15), (16), (17), (18), (19), (20), and (21) and inserting:

~~—(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 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.~~

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(15) “Hemp-derived consumable product means a finished product derived from hemp that is intended for human ingestion, containing one or more hemp-derived cannabinoids, including naturally derived delta-9 THC, with a total THC concentration of not more than 0.3 percent on a dry weight basis.

(a) Hemp-derived consumable products must be in the following form:

(i) edibles;

(ii) gummies;

(iii) capsules; or

(iv) oils for ingestion.

(b) This definition excludes topical products, seeds, or seed-derived ingredients generally recognized as safe (GRAS) by the U.S. Food and Drug Administration, industrial hemp products, not intended for consumption, and any product classified as marijuana under federal law or Section 44-53-110.

(16) “Independent testing laboratory” means a laboratory that:

(a) is accredited under ISO/IEC 17025:2017 standards;

(b) has no financial interest in any manufacturer, distributor, or retailer being tested;

(c) is capable of testing for cannabinoids using a high-performance liquid chromatography (HPLC) or a validated equivalent method; and

(d) can test for contaminants including heavy metals, pesticides, mycotoxins, solvents, and microbials.

(17) “Ingestible product” means hemp-derived consumable product intended for consumption through the mouth by swallowing in the gastrointestinal system.

~~(10)(16)~~(18) “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.

(19) “Manufacturer” means any person or entity that engages in:

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

(b) conversion of cannabinoid precursor compounds;

(c) compounding, blending, extracting, infusing, cooking, or formulating hemp-derived consumable products; or

(d) packaging, repackaging, labeling, or relabeling of hemp-derived consumable products.

~~(11)(17)~~(20) “Marijuana” has the same meaning as in Section 44-53-110 and does not include tetrahydrocannabinol in hemp or hemp products as defined herein.

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(21) “Non-liquid ingestible product” means any hemp-derived consumable product intended for ingestion that is not a liquid including, but not limited to, gummies, edible, capsules, and tablets.

~~(12)(18)~~(22) “Processing” means converting an agricultural commodity into a marketable form.

(23) “Proof of age” means a valid government-issued photographic identification document including, but not limited to, a driver’s license, passport, military identification card, or other state-issued identification card that confirms the holder is at least twenty-one years of age.

~~—(19)~~(24) “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.

(25) “Retailer” means any person or entity that sells hemp-derived consumable products directly to consumers for personal use, including through physical locations, online sales, or mail-order sales.

~~(13)(20)~~(26) “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.

(27) “Synthetic cannabinoid” means any cannabinoid compound that:

(a) is created, produced, or synthesized through chemical synthesis, chemical modification, or isomerization that does not occur naturally in the Cannabis sativa L. plant in appreciable quantities;

(b) includes but is not limited to:

(i) fully synthetic cannabinoids manufactured entirely through chemical synthesis, including, but not limited to, HU-210, JWH-018, JWH-073, XLR-11, or other synthetic cannabinoid receptor agonists;

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

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

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

(c) does not include:

(i) cannabinoids including: delta-9 THC, CBDA, CBN, CBC, CBG, THCV that are derived directly through extraction, distillation,

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chromatography, or other mechanical or non-chemical separation processes from Cannabis sativa L. plant material;

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

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

(iv) trace byproducts resulting from standard derivatization processes.

(14)~~(21)~~(28) “THC” means tetrahydrocannabinol.

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

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

__CHAPTER 56

__Hemp-Derived Consumable Products

__Article 1

__General Provisions

Section 46-56-10. The General Assembly finds and declares that:

(1) The regulation of full spectrum and broad-spectrum hemp-derived cannabinoid products that comply with the federal 0.3 percent of delta-9 THC on a dry weight basis standard serves the public interest by ensuring product quality, consumer safety, and appropriate tax collection.

(2) A comprehensive regulatory framework is necessary to protect public health, prevent youth access, provide truthful labeling and product safety, and establish a lawful, transparent marketplace for hemp-derived consumable products.

(3) Licensing of manufacturers, distributors, and retailers creates accountability in the supply chain and protects public health.

(4) Age restrictions limiting sales to persons twenty-one years of age or older protect youth from potential harm and align with federal and state policies governing age-restricted products.

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

Section 46-56-20. For purposes of this chapter:

(1) “Adult” or “adult consumer” means a person who has attained twenty-one years of age.

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(2) “Batch” means a specific quantity of hemp-derived consumable product that is manufactured during a defined period and is intended to have uniform character and quality.

(3) “Certificate of Analysis” or “COA” means a batch-specific laboratory report issued by an independent testing laboratory that includes cannabinoid profiles, contaminants, total THC content, and is accessible by a quick response code (QR code) or by a uniform resource locator (URL).

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

(5) “Distributor” means a person or entity that purchases, receives, possesses, stores, transports, and sells or delivers hemp-derived consumable products to retailers or other entities for resale but does not manufacture or process the products.

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

(7) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis consistent with the federal Agriculture Improvement Act of 2018

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

(9) “Hemp-derived consumable product” “Hemp-derived consumable product” means a finished product derived from hemp that is intended for human ingestion, containing one or more hemp-derived cannabinoids, including naturally derived delta-9 THC, with a total THC concentration of not more than 0.3 percent on a dry weight basis.

(a) Hemp-derived consumable products must be in the following form:

- (i) edibles;
- (ii) gummies;
- (iii) capsules; or
- (iv) oils for ingestion.

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(b) This definition excludes topical products, seeds, or seed-derived ingredients generally recognized as safe (GRAS) by the U.S. Food and Drug Administration, industrial hemp products, not intended for consumption, and any product classified as marijuana under federal law or Section 44-53-110.

(10) “Independent testing laboratory” means a laboratory that:

(a) is accredited under ISO/IEC 17025:2017 standards;

(b) has no financial interest in any manufacturer, distributor, or retailer being tested;

(c) is capable of testing for cannabinoids using a high-performance liquid chromatography (HPLC) or a validated equivalent method; and

(d) can test for contaminants including heavy metals, pesticides, mycotoxins, solvents, and microbials.

(11) “Ingestible product” means hemp-derived consumable product intended for consumption through the mouth by swallowing in the gastrointestinal system.

(12) “Manufacturer” means any person or entity that engages in:

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

(b) conversion of cannabinoid precursor compounds;

(c) compounding, blending, extracting, infusing, cooking, or formulating hemp-derived consumable products; or

(d) packaging, repackaging, labeling, or relabeling of hemp-derived consumable products.

(13) “Non-liquid ingestible product” means any hemp-derived consumable product intended for ingestion that is not a liquid including, but not limited to, gummies, edible, capsules, and tablets.

(14) “Proof of age” means a valid government-issued photographic identification document including, but not limited to, a driver’s license, passport, military identification card, or other state-issued identification card that confirms the holder is at least twenty-one years of age.

(15) “Retailer” means any person or entity that sells hemp-derived consumable products directly to consumers for personal use, including through physical locations, online sales, or mail-order sales.

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

(17) “Synthetic cannabinoid” means any cannabinoid compound that:

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(a) is created, produced, or synthesized through chemical synthesis, chemical modification, or isomerization that does not occur naturally in the Cannabis sativa L. plant in appreciable quantities;

(b) includes but is not limited to:

(i) fully synthetic cannabinoids manufactured entirely through chemical synthesis, including, but not limited to, HU-210, JWH-018, JWH-073, XLR-11, or other synthetic cannabinoid receptor agonists;

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

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

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

(c) does not include:

(i) cannabinoids including delta-9 THC, CBDA, CBN, CBC, CBG, THCV that are derived directly through extraction, distillation, chromatography, or other mechanical or non-chemical separation processes from Cannabis sativa L. plant material;

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

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

(iv) trace byproducts resulting from standard derivatization processes.

SECTION X. Chapter 56, Title 46 of the S.C. Code is amended by adding:

__Article 3
__Prohibitions

Section 46-56-30. (A) No person shall sell, distribute, barter, or give any hemp-derived consumable product to an individual under the age of twenty-one. The restriction applies to all hemp-derived consumable products in all product categories.

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(B)(1) Retailers must verify the age of purchasers by requiring the valid proof of age confirming the individual is at least twenty-one years of age.

(2) The retailer shall:

(a) request a valid form of proof of age from any customer who appears to be under forty years of age;

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

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

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

(e) Maintain written or electronic records of proof of age checks for a period of not less than one year.

(3) It shall be an affirmative defense to a violation of subsection (A) if the defendant exercised reasonable diligence in examining the proof of age and the proof of age appeared to be genuine and indicated that the purchaser was at least twenty-one years of age.

(C) For online, mail-order, or delivery sales, the seller must:

(1) require certification under penalty of perjury that the recipient is twenty-one years of age or older;

(2) use a delivery service that verifies the recipient's age via government-issued proof of age at the point of delivery;

(3) ensure packages are marked "Adult-Signature Required: Twenty-one (21) years or older";

(4) implement an age verification system that requires proof of age before a payment is processed; and

(5) maintain records of the age verification process and delivery signature for at least one year. (D)(1) It is unlawful for any person under twenty-one years of age to purchase, possess, or attempt to purchase a hemp-derived consumable product, or to present false identification for such purposes.

(2) A person who provides a false identification to purchase or attempt to purchase a hemp-derived consumable, upon conviction, is guilty of a misdemeanor and 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.

Section 46-56-40. (A) Hemp-derived consumable products must be stored behind a counter or similar area where products are inaccessible to customers without assistance from an employee of the retailer.

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(B) No hemp-derived consumable product shall be sold through vending machines or other automated dispensing devices.

(C) No retail establishment selling hemp-derived consumable products may be located within one thousand feet, measured in a straight line, of a public or charter elementary, middle, or high school.

Section 46-56-50. (A) Every retailer and every employee authorized to sell hemp-derived consumable products shall complete age verification training prior to engaging in sales.

(B) The training must include:

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

(2) techniques for detecting fraudulent or forged identification;

(3) procedures for proper age verification and documentation;

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

(5) legal consequences of selling products to individuals under twenty-one years of age.

(C) Each retailer shall maintain documentation of completion of age verification training for all employees.

Section 46-56-60. Samples of hemp-derived consumable products may not be distributed in public streets, sidewalks, parks, stores, or other public places.

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

SECTION X. Chapter 56, Title 46 of the S.C. Code is amended by adding:

Section 46-56-70. (A) No person shall use, consume, possess, distribute, or attempt to distribute a hemp-derived consumable product on public or charter school property or at a school function.

(B) For the purposes of this section:

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

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

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

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

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(D) A violation of this section by a person eighteen years of age or older is subject to a civil fine of fifty dollars.

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

(F) This section does not apply to:

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

(2) a law enforcement officer within the scope of official duties.

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

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

SECTION X. Chapter 56, Title 46 of the S.C. Code is amended by adding:

__Article 7

__Licensing

Section 46-56-100. (A) The department shall have sole authority to issue, renew, suspend, and revoke licenses for manufacturers, distributors, and retailers of hemp-derived consumable products.

(B) A person may not lawfully manufacture, distribute, or retail hemp-derived consumable products without obtaining and maintaining a current, valid license issued by the department.

Section 46-56-110. (A) The department shall issue the following classes of licenses:

(1)(a) Manufacturer license for manufacturers and producers to authorize extraction, processing, manufacturing, packaging, and sale of hemp-derived consumable products.

(b) The annual fee for a manufacturer is five thousand dollars.

(2)(a) Wholesaler license for distributors and wholesalers to authorize purchasing, storing, transporting, and wholesale distributing of hemp-derived consumable products.

(b) The annual fee for a wholesaler license is two thousand five hundred dollars.

(3)(a) Retailer license for retailers to authorize retail sale of hemp-derived consumable products.

(b) The annual fee for a retailer license is:

(i) five hundred dollars per location for up to ten locations; or

(ii) five thousand dollars total for a retailer with more than ten locations.

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(4)(a) Online retailer license for online retailers to authorize online retail sales with delivery to an address in South Carolina.

(b) The annual fee for an online retailer license is one thousand dollars.

(5)(a) Temporary event permit for retailers to authorize sales at festivals or temporary events.

(b) The annual fee for a temporary event permit is one thousand five hundred dollars per event.

(B)(1) An applicant for any license under this section must submit:

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

(b) proof of identity;

(c) proof of legal business status, including physical address of facility where product will be manufactured, stored, or sold;

(d) a fingerprint-based state and federal criminal background check;

(e) proof of compliance with applicable zoning, health, and safety regulations; and

(f) payment of applicable fees.

(2) An applicant for any license under this section consents to inspections, sampling, and testing by the department.

(3) For retail applicants, sales records or affidavits demonstrating that no more than twenty percent of total sales revenue is derived from tobacco and/or alcohol products and a training plan demonstrating one-on-one customer service capability.

Section 46-56-120. An applicant is ineligible if:

(1) the applicant was covered of a drug-related felony in any jurisdiction within the past five years;

(2) currently serving a sentence for such conviction; or

(3) previously had a license revoked under this chapter or under Title 61 within the past five years.

Section 46-56-130. (A) A license is valid for one year and must be renewed annually.

(B) A license is not transferable and must be displayed conspicuously at the licensed premises.

(C) Out-of-state manufacturers, distributors, and online retailers must obtain proper licenses to do business in the State.

Section 46-56-140. (A) The department may deny, suspend, or revoke licenses for noncompliance, false information, unpaid penalties, or violations of this chapter, including violations of age restrictions.

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(B) In cases involving imminent public health or safety risks or violations of age restrictions, the department may suspend a license without prior notice, provided that the licensee shall be afforded an opportunity to be heard within then days in the Administrative Law Court.

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

Section 46-56-150. It is unlawful to operate without a license in the manufacture, distribution, or retail sale of hemp-consumable products. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned no more than three years.

SECTION X. Chapter 56, Title 46 of the S.C. Code is amended by adding:

Article 7

__Product Requirements

Section 46-56-200. (A) The manufacturer shall have a hemp-derived consumable product tested by an independent testing laboratory prior to distribution to a distributor or retailer.

(B) If the product is packaged in a manner that may be sold to the consumer when delivered to the distributor and the distributor does not open such package, the distributor is not required to test the product.

(C) If the distributor open or repackages the product, the distributor shall have the product tested prior to distribution.

(D) All hemp consumable products shall be tested for:

- (1) Cannabinoids (full profile);
- (2) Heavy metals;
- (3) Pesticides;
- (4) Mycotoxins;
- (5) Residual solvent;
- (6) microbials, including E. coli, salmonella, and total yeast and mold count.

(E) Testing shall be conducted by an independent testing laboratory that:

- (1) is accredited under ISO/IEC 17025: 2017 standards;
- (2) has no financial interest in the tested product or entity that manufactures, distributes, or sells the product;
- (3) uses high-performance liquid chromatography (HPLC) or validated equivalent method;
- (4) maintains equipment and procedures that accurately measure cannabinoid potency and contaminants.

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(F) Each product shall be accompanied by a Certificate of Analysis (COA) that documents:

- (1) Batch identification number;
- (2) Date received and date of completion of testing;
- (3) method of analysis for each test conducted;
- (4) complete cannabinoid profile;
- (5) Cannabinoid potency per serving and per container;
- (6) test results for all required contaminants;
- (7) laboratory accreditation number; and

(8) Statement confirming the COA is connected to the specific product and batch.

(G) Each batch manufactured shall undergo testing and obtain a certificate of analysis from an independent testing laboratory.

(H) The department shall promulgate regulations specifying pass/fail levels for safety and toxicity. No product that exceeds the maximum contaminant levels shall be distributed or sold in this State.

(I) Testing laboratories shall retain records of all testing for at least three years.

Section 46-56-210. (A) All hemp-derived consumable products must be in child-resistant, tamper evident packaging designed to comply with the federal Poison Prevention Packaging standards.

(B) Product packaging shall not:

(1) include imagery, language, or design that is appealing to children, including cartoons, animated characters, or imagery intended to attract youth;

(2) bear any imagery or design that mimics commercial candy, snack food, baked good packaging or other common copyrighted products;

(3) include terms such as “candy” or “treat” suggesting this product is food intended for children;

(4) Include any seal, insignia, or mark that could mislead consumers to believe the product is endorsed by the State or any state or federal agency.

(C) Products shall not be formed in the shape of animal or cartoon character.

Section 46-56-220. (A) The label of each hemp-derived consumable product shall contain the following, legibly displayed, or contain a scannable code with required information:

- (1) Product name or common name, on the front of the label;
- (2) Brand name on the front of the label;

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- (3) Size of the container or net count of individual items on the front of the label;
 - (4) Net weight or volume;
 - (5) Suggested product use, including serving size;
 - (6) List of ingredients in descending order of predominance by weight;
 - (7) amount of primary cannabinoids in milligrams;
 - (a) milligrams of Delta-8 THC, Delta-9 THC, and Delta-10 THC per serving (in aggregate);
 - (b) milligrams of Delta-8 THC; Delta-9 THC, and Delta-10 THC per container (in aggregate);
 - (c) Amount of advertised cannabinoids (CBD, CBG, CBN, etc.) per serving and per container;
 - (8) list of allergens;
 - (9) manufacturer or distributor name and address;
 - (10) batch number
 - (11) manufacture date and expiration date;
 - (12) quick response code or URL linking to the Certificate of Analysis for the specific batch;
 - (13) product registration number issued by the department;
 - (14) the statement: “This product contains hemp-derived cannabinoids”;
 - (15) a prominent statement indicating: “Age 21+ Required” or substantially similar language indicating that sale to persons under twenty-one years of age is prohibited; and
 - (16) General warning covering the following:
 - (a) Keep out of reach of children;
 - (b) use while pregnant or breastfeeding could be harmful;
 - (c) consumption of hemp-derived products may result in a failed drug test;
 - (d) consumption of certain cannabinoids may impair your ability to drive or operate heavy machinery;
 - (e) contains less than .3% Delta-9 THC on a dry weight basis and contains no synthetic cannabinoids.
- (B) The label of each hemp-derived consumable product intended for ingestion or inhalation shall include “This product has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, mitigate or prevent any disease.”
- (C) Labels shall not include:

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(1) Claims that the product treats, cures, or prevents any disease or medical condition, unless such claims are supported by substantial scientific evidence and do not violate FDA regulations;

(2) Any false or misleading statements;

(3) any imagery depicting minors; and

(4) any health claims not authorized by the FDA.

Section 46-56-230. (A) Any hemp derived consumable product intended for ingestion that is not liquid shall not:

(1) be sold in a serving size that contains more than ten milligrams of naturally occurring Delta-9 THC;

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

(B) Hemp-derived consumables products shall not contain:

(1) Nicotine;

(2) Alcohol; or

(3) Synthetic Cannabinoid.

(C) Products shall not be advertised, marketed, or offered for sale using labeling, design, trade dress, trademarks, branding, or related imagery depicting or signifying characters or symbols known to appeal primarily to persons under twenty-one years of age.

Section 46-56-240. (A) The department shall enforce this chapter, including licensing, product registration, testing, labeling, and packaging requirements.

(B) The South Carolina Department of Revenue shall enforce taxation provisions.

(C) The State Law Enforcement Division (SLED or division) shall enforce provisions related to synthetic cannabinoids, age restrictions, and possession on school property, and shall investigate criminal violations.

(D) All law enforcement agencies shall cooperate in investigating violations.

(E) The department and its authorized agents may conduct unannounced inspections of any licensed facility to:

(1) verify compliance with licensing requirements;

(2) inspect products for compliance with registration and labeling requirements;

(3) verify age verification procedures and point-of-sale compliance;

(4) inspect records, including sales records, inventory, Certificates of Analysis, and proof of age verification documentation;

(5) ensure no synthetic cannabinoids are present; and

(6) verify no sales have been made to individuals under twenty-one years of age.

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(F) All licensees shall cooperate fully with inspections.

(G) If inspection reveals violations, the department shall issue a notice of violation with a specified period for cure that is not less than ten days, except for imminent public health threats or age restrictions violations.

(H) The department may order the embargo, seizure, or destruction of products that:

- (1) contain synthetic cannabinoids;
- (2) are not registered;
- (3) do not comply with labeling requirements;
- (4) exceed serving size limits;
- (5) contain contaminants or prohibited substances; or
- (6) are misbranded or adulterated.

(I)(1) Licensees must retain transaction and batch records for at least two years.

(2) Retailers must retain proof of age verification records for at least one year.

Section 46-56-250. (A) The department may impose civil penalties as follows:

(1) for a first violation, a fine of up to two thousand dollars;

(2) for a second violation within a two-year period, a fine of up to five thousand dollars;

(3) for a third or subsequent violation within a two-year period, a fine of up to seven thousand five hundred dollars and is subject to license revocation

(4) for subsequent age restriction within a five-year period, the licensee is subject license revocation by the department.

(B) Upon conviction of the following offenses:

(1) operating without a license, a person is a guilty of a misdemeanor and is subject to a fine of up to one thousand dollars, or imprisonment up to thirty days, or both;

(2) A person who knowing sells a person under the age of twenty-one years of age is guilty of a misdemeanor and subject to a fine of not less than one thousand dollars and not more than five thousand dollars or imprisonment of not more than one year, or both.

(3) Synthetic cannabinoids, a person shall be punished in the same manner as violation involving THC pursuant to Sections 44-53-190 and 44-53-370;

(4) Falsifying COA or product registration, a person is guilty of a misdemeanor and is subject to fine of not less than one thousand dollars and not more than five thousand dollars, or imprisonment for not more than two years, or both;

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(5) Providing False Identification, a person is guilty of a misdemeanor and is subject to a fine of not less than two hundred fifty dollars and not more than one thousand dollars, or imprisonment for not more than thirty days, or both.

(6) Unless otherwise specified, a person is guilty of a misdemeanor and is subject to a fine of up to one thousand dollars, or imprisonment for not more than thirty days, or both, for any other violation of this chapter.

(C) Products found in violation of this chapter may be seized and destroyed.

(D) The department may issue stop-sale or recall orders for unsafe or misbranded products.

Section 46-56-260. (A) This chapter does not require an employer to accommodate the use of hemp-derived consumable products in the workplace or an employee working while under the influence of hemp-derived consumable products.

(B) This chapter does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from use of hemp-derived consumable products.

(C) This chapter does not relieve a person from any requirement under the law to submit to breath, blood, urine, or other testing to determine the presence of a controlled substance.

(D) Licensed entities and common carriers may transport compliant hemp products with invoices and Certificates of Analysis available for inspection.

Section 46-56-270. (A) This chapter shall not apply to:

- (1) a Safe Harbor Hemp Product;
- (2) a Safe Harbor Manufacturer or Storage Facility; or
- (3) a Safe Harbor Research Institute or Facility.

(B) For the purposes of this section:

(1) "Safe Harbor Hemp Product" means a hemp-derived compound or cannabinoid, whether a finished product or in the process of being produced, that is manufactured, produced, packaged, processed, prepared, treated, transported, or held in South Carolina for export from South Carolina but that is not sold or distributed in South Carolina.

(2) "Safe Harbor Manufacturer or Storage Facility" means a facility that manufactures, produces, packages, processes, prepares, treats, transports, or holds a Safe Harbor Hemp Product.

(3) "Safe Harbor Research Institute or Facility" means facility with accreditation from a United States regional accreditor, a private or public university or college, or an institute with ISO accredited analytical

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research or testing that may work with hemp-derived cannabinoids that are not permitted to be sold or distributed in South Carolina.

(C) It must not be a violation of this chapter for an entity licensed under this chapter to possess raw hemp extract intended for remediation into a hemp-derived consumable product.

Section 46-56-280.(A) The department promulgate regulations concerning:

- (1) Testing standards and methodologies;
- (2) labeling templates and requirements;
- (3) packaging specifications;
- (4) retailer training programs;
- (5) age verification procedures;
- (6) lists of approved and prohibited cannabinoids;
- (7) pass/fail action levels for contaminants; and
- (8) inspection and enforcement procedures.

(B) The department shall coordinate with the division on matters relating to toxicology.

(C) The division shall promulgate regulations concerning:

- (1) age verification training standards;
- (2) record-keeping and reporting requirements of age verification;

and

- (3) standards for point-of sale systems facilitation age verification.

Amend the bill further, SECTION 50, by striking Section 50 and inserting:

SECTION 50. 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. [The provisions of SECTIONS X, shall take effect on January 1, 2027 with licensing applications beginning on October 1, 2026](#), and the remaining provisions of this act take effective sixty days after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

Senator JOHNSON moved to lay the amendment on the table.

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

Ayes 28; Nays 16

AYES

Adams

Alexander

Bennett

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Blackmon	Bright	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Elliott
Gambrell	Garrett	Goldfinch
Grooms	Hembree	Johnson
Kennedy	Massey	Ott
Peeler	Reichenbach	Rice
Stubbs	Turner	Verdin
Young		

Total--28

NAYS

Allen	Davis	Devine
Graham	Hutto	Jackson
Kimbrell	Leber	Matthews
Rankin	Sabb	Sutton
Tedder	Walker	Williams
Zell		

Total--16

The amendment was laid on the table.

Amendment No. 6A

Senators SUTTON and LEBER proposed the following amendment (SJ-3924.MB0045S), which was carried over:

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

SECTION X. Section 61-3-100 of the S.C. Code is amended to read:

Section 61-3-100. For the purposes of this chapter, the following definitions apply:

(1) "Alcohol" means beer, wine, alcoholic liquors, [hemp-cannabinoid beverages](#), or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) "Alcohol server" means an individual who sells alcohol, [including hemp-cannabinoid beverages](#), for on-premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. "Alcohol server" does not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a

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temporary permit to sell beer, wine, or alcoholic liquors by the drink and does not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this title; and does not include an individual who cannot lawfully serve or deliver alcohol pursuant to Sections 61-4-90(D) and 61-6-2200.

(3) “Alcohol server certificate” means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) “DBHDD” means the Department of Behavioral Health and Developmental Disabilities, Office of Substance Abuse.

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

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

(7) “Employee” means a person who is employed for at least ten hours a week by a permittee or a licensee.

(8) “Licensee” means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors, [including hemp-cannabinoid beverages](#), or alcoholic liquor by the drink for on-premises consumption.

(9) “Manager” means an individual permittee, an individual licensee, and any person employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(10) “Permittee” means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption.

(11) “Program” means an alcohol server training and education course and examination approved by the department with input from DBHDD and the division that is administered by authorized providers.

(12) “Provider” means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

Amend the bill further, SECTION 22, by striking Section 61-4-90(D) and inserting:

(D) A person eighteen years of age and over lawfully employed to serve or remove beer, wine, or alcoholic beverages, [including hemp-cannabinoid 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

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this subsection do not affect the requirement that a bartender must be at least twenty-one years of age.

Amend the bill further, SECTION 38, by striking Section 61-6-20(1)(b) and inserting:

(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.

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

SECTION X. Sections 61-6-1610 through 61-6-1637 of the S.C. Code are amended to read:

Section 61-6-1610. (A) Except on Sunday, it is lawful to sell and consume alcoholic liquors sold by the drink and hemp-cannabinoid beverages in a business establishment between the hours of ten o'clock in the morning and two o'clock the following morning if the establishment meets the following requirements:

(1) the business is bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging; and

(2) the business has ~~a any required license~~ licenses from the department authorizing the sale and consumption of alcoholic liquors by the drink or a food establishment hemp cannabinoid license, which is displayed conspicuously on the main entrance to the premises and clearly visible from the outside.

(B) Notwithstanding another provision of this article, the licensed premises of a business establishment which is bona fide engaged primarily and substantially in the preparation and service of meals and which holds ~~a any valid required~~ license for the sale and consumption of alcoholic liquors by the drink or hemp-cannabinoid beverages do not extend to any portion of the business establishment or the property upon which it is located which is designed as or used for a parking area even though food may be served in the area.

(C) An establishment licensed pursuant to the provisions of this article may use alcoholic liquors in the preparation of food without obtaining the license provided for in Section 61-6-700.

(D) Any licensee, employee, or agent of an establishment licensed as a food service establishment or place of lodging is prohibited from selling, making available for sale, or permitting the consumption of alcoholic liquors or hemp-cannabinoid beverages on the licensed premises between the hours of two o'clock in the morning and ten o'clock

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in the morning. However, any licensee, employee, or agent of an establishment licensed as a food service establishment or place of lodging is prohibited from selling, making available for sale, or permitting the consumption of alcoholic liquors [or hemp-cannabinoid beverages](#) on Sunday unless the establishment has been issued for that Sunday a temporary permit pursuant to the provisions of Section 61-6-2010. A violation of this subsection is a violation against the establishment's license.

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

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

(b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned for not more than six months, or both.

(F) In addition to the penalties provided in subsection (E), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department.

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

(H) An establishment licensed pursuant to the provisions of Section 61-6-20(2) as a business that is bona fide engaged primarily and substantially in the preparation and serving of meals is authorized to continue to operate as the licensed establishment so long as the licensed establishment maintains a Grade A retail food establishment permit from the Department of Health and Environmental Control. Upon notice by the Department of ~~Health and Environmental Control~~ [Agriculture](#) to the licensed establishment and to the Department of Revenue that the retail food establishment permit has been reduced to a grade below Grade A, the licensed establishment has thirty days within which to request a subsequent inspection by the Department of ~~Health and Environmental Control~~ [Agriculture](#). If a subsequent inspection is not requested within thirty days after the reduction in a grade below Grade A, or the subsequent inspection results in a grade below Grade A, then the Department of Revenue shall suspend the license of the licensed

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establishment until the Department of ~~Health and Environmental Control~~[Agriculture](#) issues a Grade A retail food establishment permit.

(I) For purposes of this section:

(1) “Kitchen” means a separate and distinct area of the business establishment that is used solely for the preparation, serving, and disposal of solid foods that make up meals. The area must be adequately equipped for the cooking, serving, and storage of solid foods and must include at least twenty-one cubic feet of refrigerated space for food and a stove.

(2) “Meal” means an assortment of various prepared foods available to guests on the licensed premises during the normal mealtimes that occur when the licensed business establishment is open to the public. Sandwiches, boiled eggs, sausages, and other snacks prepared off the licensed premises but sold there are not a meal.

(3) “Primarily” means that the serving of the meals by a business establishment is a regular source of business to the licensed establishment, that meals are served upon the demand of guests and patrons during the normal mealtimes that occur when the licensed business establishment is open to the public, and that an adequate supply of food is present on the licensed premises to meet the demand.

Section 61-6-1620. (A) This article authorizes the possession or consumption of alcoholic liquors or hemp-cannabinoid beverages on premises open to the general public for which a license has been obtained pursuant to Sections 61-6-1600 or 61-6-1610.

(B) Alcoholic liquors or hemp-cannabinoid beverages may be possessed or consumed in separate and private areas of an establishment whether or not the establishment includes premises which are licensed pursuant to Sections 61-6-1600 or 61-6-1610, where specific individuals have leased these areas for a function not open to the general public.

Section 61-6-1630. A person licensed to sell alcoholic liquor by the drink and, if applicable, hemp-cannabinoid beverages for on-premises consumption must not be licensed as a retail dealer on the same premises.

Section 61-6-1636. (A) A person licensed by this article for sale and use for on-premises consumption shall purchase alcoholic liquor for sale by the drink and, if applicable, hemp-cannabinoid beverages from a licensed retail dealer with a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act or from a licensed wholesaler, as provided in subsection (C), in any size bottle, except 1.75 liter sized bottles.

(B) A licensed retail dealer with a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act may deliver, in

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sealed containers, alcoholic liquor in any size bottle, except 1.75 liter sized bottles, to a person licensed by this article to sell alcoholic liquors and, if applicable, hemp-cannabinoid beverages for on-premises consumption.

(C)(1) For the purposes of this subsection, “new alcoholic liquor” means alcoholic liquor not previously sold in this State.

(2) A licensed wholesaler may deliver new alcoholic liquor to a person licensed by this article to sell alcoholic liquors for on-premises consumption:

(a) in sealed containers and in any sized bottle, except 1.75 liter sized bottles, and

(b) only during the first one hundred eighty days from the date of the first bill of lading in this State for that new alcoholic liquor.

(3) Within ten days of receipt of the first bill of lading, the licensed wholesaler must provide a copy of the bill of lading to the department in the manner prescribed by the department.

Section 61-6-1637. A person licensed pursuant to this article, including his agent, may not substitute another brand of alcoholic liquor or, if applicable, hemp-cannabinoid beverage in place of the brand specified by a customer unless the licensee or his agent has: (1) advised the customer that the desired brand is not available, and (2) received the customer's approval of substitution. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than ten days, or both.

Amend the bill further, SECTION 45, by striking Section 61-14-700(B)(2) and (3) and inserting:

(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, and which excludes sales of hemp-cannabinoid beverages for on-premise consumption- and

(4) hemp-cannabinoid product food service establishment’s license, which authorizes the licensee to sell hemp-cannabinoid beverages for on-premise consumption, provided the licensee meets the requirements as established in Chapter 6, Title 61.

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Amend the bill further, SECTION 45, Section 61-14-710, by adding a subsection to read:

(E)(1) Food establishments that serve hemp-cannabinoid beverages with an allowable THC concentration are subject to Chapter 6, Title 61, in the same manner and to the same extent those provisions apply to serving alcoholic liquor by the drink for on-premise consumption under Section 61-6-1610.

(2) A good establishment that serves hemp-cannabinoid beverages and does not serve alcoholic liquor by the drink is not required to maintain a separate license for alcoholic liquor by the drink.

Amend the bill further, SECTION 45, Section 61-14-720(A), by adding an item to read:

(4) food establishment's license: one thousand five hundred dollars.

Renumber sections to conform.

Amend title to conform.

Senator SUTTON explained the amendment.

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

Amendment No. 8A

Senator HEMBREE proposed the following amendment (SJ-3924.MB0047S), which was adopted:

Amend the bill, as and if amended, SECTION 45, by striking Section 61-14-500(A)(3) and (4) and inserting:

(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-; and

(5) if combined with CBD, does not exceed a total allowable THC concentration, as described in this chapter.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

On motion of Senator GARRETT, with unanimous consent, Amendment No. 10A was withdrawn.

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Amendment No. 11A

Senators OTT and LEBER proposed the following amendment (SJ-3924.MB0055S), which was carried over:

Amend the bill, as and if amended, SECTION 45, by striking Section 61-14-10(15), (16), and (17) and inserting:

(15) “Safe harbor hemp product” means a hemp-derived compound or cannabinoid whether a finished product or in the process of being produced, that is manufactured, produced, packaged, processed, prepared, treated, transported, or held in this state for export from this state but that is not sold or distributed in this state. To be eligible for the designation as a safe harbor hemp product, the manufacturer must have a certificate of analysis of any finished product.

(16) “Safe harbor manufacturer or storage facility” means a facility that manufactures, produces, packages, processes, prepares, treats, transports, or holds a safe harbor hemp product and that:

(a) is authorized to operate in the state and maintains a valid state business license or other required state or local authorization, including under this chapter; and

(b) maintains current third-party Good Manufacturing Practices (GMP) certification for hemp products or dietary supplements issued by an independent certifying body recognized within the United States.

(17) “Safe harbor research institute or facility” means a facility with accreditation from a United States regional accreditor, a private or public university or college, or an institute with ISO accredited analytical research or testing that may work with hemp-derived cannabinoids that are not permitted to be sold or distributed in this state.

~~(15)~~(18) “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)~~(19) “THC” means tetrahydrocannabinol.

~~(17)~~(20) “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 for resale.

Article 3

Enforcement

Amend the bill further, SECTION 45, by striking Section 61-14-320(D) and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-700(A)(1) and (2) and inserting:

(1) A manufacturer, ~~wholesaler, or retailer~~ of ~~hemp-cannabinoid beverages~~ safe harbor hemp products 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.

(2) A wholesaler ~~or retailer of~~ hemp-cannabinoid beverages or safe harbor hemp products must be in possession of a valid applicable hemp-cannabinoid license issued by the department that has sole exclusive power to issue hemp-cannabinoid beverages and must be in possession of a valid applicable beer and wine or liquor license issued by the department.

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

Amend the bill further, SECTION 45, by striking Section 61-14-700(B)(1) and (2) and inserting:

(1) hemp-cannabinoid ~~beverage-product~~ manufacturer's license, which authorizes the licensee to:

(a) 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, or

(b) manufacture safe harbor hemp products and to sell, deliver, or ship safe harbor hemp products in accordance with this chapter. 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:

(a) purchase, store, keep, possess, import into this State, transport, sell, and deliver hemp-cannabinoid beverages in bottles or

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cans in accordance with regulations to a person having a manufacturer's or retail license issued pursuant to this article

(b) purchase, store, keep, possess, export out of this State, transport, sell and deliver safe harbor hemp products in accordance with regulations to a person having a manufacturer's license issued pursuant to this article; and

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

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

Section 61-14-20. (A) This article shall not apply to a:

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

(B) This article shall apply to subsection (A) for the purposes of licensing, inspection, taxation, and applicable violations.

(C) It shall not be a violation of this chapter for an entity licensed under this chapter to possess raw hemp-extract intended for remediation into a hemp-cannabinoid beverage.

Re-number sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

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

Amendment No. 12A

Senators GARRETT and CASH proposed the following amendment (SR-3924.CEM0036S), which was adopted:

Amend the bill, as and if amended, SECTION 45, Section 61-14-540, by adding subsections (g) and (h) to read:

(g) THC is an intoxicating substance that causes a psychoactive reaction. Onsets of effects may be delayed.

(h) Concurrent use with alcohol or other intoxicants increases impairment and crash risk.

Re-number sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

Senator GRAHAM moved to lay the amendment on the table.

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

Ayes 11; Nays 31

AYES

Allen	Graham	Hutto
Leber	Matthews	Ott
Sabb	Sutton	Tedder
Walker	Zell	

Total--11

NAYS

Adams	Alexander	Bennett
Blackmon	Bright	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Gambrell
Garrett	Hembree	Jackson
Johnson	Kennedy	Kimbrell
Massey	Peeler	Rankin
Reichenbach	Rice	Stubbs
Turner	Verdin	Williams
Young		

Total--31

The Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 13

Senator GARRETT proposed the following amendment (SR-3924.CEM0022S), which was adopted:

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

SECTION X. Chapter 23, Title 23 of the S.C. Code is amended by adding:

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Section 23-23-65. (A) A law enforcement officer who is Class 1-LE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in drug impairment recognition each year of a three-year recertification period. The number of required annual CLEEC hours in drug impairment recognition shall be determined by the council but must be included in the forty CLEEC hours required over the three-year recertification period. The training must be provided or approved by the academy and must include, but is not limited to, curriculum in recognizing impairment caused by hemp-cannabinoid products.

Re-number sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

Amendment No. 14

Senator GARRETT proposed the following amendment (SR-3924.CEM0024S), which was carried over:

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

(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;

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(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, tetrahydrocannabiocytls, tetrahydrocannabihexols, or tetrahydrocannabutols;

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

(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(13)(bb) and inserting:

(bb) were synthesized, [genetically modified](#), or manufactured outside the plant; or

(III) more than 0.3 percent combined total of:

Amend the bill further, SECTION 3, by striking Section 46-55-10(13)(bb)(iv)(II)(bb) and inserting:

(bb) were synthesized, [genetically modified](#), or manufactured outside the plant; or

Re-number sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

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

Amendment No. 15

Senators ADAMS and JOHNSON proposed the following amendment (SR-3924.CEM0028S), which was adopted:

Amend the bill, as and if amended, SECTION 45, by striking Section 61-14-700(A) and inserting:

(2) A 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.

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(3) A tobacco retail establishment with the primary purpose of selling tobacco products, as defined in Section 16-17-501, cannot possess a valid applicable hemp-cannabinoid license.

Re-number sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

The amendment was adopted.

Amendment No. 16A

Senator SUTTON proposed the following amendment (SJ-3924.MB0059S), which was adopted:

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

SECTION X. Section 61-4-735(C) of the S.C. Code is amended to read:

(C) A wholesaler may furnish at no charge to the holder of a retail permit draft ~~wine~~ equipment replacement parts of nominal value, including washers, gaskets, hoses, hose connectors, clamps, and tap markers, 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: cleaning ~~wine~~ lines, rotating stock, affixing price tags to ~~wine~~ products, building ~~wine~~ displays, setting boxes, conduct not more than two wine tastings in accordance with department rulings or regulations, developing shelf schematics, stocking shelves, providing ~~wine~~ party wagon for temporary use, and assist in wine resets a maximum of three times a year 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 wine department within a store or a rearrangement of the products on shelves within the store's wine 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 the reset.

SECTION X. Section 61-4-940(C) of the S.C. Code is amended to read:

(C) A wholesaler may furnish at no charge to the holder of a retail permit draft ~~beer~~ equipment replacement parts of nominal value, including washers, gaskets, hoses, hose connectors, clamps, and tap markers, party wagons for temporary use, and point of sale advertising specialties. A wholesaler may furnish at no charge to the holder of a retail

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permit product displays pursuant to the provisions of 27 C.F.R., Section 6.83, excluding electronic refrigeration equipment. A wholesaler also may furnish the following services to a retailer: cleaning draught lines, setting boxes, rotating stock, affixing price tags to ~~beer~~_products, and building ~~beer~~ displays.

Amend the bill further, SECTION 45, by striking Section 61-14-900(C) and inserting:

(C) A wholesaler may furnish at no charge to the holder of a hemp-cannabinoid beverage retail license ~~equipment, replacement parts of nominal value,~~point of sale advertising specialties and product displays as provided under 27 Code of Federal Regulations, Section 6.83, ~~and point of sale advertising specialties, excluding electronic refrigeration equipment.~~ A wholesaler also may furnish the following services to a retailer: setting boxes, rotating stock, affixing price tags to ~~hemp-cannabinoid beverages~~products, 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.~~

Renumber sections to conform.

Amend title to conform.

Senator SUTTON explained the amendment.

The amendment was adopted.

On motion of Senator HEMBREE, with unanimous consent, Amendment No. 17A was withdrawn.

Amendment No. 18

Senator CHAPLIN proposed the following amendment (SR-3924.CEM0025S), which was carried over:

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

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

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Section 61-14-370. (A) It is unlawful for a retailer to store hemp-cannabinoid beverages in cold storage, including but not limited to, a refrigerator or cooler.

(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.

Re-number sections to conform.

Amend title to conform.

Senator CHAPLIN explained the amendment.

Senator MATTHEWS moved to lay the amendment on the table.

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

Ayes 12; Nays 29

AYES

Allen	Devine	Elliott
Graham	Hutto	Leber
Matthews	Ott	Sabb
Sutton	Tedder	Walker

Total--12

NAYS

Adams	Alexander	Bennett
Blackmon	Bright	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Hembree
Jackson	Johnson	Kennedy
Massey	Peeler	Rankin
Reichenbach	Rice	Stubbs
Turner	Verdin	Williams
Young	Zell	

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Total--29

The Senate refused to table the amendment.

Senator TEDDER spoke on the amendment.

Senator SABB spoke on the amendment.

Remarks to be Printed

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

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

Amendment No. 20

Senator CASH proposed the following amendment (SJ-3924.MB0052S), which was tabled:

Amend the bill, as and if amended, SECTION 45, by striking Section 61-14-10(1)(b) and inserting:

(b) more than five milligrams but not more than ten milligrams on a liquid weight basis per serving, which can be [a twelve-ounce single serving container sold in a liquor store.](#);

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-10(8) and inserting:

(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 [as a single serving in a twelve-ounce can or bottle.](#);

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-10(15) and inserting:

(15) “Serving” means a hemp-cannabinoid beverage containing [twelve fluid ounces in a single serving container.](#) ~~either:~~

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~~(a) twelve fluid ounces in a single serving container; or~~
~~(b) no more than one and one half fluid ounces in a 750 milliliter bottle.~~

Amend the bill further, SECTION 45, by striking Section 61-14-920 and inserting:

Section 61-14-920. Hemp-cannabinoid beverages in a ~~750 milliliter bottle or a~~ single serving can with 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.

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

Senator TEDDER moved to lay the amendment on the table.

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

Ayes 19; Nays 18

AYES

Adams	Allen	Bennett
Climer	Davis	Devine
Elliott	Graham	Hutto
Johnson	Leber	Matthews
Ott	Rankin	Sabb
Sutton	Tedder	Turner
Walker		

Total--19

NAYS

Alexander	Blackmon	Bright
Campsen	Cash	Corbin
Cromer	Gambrell	Garrett
Hembree	Jackson	Kennedy
Massey	Peeler	Rice
Verdin	Williams	Young

Total--18

The amendment was laid on the table.

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Amendment No. 22

Senators GARRETT, CORBIN, HEMBREE, GROOMS and KENNEDY proposed the following amendment (SR-3924.CEM0034S), which was ruled out of order:

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

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(13)(a) and inserting:

~~(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.

Amend the bill further, SECTION 3, by striking Section 46-55-10(14) and (15) and inserting:

(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 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,~~

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~~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.~~

Amend the bill further, by deleting SECTIONS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 from the bill.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

Point of Order

Senator LEBER raised a Point of Order under Rule 14 that the amendment was dilatory in that it was substantially the same as Amendment 1A.

Senator GARRETT spoke on the Point of Order.

Senator CASH spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

Senator GARRETT spoke on the Point of Order.

Senator JOHNSON spoke on the Point of Order.

Senator TEDDER spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

Senator KENNEDY spoke on the Point of Order.

Senator GARRETT spoke on the Point of Order.

Senator LEBER spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 24

Senator HEMBREE proposed the following amendment (SEDU-3924.DB0005S), which was adopted:

Amend the bill, as and if amended, SECTION 45, Section 61-14-360(A), by adding an item to read:

(3) It is unlawful for a retailer to deliver hemp-cannabinoid beverages directly to a person's residence.

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

SECTION X. Section 61-6-1500 of the S.C. Code is amended to read:

Section 61-6-1500. (A) A retail dealer may not:

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

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

(b) for consumption on the premises;

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

(d) to an intoxicated person;

(e) to a mentally incompetent person; or

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

(2) permit the drinking of alcoholic liquors in his store or place of business;

(3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:

(a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and

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

(4) redeem proof-of-purchase certificates for any promotional item; or

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

However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

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

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

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(a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

(b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

(3) In addition to the penalties provided in subsection (B), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department. A third or subsequent violation of subsection (A)(1)(f) within three years of the first violation must result in a mandatory suspension of the license or permit for a period of at least thirty days. A violation of subsection (A)(5) must result in a mandatory suspension of the license or permit for a period of at least thirty days.

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

(C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on-premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

(D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.

(E) it is unlawful for a retail dealer to sell hemp-cannabinoid beverages, for delivery directly to a customer's residence.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

RECESS

At 6:59 P.M., on motion of Senator MASSEY, the Senate recessed from business.

At 8:45 P.M., the Senate resumed.

Call of the Senate

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

Adams

Alexander

Allen

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Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Gambrell	Garrett	Graham
Hembree	Hutto	Johnson
Kennedy	Kimbrell	Leber
Massey	Matthews	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Walker	Williams
Young	Zell	

A quorum being present, the Senate resumed.

Amendment No. 25A

Senators MASSEY and GARRETT proposed the following amendment (SR-3924.CEM0039S), which was adopted:

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

SECTION X.A. Article 23, Chapter 5, Title 56 of the S.C. Code is amended by adding:

Section 56-5-2937. (A) It is unlawful for a person to drive a motor vehicle within this State with the presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue in his blood.

(B) If a law enforcement officer has reasonable suspicion that a person who was driving a motor vehicle within this State with the presence of tetrahydrocannabinol or tetrahydrocannabinol analogue in his body, the law enforcement officer may request a blood sample pursuant to Section 56-5-2950(A)(2). The remaining provisions of Section 56-5-2950 related to blood testing apply to blood tests requested and administered pursuant to this section.

(C)(1) A person who violates the provisions of this section is guilty of the offense of driving with an unlawful tetrahydrocannabinol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(a) for a first offense, by a fine of four hundred dollars, which may not be suspended, or imprisonment for not less than forty-eight hours nor more than thirty days, or both. However, in lieu of the forty-

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eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight hour sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(b) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year, or both. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars.; or

(c) for a third or subsequent offense, by imprisonment for not less than one year nor more than five years.

(2) The provisions contained in this article related to ignition interlock devices and the Ignition Interlock Device program do not apply to a conviction of this section.

(D) For the purposes of this section a conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail for the violation of a law or ordinance of this or another state or a municipality of this or another state that prohibits a person from driving a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including, but not limited to, Section 56-5-2930, Section 56-5-2933, or prohibits a person from driving a motor vehicle with an unlawful tetrahydrocannabinol concentration, including, but not limited to, this section, constitutes a prior offense of this section. Only those violations which occurred within a period of ten years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(E) Upon imposition of a sentence of public service, the defendant may apply to the court to be allowed to perform his public service in his county of residence if he has been sentenced to public service in a county where he does not reside.

(F) Two hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

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(G) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the bodily fluid tests.

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Office of Substance Use Services. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The Office of Substance Use Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant successfully has completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

(I) A person charged with a violation of Section 56-5-2930 may be prosecuted pursuant to this section if the original testing of the person's blood was performed pursuant to subsection (B). A person may not be prosecuted for both a violation of Section 56-5-2930 and a violation of this section for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including, but not limited to:

- (1) whether or not the person was lawfully arrested or detained;
- (2) the period of time between arrest and testing;

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(3) whether the person was given a written copy of and verbally informed of the rights pursuant to subsection (B) and enumerated in Section 56-5-2950;

(4) whether the person consented to taking a test pursuant to subsection (B), and whether the:

(a) presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue was detected by the test;

(b) individual who took blood samples was qualified; and

(c) tests administered and samples obtained were conducted pursuant to subsection (B) and Section 56-5-2950 and regulations adopted pursuant to Section 56-5-2951 and Section 56-5-2953.

(J)(1) Nothing contained in this section prohibits the introduction of:

(a) the results of any additional tests of the person's blood;

(b) any evidence that may corroborate or question the validity of the blood test result including, but not limited to, evidence that the person did not consume delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue.

(c) a video recording of the person's conduct at the incident site and the blood testing site which is subject to redaction under the South Carolina Rules of Evidence; or

(d) any other evidence of the state of a person's faculties to drive which would call into question the results of a blood test.

(2) At trial, a person charged with a violation of this section is allowed to present evidence relating to the factors enumerated above and the totality of the evidence produced at trial may be used by the jury to determine guilt or innocence. A person charged with a violation of this section must be given notice of intent to prosecute under the provisions of this section at least thirty calendar days before his trial date.

(K) For the purpose of this section, any offense carrying a penalty of imprisonment of ninety days or less may be tried in magistrates court.

(L)(1) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in subsection (B) or had five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue was detected in a blood test. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation of this section and the arresting officer must electronically submit the notice to the Department of Motor Vehicles. The provisions of Section 56-5-2951 related to

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temporary alcohol licenses apply to temporary tetrahydrocannabinol licenses except:

(1) for the provisions related to ignition interlock devices and the Ignition Interlock Device Program;

(2) that the notice of suspension, in addition to the person's right to request a contested case hearing, shall:

(a) state that the person has a right to a temporary tetrahydrocannabinol license rather than a temporary alcohol license; and

(b) not provide an opportunity to enroll in the Ignition Interlock Device Program.

(3) that the scope of a contested case hearing shall include whether the person consented to taking a blood test pursuant to subsection (B) and whether the reported results of that test detected the presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue rather than a reported alcohol concentration; and

(4) references to blood alcohol level are deemed to be references to the presence of tetrahydrocannabinol.

B. Sections 56-5-2934 and 56-5-2935 of the S.C. Code are amended to read:

Section 56-5-2934. Notwithstanding any other provision of law, a person charged with a violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945 who is being tried in any court of competent jurisdiction in this State has the right to compulsory process for obtaining witnesses, documents, or both, including, but not limited to, state employees charged with the maintenance of breath testing devices in this State and the administration of breath testing pursuant to this article. This process may be issued under the official signature of the magistrate, judge, clerk, or other officer of the court of competent jurisdiction. The term "documents" includes, but is not limited to, a copy of the computer software program of breath testing devices. SLED must produce all breath testing software in a manner that complies with any and all licensing agreements. This section does not limit a person's ability to obtain breath testing software directly from the manufacturer or distributor.

Section 56-5-2935. Notwithstanding any other provision of law, a person charged with a violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945 who is being tried in any court of competent jurisdiction in this State must have the right of trial by jury. A person charged with one or more of these offenses shall enjoy the right to a

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speedy and public trial by an impartial jury, to be fully informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses, documents, or both, and the right to be fully heard in his defense by himself or by his counsel or, by both.

C. Section 56-5-2942 (A) through (F) of the S.C. Code is amended to read:

(A) A person who is convicted of or pleads guilty or nolo contendere to a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945 must have all motor vehicles owned by or registered to the person immobilized if the person is a resident of this State, unless the vehicle has been confiscated pursuant to Section 56-5-6240 or the person is a holder of a valid ignition interlock restricted license.

(B) For purposes of this section, “immobilized” and “immobilization” mean suspension and surrender of the registration and motor vehicle license plate.

(C) Upon receipt of a conviction by the department from the court for a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945, the department shall determine all vehicles registered to the person, both solely and jointly, and suspend all vehicles registered to the person, unless the person is a holder of a valid ignition interlock restricted license.

(D) Upon notification by a court in this State or another state of a conviction for a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945, the department shall require the person, unless the person is a holder of a valid ignition interlock restricted license, to surrender all license plates and vehicle registrations subject to immobilization pursuant to this section. The immobilization is for a period of thirty days to take place during the driver's license suspension pursuant to a conviction for a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945. The department shall maintain a record of all vehicles immobilized pursuant to this section.

(E) An immobilized motor vehicle must be released to the holder of a bona fide lien on the motor vehicle when possession of the motor vehicle is requested, as provided by law, by the lienholder for the purpose of foreclosing on and satisfying the lien.

(F) An immobilized motor vehicle may be released by the department without legal or physical restraints to a person who has not been convicted of a second or subsequent violation of Section 56-5-2930, 56-

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5-2933, ~~56-5-2937~~, or 56-5-2945, if that person is a registered owner of the motor vehicle or a member of the household of a registered owner. The vehicle must be released if an affidavit is submitted by that person to the department stating that:

(1) the person regularly drives the motor vehicle subject to immobilization;

(2) the immobilized motor vehicle is necessary to the person's employment, transportation to an educational facility, or for the performance of essential household duties;

(3) no other motor vehicle is available for the person's use;

(4) the person will not authorize the use of the motor vehicle by any other person known by the person to have been convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, ~~56-5-2937~~, or 56-5-2945; or

(5) the person will report immediately to a local law enforcement agency any unauthorized use of the motor vehicle by a person known by the person to have been convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, ~~56-5-2937~~, or 56-5-2945.

D. Section 56-5-2947(A) of the S.C. Code is amended to read:

(A) A person eighteen years of age or older is guilty of child endangerment when:

(1) the person violates:

(a) Section 56-5-750;

(b) Section ~~56-5-2930~~ 56-5-2910;

(c) Section ~~56-5-2933~~; ~~or~~ 56-5-2920;

(d) Section ~~56-5-2945~~; ~~and~~ 56-5-2930;

(e) Section 56-5-2933;

(f) Section 56-5-2945; or

(g) Section 56-5-2937; and

(2) the person has one or more passengers younger than sixteen years of age in the motor vehicle when the violation occurs.

If more than one passenger younger than sixteen years of age is in the vehicle when a violation occurs, the person may be charged with only one violation of this section.

E. Section 56-5-2947(D)(2) of the S.C. Code is amended to read:

(2) Upon conviction under subsection (A)(1)(~~b~~)(d) through (~~e~~)(g), the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

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F. Section 56-5-2950(E) – the undesignated paragraph – of the S.C. Code is amended to read:

(2) SLED shall administer the provisions of this subsection and shall make regulations necessary to carry out this subsection's provisions. The costs of the tests administered at the direction of the law enforcement officer must be paid from the state's general fund. However, if the person is subsequently convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945, then, upon conviction, the person shall pay twenty-five dollars for the costs of the tests. The twenty-five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

G. Section 56-5-2951 (I)(1) and (2) and (N) of the S.C. Code is amended to read:

(I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, 56-5-2937, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) ~~six months~~ one year for a person who refuses to submit to a test pursuant to Section 56-5-2950; ~~or~~

(b) ~~one month~~ two months for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more or if the person takes a test pursuant to Section 56-5-2937 and the test detected the presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, 56-5-

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2937, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, ~~nine months~~two years if the person refuses to submit to a test pursuant to Section 56-5-2950, or ~~two-four~~ months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more or if the person takes a test pursuant to Section 56-5-2937 and the test detected the presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue;

(b) for a third offense, ~~twelve months~~three years if the person refuses to submit to a test pursuant to Section 56-5-2950, or ~~three-six~~ months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more or if the person takes a test pursuant to Section 56-5-2937 and the test detected the presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue; and

(c) for a fourth or subsequent offense, ~~fifteen months~~four years if the person refuses to submit to a test pursuant to Section 56-5-2950, or ~~four-eight~~ months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more or if the person takes a test pursuant to Section 56-5-2937 and the test detected the presence of five or more nanograms per milliliter of delta-9 tetrahydrocannabinol or tetrahydrocannabinol analogue.

(N) An insurer shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2937, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs based solely on the violation unless the person is convicted of the violation.

H. Section 56-5-2953 (A)(1) of the S.C. Code is amended to read:

(A) A person who violates Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945 must have his conduct at the incident site video recorded and the breath test site video recorded, as appropriate. The State may comply with the video recording requirement by offering into evidence one or more video recordings, or by establishing that one or more of the exceptions provided for in subsection (B) applies.

(1)(a) The video recorded ~~recording~~ at the incident site must:

- (i) not begin later than the activation of the officer's blue lights;
- (ii) include any field sobriety tests administered; and

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(iii) include ~~the arrest of a person for a violation of Section 56-5-2930 or Section 56-5-2933, or a probable cause determination in that the person violated Section 56-5-2945, and show the person being advised of his Miranda rights~~reasonably document the advisement of Miranda rights if Miranda warnings are given. Nothing in this section shall be construed to require Miranda warnings unless the State attempts to introduce statements made in response to a custodial interrogation.

(b) A refusal to take a field sobriety test does not constitute disobeying a police command.

I. Section 56-5-2953(B) of the S.C. Code is amended to read:

(B)(1) Nothing in this section may be construed as prohibiting the introduction of other relevant evidence in the trial of a violation of Section 56-5-2930, 56-5-2933, ~~56-5-2937~~, or 56-5-2945. A violation of this section is not grounds for dismissal of a violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945.

~~(2) Failure by the arresting officer to produce the video recording required by this section is not alone a ground for dismissal of any charge made pursuant to a video recording that substantially complies with the recording requirements of this section may be grounds for the suppression of evidence that was not properly recorded or documented as set forth in this section in any trial for a violation of Section 56-5-2930, 56-5-2933, 56-5-2937, or 56-5-2945 if unless the arresting officer submits a sworn affidavit certifying that the video recording equipment at the time of the arrest or probable cause determination, or video equipment at the breath test facility was in an inoperable condition, stating which reasonable efforts have been made to maintain the equipment in an operable condition, and certifying that there was no other operable breath test facility available in the county or, in the alternative, submits a sworn affidavit certifying that it was physically impossible to produce the video recording because the person needed emergency medical treatment, or exigent circumstances existed. In circumstances including, but not limited to, ~~road blocks, roadblocks,~~ traffic accident investigations, and citizens' arrests, where an arrest has been made and the video recording equipment has not been activated by blue lights, the failure by the arresting officer to produce the video recordings required by this section is not alone a ground for ~~dismissal~~the suppression of evidence. However, ~~as soon as video recording is practicable~~ in these circumstances, video recording must begin as soon as practicable and thereafter must conform with the provisions of this section. Nothing in this section prohibits the court from considering any other valid reason for the failure ~~to produce the~~of the State to~~

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substantially comply with any video recording requirements based upon the totality of the circumstances; nor do the provisions of this section prohibit the person from offering evidence relating to the arresting law enforcement officer's failure to produce the video recording.

(3) The court must view all relevant portions of any video recordings before making a ruling on the suppression of evidence or testimony.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Point of Order

Senator SUTTON raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MASSEY spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator MASSEY continued speaking on the amendment.

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

Ayes 35; Nays 5

AYES

Adams	Alexander	Bennett
Blackmon	Bright	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Gambrell
Garrett	Goldfinch	Graham
Johnson	Kennedy	Kimbrell
Leber	Massey	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Verdin	Walker	Williams
Young	Zell	

Total--35

NAYS

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

(b) “Marijuana” does not mean:

(i) the mature stalks of the marijuana plant or fibers produced from these stalks;

(ii) oil or cake made from the seeds of the marijuana plant, including cannabidiol derived from the seeds of the marijuana plant;

(iii) any other compound, manufacture, salt, derivatives, mixture, or preparation of the mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks;

(iv) the sterilized seed of the marijuana plant which is incapable of germination;

(v) for persons participating in a clinical trial or in an expanded access program related to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Article 18, Chapter 53, Title 44, a drug or substance approved for the use of those participants by the federal Food and Drug Administration;—~~or~~

(vi) for persons, or the persons' parents, legal guardians, or other caretakers, who have received a written certification from a physician licensed in this State that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as “severe myoclonic epilepsy of infancy”, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, the substance cannabidiol, a nonpsychoactive cannabinoid, or any compound, manufacture, salt, derivative, mixture, or preparation of any plant of the genus cannabis that contains nine-tenths of one percent or less of tetrahydrocannabinol and more than fifteen percent of cannabidiol; or

(vii) a “hemp gelatin chewable,” “chewable,” or “gummy” which is an edible product that contains intoxicating, alcoholic liquid converted into a gelatin substance subject to the exercise of the police power of the General Assembly pursuant to Article VIII-A of the South Carolina Constitution. Chewables may contain no more than ten milligrams per serving of hemp derived total THC per chewable or gummy and must be sold in containers of no more than ten chewables per package.

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

Section 44-53-399.(A) A hemp gelatin chewable, as defined in Section 44-53-110(27)(b), whose sole active ingredient is hemp derived THC may only be offered for retail sale in a permitted pharmacy, as defined in Section 40-43-30(47), and to an individual who is at least

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twenty-one years of age. A hemp gelatin chewable must be in a child-resistant container with no more than ten chewables per package. The retailer shall ensure that such products are not offered for retail sale by self-service but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by an employee or agent of the retailer.

(B) A retailer selling hemp gelatin chewables shall require the purchaser to produce a government issued photo identification showing the date of birth of the person. The retailer shall ensure that the product is delivered directly into the custody of that purchaser.

(C) A retailer may not sell chewables containing more than ten milligrams per serving of hemp derived total THC per chewable or gummy

Renumber sections to conform.

Amend title to conform.

Senator STUBBS explained the amendment.

On motion of Senator STUBBS, with unanimous consent, the amendment was withdrawn.

RECESS

At 9:41 P.M., on motion of Senator JOHNSON, the Senate recessed from business.

At 10:40 P.M., the Senate resumed.

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
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Garrett	Goldfinch	Graham
Hembree	Hutto	Johnson
Kennedy	Leber	Massey
Matthews	Ott	Peeler
Reichenbach	Rice	Sabb
Stubbs	Sutton	Tedder

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Turner	Verdin	Walker
Williams	Young	Zell

A quorum being present, the Senate resumed.

Motion Adopted

Senator JOHNSON asked unanimous consent to proceed to Amendment No. 32.

Amendment No. 32

Senator JOHNSON proposed the following amendment (SJ-3924.MB0065S), which was adopted:

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

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

Amend the bill further, SECTION 3, by striking Section 46-55-10(5) and inserting:

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

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

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

Amend the bill further, SECTION 3, by striking Section 46-55-10(6) and inserting:

~~(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.

Amend the bill further, SECTION 3, by striking Section 46-55-10(13)(bb)(iv)(II)(bb) and inserting:

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

Amend the bill further, SECTION 3, by deleting Section 46-55-10(13)(bb)(iv)(III) from the bill.

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

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

Amend the bill further, SECTION 5, by striking Section 61-2-60(1), (2), (3), (4), and (5) and inserting:

(1) regulations for the application and issuance of alcoholic liquor and hemp-cannabinoid beverage-product licenses, permits, and certificates;

(2) regulations to prevent the unlawful manufacture, bottling, sale, distribution, transportation, and importation of alcoholic liquors and hemp-cannabinoid beverage-products;

(3) regulations necessary to effect an equitable distribution of alcoholic liquors and hemp-cannabinoid beverage-products in this State;

(4) regulations for the analysis of alcoholic liquors and hemp-cannabinoid beverage-products 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 beverage-products;

Amend the bill further, SECTION 6, by striking Section 61-2-100(I) and inserting:

(I) The department may not issue a wholesale beer and wine or a hemp-cannabinoid beverage-product 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.

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

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

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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-product wholesaler license, the person must also have a wholesale license for alcoholic liquor ~~or beer and wine~~ and continue purchase, store, keep, possess, import into this State, transport, sell, and deliver both hemp-cannabinoid beverages products and ~~beer, wine, or liquor~~ in the new location.

Amend the bill further, SECTION 9, Section 61-2-150, by striking the <<placeholder>> undesignated paragraph and inserting:

If a fine is imposed by the department for a violation by a beer, wine, hemp-cannabinoid beverage-product, 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-product 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.

Amend the bill further, SECTION 10, by striking Section 61-2-170 and inserting:

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 products to be sold on a drive-through or curbside service basis.

Amend the bill further, SECTION 11, by striking Section 61-2-30 and inserting:

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 products, beer, and wine. Salaries of these personnel must be set by the department and the division, as applicable.

Amend the bill further, SECTION 12, Section 61-2-80, by striking the first undesignated paragraph and inserting:

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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~~products, 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~~products and liquor regulation except as it relates to hours of operation more restrictive than those set forth in this title.

Amend the bill further, SECTION 13, by striking Section 61-2-105 and inserting:

Section 61-2-105. Notwithstanding another provision of law, all initial alcoholic liquor, ~~hemp-cannabinoid beverage product~~, 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.

Amend the bill further, SECTION 14, by striking Section 61-2-175(A) and inserting:

(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~~products 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.

Amend the bill further, by deleting SECTIONS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 from the bill.

Amend the bill further, SECTION 38, by striking Section 61-6-20(1)(a) and inserting:

(1)(a) "Alcoholic liquors" or "alcoholic beverages" means any ~~hemp-cannabinoid beverage products 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

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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.

Amend the bill further, SECTION 39, by striking Section 61-6-120(A) and inserting:

(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 ~~products 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.

Amend the bill further, SECTION 40, by striking Section 61-6-185(A) and inserting:

(A) A person residing in the county in which a retail liquor license or retail hemp-cannabinoid beverage ~~product 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;

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(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.

Amend the bill further, SECTION 41, by striking Section 61-6-505(A) and inserting:

(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 hemp-cannabinoid beverage-product 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-product 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.

Amend the bill further, SECTION 42, by striking Section 61-6-900 and inserting:

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-product, 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.

Amend the bill further, SECTION 44, by striking Section 61-6-4000 and inserting:

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-products, wines, and other vinous, fermented, or malt liquors.

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Amend the bill further, SECTION 45, <<section_placeholder>> , by striking the <<placeholder>> undesignated paragraph and inserting:

Hemp Cannabinoid Beverages Products

Amend the bill further, SECTION 45, by striking Section 61-14-10(1)(a) and (b) and inserting:

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

~~(b)(a) more than five milligrams but not more than 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-milliliter container sold in a liquor store; or~~

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

or

(iii) one hemp gelatin chewable.

Amend the bill further, SECTION 45, by striking Section 61-14-10(4) and inserting:

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

Amend the bill further, SECTION 45, Section 61-14-10(1)(b)(iii), by adding a subitem to read:

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

Amend the bill further, SECTION 45, by striking Section 61-14-10(9), (10), (11), (12), (13), (14), (15), (16), and (17) and inserting:

~~(9)(10)~~ “Manufacture” or “produce” means to compound, blend, extract, infuse, cook, or otherwise make or prepare hemp-cannabinoid beverages, or chewables including the process of extraction, infusion, packaging, repackaging, labeling, and relabeling of hemp-cannabinoid beverages or chewables.

~~(10)(11)~~ “Manufacturer” means a person or entity who produces hemp-cannabinoid ~~beverages~~ products for consumption and not for resale, including compounding, blending, extracting, infusing, cooking,

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packaging, labeling, or otherwise making or preparing hemp-cannabinoid beverages.

~~(11)~~(12) “Producer” as used in this chapter includes a manufacturer, a bottler, or importer of hemp-cannabinoid beverages or chewables, into the United States.

~~(12)~~(13) “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)~~(14) “Retailer” means a person or entity that sells hemp-cannabinoid beverages or chewables for consumption and not for resale and is a holder of a license issued under the provisions of this chapter, other than a manufacturer or wholesaler.

~~(14)~~(15) “Retail establishment” means a place of business open to the general public for the sale of goods or services.

(16) “Safe harbor hemp product” means a hemp-derived compound or cannabinoid whether a finished product or in the process of being produced, that is manufactured, produced, packaged, processed, prepared, treated, transported, or held in this state for export from this state but that is not sold or distributed in this state. To be eligible for the designation as a safe harbor hemp product, the manufacturer must have a certificate of analysis of any finished product.

(17) “Safe harbor manufacturer or storage facility” means a facility that manufactures, produces, packages, processes, prepares, treats, transports, or holds a safe harbor hemp product and that:

(a) is authorized to operate in the state and maintains a valid state business license or other required state or local authorization, including under this chapter; and

(b) maintains current third-party Good Manufacturing Practices (GMP) certification for hemp products or dietary supplements issued by an independent certifying body recognized within the United States.

(18) “Safe harbor research institute or facility” means a facility with accreditation from a United States regional accreditor, a private or public university or college, or an institute with ISO accredited analytical research or testing that may work with hemp-derived cannabinoids that are not permitted to be sold or distributed in this state

~~(15)~~(19) “Serving” means a hemp-cannabinoid beverage containing either:

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

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

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

~~(16)(20)~~ “THC” means tetrahydrocannabinol.

~~(17)(21)~~ “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 for resale.

Article 3
Enforcement

Amend the bill further, SECTION 45, by striking Section 61-14-300(B), (C), and (D) and inserting:

(B) All hemp-cannabinoid beverages or chewables distributed into or within the State and offered for sale and sold to consumers in this State must be governed by this chapter, and where applicable ~~Chapter 4, for hemp-cannabinoid beverages containing up to but no more than five milligrams an allowable THC concentration and Chapter 6, for hemp-cannabinoid beverages~~ products containing more than five milligrams but no more than ten milligrams of an allowable THC concentration.

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-300(F)(1), (2), (3), (4), (5), and (6) and inserting:

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

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

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

(4) regulations for the analysis of hemp-cannabinoid ~~beverages~~ products 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~~ products; and

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

Amend the bill further, SECTION 45, Section 61-14-320, by striking the <<placeholder>> undesignated paragraph and inserting:

—(A) It is unlawful for a person to knowingly sell or distribute hemp-cannabinoid ~~beverages-products~~ to a person who is under twenty-one years of age or to purchase hemp-cannabinoid ~~beverages-products~~ on behalf of a person who is under twenty-one years of age.

Amend the bill further, SECTION 45, by striking Section 61-14-320(C)(1) and inserting:

(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-products~~. 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-products~~.

Amend the bill further, SECTION 45, by striking Section 61-14-320(D) and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-330(A) and (B) and inserting:

(A) A person engaged in the business of selling retail hemp-cannabinoid ~~beverages-products~~ must post in each location that he has obtained a license, a sign with the following words printed: “The possession of hemp-cannabinoid ~~beverages-products~~ 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-products~~.” The department shall proscribe by regulation the size of the lettering and the location of the sign on the seller’s premises.

(B) A retail seller of hemp-cannabinoid beverages or hemp gelatin chewable who fails to display the sign required by this section is guilty

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of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

Amend the bill further, SECTION 45, by striking Section 61-14-340(A)(1) and (2) and inserting:

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-340(B) and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-350 and inserting:

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 product~~ in an open container in a motor vehicle of any kind while located upon the public highways or highway rights-of-way of this State. This section must not be construed to prohibit the transporting of hemp-cannabinoid ~~beverage products~~ 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.

Amend the bill further, SECTION 45, Section 61-14-360, by striking the <<placeholder>> undesignated paragraph and inserting:

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

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

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periods is conferred upon the Governor in addition to all other powers conferred upon the Governor.

(2) it is unlawful for a retailer to deliver hemp-cannabinoid products directly to a person's residence.

Amend the bill further, SECTION 45, by deleting Section 61-14-360(A)(2) from the bill.

Amend the bill further, SECTION 45, by striking Section 61-14-500(A), (B), and (C) and inserting:

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

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

(2) is in the original sealed container as packaged by the producer and meets the packaging restrictions in Section 61-14-530;

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

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

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

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

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

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

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

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Amend the bill further, SECTION 45, by striking Section 61-14-520(A) and inserting:

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

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

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

(2) terpene profiles;

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

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

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

(6) mycotoxins; and

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

Amend the bill further, SECTION 45, by striking Section 61-14-520(C) and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-530(A) and (B) and inserting:

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

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

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

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

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

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

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

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

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

Amend the bill further, SECTION 45, Section 61-14-540, by striking the <<placeholder>> undesignated paragraph and inserting:

Each container of a hemp-cannabinoid beverage and hemp gelatin chewable must be labeled to include, at a minimum:

Amend the bill further, SECTION 45, by striking Section 61-14-540(9)(a) and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-540(9)(f) and inserting:

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

(g) THC is an intoxicating substance that causes a psychoactive reaction. Onsets of effects may be delayed.

(h) concurrent use with alcohol or other intoxicants increases impairment and crash risk

Article 7

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

Amend the bill further, SECTION 45, by striking Section 61-14-700(A)(1) and (2) and inserting:

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-700(B)(1), (2), and (3) and inserting:

(1) hemp-cannabinoid ~~beverage~~product manufacturer's license, which authorizes the licensee to manufacture:

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

(b) manufacture safe harbor hemp products and to sell, deliver, or ship safe harbor hemp products in accordance with this chapter.

~~However, deliveries or shipments~~the manufacturer may not delivery or ship a product into ~~be made into~~ another state whose laws prohibit the consignee from receiving or selling hemp-cannabinoid beverages;~~that specific product.~~

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-700(C) and inserting:

(C) The department is authorized to issue, suspend, revoke, renew, or decline to renew hemp-cannabinoid ~~beverage~~product 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.

Amend the bill further, SECTION 45, by striking Section 61-14-710(A), (B), (C), and (D) and inserting:

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

~~—(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.~~

(B) Manufacturers of hemp-cannabinoid products containing not more than ten milligrams of an allowable THC concentration are subject to Chapter 6, Title 61 in the same manner and to the same extent as those provisions apply to manufacturers of alcoholic liquor.

~~—(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 beer and wine.~~

~~—(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.~~

(C)(1) Wholesalers of hemp-cannabinoid products are subject to Chapter 6, Title 61 in the same manner and to the same extent those provisions apply to wholesalers of alcoholic liquor.

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

~~—(D)(1) Retailers of hemp-cannabinoid beverages containing up to five milligrams of allowable THC concentration are subject to Chapter 4 of~~

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~~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 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.~~

~~— (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.~~

(D)(1) Retailers of hemp-cannabinoid products are subject to Chapter 6 of Title 61, in the same manner and to the same extent those provisions apply to alcoholic liquor.

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

Amend the bill further, SECTION 45, by striking Section 61-14-720(A) and inserting:

(A) The biennial license taxes on hemp-cannabinoid product 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.

Amend the bill further, SECTION 45, by striking Section 61-14-730(B) and (C) and inserting:

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

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Amend the bill further, SECTION 45, by striking Section 61-14-740 and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-750(A) and (B) and inserting:

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

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

Amend the bill further, SECTION 45, by striking Section 61-14-760 and inserting:

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

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Amend the bill further, SECTION 45, by striking Section 61-14-780 and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-790(B) and inserting:

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

Amend the bill further, SECTION 45, by striking Section 61-14-800(A), (B), and (C) and inserting:

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

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

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

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

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

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

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Article 9

Provisions Affecting Hemp-Cannabinoid ~~Beverages-Products~~ Only

Amend the bill further, SECTION 45, by striking Section 61-14-900(A), (B), (C), (D), and (E) and inserting:

(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 ~~beveragesproducts~~.

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

(C) A wholesaler may furnish at no charge to the holder of a hemp-cannabinoid ~~beverage-product~~ retail license ~~equipment, replacement parts of nominal value, point of sale advertising specialties and product displays as provided under 27 Code of Federal Regulations, Section 6.83, and point of sale advertising specialties, excluding electronic refrigeration equipment~~. A wholesaler also may furnish the following services to a retailer: setting boxes, rotating stock, affixing price tags to hemp-cannabinoid beveragesproducts, and 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-products~~ 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-products~~ is declared to be a tier one business, a wholesaler or

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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-product~~ 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-product~~ 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 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.

(E) A manufacturer, producer, importer, or wholesaler of hemp-cannabinoid ~~beverages-products~~ 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.

Amend the bill further, SECTION 45, by striking Section 61-14-920 and inserting:

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

Amend the bill further, by striking SECTION 46 and inserting:
SECTION 46. If the federal government exercises its right to regulate hemp-cannabinoid ~~beverages-products~~ through prohibition or regulation, then the allowable THC concentration shall be the lesser of either the federally defined THC level for hemp-cannabinoid ~~beverages-products~~ or delta-9 tetrahydrocannabinol that is not more than three-tenths of one percent on a dry weight basis or not more than ten milligrams ~~on a liquid basis~~.

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

SECTION X. Section 61-6-1500 of the S.C. Code is amended to read:

Section 61-6-1500. (A) A retail dealer may not:

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

- (a) between the hours of 7:00 p.m. and 9:00 a.m.;
- (b) for consumption on the premises;

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- (c) to a person under twenty-one years of age;
 - (d) to an intoxicated person;
 - (e) to a mentally incompetent person; or
 - (f) to a person the retail dealer knows is another retail dealer, except as provided in Section 61-6-950 or between locations owned by the same retail dealer;
- (2) permit the drinking of alcoholic liquors in his store or place of business;
- (3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:
- (a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and
 - (b) the electronic transfer is initiated by the retailer no later than one business day after delivery;
- (4) redeem proof-of-purchase certificates for any promotional item;
- or
- (5) purchase, barter, exchange, receive, or offer to purchase, barter, exchange, receive or permit the purchase, barter, exchange, or receipt, of alcoholic liquors without regard to the size of the container from another retail dealer, except as provided in Section 61-6-950 or between locations owned by the same retail dealer.

However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

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

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

(b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

(3) In addition to the penalties provided in subsection (B), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department. A third or subsequent violation of subsection (A)(1)(f) within three years of the first violation must result in a mandatory suspension of the license or permit for a period of at least thirty days. A violation of subsection

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(A)(5) must result in a mandatory suspension of the license or permit for a period of at least thirty days.

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

(C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on-premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

(D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.

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

Amend the bill further, SECTION 50, by striking Section 50 and inserting:

SECTION 50. ~~The prohibition and enforcement of hemp-cannabinoid beverage-product~~ distribution and sales to individuals under the age of twenty-one are effective upon the signature of the Governor, and the remaining 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.

Senator DAVIS 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 22; Nays 18

AYES

Adams	Alexander	Bennett
Blackmon	Bright	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Garrett	Goldfinch	Hembree
Johnson	Kennedy	Massey
Peeler	Reichenbach	Rice
Young		

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Total--22

NAYS

Allen	Devine	Elliott
Graham	Hutto	Leber
Matthews	Ott	Rankin
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Walker	Williams	Zell

Total--18

The amendment was adopted.

On motion of Senator CHAPLIN, with unanimous consent, Amendment No. 18 was withdrawn.

On motion of Senator OTT, with unanimous consent, Amendment Nos. 11 and 31 were withdrawn.

On motion of Senator DAVIS, with unanimous consent, Amendment No. 19A was withdrawn.

On motion of Senator CASH, with unanimous consent, Amendment No. 21A was withdrawn.

Amendment No. 23

Senator CHAPLIN proposed the following amendment (SR-3924.CEM0026S), which was withdrawn:

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

SECTION X. Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3379. (A) A manufacturer, as defined in Section 61-14-10, is eligible to claim an income tax credit or a credit against employee withholding if they are purchasing South Carolina grown hemp, as defined in Section 46-55-10(12), from a bona fide licensee under Section 46-55-20 to manufacture their product. The credit amounts allowed are as follows:

(1) for a manufacturer who uses fifty percent of the necessary hemp to manufacture their product from a licensee under Section 46-55-20, the

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income tax credit or credit against employee withholding shall be fifty thousand dollars;

(2) for a manufacturer who uses at least seventy-five percent of the necessary hemp to manufacture their product from a licensee under Section 46-55-20, the income tax credit or credit against employee withholding shall be one hundred thousand dollars.

(B)(1) If the income tax credit exceeds the taxpayer's income tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

(2) If the credit against withholding taxes exceeds the taxpayer's withholding tax liability for the taxable quarter that is not otherwise refunded pursuant to this title, the excess amount may be carried forward and claimed against withholding liability that is not otherwise refunded under this title in the next twenty succeeding taxable quarters.

Renumber sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

On motion of Senator OTT, with unanimous consent, the amendment was withdrawn.

On motion of Senator SUTTON, with unanimous consent, Amendment Nos. 26, 27 and 6A were withdrawn.

On motion of Senator GARRETT, with unanimous consent, Amendment Nos. 29 and 14 were withdrawn.

On motion of Senator CASH, with unanimous consent, Amendment No. 30 was withdrawn.

The question then was second reading of the Bill.

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

Ayes 15; Nays 25

AYES

Adams	Alexander	Bennett
Blackmon	Campsen	Climer
Cromer	Davis	Goldfinch

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Hembree	Johnson	Massey
Peeler	Rice	Young

Total--15

NAYS

Allen	Bright	Cash
Chaplin	Corbin	Devine
Elliott	Garrett	Graham
Hutto	Kennedy	Leber
Matthews	Ott	Rankin
Reichenbach	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Walker	Williams
Zell		

Total--25

Having failed to receive the necessary vote, second reading failed.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Bamberg County:

Donald L. Price, 2534 Tractor Road, Bamberg, SC 29003

Motion Adopted

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

WEDNESDAY, MARCH 18, 2026

MOTION ADOPTED

On motion of Senator OTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joseph Marion Corbett of Neeses, S.C. Joseph became a firefighter with the Neeses Volunteer Fire Department and served in various capacities for over thirty years, was an active member of the Neeses Fire Department for over thirty-five years and was a member of the Orangeburg County Fire Board. He served as parade chairman for the Neeses Mushroom Festival for eight years. Joseph volunteered with the Neeses Adopt-A-Highway and served several decades on the Town of Neeses Cemetery Committee and as Commissioner of the Town's Zoning Board of Appeals. He was first elected in 1987 to Neeses Town Council and as Mayor in 1989 where he served until 2022. Joseph was a dedicated Gamecock Club member for forty-six years. Joseph was a loving father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators MASSEY, ADAMS, ALEXANDER, ALLEN, BENNETT, BLACKMON, BRIGHT, CAMPSER, CASH, CHAPLIN, CLIMER, CORBIN, CROMER, DAVIS, DEVINE, ELLIOTT, FERNANDEZ, GAMBRELL, GARRETT, GOLDFINCH, GRAHAM, GROOMS, HEMBREE, HUTTO, JACKSON, JOHNSON, KENNEDY, KIMBRELL, LEBER, MARTIN, MATTHEWS, OTT, PEELER, RANKIN, REICHENBACH, RICE, SABB, STUBBS, SUTTON, TEDDER, TURNER, VERDIN, WALKER, WILLIAMS, YOUNG and ZELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Dale Johnson Moore of Graniteville, S.C. Dale was the wife of our beloved former Senator Tommy Moore. Dale had an infectious laugh, joyful spirit and cheerful presence. She was involved with Valley Recreation where she generously gave of her time. Dale embodied the Fruits of the Spirit and was a testimony of those virtues. Dale was a loving wife, devoted mother and doting grandmother who will be dearly missed.

WEDNESDAY, MARCH 18, 2026

ADJOURNMENT

At 12:16 A.M., on motion of Senator MASSEY, the Senate adjourned to meet at 11:00 A.M.

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WEDNESDAY, MARCH 18, 2026

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