**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5092**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Herbkersman, G.M. Smith, Bannister and Vaughan

Document Path: LC-0325PH24.docx

Introduced in the House on February 14, 2024

Currently residing in the House Committee on **Judiciary**

Summary: DHEC Restructuring Bill

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/14/2024 House Introduced and read first time ([House Journal‑page 9](h:\hj\20240214.docx))

2/14/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 9](h:\hj\20240214.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5092&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/14/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5092_20240214.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48‑6‑65 SO AS TO REQUIRE THE DEPARTMENT TO INVESTIGATE AND ADVISE ON CERTAIN MATTERS; BY AMENDING SECTIONS 1‑3‑240, 1‑5‑40, 1‑11‑20, 1‑23‑600, 1‑25‑60, 2‑13‑240, 3‑5‑40, 3‑5‑50, 3‑5‑60, 3‑5‑70, 3‑5‑80, 3‑5‑90, 3‑5‑100, 3‑5‑110, 3‑5‑120, 3‑5‑130, 3‑5‑140, 3‑5‑150, 3‑5‑160, 3‑5‑170, 3‑5‑180, 3‑5‑190, 3‑5‑320, 3‑5‑330, 3‑5‑340, 3‑5‑350, 3‑5‑360, 4‑12‑30, 4‑29‑67, 4‑33‑10, 4‑33‑20, 4‑33‑30, 5‑31‑2010, 6‑1‑150, 6‑11‑285, 6‑11‑290, 6‑11‑1210, 6‑11‑1230, 6‑11‑1430, 6‑15‑30, 6‑19‑30, 6‑19‑35, 6‑19‑40, 6‑21‑400, 7‑5‑186, 7‑5‑310, 10‑5‑270, 10‑9‑10, 10‑9‑20, 10‑9‑30, 10‑9‑35, 10‑9‑40, 10‑9‑110, 10‑9‑200, 10‑9‑260, 10‑9‑320, 11‑11‑170, 11‑11‑230, 11‑37‑200, 11‑58‑70, 11‑58‑80, 12‑6‑3370, 12‑6‑3420, 12‑6‑3550, 12‑6‑3775, 12‑23‑810, 12‑23‑815, 12‑28‑2355, 12‑37‑220, 12‑44‑30, 13‑1‑380, 13‑2‑10, 13‑7‑10, 13‑7‑20, 13‑7‑30, 13‑7‑40, 13‑7‑45, 13‑7‑60, 13‑7‑70, 13‑7‑90, 13‑7‑120, 13‑7‑160, 14‑1‑201, 14‑7‑1610, 14‑7‑1630, 14‑23‑1150, 15‑74‑40, 16‑3‑740, 16‑3‑2050, 16‑17‑500, 16‑17‑650, 16‑25‑320, 20‑1‑240, 20‑1‑320, 20‑1‑330, 20‑1‑340, 20‑1‑350, 20‑1‑720, 20‑3‑230, 20‑3‑235, 23‑1‑230, 23‑3‑535, 23‑3‑810, 25‑11‑70, 25‑11‑75, 27‑16‑90, 27‑31‑100, 30‑2‑30, 30‑2‑320, 31‑13‑30, 32‑8‑305, 33‑36‑1315, 37‑11‑20, 37‑11‑50, 38‑7‑20, 38‑55‑530, 38‑70‑60, 38‑71‑46, 38‑71‑145, 38‑71‑1520, 38‑78‑10, 39‑23‑20, 39‑23‑30, 39‑23‑40, 39‑23‑50, 39‑23‑60, 39‑23‑70, 39‑23‑100, 39‑23‑110, 39‑23‑120, 39‑23‑130, 40‑7‑60, 40‑7‑230, 40‑10‑230, 40‑13‑60, 40‑13‑110, 40‑15‑85, 40‑15‑102, 40‑15‑110, 40‑23‑10, 40‑23‑20, 40‑23‑110, 40‑23‑280, 40‑23‑300, 40‑23‑305, 40‑23‑310, 40‑25‑20, 40‑25‑170, 40‑33‑20, 40‑33‑30, 40‑35‑10, 40‑35‑20, 40‑43‑72, 40‑43‑83, 40‑43‑86, 40‑43‑87, 40‑43‑190, 40‑43‑195, 40‑43‑200, 40‑45‑300, 40‑47‑31, 40‑47‑32, 40‑47‑34, 40‑61‑20, 40‑69‑255, 40‑71‑10, 40‑71‑20, 40‑81‑20, 40‑84‑120, 41‑27‑280, 43‑5‑24, 43‑5‑910, 43‑5‑1185, 43‑21‑120, 43‑21‑130, 43‑25‑30, 43‑33‑350, 43‑35‑10, 43‑35‑15, 43‑35‑25, 43‑35‑35, 43‑35‑220, 43‑35‑310, 43‑35‑520, 43‑35‑560, 44‑1‑60, 44‑1‑65, 44‑1‑70, 44‑1‑80, 44‑1‑90, 44‑1‑100, 44‑1‑110, 44‑1‑130, 44‑1‑140, 44‑1‑151, 44‑1‑152, 44‑1‑165, 44‑1‑170, 44‑1‑180, 44‑1‑190, 44‑1‑200, 44‑1‑210, 44‑1‑215, 44‑1‑220, 44‑1‑230, 44 1 280, 44‑1‑300, 44‑1‑310, 44‑1‑315, 44‑2‑20, 44‑2‑40, 44‑2‑60, 44‑2‑130, 44‑2‑150, 44‑3‑10, 44 3‑150, 44‑4‑130, 44‑4‑300, 44‑4‑310, 44‑4‑320, 44‑4‑330, 44‑4‑340, 44‑4‑500, 44‑4‑510, 44‑4‑520, 44‑4‑530, 44‑4‑540, 44‑4‑550, 44‑4‑560, 44‑4‑570, 44‑5‑20, 44‑6‑5, 44‑6‑150, 44‑6‑170, 44‑6‑400, 44‑7‑77, 44‑7‑80, 44‑7‑90, 44‑7‑130, 44‑7‑150, 44‑7‑180, 44‑7‑190, 44‑7‑200, 44‑7‑210, 44‑7‑220, 44‑7‑225, 44‑7‑230, 44‑7‑240, 44‑7‑250, 44‑7‑260, 44‑7‑320, 44‑7‑325, 44‑7‑370, 44 7‑392, 44‑7‑510, 44‑7‑1420, 44‑7‑1440, 44‑7‑1490, 44‑7‑1590, 44‑7‑1660, 44‑7‑1690, 44‑7‑2420, 44‑7‑2430, 44‑7‑2940, 44‑7‑3430, 44‑7‑3460, 44‑8‑10, 44‑8‑20, 44‑8‑60, 44‑9‑70, 44‑20‑270, 44‑29‑10, 44‑29‑15, 44‑29‑20, 44‑29‑30, 44‑29‑40, 44‑29‑50, 44‑29‑60, 44‑29‑70, 44‑29‑80, 44‑29‑90, 44‑29‑100, 44‑29‑110, 44‑29‑115, 44‑29‑120, 44‑29‑130, 44‑29‑135, 44‑29‑136, 44‑29‑140, 44‑29‑145, 44‑29‑146, 44‑29‑150, 44‑29‑160, 44‑29‑170, 44‑29‑180, 44‑29‑185, 44‑29‑190, 44‑29‑195, 44‑29‑200, 44‑29‑210, 44‑29‑230, 44‑29‑240, 44‑29‑250, 44‑30‑20, 44‑30‑90, 44‑31‑10, 44‑31‑20, 44‑31‑30, 44‑31‑105, 44‑31‑110, 44‑31‑610, 44‑32‑10, 44‑32‑20, 44‑32‑120, 44‑33‑10, 44 33‑310, 44‑34‑10, 44‑34‑20, 44‑34‑100, 44‑35‑10, 44‑35‑20, 44‑35‑30, 44‑35‑40, 44‑35‑50, 44‑35‑60, 44‑35‑70, 44‑35‑80, 44‑35‑90, 44‑35‑100, 44‑36‑20, 44‑36‑30, 44‑36‑50, 44‑36‑320, 44‑36‑520, 44‑37‑20, 44‑37‑30, 44‑37‑40, 44‑37‑50, 44‑37‑70, 44‑38‑30, 44‑38‑380, 44‑38‑630, 44‑39‑20, 44‑40‑30, 44‑40‑60, 44‑41‑10, 44‑41‑60, 44‑41‑340, 44‑44‑20, 44‑44‑30, 44‑44‑40, 44‑49‑40, 44‑52‑10, 44‑53‑10, 44‑53‑50, 44‑53‑110, 44‑53‑160, 44‑53‑280, 44‑53‑290, 44‑53‑310, 44 53‑320, 44‑53‑360, 44‑53‑362, 44‑53‑375, 44‑53‑430, 44‑53‑480, 44‑53‑490, 44‑53‑500, 44‑53‑630, 44‑53‑710, 44‑53‑720, 44‑53‑730, 44‑53‑740, 44‑53‑750, 44‑53‑930, 44‑53‑1320, 44‑53‑1630, 44‑53‑1640, 44‑55‑20, 44‑55‑30, 44‑55‑40, 44‑55‑45, 44‑55‑50, 44‑55‑60, 44‑55‑70, 44‑55‑120, 44‑55‑210, 44‑55‑220, 44‑55‑230, 44‑55‑240, 44‑55‑250, 44‑55‑260, 44‑55‑270, 44‑55‑275, 44‑55‑280, 44‑55‑290, 44‑55‑410, 44‑55‑420, 44‑55‑430, 44‑55‑440, 44‑55‑450, 44‑55‑460, 44‑55‑610, 44‑55‑620, 44‑55‑630, 44‑55‑640, 44‑55‑650, 44‑55‑660, 44‑55‑670, 44‑55‑680, 44‑55‑690, 44‑55‑700, 44‑55‑820, 44‑55‑822, 44‑55‑825, 44‑55‑827, 44‑55‑830, 44‑55‑860, 44‑55‑2320, 44‑55‑2360, 44‑55‑2390, 44‑56‑20, 44‑56‑30, 44‑56‑60, 44‑56‑100, 44‑56‑130, 44‑56‑160, 44‑56‑200, 44‑56‑210, 44‑56‑405, 44‑56‑410, 44‑56‑420, 44‑56‑495, 44 56 840, 44‑59‑10, 44‑59‑30, 44‑61‑20, 44‑61‑30, 44‑61‑40, 44‑61‑50, 44‑61‑60, 44‑61‑70, 44 61 80, 44‑61‑130, 44‑61‑310, 44‑61‑320, 44‑61‑340, 44‑61‑350, 44‑61‑510, 44‑61‑520, 44‑61‑530, 44‑61‑540, 44‑61‑630, 44‑61‑650, 44‑63‑10, 44‑63‑20, 44‑63‑30, 44‑63‑80, 44‑63‑86, 44‑63‑110, 44‑63‑161, 44‑63‑163, 44‑69‑20, 44‑69‑30, 44‑69‑50, 44‑70‑20, 44‑71‑20, 44‑71‑70, 44‑74‑50, 44‑74‑60, 44‑78‑15, 44‑80‑10, 44‑81‑30, 44‑87‑10, 44‑89‑30, 44‑89‑90, 44‑93‑20, 44‑93‑160, 44‑96‑40, 44‑96‑60, 44‑96‑85, 44‑96‑100, 44‑96‑120, 44‑96‑165, 44‑96‑170, 44‑96‑250, 44‑96‑440, 44‑96‑450, 44‑99‑10, 44‑99‑30, 44‑99‑50, 44‑113‑20, 44‑115‑80, 44‑115‑130, 44‑117‑50, 44‑122‑50, 44‑125‑20, 44‑128‑20, 44‑128‑50, 44‑130‑20, 44‑130‑70, 44‑139‑40, 44‑139‑50, 45‑4‑30, 45‑4‑70, 46‑1‑130, 46‑1‑140, 46‑3‑240, 46‑7‑100, 46‑7‑110, 46‑9‑120, 46‑13‑110, 46‑13‑150, 46‑45‑10, 46‑45‑60, 46‑45‑80, 46‑49‑60, 46‑51‑20, 46‑57‑20, 46‑57‑50, 47‑1‑80, 47‑3‑420, 47‑4‑150, 47‑5‑20, 47‑9‑60, 47‑17‑40, 47‑17‑120, 47‑17‑130, 47‑17‑140, 47‑17‑320, 47‑19‑35, 47‑20‑165, 48‑1‑10, 48‑1‑20, 48‑1‑55, 48‑1‑85, 48‑1‑95, 48‑1‑100, 48‑1‑110, 48‑1‑280, 48‑2‑20, 48‑2‑60, 48‑2‑70, 48‑2‑80, 48‑2‑320, 48‑2‑330, 48‑2‑340, 48‑3‑10, 48‑3‑140, 48‑5‑20, 48‑6‑50, 48‑6‑60, 48‑18‑20, 48‑18‑50, 48‑20‑30, 48‑20‑40, 48‑20‑70, 48‑21‑20, 48‑34‑40, 48‑39‑10, 48‑39‑35, 48‑39‑45, 48‑39‑50, 48‑39‑250, 48‑39‑270, 48‑39‑280, 48‑39‑290, 48‑39‑320, 48‑39‑345, 48‑40‑20, 48‑40‑40, 48‑40‑50, 48‑40‑60, 48‑40‑70, 48‑43‑10, 48‑43‑30, 48‑43‑40, 48‑43‑50, 48‑43‑60, 48‑43‑100, 48‑43‑390, 48‑43‑510, 48‑43‑520, 48‑43‑570, 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑80, 48‑46‑90, 48‑52‑810, 48‑52‑865, 48‑55‑10, 48‑56‑20, 48‑57‑20, 48‑60‑20, 48‑62‑30, 49‑1‑15, 49‑1‑16, 49‑1‑18, 49‑4‑20, 49‑4‑80, 49‑4‑170, 49‑5‑30, 49‑5‑60, 49‑6‑10, 49‑6‑30, 49‑11‑120, 49‑11‑170, 49‑11‑260, 49‑23‑60, 50‑5‑35, 50‑5‑360, 50‑5‑910, 50‑5‑955, 50‑5‑965, 50‑5‑997, 50‑11‑90, 50‑15‑430, 50‑16‑30, 50‑19‑1935, 50‑21‑30, 54‑6‑10, 55‑1‑100, 56‑1‑221, 56‑3‑9800, 56‑5‑170, 56‑5‑2720, 56‑35‑50, 56‑35‑60, 56‑35‑80, 58‑27‑255, 58‑33‑140, 59‑1‑380, 59‑1‑450, 59‑31‑330, 59‑32‑10, 59‑32‑30, 59‑36‑20, 59‑47‑10, 59‑63‑75, 59‑63‑95, 59‑111‑720, 59‑123‑125, 59‑152‑60, 61‑4‑220, 61‑4‑1515, 61‑4‑1750, 61‑6‑1610, 61‑6‑2410, 62‑1‑302, 63‑1‑50, 63‑7‑1210, 63‑9‑730, 63‑9‑910, 63‑11‑1720, 63‑11‑1930, 63‑11‑2240, 63‑11‑2290, 63‑13‑80, 63‑13‑180, AND 63‑17‑70, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO THE RESTRUCTURING PROVIDED BY ACT 60 OF 2023; AND BY REPEALING SECTIONS 44‑1‑30, 44‑1‑40, 44‑1‑50, 44‑3‑110, 44‑3‑120, 44‑3‑130, 44‑3‑140, 44‑7‑310, 44‑11‑30, 44‑11‑40, 44‑55‑1310, 44‑55‑1320, 44‑55‑1330, 44‑55‑1350, 44‑55‑1360, 49‑3‑60, 59‑111‑510, 59‑111‑520, 59‑111‑530, 59‑111‑540, 59‑111‑550, 59‑111‑560, 59‑111‑570, 59‑111‑580 ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 6, Title 48 of the S.C. Code is amended by adding:

Section 48‑6‑65. The department shall investigate and advise as to all matters respecting water supply, sewage, drainage, ventilation, heating, lighting, or other measures connected with public sanitation or safety.

SECTION 2. Section 1‑3‑240(C)(1)(i) of the S.C. Code is amended to read:

(i) Board of the Department of Health and Environmental Control, excepting the chairmanReserved;

SECTION 3. Section 1‑5‑40(A)(43) of the S.C. Code is amended to read:

(43) DHEC

(a) Board of Health and Environmental Control

(b) Office of Ocean and Coastal Resource Management BoardReserved

SECTION 4. Section 1‑11‑20(D) of the S.C. Code is amended to read:

(D) The regulation of minerals and mineral interests on public land, and the regulation of Geothermal Resources as provided in Chapter 9, Title 10 is transferred to, and incorporated into, the Department of Health and Environmental ControlServices.

SECTION 5. Section 1‑23‑600(H)(1) of the S.C. Code is amended to read:

(1) This subsection applies to timely filed requests for a contested case hearing of decisions by the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsectionpursuant to this section of decisions by departments governed by a board or commission authorized to exercise sovereignty of the State.

SECTION 6. Section 1‑25‑60(A)(1)(b) of the S.C. Code is amended to read:

(b) Department of Public Health and Environmental Control

SECTION 7.A. Section 2‑13‑240(a)(67) of the S.C. Code is amended to read:

(67) Department of Public Health and Environmental Control, five;

B. Section 2‑13‑240(a)(88) of the S.C. Code is amended to read:

(88) Department of Natural Resources, four.;

(89) Department of Environmental Services, five.

SECTION 8. Sections 3‑5‑40 through 3‑5‑190 of the S.C. Code are amended to read:

Section 3‑5‑40. If the title to any part of the lands, including submerged lands, property or property rights, required by the United States Government for the construction and maintenance of the aforesaid intracoastal waterway from Winyah Bay, South Carolina, to the State boundary line in the Savannah River and any changes, modifications or extensions thereto and any tributaries thereof, and the Ashley River and Shipyard River projects shall be in any private person, firm or corporation, telephone or telegraph company or other public service corporation or shall have been donated or condemned for public or public service purposes by any political subdivision of this State or any public service corporation, the South Carolina Department of Health and Environmental ControlServices may, acting for and in behalf of the State, secure the above described rights of way and spoil disposal areas for such intracoastal waterway and all its tributaries and for the Ashley River and Shipyard River projects upon, across and through such lands, including submerged lands, or any part thereof, including oyster beds, telephone and telegraph lines, railroad lines, property of other public service corporations and other property and property rights, by purchase, donation or otherwise, through agreement with the owner when possible. And when any such easement or property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3‑5‑50. If for any reason the South Carolina Department of Health and Environmental ControlServices is unable to secure any rights‑of‑wayrights of way and spoil disposal area upon, across, or through any such land, including submerged lands, property, or rights, by voluntary agreement with the owner, the South Carolina Department of Health and Environmental ControlServices, acting for and in behalf of the State may condemn it.

Section 3‑5‑60. If the United States Government shall so determine, it may condemn and use all lands, including submerged lands, property and property rights which may be needed for the purposes set forth in Section 3‑5‑40 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands, including submerged lands, property and property rights, the South Carolina Department of Health and Environmental Control Services may pay all expenses of such condemnation proceedings and any award that may be made thereunder out of any monies appropriated for such purposes.

Section 3‑5‑70. In such condemnation proceedings the uses for which such easements or property are condemned are hereby declared to be for a purpose paramount to all other public uses and the fact that any portion of it has previously been condemned by a railroad company, canal company, telephone or telegraph company or other public service corporation or by any political subdivision of the State for public uses or has been conveyed by any person for any such public uses shall in no way affect the right of the State or of the United States Government to condemn such lands, property and property rights as herein provided.

Section 3‑5‑80. For the purpose of determining the lands, easements and property necessary for the uses herein set out, the South Carolina Department of Health and Environmental Control Services or the United States Government, or the agents of either, may enter upon any lands along the general line of the rights of way for the purposes of locating definitely the specific lines of such rights of way and the land required for such purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

Section 3‑5‑90. Neither this article, nor any part thereof, nor any grant or deed made under the authority hereof shall operate to divest the State of jurisdiction over any lands and all civil or criminal process issued under the authority of any laws of this State may be executed in or on any part of the lands or premises devoted to the use of the intracoastal waterway or to any use incidental thereto to the same effect as if this article had not been enacted and as if such grant or deed had not been executed.

Section 3‑5‑100. If any of the lands or property, the use of which is acquired for the rights‑of‑wayrights of way and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute for the leased areas lying within the rights‑of‑wayrights of way and spoil disposal areas other equal areas lying without the rights‑of‑way and spoil disposal areas that also are suitable for the cultivation and gathering of oysters. The Department of Health and Environmental Control Services may reimburse the person for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster beds, the Department of Health and Environmental ControlServices, acting for the State, may condemn the rights and property of the lessees in the leased areas.

Section 3‑5‑110. All persons engaged in the cultivation of oysters on oyster beds held either in fee simple or in leasehold beyond the limits of the areas to be acquired for said waterway project from Winyah Bay to the State boundary line in the Savannah River shall be entitled to compensation for damages done to such oyster beds or the oysters therein by reason of dredging operations in the construction of said waterway, such compensation to be paid by the persons engaged in the dredging operations and not by the State.

Section 3‑5‑120. If and when any such oyster beds or oysters growing therein shall have been damaged by muddy water or by other effects of such dredging operations any person holding such oyster beds in fee simple or in leasehold or owning the oysters growing therein or any person engaged in the prosecution of the work of constructing the waterway shall be privileged to apply to the South Carolina Department of Health and Environmental Control Services to survey such oyster beds and oysters and to determine the extent and amount of such damage. Upon any such application, the Department of Health and Environmental Control shall proceed promptly to survey the damage done to such oyster beds and oysters and to determine the identity of the person causing such damage and the identity of the owner in fee or in leasehold of such oyster beds and oysters suffering such damage. The South Carolina Department of Health and Environmental ControlServices may subpoena witnesses to assist in the determination of such facts. The departmentDepartment of Health and Environmental Control Services must afford the owner of the alleged damaged oyster beds and oysters and the person alleged to have caused the damage an opportunity to be heard.

Section 3‑5‑130. Staff of the Coastal Division of Coastal Management of the Department of Health and Environmental ControlServices shall make a determination of the amount of actual damage.

Section 3‑5‑140. If the person in whose favor or the person against whom such determination is made shall be dissatisfied therewith, such person may apply to an Administrative Law Judge to review the determination. An appeal from the decision of the Administrative Law Judge may be taken to the Coastal Zone Management Appellate Panel. An appeal from the decision of the Panel may be taken to the court of common pleas for the county in which the oyster beds lie. The Courtcourt shall review the award in the same manner as reports of a master in equity are reviewed by the court and the determination of the amount of the award by the court of common pleas shall be final.

Before a review shall be granted to the person against whom the award is made, such person shall pay to the person in whose favor the award is made, one half of the amount of the said award, and shall file with the said clerk of court a bond conditioned for the payment of the remaining half of the award or so much thereof as may be finally awarded, such bond to be approved by the clerk of court of the county in which the oyster beds lie as to form, surety and amount.

The final award shall be entered on record in the office of the clerk of court of common pleas for the county in which the oyster beds lie and when so entered shall have the force and effect of a judgment. The amount of the award shall be limited to the direct actual damage suffered by the person owning in fee or in leasehold the oyster beds and the oysters growing therein.

Section 3‑5‑150. Upon the filing with the clerk of court of any such award there shall be added thereto as a part thereof the costs of the survey held to determine the damage resulting in such award. Such costs shall be repaid to the Department of Health and Environmental ControlServices by the person against whom the award is given. If it shall be finally determined that no damage has been done the cost of the survey shall be paid by the person requesting the survey.

Section 3‑5‑160. The Department of Health and Environmental ControlServices shall account for all monies recovered under the provisions of Sections 3‑5‑110 to 3‑5‑150 to the State Treasurer.

Section 3‑5‑170. Should any person cultivating oysters upon an area leased from the State outside of the limits to be acquired for said waterway project from Winyah Bay to the state boundary line in the Savannah River elect, in lieu of claiming damages which might be done to such oysters by dredging operations, to transfer such cultivated oysters to a different leased area and the person whose dredging operations in the construction of said intracoastal waterway either shall have damaged or might damage such oysters agrees to pay the expenses of such removal, the South Carolina Department of Natural Resources may substitute for such leased areas other equal areas suitable for the cultivation and gathering of oysters in a location not subject to damage by dredging operation.

Section 3‑5‑180. The remedies herein given with respect to oysters lying beyond the limits of the areas to be acquired for said waterway project such rights of way shall be exclusive.

Section 3‑5‑190. Any person, his heirs, executors, administrators, successors or assigns, who may be compensated for damage to oysters during the construction or maintenance of said intracoastal waterway and its tributaries and the Ashley River and Shipyard River projects, whether by the Department of Health and Environmental ControlServices, the contractor engaged on the work or the United States, shall be estopped from making further claim for damage to oysters in or upon the same area on account of dredging operations during maintenance or further improvement of the waterway and its tributaries or Ashley River or Shipyard River.

SECTION 9. Sections 3‑5‑320 through 3‑5‑360 of the S.C. Code are amended to read:

Section 3‑5‑320. If the title to any part of the lands required by the United States Government for the construction of the aforesaid inland waterway from the North Carolina‑South Carolina State line at Little River to Winyah Bay shall be in any private person, company, firm or corporation, railroad company, canal company, telephone or telegraph company or other public service corporation or shall have been donated or condemned for any such use by any political subdivision of this State, the Department of Health and Environmental ControlServices may, acting for and in behalf of the State, secure a right of way of the width aforesaid for such inland waterway upon, across and through such lands or any part thereof by purchase, donation or otherwise, through agreement with the owner when possible, and when any such property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3‑5‑330. If for any reason the Department of Health and Environmental ControlServices is unable to secure the right‑of‑wayright of way upon, across, or through the property by voluntary agreement with the owner, the Department of Health and Environmental ControlServices acting for the State, may condemn the right‑of‑wayright of way. The Governor and the Secretary of State shall promptly execute a deed for the condemned property to the United States.

Section 3‑5‑340. If the United States Government shall so determine, it may condemn and use all lands and property which may be needed for the purposes set forth in Section 3‑5‑310 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands and property, the Department of Health and Environmental ControlServices may pay all expenses of the condemnation proceedings and any award that may be made thereunder out of any moneys appropriated or which may be appropriated for such purposes.

Section 3‑5‑350. In such condemnation proceedings the uses for which such land or property is condemned are hereby declared to be for a purpose paramount to all other public uses and the fact that any portion thereof has theretofore been condemned by a railroad company, canal company, telephone or telegraph company or other public service corporation or by any political subdivision of the State for public uses or has been conveyed by any person for any such public uses shall in no way affect the right of the State or the United States Government to condemn such lands and property as herein provided.

Section 3‑5‑360. For the purpose of determining the lands and property necessary for the uses herein set out the Department of Health and Environmental Control Services or the United States Government, or the agents of either, may enter upon any lands along the general line of said right of way and make such surveys and do such other acts as in their judgment may be necessary for the purpose of definitely locating the specific lines of said right of way and the lands required for said purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

SECTION 10. Section 4‑12‑30(B)(3) of the S.C. Code is amended to read:

(3) The minimum level of investment in the project must be at least two and one‑half million dollars and must be invested within the time period provided in subsection (C)(2). If a county has an average annual unemployment rate of at least twice the state average during the last twenty‑four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty‑first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose inducement agreement is signed in the calendar year following the county designation. Investments may include amounts expended by a sponsor as a nonresponsible party in a voluntary cleanup contract on the property at a project pursuant to Article 7, Chapter 56 of Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental ControlServices has issued a certificate of completion for the cleanup. If the amounts, under the Brownfields Voluntary Cleanup Program, equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.

SECTION 11. Section 4‑29‑67(B)(3) of the S.C. Code is amended to read:

(3) The minimum level of investment in the project must be at least forty‑five million dollars and must be invested within the time period provided in subsection (C). If a county has an average annual unemployment rate of at least twice the state average during the last twenty‑four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty‑first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose inducement agreement is signed in the calendar year following the county designation. Investments may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property at the project pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental ControlServices certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this section is met.

SECTION 12. Sections 4‑33‑10 through 4‑33‑30 of the S.C. Code are amended to read:

Section 4‑33‑10. The Commissioner of Agriculture, who is the authorized custodian of the State exhibit property, and the Department of Public Health, and the Department of Environmental Control Services shall, whenever application is made to either or both by the officials of county fairs held in the State and upon the guarantee by such officials of all expenses connected with the undertaking, prepare and send to such fairs exhibits of such educational character as will be instructive and beneficial to the people attending the fairs.

Section 4‑33‑20. The Commissioner of Agriculture, and the Department of Public Health, and the Department of Environmental ControlServices shall send in charge of these exhibits demonstrators competent to explain fully to visitors at the fairs the educational value of such exhibits.

Section 4‑33‑30. The Commissioner of Agriculture, and the Department of Public Health, and the Department of Environmental ControlServices may detail necessary menstaff to this service, though they may be employed and paid for other purposes, and may expend such funds as may be at their command and as may be necessary to prepare and arrange the exhibits contemplated by Section 4‑33‑10.

SECTION 13. Section 5‑31‑2010 of the S.C. Code is amended to read:

Section 5‑31‑2010. The General Assembly takes note of the fact that incorporated cities and towns (municipalities) throughout the State have in many instances experienced considerable growth with the result that sewage collection and treatment facilities must be extended and enlarged in order to serve all of the persons residing within the corporate limits. Such extensions and enlargements are customarily paid from ad valorem taxes levied throughout the municipality and from sewer service charges. However, it appears that in some instances the cost of constructing all or a portion of such facilities can be more equitably distributed by assessing all or a portion of the cost of constructing sewer laterals against the properties facing thereon.

The General Assembly concludes that in order to facilitate the construction and operation of sewer systems by municipalities, all municipalities should be granted all of the powers set forth in this article.

In view of the foregoing, the General Assembly has determined to confirm in the governing body of each municipality the power: (1) To place into effect, revise, enforce, and collect a schedule of charges for its sewage collection service and (2) to adopt and enforce regulations requiring all properties to which sewer service is available to connect to the municipality’s sewage collection facilities as now existing or hereafter improved; and to give the governing body of each municipality in addition to those powers already vested in them, the power: (a) To contract with any public or private agency operating a water system for the collection of such sewer charges; (b) to make regulations generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewage facilities; (c) to impose front‑foot assessments against properties abutting the sewage collection laterals; and (d) to make unpaid sewer service charges a lien against the property served.

It is the legislative intent of this article that it shall be deemed complementary and supplementary to existing laws relating to any municipalities and to add to the powers, functions and duties committed to the several governing bodies thereof in order that all municipalities may fulfill their function of preserving the public health, and provide for all those who own, use or occupy dwellings, commercial buildings or other structures therein. In enacting this article, the General Assembly exercises its general police powers having found that such exercise was necessary for the maintenance and preservation of the health of the inhabitants of the State. Nothing herein contained shall be construed to be in derogation of the powers of the Department of Health and Environmental ControlServices.

SECTION 14. Section 6‑1‑150(A)(1)(a)(ii) of the S.C. Code is amended to read:

(ii) not connected to a Department of Health and Environmental Control Services approved wastewater disposal system; or

SECTION 15. Section 6‑11‑285(E) and (F) of the S.C. Code is amended to read:

(E) The hearing procedure required under the provisions of this section must be in accordance, as practicably possible, with that procedure as prescribed by Regulation 61‑72 of the Department of Health and Environmental Control.

(F)(E) All appeals from the decision of the hearing officer under the provisions of this section must be heard in the court of common pleas in the county in which the political subdivision is located.

SECTION 16. Section 6‑11‑290 of the S.C. Code is amended to read:

Section 6‑11‑290. This article being necessary for the public health, safety and welfare, it shallmust be liberally construed to effectuate the purposes thereof. But all functions, powers and duties of the Department of Health and Environmental ControlServices shallmust remain unaffected by this article.

SECTION 17.A. Section 6‑11‑1210 of the S.C. Code is amended to read:

Section 6‑11‑1210. The General Assembly has from time to time created and established special purpose or public service districts throughout the State of South Carolina for the purpose, inter alia, of providing for the establishing of appropriate facilities for the collection, disposal or the treatment of sewage. Generally the cost of constructing such facilities has been defrayed from the proceeds of a districtwide ad valorem tax upon all property lying within the district involved. This method of financing such facilities was based upon the General Assembly’s conclusion that all properties within the district benefited by the proposed improvement in proportion to their assessed value. However, it appears that in some instances the cost of constructing all or a portion of such facilities can be more equitably distributed by assessing the cost of constructing sewer laterals against the properties facing thereon. In addition a sewer service charge is likewise proper in many instances.

The General Assembly concludes that in order to facilitate the construction and operation of sewer systems by special purpose or public service districts, all of such districts should be granted all of the powers set forth in this article.

In view of the foregoing, the General Assembly has determined to give the governing body of each such district, in addition to those powers already vested in them respectively, the power: (a) To place into effect, revise, enforce, and collect a schedule of charges for its sewage collection service; (b) to contract with any public or private agency operating a water system for the collection of such sewer charges; (c) to adopt and enforce regulations requiring all properties to which sewer service is available to connect to the district’s sewage collection facilities as now existing or hereafter improved; (d) to make regulations generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewage facilities; (e) to impose front‑foot assessments against properties abutting the sewage collection laterals; and (f) to make unpaid sewer service charges a lien against the property served.

It is the legislative intent of this article that it shall be deemed complementary and supplementary to existing laws relating to each such district and to add to the powers, functions and duties committed to the several governing bodies thereof in order that such districts may fulfill their function of preserving the public health and provide for all those who own, use or occupy dwellings, commercial buildings or other structures therein. In enacting this law, the General Assembly exercises its general police powers having found that such exercise was necessary for the maintenance and preservation of the health of the inhabitants of the State. Nothing herein contained shall be construed to be in derogation of the powers of the Department of Health and Environmental ControlServices.

B. Section 6‑11‑1230(4) of the S.C. Code is amended to read:

(4) To provide by resolution that the actual cost of the establishment and construction of a water distribution line or sewer lateral collection line hereafter constructed by the commission and an extension of a line within the district, or so much of the actual cost as the commission considers appropriate, must be assessed subject to the provisions of the next paragraph upon the lots and parcels of land abutting directly on the lateral line or extension of a line according to the extent of the respective frontage on them, by an equal rate per foot of frontage; but the commission may provide, in the instance of corner lots, for an assessment considered to be equitable. If the area to be served is part of a development plan or zoned for residential use, then an assessment may be levied by the commission on a parcel or per unit basis rather than on a front‑foot basis. As used in this section, “front‑foot assessment” includes assessments levied on a parcel or per unit basis. The commission may provide in the resolution that the front‑foot assessments to be levied in connection with the installations may be paid in equal installments covering a period of not exceeding twenty years. The deferred payments are payable annually within the period that county taxes are payable and late payments must be penalized to the same extent as in the case of county taxes.

The General Assembly does not intend through this article to permit assessments against abutting property where no benefit results to the property or where a benefit results only at some remote future time. Accordingly, no commission pursuant to this article may impose a front‑foot assessment against any property unless the property is being used for or is devoted to commercial or residential purposes at the time of the assessment or unless, in the case of properties on which no buildings are situate, those properties have been platted, zoned, or otherwise developed as a part of a subdivision devoted to residential or commercial purposes. If any property pursuant to the provisions of this paragraph is exempt from front‑foot assessment at the time the assessment is originally levied, is later converted to commercial, industrial, or residential purposes, or is later platted, zoned, or otherwise developed then at that time front‑foot assessments may be levied against the property. No individual residential parcel may be assessed on the basis of more than two hundred fifty feet of frontage.

If, on the effective date of this paragraph, the area to be served is a residential subdivision that received conceptual approval under Regulation 61‑57 for septic tank use and has five or more lots later denied permits for a septic tank system for which the Department of Health and Environmental ControlServices has developed standards, an assessment may be levied on the abutting parcels in the subdivision for the actual costs of sewer lateral collection lines in the subdivision and for transmission lines and associated infrastructure, including, but not limited to, trunk lines, force mains, pump stations, and lift stations, to be constructed to connect the sewer lateral collection lines to other infrastructure of the district. The satisfaction of the preconditions to this subsection may be conclusively established by a letter or certificate of the department.

In connection with the imposition of such front‑foot assessments:

(a) The resolution providing for such front‑foot assessments shall designate by a general description the improvement to be made and the street or parts thereof whereon the work is to be effected and the actual cost thereof and the amount of the cost to be assessed upon all abutting property subject to the provisions of the preceding paragraph and the terms and manner of payment. Such resolution shall not become effective until at least seven days after it shall have been published in a newspaper of general circulation in the district. Such resolution may incorporate by reference plats and engineering reports and other data on file in the commission’s office provided that the place of filing and reasonable hours for inspection by interested persons are specified in the resolution. Within thirty days of such publication the commission shall prepare in poster form a notice advising of the proposed assessments and generally describing the area to be affected and shall deliver the notice to the register of deeds or, if none, to the clerk of court of each county wherein any affected property lies. The register of deeds or clerk of court shall prominently display such notice in his office until the assessment roll prescribed by subitem (e) has been filed. Failure to provide or post such notice shall not affect the validity of any assessment hereunder.

(b) Upon the completion of the construction of any such sewer laterals or any extensions thereof the commission shall compute and ascertain the total cost thereof and shall thereupon make an assessment of such total cost or so much thereof as it deems appropriate. For that purpose the commission shall make out an assessment roll in which must be entered the names of the persons assessed and the amount assessed against their respective properties with a brief description of the lots or parcels of land assessed.

(c) Immediately after such assessment roll has been completed, the commission shall forthwith cause one copy thereof to be deposited in the commission’s office for inspection by interested parties, and shall cause to be published at least once in a newspaper of general circulation within the district a notice of completion of the assessment roll setting forth a description in general terms of the improvements and the time fixed for the meeting of the commission for a hearing of objections in respect of the front‑foot assessments; such meeting not to be earlier than ten days from the date of the publication of such notice.

(d) As soon as practicable after the completion of the assessment roll and prior to the publication of the notice above‑mentioned in subparagraph (c) the commission shall mail to the owner or owners of each lot or parcel of land against which a front‑foot assessment is to be levied at his or their address, if any, appearing on the records of the county treasurer, a notice stating the nature of the improvement, the total cost thereof, the amount to be assessed against the particular property and the frontage in feet upon which the front‑foot assessment is based, together with the terms and conditions upon which the front‑foot assessment may be paid. This notice shall also contain a brief description of the particular property involved together with a statement that the amount assessed shall constitute a lien against the property superior to all other liens except property taxes. The notice shall also state the time and place fixed for the meeting of the commission above‑mentioned for a hearing of objections in respect of the front‑foot assessments. Any property owner who fails, not later than three days prior to the date set for such meeting, to file with the commission a written objection to the front‑foot assessments against his property shall be deemed to have waived all rights to object to such front‑foot assessment; and the notice prescribed herein shall so state.

(e) At the time and place specified for the meeting above‑mentioned, or at some other time to which it may adjourn, the commission shall hear the objections of all persons who have filed written notice of objection within the time prescribed above who may appear and make proof in relation thereto either in person or by their attorney. The commission may thereupon make such corrections in the assessment roll as it may deem proper, confirm the same, set it aside and provide for a new assessment. Whenever the commission shall confirm an assessment roll, either as originally prepared or as thereafter corrected, a copy thereof certified by the secretary of the commission shall forthwith be filed in the office of the register of deeds or, if none, in the office of the clerk of court of common pleas of each county in which any property lies, and against which any front‑foot assessments have been levied; from the time of such filing the front‑foot assessments impressed in the assessment roll shall constitute and be a lien on the real property against which the same are assessed superior to all other liens and encumbrances except only the lien for property taxes.

(f) After the assessment roll has been confirmed a certified copy thereof shall be delivered to the treasurer of each county in which any front‑foot assessments are levied thereby who shall prepare and keep a separate book or books in connection therewith and who shall proceed to collect the same in the manner of county taxes and shall remit such collections on or before April fifteenth of each year upon the direction of the commission. Each year the county treasurer shall mail out notices of such front‑foot assessments at the same time county tax notices are mailed. Past due front‑foot assessments shall be turned over by the respective county treasurers to the county sheriff or delinquent tax collector who shall proceed to collect in the same manner as unpaid county taxes are collected. The collecting official shall likewise keep separate records in connection with such past due assessments and shall remit all sums collected forthwith upon the direction of the commission.

(g) Immediately upon the confirmation of an assessment the commission shall mail a written notice to all persons who have filed written objections as hereinabove provided of the amount of the front‑foot assessment finally confirmed against his property. If any such person is dissatisfied with the amount of the front‑foot assessment so confirmed and shall within ten days after the mailing of the notice confirming the assessment to him may give written notice to the commission of his intent to appeal his front‑foot assessment to the court of common pleas for the county in which his property is assessed, or any part thereof, is located, and shall within five days after giving such notice to the commission serve upon the commission a statement of facts upon which he bases his appeal; but no such appeal shall delay or stop the construction of the improvements or affect the validity of the front‑foot assessments confirmed and not appealed. The appeal shall be tried at the next term of court as other actions at law with priority over all other cases.

(h) The commission may correct, cancel or remit any such front‑foot assessment and may remit, cancel or adjust the interest or penalties of any front‑foot assessment and is empowered, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of any assessment made by it and thereupon to make a reassessment.

(i) In the event the commission provides that such front‑foot assessments may be paid in equal annual installments, then in that event the front‑foot assessment shall be deemed to be due and payable in the equal annual installments prescribed by the commission and shall bear interest at a rate prescribed by the commission not to exceed the same rate of interest paid by the commission on monies it borrowed to make the improvements for which the assessment was levied not to exceed the interest rate limitation as prescribed by law from the date of the confirmation of the assessment roll, payable with such annual installment. Any property owner shall have the right at any time in his option to prepay in full the front‑foot assessment against his property by the payment of the balance due plus interest calculated to the date of prepayment. If any property owner shall fail or neglect to pay any installment when the same becomes due and payable, then and in that event the commission may, at its option, declare all of the installments remaining unpaid at once due and payable and such property shall be sold by the county sheriff in the same manner and with the same right of redemption as are prescribed by law for the sale of land for unpaid property taxes.

(j) All moneys realized from front‑foot assessments shall be kept in a separate and distinct fund either on deposit with the county treasurer or, in the discretion of the commission, in a bank located within the county in which the district is located and used first to defray the cost to the extent prescribed by the commission in the resolution providing for such front‑foot assessments of the establishment and construction of the sewage lateral collection lines in connection with which the front‑foot assessments were levied, or second to provide debt service on bonds issued by the district to defray the costs of such construction; and for no other purpose. In the event a district issues bond and uses only a portion of the proceeds thereof to defray all or a part of the cost of constructing sewer lateral collection lines, moneys derived from the front‑foot assessments shall be used to provide debt service to the extent prescribed in the resolutions providing for the imposition of the front‑foot assessments and authorizing the issuance of the bonds. Nothing contained in this article shall be construed to authorize any borrowing by a district.

(k) Moneys received by the commission from front‑foot assessments and deposited by it as prescribed in the foregoing paragraph may to the extent practicable be invested in the discretion of the commission in obligations of the United States of America, obligations of any agency of the United States of America or obligations guaranteed by any agency of the United States of America, maturing in such fashion as to provide cash moneys for the principal and interest payments of bonds payable therefrom when due. All income derived from any such investment shall be applied to the same purpose to which the invested funds are applicable.

(l) In the event moneys derived from the front‑foot assessments are held by the county treasurer such funds shall be secured in the same manner as county funds. In the event such funds are deposited in a bank, the amount of such deposits in excess of the amount insured by the Federal Deposit Insurance Corporation shall be secured by direct obligations of the United States or by obligations of an agency of the United States or by obligations guaranteed by an agency of the United States. Nothing herein shall be construed to prohibit the commission from requiring such additional security as it may deem appropriate.

SECTION 18. Section 6‑11‑1430 of the S.C. Code is amended to read:

Section 6‑11‑1430. The Fire Authority having jurisdiction may, within the means of its resources, evacuate or cause to be evacuated all persons within and adjacent to burning structures, open fires, dangerous gas leaks, flammable liquid spills, and transportation incidents.

The following are exempt from the provisions of this article (1) Industrial processing and manufacturing plants which have a State Labor Department (OSHA) or Department of Health and Environmental ControlServices approved emergency evacuation plans; (2) Hospitals and similar type health care facilities which conduct surgery or administer care through the use of life support systems and which have approved emergency evacuation plans by the authority having jurisdiction; (3) The Forestry Commission in the carrying out of its forest fire protection duties and responsibilities as provided in §§Sections 48‑23‑90, 48‑33‑30, 48‑33‑40, and 48‑33‑70. The Fire Authority having jurisdiction does not have the power and authority to declare a state of emergency and order and compel an evacuation of the scope and magnitude that would be necessary during an actual or threatened enemy attack, sabotage, flood, storm, epidemic, earthquake, riot, or other public calamity.

SECTION 19. Section 6‑15‑30 of the S.C. Code is amended to read:

Section 6‑15‑30. Any contract made between governmental entities shall be executed on behalf of each contracting party, after it has been approved by resolution or other action taken by the governing body. Wherever any such contract shall be the basis for the issuance of revenue bonds or general obligation bonds by any of the contracting parties, such contract shall become a part of the transcript of proceedings incident to the issuance of such bonds and shall be filed in the manner prescribed by §Section 11‑15‑10. Copies of all contracts made pursuant to this chapter shall also be filed with the Department of Health and Environmental ControlServices.

SECTION 20.A. Section 6‑19‑30 of the S.C. Code is amended to read:

Section 6‑19‑30. The fund for such grants must be from either revenue‑sharing trust funds or from general appropriations to the Department of Health and Environmental ControlServices, which shall administer the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of seven members, one from each congressional district of the State. In addition an employee of the Department of Health and Environmental ControlServices, designated by the commissioner thereof, shall serve ex officio as a member of the committee. The Governor may invite a director, or his representative, from an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. All members must be appointed for terms of three years. In the event of a vacancy a successor shall be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded pursuant to Section 6‑19‑40. Funds also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.

B. Section 6‑19‑35(2) of the S.C. Code is amended to read:

(2) The Department of Health and Environmental ControlServices may, upon approval of the advisory committee, by a memorandum of understanding entered into with other funding agencies, designate one of such agencies, including itself, to administer or supervise any portion of a project funded under this act.

C. Section 6‑19‑40(a) of the S.C. Code is amended to read:

(a) Application for a grant hereunder may be made to the advisory committee and accompanied by an application to the primary financial source and processed by the Department of Health and Environmental ControlServices. The Department of Health and Environmental ControlServices, on approval of the advisory committee, shall make the necessary rules and regulations for the consideration and processing of all Statestate grant requests appropriated under this chapter, which shall generally conform to those used by Federal grant and loan agencies, which rules shall be filed in the office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:

(1) Preliminary engineering costs study;

(2) Bonded indebtedness of the district, authority or community;

(3) Financial conditions of the district, authority or community;

(4) Costs per connection;

(5) Economic level in the district, area or community;

(6) Ratio of contracted users to potential users which shall not be less than sixty‑seven percent;

(7) Conformity to overall State, regional or local plans;

(8) Operation and maintenance costs identified and proper replacement costs;

(9) Amount of connection charges and minimum user charges; and

(10) Sustaining costs of rural water and sewer systems.

(b) No funds shall be dispensed until the applicant furnishes evidence of a commitment from the primary financial source.

SECTION 21. Section 6‑21‑400 of the S.C. Code is amended to read:

Section 6‑21‑400. Rates charged for services furnished by any system, project or combined system purchased, constructed, improved, enlarged, extended or repaired under the provisions of this chapter shall not be subject to supervision or regulation by any State bureau, board, commission or other like instrumentality or agency of the State and it shall not be necessary for any borrower operating under the provisions of this chapter to obtain any franchise or other permit from any Statestate bureau, board, commission or other instrumentality of the State in order to construct, improve, enlarge, extend or repair any system, project or combined system named in this chapter. But the functions, powers and duties of the Department of Health and Environmental ControlServices shall remain unaffected by this chapter.

SECTION 22. Section 7‑5‑186(B) of the S.C. Code is amended to read:

(B) State agencies including, but not limited to, the Department of Health and Environmental ControlPublic Health, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

SECTION 23. Section 7‑5‑310(B)(2) of the S.C. Code is amended to read:

(2) Department of Public Health and Environmental Control ‑ WIC program;

SECTION 24. Section 10‑5‑270(A)(3) of the S.C. Code is amended to read:

(3) for health care facilities, to the Director, BureauDivision of Health Facilities Construction, Licensing and Certification, State Department of Public Health and Environmental Control;

SECTION 25. Sections 10‑9‑10 through 10‑9‑40 of the S.C. Code are amended to read:

Section 10‑9‑10. The Public Service Authority may, through its board of directors, make and execute leases of gas, oil, and other minerals and mineral rights, excluding phosphate and lime and phosphatic deposits, over and upon the lands and properties owned by said authority; and the Department of Health and Environmental ControlServices and the forfeited land commissions of the counties of this State may, with the approval of the Attorney General, make and execute such leases over and upon the lands and waters of the State and of the counties under the ownership, management, or control of the department and commissions respectively.

Section 10‑9‑20. No such lease shall provide for a royalty of less than twelve and one‑half per cent of production of oil and gas from the lease.

Section 10‑9‑30. Nothing contained in this article shall estop the State from enacting proper laws for the conservation of the oil, gas and other mineral resources of the State and all leases and contracts made under authority of this article shall be subject to such laws; provided, that the Department of Health and Environmental ControlServices may negotiate for leases of oil, gas, and other mineral rights upon all of the lands and waters of the State, including offshore marginal and submerged lands.

Section 10‑9‑35. In the event that the State of South Carolina is the recipient of revenues derived from offshore oil leases within the jurisdictional limits of the State such revenues shall be deposited with the State Treasurer in a special fund and shall be expended only by authorization of the General Assembly.

Funds so accumulated shall be expended only for the following purposes:

(1) to retire the bonded indebtedness incurred by South Carolina;

(2) for capital improvement expenditures.

Section 10‑9‑40. The authority conferred upon the Public Service Authority, the Department of Health and Environmental ControlServices, and the forfeited land commissions by this article shall be cumulative and in addition to the rights and powers heretofore vested by law in such authority, the Department of Health and Environmental Control, and such commissions, respectively.

SECTION 26.A. Section 10‑9‑110 of the S.C. Code is amended to read:

Section 10‑9‑110. The Department of Health and Environmental ControlServices shall be charged with the exclusive control and protection of the rights and interest of the State in the phosphate rocks and phosphatic deposits in the navigable streams and in the marshes thereof.

B. Section 10‑9‑200 of the S.C. Code is amended to read:

Section 10‑9‑200. The Department of Health andEnvironmental ControlServices, within twenty days after the grant of any license as aforesaid, shall notify the Comptroller General of the issuing of such license, with the name of the person to whom issued, the time of the license, and the location for which it was issued.

C. Section 10‑9‑260 of the S.C. Code is amended to read:

Section 10‑9‑260. Any person wilfully interfering with, molesting, or obstructing or attempting to interfere with, molest, or obstruct the State or the Department of Health andEnvironmental ControlServices or anyone by it authorized or licensed in the peaceable possession and occupation of any of the marshes, navigable streams, or waters of the State, including the Coosaw River phosphate territory, or who shall dig or mine or attempt to dig or mine any of the phosphate rock or phosphatic deposits of this State without a license so to do issued by the department shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not less than one nor more than twelve months, or both, at the discretion of the court.

SECTION 27. Section 10‑9‑320 of the S.C. Code is amended to read:

Section 10‑9‑320. The Department of Health and Environmental ControlServices may lease development rights to geothermal resources underlying surface lands owned by the State. The department must promulgate regulations regarding the method of lease acquisition, lease terms, and conditions due the State under lease operations. The South Carolina Department of Natural Resources is designated as the exclusive agent for the department in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to geothermal resource leases as may be included herein as responsibilities of the department.

SECTION 28.A. Section 11‑11‑170(B)(1)(d) and (e) of the S.C. Code is amended to read:

(d) youth smoking cessation and prevention programs coordinated by the Department of Public Health and Environmental Control and the Department of Alcohol and Other Drug Abuse Services;

(e) newborn infants hearing screening initiatives coordinated by the Department of Public Health and Environmental Control;

B. Section 11‑11‑230(A) of the S.C. Code is amended to read:

(A) There is created in the State Treasury the Smoking Prevention and Cessation Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The trust fund must transfer five million dollars annually to the Department of Public Health and Environmental Control to administer a statewide smoking prevention and cessation program. The funds must not be appropriated for any other purpose and the Department of Public Health and Environmental Control may not use the funds for any purposes other than administering a statewide smoking prevention and cessation program.

SECTION 29. Section 11‑37‑200(A) of the S.C. Code is amended to read:

(A) There is established by this section the Water Resources Coordinating Council which shall establish the priorities for all sewer, wastewater treatment, and water supply facility projects addressed in this chapter, except as otherwise established by Section 48‑6‑40. The council shall consist of a representative of the Governor, the Director of the Department of Health and Environmental ControlServices, the Director of the South Carolina Department of Natural Resources, the Director of the Rural Infrastructure Authority, the Secretary of Commerce, the Chairman of the Jobs Economic Development Authority, and the Chairman of the Joint Bond Review Committee. These representatives may designate a person to serve in their place on the council, and the Governor shall appoint the chairman from among the membership of the council for a one‑year term. The council shall establish criteria for the review of applications for projects. Not less often than annually, the council shall determine its priorities for projects. The council after evaluating applications shall notify the authority of the priority projects. The South Carolina Jobs Economic Development Authority shall provide the staff to receive, research, investigate, and process applications for projects made to the coordinating council and assist in the formulating of priorities. Upon notification by the council, the authority shall proceed under the provisions of this chapter. The authority may consider applications for projects based upon the existence of a documented emergency consistent with regulations that may be promulgated by the authority. In determining which local governments are to receive grants, the local governments shall provide not less than a fifty percent match for any project. The authority may provide financing for the local matching funds on terms and conditions determined by the authority.

SECTION 30.A. Section 11‑58‑70(B)(4) of the S.C. Code is amended to read:

(4) the Governor shall appoint three members, the Speaker one member, and the President of the Senate one member from a list provided by the South Carolina Association of Counties, with at least one member selected from each of the South Carolina public health regions as defined by the South Carolina Department of Public Health and Environmental Control; and

B. Section 11‑58‑80(F) of the S.C. Code is amended to read:

(F) The South Carolina Opioid Recovery Fund Board shall be considered “qualified personnel for the purpose of bona fide research or education” for the purpose of Section 44‑53‑1650, and the Department of Public Health and Environmental Control shall enter into a written agreement with the board to enable the sharing of prescription information with appropriate redactions.

SECTION 31.A. Section 12‑6‑3370(D) of the S.C. Code is amended to read:

(D) To qualify for the credit the taxpayer must obtain a construction permit issued by the Department of Health and Environmental ControlServices or proof of exemption from permit requirements issued by the department, the Natural Resources Conservation Service, or a local Soil and Water Conservation District.

B. Section 12‑6‑3420(C)(2) of the S.C. Code is amended to read:

(2) A qualified private entity is an entity holding the required permits, certifications, and licenses from the South Carolina Department of Health and Environmental ControlServices, the South Carolina Public Service Commission, and any other state agencies, departments, or commissions, from which approvals must be obtained in order to operate as a utility furnishing water supply services or sewage collection or treatment services, or both, to the public.

C. Section 12‑6‑3550(C) through (H) of the S.C. Code is amended to read:

(C) The taxpayer is allowed an additional ten percent of the total cleanup costs, not to exceed fifty thousand dollars, in the final year of clean up as evidenced by the Department of Health and Environmental ControlServices issuing a certificate of completion for that site.

(D) To be eligible for the tax credit the applicant must have entered into a nonresponsible party voluntary cleanup contract with the Department of Health and Environmental Control (DHEC)Services (DES) pursuant to Section 44‑56‑750.

(E) To obtain the tax credit certificate, an applicant must annually file an application for certification, which must be received by DHECDES by December thirty‑first. The applicant shall provide all pertinent information requested on the tax credit application form including, at a minimum, the name and address of the applicant and the address and tracking identification of the eligible site. Along with the application form, the applicant shall submit the following:

(1) copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records for purchases, sales, leases, or other transactions involving the actual costs incurred for that taxable year related to site rehabilitation under the voluntary cleanup contract; and

(2) proof that the documentation submitted pursuant to item (1) has been reviewed and verified by an independent certified public accountant who must attest to the accuracy and validity of the costs incurred and paid by conducting an independent review of the data presented by the applicant. A copy of the accountant’s report must be submitted to DHECDES with the tax credit application.

(F) If upon review of the tax credit application and any supplemental documentation submitted by each applicant, DHECDES determines that the applicant has met all requirements for the tax credit, it shall issue a tax credit certificate before April first. The applicant shall pay the administrative costs of this review pursuant to the provisions of Section 44‑56‑750(D).

(G) DHECDES may prescribe the necessary forms required to claim the credit under this section and to provide the administrative guidelines and procedures required to administer this section.

(H) DHECDES may revoke or modify any written decision granting eligibility for partial tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive the credit under this section. DHECDES shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer shall notify the Department of Revenue of any change in tax credit claimed.

D. Section 12‑6‑3775(B)(1)(a)(iii) and (iv) of the S.C. Code is amended to read:

(iii) a list of related removal actions, as certified by the Department of Health and Environmental ControlServices;

(iv) land that is subject to a Voluntary Cleanup Contract with the Department of Health and Environmental Control as of December 31, 2017, or with the Department of Environmental Services, or to corrective action under the Federal Resource Conservation and Recovery Act of 1976; or

SECTION 32.A. Section 12‑23‑810(A) of the S.C. Code is amended to read:

(A) Every hospital licensed as a general hospital by the Department of Public Health and Environmental Control is subject to the payment of an excise, license, or privilege tax. Each hospital’s tax must be based on the total expenditures of each hospital as a percentage of total hospital expenditures statewide.

B. Section 12‑23‑815 of the S.C. Code is amended to read:

Section 12‑23‑815. The Department of Revenue shall issue assessments for the tax provided by this article based on information provided by the Department of Public Health and Environmental Control and the Revenue and Fiscal Affairs Office.

SECTION 33. Section 12‑28‑2355(B) of the S.C. Code is amended to read:

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

SECTION 34.A. Section 12‑37‑220(A)(8) of the S.C. Code is amended to read:

(8) all facilities or equipment of industrial plants which are designed for the elimination, mitigation, prevention, treatment, abatement, or control of water, air, or noise pollution, both internal and external, required by the state or federal government and used in the conduct of their business. At the request of the Department of Revenue, the Department of Health and Environmental ControlServices shall investigate the property of any manufacturer or company, eligible for the exemption to determine the portion of the property that qualifies as pollution control property. Upon investigation of the property, the Department of Health and Environmental Control Services shall furnish the Department of Revenue with a detailed listing of the property that qualifies as pollution control property. For equipment that serves a dual purpose of production and pollution control, the value eligible for the ad valorem exemption is the difference in cost between this equipment and equipment of similar production capacity or capability without the ability to control pollution. For the purposes of this item, twenty percent of the cost of any piece of machinery and equipment placed in service in a greige mill qualifies as internal air and noise pollution control property and is exempt from property taxes. “Greige mill” means all textile processes from opening through fabric formation before dyeing and finishing;

B. Section 12‑37‑220(B)(44) of the S.C. Code is amended to read:

(44) subject to the approval by resolution of the county governing body, property and improvements subject to a nonresponsible party voluntary cleanup contract for which a certificate of completion has been issued by the Department of Health and Environmental ControlServices pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, is exempt from ad valorem taxation in the same manner and to the same extent as the exemption allowed pursuant to subsection (A)(7) of this section. This exemption applies beginning with the taxable year in which the certificate of completion is issued;

SECTION 35. Section 12‑44‑30(14) of the S.C. Code is amended to read:

(14) “Minimum investment” means an investment in the project of at least two and one‑half million dollars within the investment period. If a county has an average annual unemployment rate of at least twice the state average during the last twenty‑four month period based on data available on the most recent November first, the minimum investment is one million dollars. The department shall designate these reduced investment counties by December thirty‑first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose fee agreement is signed in the calendar year following the county designation. For all purposes of this chapter, the minimum investment may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental ControlServices certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.

SECTION 36. Section 13‑1‑380(E) of the S.C. Code is amended to read:

(E) The chairman shall be designated by the Secretary of Commerce and the advisory council shall select its own vice‑chairman. The advisory council shall adopt operating procedures and shall meet on the call of the chairman or of a majority of the members. Members shall promulgate regulations concerning meeting attendance. A majority of the members shall constitute a quorum to do business. The division shall provide the necessary staff and administrative facilities and services to the advisory council. The Department of Health and Environmental ControlServices shall provide technical assistance to the council at the request of the chairman or of the vice‑chairman, or by majority vote of the advisory council.

SECTION 37. Section 13‑2‑10 of the S.C. Code is amended to read:

Section 13‑2‑10. Notwithstanding any other provision of law, the South Carolina Department of Social Services, and the South Carolina Department of Public Health, and the Department of Environmental ControlServices, or any other state agency, are hereby authorized to enter into written agreements with any other state agency or interagency council, whether created by statute or executive order, to ensure that the purposes and function of comprehensive development programs can be more effectively and efficiently implemented.

Provided, however, that no agency shall commit any funds by contract unless previously appropriated by the General Assembly. Provided, that any state agency which is created by executive order, and exercising the provisions of this section, shall contain at least four members of the legislature on its governing board, two of whom shall be selected from the membership of the Senate by the President of that body and two of whom shall be selected from the membership of the House of Representatives by the Speaker of that body.

SECTION 38.A. Section 13‑7‑10(8), (11), and (12) of the S.C. Code is amended to read:

(8) “Emergency” means any condition existing outside the bounds of nuclear operating sites owned or licensed by a Federal agency and any condition existing within or outside of the jurisdictional confines of a facility licensed by the Department of Environmental Services arising out of the handling or the transportation of by‑product material, source material or special atomic energy materials, as hereinabove defined, and hereinafter referred to as radioactive material, which is endangering or could reasonably be expected to endanger the health and safety of the public, or to contaminate the environment.

(11) “Extended care maintenance fund” means the “escrow fund for perpetual care” that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post‑closure observation period specified by the Department of Health and Environmental ControlServices, and for activities associated with closure of the site as provided for in Section 13‑7‑30(4).

(12) “Maintenance” means active maintenance activities as specified by the Department of Health and Environmental ControlServices including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

B. Section 13‑7‑20(3) of the S.C. Code is amended to read:

(3) Coordinate the atomic energy industrial development activities of the State, recognizing the regulatory authority of the State Department of HealthEnvironmental Services and the duties of other departments of state government.

C. Section 13‑7‑30(4) of the S.C. Code is amended to read:

(4) assume responsibility for extended custody and maintenance of radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State, and whenever the federal government or any agency of the federal government has not assumed the responsibility.

In order to finance such extended custody and maintenance as the board may undertake, the board may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the board’s custodial management activities for that individual case. The fees collected for such custodial management activities shall also be sufficient to provide additional funds for the purchase of insurance which shall be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the board, must be transmitted to the State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving trust fund, which may be designated “extended care maintenance fund”, to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to this extended care maintenance fund. Except as authorized in Section 48‑46‑40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post‑closure and observation period specified by the Department of Health and Environmental ControlServices, and for activities associated with closure of the site. Funds from the extended care maintenance fund shall not be used for site closure activities or for custodial, surveillance, and maintenance performed during the post‑closure observation period until all funds in the decommissioning trust account are exhausted.

D. Section 13‑7‑40(A) of the S.C. Code is amended to read:

(A) The Department of Health and Environmental ControlServices is designated as the agency of the State which is responsible for the control and regulation of radiation sources but, notwithstanding anything in this article, does not have the power to regulate, license, or control nuclear reactors of facilities or operations incident to them in duplication of an activity of the federal government which has not been discontinued by agreement pursuant to Section 13‑7‑60.

E. Section 13‑7‑45(A)(1) of the S.C. Code is amended to read:

(1) The South Carolina Department of Health and Environmental ControlServices shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

F. Section 13‑7‑60(B) of the S.C. Code is amended to read:

(B) Any person who on the effective date of an agreement under subsection (A) of this section possesses a license issued by the Federal Government authorizing activities, the regulation of which is assumed by the State under such agreement, shall be deemed to possess a license issued under this article, which shall expire either ninety days after receipt from the Department of Health and Environmental ControlServices of a notice of expiration of such license, or upon the date of expiration specified in the Federal license; whichever is earlier.

G. Section 13‑7‑70(1) of the S.C. Code is amended to read:

(1) The South Carolina Department of Health and Environmental ControlServices (the Department) shall adopt rules and regulations governing the transportation of radioactive materials in South Carolina which, in the judgment of the Departmentdepartment, shall protect the public health and safety and protect the environment. Such rules and regulations shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition. Nothing in this section shall be deemed applicable to the transportation of radioactive waste which is regulated by Article 2 of this chapter.

H. Section 13‑7‑90 of the S.C. Code is amended to read:

Section 13‑7‑90. Any person who is practicing as an operator of sources of ionizing radiation on May 26, 1986 is exempt from the certification requirements promulgated by the Department of Health and Environmental ControlServices provided that such person applies for certification as an operator within sixty days of May 26, 1986.

SECTION 39.A. Section 13‑7‑120B. of the S.C. Code is amended to read:

B. “Department” means the Department of Health and Environmental ControlServices, including personnel authorized to act on behalf of the Department.

B. Section 13‑7‑160B. of the S.C. Code is amended to read:

B. Final regulations shall be promulgated by the Departmentdepartment within one hundred twenty days from the effective date of the article and shall be subject to the procedures set forth in chapter Chapter 23 of title Title 1 provided that the regulations at a minimum shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition, requiring the shippers to state the estimated date of arrival at the disposal facility, to identify the primary route within the State to give at least seventy‑two hours written notice to the Departmentdepartment prior to any transportation of radioactive waste into or within this State, and establishing a schedule of fees for permits, which fees shall be assessed annually.

In preparing its regulations, the Department of Health and Environmental Control Services is authorized to distinguish as to the radioactive isotope and its curie strength so as to protect the general public.

SECTION 40. Section 14‑1‑201(2) of the S.C. Code is amended to read:

(2) sixteen percent to the Department of Public Health and Environmental Control for Emergency Medical Services ‑ Aid to Counties, restricted.

SECTION 41.A. Section 14‑7‑1610(F) of the S.C. Code is amended to read:

(F) The General Assembly finds that there is a need to enhance the grand jury system to improve the ability of the State to detect and investigate knowing and wilful crimes which result in actual and substantial harm to the environment. These crimes include knowing and wilful offenses specified in Titles 13, 44, and 48, or any knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages including, but not limited to, the cost of remediation, are two million dollars or more, as certified by an independent environmental engineer who shall be contracted by the Department of Health and Environmental ControlServices.

(1) The General Assembly finds that the South Carolina Department of Health and Environmental ControlServices possesses the expertise and knowledge to determine whether there has occurred an alleged environmental offense as defined in this article.

(2) The General Assembly finds that, because of its expertise and knowledge, the Department of Health and Environmental ControlServices must play a substantial role in the investigation of any such alleged environmental offense.

(3) The General Assembly finds that, while the Department of Health and Environmental ControlServices must not make prosecutorial decisions regarding such alleged environmental offense as defined in this article, the department must be integrally involved in the investigation of any such alleged environmental offense before and after the impaneling of a state grand jury pursuant to Section 14‑7‑1630.

(4) The General Assembly finds that it is in the public interest to avoid duplicative and overlapping prosecutions to the extent that the Attorney General considers possible. Therefore, the Attorney General shall consult with and advise the Environmental Protection and Enforcement Coordinating Subcommittee and cooperate with other state and federal prosecutorial authorities having jurisdiction over environmental enforcement in order to carry out the provisions of Sections 14‑7‑1630(A)(8) and 14‑7‑1630(C).

B. Section 14‑7‑1630(A)(12) and (C) of the S.C. Code is amended to read:

(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Health and Environmental ControlServices. If the knowing and wilful crime is a violation of federal law, a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section;

(C) In all investigations of crimes specified in subsection (A)(12), except in matters where the Department of Health and Environmental Control Services or its officers or employees are the subjects of the investigation, the Commissioner of the Department of Health and Environmental Control Services must consult with and, after investigation, provide a formal written recommendation to the Attorney General and the Chief of the South Carolina Law Enforcement Division. The Attorney General and the Chief of the South Carolina Law Enforcement Division must consider the impaneling of a state grand jury necessary and the commissioner must sign a written recommendation before the Attorney General notifies the chief administrative judge pursuant to subsection (B).

(1) In the case of evidence brought to the attention of the Attorney General, the Chief of the South Carolina Law Enforcement Division, or the Department of Health and Environmental Control Services by an employee or former employee of the alleged violating entity, there also must be separate, credible evidence of the violation in addition to the testimony or documents provided by the employee or former employee of the alleged violating entity.

(2) When an individual employee performs a criminal violation of the environmental laws that results in actual and substantial harm pursuant to subsection (A)(12) and which prompts an investigation authorized by this article, only the individual employee is subject to the investigation unless or until there is separate, credible evidence that the individual’s employer knew of, concealed, directed, or condoned the employee’s action.

SECTION 42. Section 14‑23‑1150(b) of the S.C. Code is amended to read:

(b) to issue marriage licenses, in form as provided by the bureau of vital statistics of the Department of Public Health and Environmental Control; to record, index, and dispose of copies of marriage certificates; and to issue certified copies of such licenses and certificates;

SECTION 43. Section 15‑74‑40 of the S.C. Code is amended to read:

Section 15‑74‑40. The provisions of this act shall not be deemed to in any manner restrict the authority of the Department of Health and Environmental ControlAgriculture to regulate or ban the use or consumption of distressed food donated, collected or received for charitable purposes but deemed unfit for human consumption, nor shall the exemption from liability provided for in this chapter in any manner affect the liability of a producer or processor of food products for defects existing in a food product prior to the time such product became “distressed food” as defined in §Section 15‑74‑10.

SECTION 44. Section 16‑3‑740(C) and (E) of the S.C. Code is amended to read:

(C) The tests must be administered by the Department of Public Health and Environmental Control through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. The solicitor shall notify the following persons of the tests results:

(1) the victim or the legal guardian of a victim who is a minor or is a person with intellectual disability or mentally incapacitated;

(2) the victim’s attorney;

(3) the offender and a juvenile offender’s parent or guardian; and

(4) the offender’s attorney.

The results of the tests shall be provided to the designated recipients with the following disclaimer: “The tests were conducted in a medically approved manner, but tests cannot determine infection by Hepatitis B or HIV with absolute accuracy. Additionally, the testing does not determine exposure to, or infection by, other sexually transmitted diseases. Persons receiving the test results should continue to monitor their own health, seek retesting in approximately six months, and should consult a physician as appropriate”.

The solicitor also shall provide to the state or local correctional facility where the offender is imprisoned or detained and the Department of Public Health and Environmental Control the test results for HIV and Hepatitis B which indicate that the offender is infected with the disease. The state or local correctional facility where the offender is imprisoned or detained shall use this information solely for the purpose of providing medical treatment to the offender while the offender is imprisoned or detained. The State shall pay for the tests. If the offender is subsequently convicted or adjudicated delinquent, the offender or the parents of an adjudicated offender must reimburse the State for the costs of the tests unless the offender or the parents of the adjudicated offender are determined to be indigent.

If the tests given pursuant to this section indicate infection by Hepatitis B or HIV, the Department of Public Health and Environmental Control shall be provided with all test results and must provide counseling to the offender regarding the disease, syndrome, or virus. The Department of Public Health and Environmental Control must provide counseling for the victim, advise the victim of available medical treatment options, refer the victim to appropriate health care and support services, and, at the request of the victim or the legal guardian of a victim, test the victim for HIV and Hepatitis B and provide post‑testing counseling to the victim.

(E) If, for any reason, the testing requested under subsection (B) has not been undertaken, upon request of the victim or the victim’s legal guardian, the court shall order the offender to undergo testing for Hepatitis B and HIV following conviction or delinquency adjudication. The testing shall be administered by the Department of Public Health and Environmental Control through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. The results shall be disclosed in accordance with the provisions of subsection (C).

SECTION 45. Section 16‑3‑2050(B)(6) of the S.C. Code is amended to read:

(6) the Department of Public Health and Environmental Control Board;

SECTION 46.A. Section 16‑17‑500(F)(3) and (J)(2)(b) of the S.C. Code is amended to read:

(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of Public Health and Environmental Control‑approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.

(b) a sign printed in letters and numbers at least one‑half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Public Health and Environmental Control.

B. Section 16‑17‑650(E) of the S.C. Code is amended to read:

(E) All game fowl breeders and game fowl breeder testing facilities must comply with the Department of Public Health and Environmental Control and the State Veterinarian’s regulations, policies, and procedures regarding avian influenza preparedness and testing. In the event of an avian influenza outbreak in South Carolina, all game fowl breeders and game fowl breeder testing facilities must allow the Department of Public Health and Environmental Control and the State Veterinarian to conduct avian influenza testing of all game fowl.

SECTION 47. Section 16‑25‑320(A)(3) of the S.C. Code is amended to read:

(3) the Director of the South Carolina Department of Public Health and Environmental Control, or a designee, who serves ex officio;

SECTION 48.A. Section 20‑1‑240(1) of the S.C. Code is amended to read:

(1) family planning information supplied to the issuing officials by the Department of Public Health and Environmental Control; and

B. Sections 20‑1‑320 through 20‑1‑350 of the S.C. Code are amended to read:

Section 20‑1‑320. The Division of Vital Statistics of the Department of Public Health and Environmental Control shall, for the purpose of uniformity, print and distribute necessary forms of marriage license and certificate to be used by all probate courts of this State in the issuance of marriage licenses.

Section 20‑1‑330. The officer issuing marriage license certificates shall issue them in triplicate, all of which shall be delivered to either of the contracting parties and the parties to whom they are delivered shall in turn deliver them to the minister or officer who performs the wedding ceremony. The minister or officer who performs the wedding ceremony shall fill them out as required by law and deliver one to the contracting parties, without additional charge, and the other two within fifteen days to the officer who issued the license certificates.

Section 20‑1‑340. The probate judge or clerk of court who issued any such license shall, upon the return of the two copies to him by the person who performs the wedding ceremony, record and index such certificate in a book kept for that purpose and send one copy to the Division of Vital Statistics of the Department of Public Health and Environmental Control within fifteen days after the marriage license is returned to his offices. The judge of probate shall issue a certified copy of any such license and certificate to any person and he may charge the sum of fifty cents for so doing unless otherwise prohibited by law.

Section 20‑1‑350. The Department of Public Health and Environmental Control shall properly file and index every marriage license and certificate and may provide a certified copy of any license and certificate upon application of proper parties except that upon request the Department of Social Services or its designee must be provided at no charge with a copy or certified copy of a license and certificate for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation.

SECTION 49. Section 20‑1‑720(B)(4) of the S.C. Code is amended to read:

(4) the Department of Public Health and Environmental Control to be included and mailed out with each certified birth certificate issued, as provided in Section 44‑63‑80;

SECTION 50. Sections 20‑3‑230 through 20‑3‑235 of the S.C. Code are amended to read:

Section 20‑3‑230. Whenever a divorce or annulment is decreed by a court having jurisdiction, the clerk of court shall, no later than thirty days following the filing of the final decree, send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health and Environmental Control showing such information as may be required on a certificate to be furnished by the Division of Vital Statistics of the Department of Public Health and Environmental Control.

Section 20‑3‑235. A decree of divorce shall set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of the parties in the divorce. Filing the required form with the Department of Public Health and Environmental Control complies with the requirements of this section.

SECTION 51. Section 23‑1‑230(A)(1)(f) of the S.C. Code is amended to read:

(f) the Director of the Emergency Medical Services Division of the Department of Public Health and Environmental Control;

SECTION 52. Section 23‑3‑535(C)(4) and (5) of the S.C. Code is amended to read:

(4) resides in a jail, prison, detention facility, group home for persons under the age of twenty‑one licensed by the Department of Social Services, residential treatment facility for persons under the age of twenty‑one licensed by the Department of Public Health and Environmental Control, or other holding facility, including a mental health facility;

(5) resides in a homeless shelter for no more than one year, a group home for persons under the age of twenty‑one licensed by the Department of Social Services, or a residential treatment facility for persons under the age of twenty‑one licensed by the Department of Public Health and Environmental Control, and the site was purchased by the organization prior to the effective date of this act;

SECTION 53. Section 23‑3‑810(B) and (F) of the S.C. Code is amended to read:

(B) In accordance with Article 1, Chapter 35, Title 43, the unit shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs. The unit shall establish a toll‑free number, which must be operated twenty‑four hours a day, seven days a week, to receive the reports.

(F) The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this article precludes the Department of Mental Health, the Department of Veterans’ Affairs, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.

SECTION 54.A. Section 25‑11‑70(A) of the S.C. Code is amended to read:

(A) The department shall assist the South Carolina Agent Orange Advisory Council and the Agent Orange Information and Assistance Program at the Division of Public Health and Environmental Control in carrying out the purposes of Chapter 40, Title 44. The department shall:

(1) refer veterans to appropriate state and federal agencies or other available resources for treatment of adverse health conditions which may have resulted from possible exposure to chemical agents, including Agent Orange;

(2) assist veterans in filing compensation claims for disabilities that may have resulted from possible exposure to chemical agents, including Agent Orange;

(3) communicate the concerns of veterans related to exposure to chemical agents, including Agent Orange, to appropriate state and federal officials.

B. Section 25‑11‑75(B) of the S.C. Code is amended to read:

(B) Subject to the direction of the secretary, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the department on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Public Health and Environmental Control, assist the department in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the secretary in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the secretary.

SECTION 55. Section 27‑16‑90(G) of the S.C. Code is amended to read:

(G) Before the Tribe’s comprehensive planning process, the South Carolina Department of Health and Environmental ControlServices shall consult with the Tribe about the location of future sewage treatment facilities that may serve the Primary and Secondary Expansion Zones in the manner described in the Settlement Agreement. The Tribe is responsible for the design, construction, operation, and maintenance of its own sewage collection system and for the cost of constructing an extension line and tap to the transmission line. The Tribe also is subject to fees for use of the treatment system and transmission line and subject to all regulations imposed on users of the system. The Department of Health and Environmental ControlServices shall endeavor to ensure that the fees, charges, and rules are the same as those applied to municipal users of the system. If the Tribe is required to construct an extension line to connect with a transmission line, the Tribe may charge non‑Reservation users along the extension line reasonable tap and user fees.

SECTION 56. Section 27‑31‑100(f) of the S.C. Code is amended to read:

(f) A description of the full legal rights and obligations, both currently existing and which may occur, of the apartment owner, the co‑owners, and the person establishing the regime. The master deed of any horizontal property regime developed under the provisions of this chapter that contains any submerged land shall contain a notice of restriction stating that all activities on or over and all uses of the submerged land or other critical areas are subject to the jurisdiction of the South Carolina Department of Health and Environmental ControlServices, including, but not limited to, the requirement that any activity or use must be authorized by the South Carolina Department of Health and Environmental ControlServices. The notice shall further state that any owner is liable to the extent of his ownership for any damages to, any inappropriate or unpermitted uses of, and any duties or responsibilities concerning any submerged land, coastal waters, or any other critical area.

SECTION 57. Section 30‑2‑30(4) of the S.C. Code is amended to read:

(4) “Medical information” includes, but is not limited to, blood samples and test results obtained and kept by the Department of Public Health and Environmental Control pursuant to Section 44‑37‑30.

SECTION 58. Section 30‑2‑320(4) of the S.C. Code is amended to read:

(4) on certified copies of vital records issued by the director of the Department of Public Health and Environmental Control as the state registrar, pursuant to Section 44‑63‑30 and authorized officials pursuant to Section 44‑63‑40. The state registrar may disclose personal identifying information other than social security number on an uncertified vital record;

SECTION 59. Section 31‑13‑30 of the S.C. Code is amended to read:

Section 31‑13‑30. The Governor shall appoint, with the advice and consent of the Senate, seven persons to be commissioners of the South Carolina State Housing Finance and Development Authority. The seven persons so appointed shall have experience in the fields of mortgage finance, banking, real estate, and home building. The Governor shall appoint a chairman from among the seven commissioners.

The commissioners must be appointed for terms of four years, except that all vacancies must be filled for the unexpired term. A commissioner shall hold office until his successor has been appointed and qualifies. A certificate of the appointment or reappointment of any commissioner must be filed in the office of the Secretary of State and in the office of the Authority, and the certificate is conclusive evidence of the due and proper appointment of the commissioner. The Governor or his designee and the State Commissioner Director of the Department of Public Health and Environmental Control or his designee from his administrative staff shall serve ex officio as commissioners of the Authority with the same powers as the other commissioners.

SECTION 60. Section 32‑8‑305(17) of the S.C. Code is amended to read:

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

SECTION 61. Section 33‑36‑1315(A) of the S.C. Code is amended to read:

(A) Corporations not‑for‑profit incorporated for the purposes of providing water service which, pursuant to the provisions of this chapter, serve a population of at least twenty thousand persons as shown in the most recent sanitary survey of the South Carolina Department of Health and Environmental ControlServices, and provide water service in two or more counties within the State, may determine, by resolution adopted by the board of directors of the corporation and subject to the additional conditions provided in this section, to become a public service district, a public body politic and corporate. The resolution shall make findings as to: (1) whether the corporation owns assets, including, but not limited to, reserves, that are not reasonably required to continue its operations following its conversion to a public service district and, if so, the amount of the assets; and (2) whether the assets of the corporation have appreciated in value over their original cost and, if so, the amount of the value appreciation. The procedures provided in this section are valid, complete, and sufficient to effect the conversion notwithstanding any contrary provisions of law or the corporation’s organizational documents or bylaws.

SECTION 62.A. Section 37‑11‑20(2) of the S.C. Code is amended to read:

(2) “Continuing care retirement community” means a community in which there is furnished, pursuant to a continuing care contract, to two or more persons not related to the administrator or owner of the facility within the third degree of consanguinity, board or lodging together with nursing, medical, or other health‑related services, regardless of whether the services or lodging are provided at the same location or not. It does not include an institution operating solely as a nursing home or community residential care facility licensed by the South Carolina Department of Public Health and Environmental Control.

B. Section 37‑11‑50(B)(4) of the S.C. Code is amended to read:

(4) the operator has complied with all requirements of the Department of Public Health and Environmental Control concerning the furnishing of nursing, medical, or other health‑related services.

SECTION 63. Section 38‑7‑20(B)(3) of the S.C. Code is amended to read:

(3) one quarter of one percent must be transferred to the aid to emergency medical services regional councils within the Department of Public Health and Environmental Control and used for grants to fund emergency medical technician and paramedic training; and

SECTION 64. Section 38‑55‑530(A) of the S.C. Code is amended to read:

(A) “Authorized agency” means any duly constituted criminal investigative department or agency of the United States or of this State; the Department of Insurance; the Department of Revenue; the Department of Public Safety; the Department of Motor Vehicles; the Workers’ Compensation Commission; the State Accident Fund; the Second Injury Fund; the Department of Employment and Workforce; the Department of Consumer Affairs; the Human Affairs Commission; the Department of Public Health; and the Department of Environmental ControlServices; the Department of Social Services; the Department of Health and Human Services; the Department of Labor, Licensing and Regulation; all other state boards, commissions, and agencies; the Office of the Attorney General of South Carolina; or the prosecuting attorney of any judicial circuit, county, municipality, or political subdivision of this State or of the United States, and their respective employees or personnel acting in their official capacity.

SECTION 65. Section 38‑70‑60 of the S.C. Code is amended to read:

Section 38‑70‑60. The department, after consultation with payers, providers, utilization review agents, the Department of Public Health and Environmental Control and other interested parties, shall promulgate regulations to implement and enforce the requirements of this chapter in accordance with the State Administrative Procedures Act.

SECTION 66.A. Section 38‑71‑46(B) of the S.C. Code is amended to read:

(B) Services and payment for diabetes education programs shall conform to regulations of the Health Care Financing Administration, US Department of Health and Human Services, pursuant to Section 4105 of the Balanced Budget Act of 1997. Diabetes outpatient self‑management training and education shall be provided by a registered or licensed health care professional with certification in diabetes by the National Certification Board of Diabetes Educators, or other accredited program approved by the Diabetes Initiative of South Carolina, or by the Diabetes Control Program of the SC Department of Public Health and Environmental Control in order to meet the needs of rural communities wherein certified health care professionals providing this service are not available.

B. Section 38‑71‑145(E)(1) of the S.C. Code is amended to read:

(1) “Mammogram” means a radiological examination of the breast for purposes of detecting breast cancer when performed as a result of a physician referral or by a health testing service which utilizes radiological equipment approved by the Department of Health and Environmental ControlServices, which examination may be made with the following minimum frequency:

(a) once as a base‑line mammogram for a female who is at least thirty‑five years of age but less than forty years of age;

(b) once every two years for a female who is at least forty years of age but less than fifty years of age;

(c) once a year for a female who is at least fifty years of age; or

(d) in accordance with the most recent published guidelines of the American Cancer Society.

SECTION 67. Section 38‑71‑1520(3) of the S.C. Code is amended to read:

(3) “Emergency medical provider” means hospitals licensed by the South Carolina Department of Public Health and Environmental Control, hospital‑based services, physicians licensed by the State Board of Medical Examiners, and oral surgeons and dentists licensed by the State Board of Dentistry who provide emergency medical care.

SECTION 68. Section 38‑78‑10(B)(4) of the S.C. Code is amended to read:

(4) warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Service Commission or the Department of Health and Environmental ControlServices;

SECTION 69.A. Section 39‑23‑20(a) of the S.C. Code is amended to read:

(a) The “Director of the Department of Public Health and Environmental Control” means the Director of Public Health and Environmental Control or his designated agent.

B. Section 39‑23‑30(b) of the S.C. Code is amended to read:

(b) If it purports or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from or its quality or purity falls below the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, except that whenever tests or methods of assay have not been prescribed in such compendium, or those prescribed under authority of the Federal act, or such tests or methods of assay as are prescribed are, in the judgment of the Director of the Department of Public Health and Environmental Control, insufficient for the making of such determination, the Director shall bring such fact to the attention of the appropriate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay, which, in the judgment of the Director, are sufficient for purposes of this paragraph, then the Director shall promulgate regulations prescribing appropriate tests or methods of assay in accordance with which such determination as to strength, quality, or purity shall be made. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standards is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

C. Section 39‑23‑40(b) and (d) through (h) of the S.C. Code is amended to read:

(b) If in a package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that reasonable variations shall be permitted under regulations issued by the Director of the Department of Public Health and Environmental Control or issued under the Federal act. Provided, further, that in the case of any drug subject to Section 39‑23‑50(b)(1), the label shall contain the name and place of business of the manufacturer of the finished dosage form and, if different, the name and place of business of the packer or distributor. For the purpose of this paragraph, the finished dosage form of a drug is that form of the drug which is, or is intended to be, dispensed or administered to the ultimate user upon prescription or as otherwise dispensed by the pharmacist.

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha‑eucaine, barbituric acid, beta‑eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of such substance, which derivative, after investigation, has been found to be, and designated as, habit forming, by regulations issued by the Director of the Department of Public Health and Environmental Control under this chapter, or by regulations issued pursuant to Section 502(d) of the Federal act, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement “Warning ‑ May be habit forming.”

(e)(1) If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (i) the established name (as defined in subparagraph (2)) of the drug, if such there be, and (ii) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided, that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and (B) for any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient; and provided, that to the extent that compliance with the requirements of clause (A)(ii) or clause (B) of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Director of the Department of Public Health and Environmental Control or under the Federal act.

(2) As used in this paragraph (e), the term “established name,” with respect to a drug or ingredient thereof, means (A) the applicable official name designated pursuant to Section 508 of the Federal Food, Drug, and Cosmetic Act as amended, or (B) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient; provided, further, that where clause (B) of this paragraph applies to an article recognized in the United States Pharmacopoeia and in the Homeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopoeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia shall apply.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided, that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Director of the Department of Public Health and Environmental Control shall promulgate regulations exempting such drug or device from such requirement; provided, further, that articles exempted under regulations issued under Section 502(f) of the Federal act shall also be exempt.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the Director of the Department of Public Health and Environmental Control or if consent is obtained under the Federal act. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging, and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia; provided, further, that, in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail.

(h) If it has been found by the Director of the Department of Public Health and Environmental Control or under the Federal act to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Director of the Department of Public Health and Environmental Control or under the Federal act shall by regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the Director of the Department of Public Health and Environmental Control shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

D. Section 39‑23‑50(a) and (b)(3) of the S.C. Code is amended to read:

(a) The Director of the Department of Public Health and Environmental Control is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this chapter drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded, under the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

(3) The Director of the Department of Public Health and Environmental Control may by regulation remove drugs subject to Section 39‑23‑40(d) and Section 39‑23‑70 from the requirements of paragraph (1) of this subsection when such requirements are not necessary for the protection of the public health. Drugs removed from the prescription requirements of the Federal act by regulations issued thereunder may also by regulations issued by the Director of the Department of Public Health and Environmental Control, be removed from the requirements of paragraph (1) of this subsection.

E. Section 39‑23‑60 of the S.C. Code is amended to read:

Section 39‑23‑60. In accordance with Federal standards, the Director of the Department of Public Health and Environmental Control shall promulgate regulations providing for the listing of coal‑tar colors which are harmless and suitable for use in drugs for purposes of coloring only and for the certification of batches of such colors, with or without harmless dilutents.

F. Section 39‑23‑70(b) through (i) of the S.C. Code is amended to read:

(b) Any person may file with the Director of the Department of Public Health and Environmental Control an application with respect to any drug subject to the provisions of subsection (a). Such persons shall submit to the Director of the Department of Public Health and Environmental Control as a part of the application (1) full reports of investigations which have been made to show whether or not such drug is safe for use; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (5) such samples of such drug and of the articles used as components thereof as the Director of the Department of Public Health and Environmental Control may require; and (6) specimens of the labeling proposed to be used for such drug.

(c) An application provided for in subsection (b) shall become effective on the one hundred eightieth day after the filing thereof, except that if the Director of the Department of Public Health and Environmental Control finds, after due notice to the applicant and giving him an opportunity for a hearing, (1), that the drug is not safe or not effective for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof; or (2) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drugs are inadequate to preserve its identity, strength, quality, and purity; or (3) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(d) If the Director of the Department of Public Health and Environmental Control finds, after due notice to the applicant and giving him an opportunity for a hearing, that (1) the investigations, reports of which are required to be submitted to the Director pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or (4) upon the basis of the information submitted to him as part of the application or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(e) The effectiveness of an application with respect to any drug shall, after due notice and opportunity for hearing to the applicant, by order of the Director of the Department of Public Health and Environmental Control be suspended if the Director finds (1) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that such drug is unsafe for use under conditions of use upon the basis of which the application became effective, or (2) that the application contains any untrue statement of a material fact. The order shall state the findings upon which it is based.

(f) An order refusing to permit an application with respect to any drug to become effective shall be revoked whenever the Director of the Department of Public Health and Environmental Control finds that the facts so require.

(g) Orders of the Director of the Department of Public Health and Environmental Control issued under this section shall be served (1) in person by an officer or employee of the Department of Public Health and Environmental Control designated by the Director or (2) by mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the Director.

(h) An appeal may be taken by the applicant from an order of the Director of the Department of Public Health and Environmental Control refusing to permit the application to become effective, or suspending the effectiveness of the application. Such appeal shall be taken by filing in the circuit court within any circuit wherein such applicant resides or has his principal place of business, within sixty days after the entry of such order, a written petition praying that the order of the Director be set aside. A copy of such petition shall be forthwith served upon the Director or upon any officer designated by him for that purpose, and thereupon the Director shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm or set aside such order. No objection to the order of the Director shall be considered by the court unless such objection shall have been argued before the Director or unless there were reasonable grounds for failure so to do. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive. If any person shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence to be taken before the Director and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The Director may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified findings which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the setting aside of the original order. The judgment and decree of the court affirming or setting aside any such order of the Director shall be final, subject to review as provided by statute. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the Director’s orders.

(i) The Director of the Department of Public Health and Environmental Control shall promulgate regulations for exempting from the operation of this section drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs.

G. Section 39‑23‑100(a), (b), and (d) of the S.C. Code is amended to read:

(a) Any drug or device that is adulterated or misbranded when introduced into or while in intrastate commerce or while held for sale (whether or not the first sale) after shipment in intrastate commerce, or which may not, under the provisions of Section 39‑23‑50, be introduced into intrastate commerce, shall be liable to be proceeded against while in intrastate commerce or at any time thereafter, on libel of information and condemned in any circuit court of the State within the jurisdiction of which the article is found; provided, however, that no libel for condemnation shall be instituted under this chapter, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this chapter based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the State, in a criminal injunction, or libel for condemnation proceeding under this chapter, or (2) when the Director of the Department of Public Health and Environmental Control has probable cause to believe from facts found, without hearings, by him or any officer or employee of the Department of Public Health and Environmental Control that the misbranding is dangerous to health, or that the labeling of the misbranded article is fraudulent, or would be in a material respect misleading to injury or damage of the purchaser or consumer. In any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, reasonably made, be removed for trial to any circuit agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, the claimant may apply to the court of the circuit in which the seizure has been made, and such court (after giving the Attorney General or other attorney for the Department of Public Health and Environmental Control reasonable notice and opportunity to be heard), shall by order, unless good cause to the contrary is shown, specify a circuit of reasonable proximity to the claimant’s principal place of business to which the case shall be removed for trial.

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant reasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any circuit selected by the claimant where one of such proceedings is pending; or (2) a circuit agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction, and such court (after giving the Attorney General or other attorney for the Department of Public Health and Environmental Control reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a circuit of reasonable proximity to the claimant’s principal place of business, in which all pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(d) Any drug or device condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the State of South Carolina; but such article shall not be sold under such decree contrary to the provisions of this chapter or the laws of the jurisdiction in which sold; provided, that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this chapter or the laws of any state or territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the Director of the Department of Public Health and Environmental Control, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under Section 39‑23‑70, be introduced into intrastate commerce, shall be disposed of by destruction.

H. Sections 39‑23‑110 through 39‑23‑130 of the S.C. Code are amended to read:

Section 39‑23‑110. Before any violation of this chapter is reported by the Director of the Department of Public Health and Environmental Control to the Attorney General for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

Section 39‑23‑120. Nothing in this chapter shall be construed as requiring the Director of the Department of Public Health and Environmental Control to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

Section 39‑23‑130. The Director of the Department of Public Health and Environmental Control may, upon service of written notice, embargo any drug, device, or other substance for a period not to exceed fifteen days if such drug, device, or substance is suspected of being adulterated or misbranded, the purpose of such embargo being to prevent the removal of such drug, device, or substance from the jurisdiction of the Director of the Department of Public Health and Environmental Control until an investigation of such suspected adulteration or misbranding may be conducted.

SECTION 70.A. Section 40‑7‑60 of the S.C. Code is amended to read:

Section 40‑7‑60. The board may adopt rules governing its proceedings as provided for in Section 40‑1‑60 and shall adopt a seal for the authentication of its orders and records. The board may promulgate regulations necessary to carry out the provisions of this chapter including, but not limited to, regulations for the sanitary management of barbershops and barber schools which must be approved by the Department of Public Health and Environmental Control and which must be furnished by the board to the owner or manager of each barbershop or barber school in the State.

B. Section 40‑7‑230(A)(2) and (B)(2) of the S.C. Code is amended to read:

(2) has passed a physical examination prescribed by the Department of Public Health and Environmental Control;

(2) has passed a physical examination prescribed by the Department of Public Health and Environmental Control;

SECTION 71. Section 40‑10‑230(5) and (7) of the S.C. Code is amended to read:

(5) an individual or entity who is certified by and has successfully passed the Department of Health and Environmental Control (DHEC)Services (DES) approved backflow prevention assembly training seminar and who holds a current Tester Certification Certificate to test backflow prevention assemblies. The backflow test must be conducted in accordance with applicable NFPA Standards. DHEC’sDES’s certified tester assumes full responsibility and liability when testing the backflow prevention assembly; the appropriate people must be notified including, but not limited to, the fire department, fire marshal, customer/owner, building official, or insurance company, when the backflow prevention assembly is shut down for testing; if repairs to the backflow prevention assembly are necessary, any such repair must be made by a DHECDES certified backflow prevention assembly tester;

(7) an individual who installs, repairs, trouble shoots, provides diagnostic analysis, or provides services in any manner to a backflow prevention assembly if the individual has current certification from the Department of Health and Environmental ControlServices approved backflow assembly prevention training seminar and has completed some level of educational training or certification with backflow prevention assembly.

SECTION 72.A. Section 40‑13‑60 of the S.C. Code is amended to read:

Section 40‑13‑60. The board may adopt rules governing its proceedings and may promulgate regulations necessary to carry out the provisions of this chapter. Regulations relating to the sanitary management of salons and schools must not be promulgated until approved by the Department of Public Health and Environmental Control.

B. Section 40‑13‑110(A)(7) of the S.C. Code is amended to read:

(7) wilfully and continuously violated the reasonable regulations adopted by the board and approved by the Department of Public Health and Environmental Control for the sanitary management and operation of salons and schools;

SECTION 73.A. Section 40‑15‑85(6) of the S.C. Code is amended to read:

(6) “General supervision” means that a licensed dentist or the South Carolina Department of Health and Environmental Control's public healthPublic Health dentist has authorized the procedures to be performed but does not require that a dentist be present when the procedures are performed.

B. Section 40‑15‑102(D) and (E) of the S.C. Code is amended to read:

(D) A dentist authorizing treatment by a dental hygienist in school settings or nursing home settings is subject to the general supervision restrictions provided for in this section unless the dentist or dental hygienist is working in a public health setting with the Department of Public Health and Environmental Control, as provided for in Section 40‑15‑110.

(E) A dentist billing for services for treatment provided by a dental hygienist in a public health setting with the Department of Public Health and Environmental Control as provided for in Section 40‑15‑110, is the provider of services and is clinically responsible for the care and treatment of the patient.

C. Section 40‑15‑110(A)(10), (E), (F), and (G) of the S.C. Code is amended to read:

(10) a licensed dental hygienist employed within or contracted through the public health system from providing education and primary preventive care that is reversible. Primary preventive care and education are defined as promotion and protection of health to avoid the occurrence of disease through community, school, and individual measures or improvements in lifestyle. These services are to be performed under the direction of the Department of Public Health and Environmental ControlHealth’s State Dental Coordinator or the department’s designee but do not require that the director or a licensed dentist be present when any public health dental program services are provided. Public health dental program services include oral screenings using a Department of Public Health and Environmental Control approved screening system, oral prophylaxis, application of topical fluoride including varnish, and the application of dental sealants.

(E) The Department of Public Health and Environmental Control shall target services in a public health setting to under‑served populations. A public health setting is defined as a hospital, nursing home, long term care facility, rural or community health clinic, health facility operated by federal, state, county, or local governments, hospice, an educational institution, a bona fide charitable institution, or a mobile delivery program operated in one of these settings under the direction of the Department of Public Health and Environmental Control. Mobile delivery programs are defined as those that are not confined to a single building and can be transported from place to place.

(F) Dental assistants may perform oral screenings utilizing the Department of Public Health and Environmental Control approved screening system in school and public health settings under direction of the Department of Public Health and Environmental Control public health dental program.

(G) Dental assistants employed within or contracted through the public health system may assist in the delivery of public health dental program services as defined in this section. Program activities are performed under the direction of the Department of Public Health and Environmental Control State Dental Coordinator or the department’s designee but do not require that the coordinator be present when services are performed.

SECTION 74.A. Section 40‑23‑10(A) of the S.C. Code is amended to read:

(A) There is created the South Carolina Environmental Certification Board composed of nine members appointed by the Governor. Of the nine members, one must be a licensed public water treatment operator and one must be a licensed public water distribution system operator; two must be licensed wastewater operators, one of whom must be certified in the physical chemical specialty; one must be a licensed well driller; one must be a member of the public at large; one must be a representative from the Land, Water, and Conservation Division of the Department of Natural Resources; one must be a member of the Department of Health and Environmental ControlServices, designated by the CommissionerDirector of the Department of Health and Environmental ControlServices; and one must be a representative from a technical education or other higher education institution actively involved in operator training.

B. Section 40‑23‑20(20)(c)(ii) and (iii) of the S.C. Code is amended to read:

(ii) the Department of Health and Environmental ControlServices determines that alternative water sources to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking or cooking; or

(iii) the Department of Health and Environmental ControlServices determines the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass‑through entity, or the user to achieve the equivalent level or protection provided by the applicable State Primary Drinking Water Regulations.

C. Section 40‑23‑110(A)(15) of the S.C. Code is amended to read:

(15) has failed to timely abate or remediate deficient or substandard work after receiving notice of deficient or substandard work from regulating authorities including, but not limited to, the board, the department, or the Department of Health and Environmental ControlServices;

D. Section 40‑23‑280(C) of the S.C. Code is amended to read:

(C) After a hearing the board may initiate claims on the bond of any licensee for the cost of remediation or abatement of deficiencies or losses found to be the responsibility of the licensee. Claims are limited to actual damages and may not include attorney’s fees or consequential or punitive damages. Claims may also be initiated upon the bond by the Department of Health and Environmental Control Services for remediation of deficiencies or losses determined, in accordance with that agency’s procedures, to be the responsibility of a licensee.

E. Section 40‑23‑300(A) of the S.C. Code is amended to read:

(A) A person employed as an operator of a public water treatment facility must hold a water treatment operator license issued by the board in the certification class required by this section. The required certification class must be determined based upon the treatment group of the public water system treatment facility where the operator is employed, as established by the Department of Health and Environmental ControlServices pursuant to Section 44‑55‑40(K). The certification class required for each treatment group is as follows:

(1) Group I treatment facilities require operators with at least a Class “E” certification.

(2) Group II treatment facilities require operators with at least a Class “D” certification.

(3) Group III treatment facilities require operators with at least a Class “C” certification.

(4) Group IV treatment facilities require operators with at least a Class “C” certification.

(5) Group V treatment facilities require operators with at least a Class “B” certification.

(6) Group VI treatment facilities require operators with at least a Class “A” certification.

F. Section 40‑23‑305 of the S.C. Code is amended to read:

Section 40‑23‑305. A person employed as an operator of a public wastewater treatment plant must hold a wastewater treatment operator license issued by the board in the certification class required by this section and the regulations of the board. The required certification class must be determined by the treatment group of the public wastewater treatment plant where the operator is employed, as established by the Department of Health and Environmental ControlServices pursuant to Section 48‑1‑110. The board shall establish in regulations the certification class required for each treatment group of public wastewater treatment plants defined in Section 40‑23‑20.

G. Section 40‑23‑310(A) of the S.C. Code is amended to read:

(A) A person employed as an operator of a public water distribution system facility must hold a water distribution system operator license issued by the board in the certification class as required by this section. The required certification class must be determined based upon the distribution group of the public water distribution system facility where the operator is employed, as established by the Department of Health and Environmental ControlServices pursuant to Section 44‑55‑40(L). The certification class required for each distribution group is as follows:

(1) Group I distribution facilities do not require a certified operator.

(2) Group II distribution facilities require operators with at least a Class “D” certification.

(3) Group III distribution facilities require operators with at least a Class “C” certification.

(4) Group IV distribution facilities require operators with at least a Class “B” certification.

(5) Group V distribution facilities require operators with at least a Class “A” certification.

SECTION 75.A. Section 40‑25‑20(1) of the S.C. Code is amended to read:

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

B. Section 40‑25‑170 of the S.C. Code is amended to read:

Section 40‑25‑170. (A) The final order of the department in proceedings for the suspension or revocation of certificates of registration are subject to review by the circuit court of Richland County, the county in which the registrant has his principal place of business, or the county in which the books and records of the department are kept. Other final orders of the department under this chapter are subject to review in the same courtsappeal pursuant to Section 44‑1‑60 and applicable law.

(B) Appeals to the circuit court must be upon the original records before the department, and the court in its discretion may affirm, reverse, or modify an order made by the department.

SECTION 76.A. Section 40‑33‑20(62)(a) of the S.C. Code is amended to read:

(a) persons receiving Medicaid, Medicare, Department of Public Health and Environmental Health carehealth care, or free clinic care;

B. Section 40‑33‑30(D)(7) and (E) of the S.C. Code is amended to read:

(7) care given to maternity patients, in the performance of their duties by licensed midwives trained and supervised under the authority of the South Carolina Department of Public Health and Environmental Control, so long as these midwives confine care to maternity patients only and do not claim to be licensed nurses or certified nurse‑midwives;

(E) The South Carolina Department of Public Health and Environmental Control may establish policies that authorize licensed registered nurses to provide health care under the direction of a physician licensed to practice medicine in this State and under the guidance of a registered pharmacist including, but not limited to, the dispensing of drugs for the treatment of tuberculosis and sexually transmitted diseases, HIV/AIDS, maternal and child care, children with special health care needs, family planning, immunizations, and any other public health program. The original diagnosis and treatment as prescribed by the physician must be maintained on the individual patient’s records. The provisions of this chapter must not be construed to require the employment of registered pharmacists at local health clinics for the guidance of registered nurses in the dispensing of drugs in accordance with these provisions.

SECTION 77.A. Section 40‑35‑10(A)(5) of the S.C. Code is amended to read:

(5) one must be a voting member of the Long Term Care Committee of the Health and Human Services Coordinating Council who must be nominated by election of the committee from among its voting members. If the Governor does not accept the nomination, an additional nominee must be selected in the same manner.

The Commissioner Director of the Department of Public Health and Environmental Control, or his designee, also shall serve as a nonvoting member on the board, ex officio.

An individual, group, or association may submit the names of qualified individuals to the Governor for his consideration in making these appointments.

A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term. A member may not serve more than two consecutive full terms.

B. Section 40‑35‑20(3), (7), and (8) of the S.C. Code is amended to read:

(3) “Community residential care facility” or “CRCF” means a facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities by the Department of Public Health and Environmental Control, whether proprietary or nonprofit.

(7) “Habilitation center for persons with intellectual disability or persons with related conditions” means a facility which is licensed by the Department of Public Health and Environmental Control and that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

(8) “Nursing home” means an institution or facility defined for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the Department of Public Health and Environmental Control, whether proprietary or nonprofit including, but not limited to, nursing homes owned or administered by the State or a political subdivision of the State. The term does not include habilitation centers for persons with intellectual disability or persons with related conditions.

SECTION 78.A. Section 40‑43‑72(A)(1) of the S.C. Code is amended to read:

(1) “Narcotic treatment program” or “NTP” means a program licensed by the Department of Public Health and Environmental Control that dispenses and administers methadone or other narcotic treatment medications.

B. Section 40‑43‑83(K) of the S.C. Code is amended to read:

(K) The Department of Public Health and Environmental Control is exempt from the provisions of this section that require facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy and from the provisions of this section that require each pharmacy to have a pharmacist‑in‑charge; however, each health district in this State must have a permit to distribute or dispense prescription drugs.

C. Section 40‑43‑86(C)(4) of the S.C. Code is amended to read:

(4) Emergency medical services licensed by the Department of Public Health and Environmental Control are exempt from permit fees and the provisions of this section requiring a consultant pharmacist to perform the duties set forth in this chapter at the permit holder’s location, and the medical director or a consultant pharmacist may perform the duties of the consultant pharmacist pursuant to this chapter.

D. Section 40‑43‑86(FF) of the S.C. Code is amended to read:

(FF) The Department of Public Health and Environmental Control is exempt from the provisions of this section that prohibit a pharmacist from serving as a pharmacist‑in‑charge unless he is physically present in the pharmacy and that prohibits a pharmacist from serving as a pharmacist‑in‑charge for more than one pharmacy at a time, so that one pharmacist‑in‑charge may be designated by the department to serve more than one health district.

E. Section 40‑43‑87(B) of the S.C. Code is amended to read:

(B) Revocation of the radioactive materials license from the Department of Public Health and Environmental Control voids the pharmacy permit immediately and the permit must be returned to the board within ten days.

F. Section 40‑43‑190(B)(2)(d) of the S.C. Code is amended to read:

(d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of Public Health and Environmental Control as the department may require; provided, however, that the phase‑in schedule provided in Regulation 61‑120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;

G. Section 40‑43‑195(B)(3) and (F)(2) of the S.C. Code is amended to read:

(3) To the extent that a central fill pharmacy dispenses controlled substances, the central fill pharmacy must obtain a registration from the Department of Public Health and Environmental Control, Bureau of Drug Control. Controlled substance prescriptions filled by a central fill pharmacy must comply with both state and federal statutes and regulations.

(2) Other responsibilities regarding proper handling of a prescription and delivery to a patient or a patient’s agent pursuant to this chapter and the Department of Public Health and Environmental Control, controlled substances laws and regulations.

H. Section 40‑43‑200(A) of the S.C. Code is amended to read:

(A) There is created a Joint Pharmacist Administered Vaccines Committee as a committee to the Board of Medical Examiners which consists of seven members with experience regarding vaccines. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the Department of Public Health and Environmental Control designated by the director of the department also shall serve on the committee. Members of the committee may not be compensated for their service on the board and may not receive mileage, per diem, and subsistence as otherwise authorized by law for members of state boards, committees, and commissions.

SECTION 79. Section 40‑45‑300(B) of the S.C. Code is amended to read:

(B) A physical therapist assistant shall function under the supervision of a licensed physical therapist. A person licensed under this chapter as a physical therapist assistant shall perform duties only after the initial evaluation of the patient is conducted by a licensed physical therapist. A patient plan of care may not be altered without the prior written, dated, and signed approval of a licensed physical therapist. A patient must be reevaluated and the plan of care must be reapproved by a physical therapist licensed in this State every eighth treatment day or every sixty calendar days, whichever comes first. The board may establish in regulation the number of physical therapist assistants a physical therapist may concurrently supervise except in hospitals licensed by the Department of Public Health and Environmental Control which may determine their own staffing ratios.

SECTION 80.A. Section 40‑47‑31(A) and (E) of the S.C. Code is amended to read:

(A) Limited licenses may be issued for postgraduate medical residency training or for employment with a state agency, as approved by the board. A limited license entitles the licensee to apply for individual controlled substance registration through the Department of Public Health and Environmental Control. Each limited license is valid for one year or part of one year. Renewal may be considered upon approval of the board. A special limited license also may be issued to a physician licensed in another state for up to fourteen days not more than four times a year in order to authorize practice under supervision for training involving direct patient care or to explore potential employment relationships.

(E) A new application for a limited license for employment with a state agency may not be authorized after January 1, 2001. A current holder of a limited license for employment with a state agency may renew his or her limited license if no change of agency has occurred. A change in agency may be approved upon presentation to the board of a copy of a contract in which the limited license holder has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of Public Health and Environmental Control, the South Carolina Department of Mental Health, or the South Carolina Department of Disabilities and Special Needs.

B. Section 40‑47‑32(E) of the S.C. Code is amended to read:

(E) The additional examination required pursuant to subsection (D) must be waived if the applicant is to practice in a position within the South Carolina Department of Corrections, the South Carolina Department of Public Health and Environmental Control, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation. A license issued pursuant to this waiver is immediately invalid if the individual leaves that position or acts outside the scope of employment within the department. A change in agency may be approved upon presentation to the board of a copy of a contract in which the individual has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of Public Health and Environmental Control, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation.

C. Section 40‑47‑34(A) of the S.C. Code is amended to read:

(A) The board shall waive all application fees, examination fees, and annual reregistration fees for an applicant who applies for a special volunteer license and who otherwise meets permanent licensure requirements if the applicant documents, to the satisfaction of the board, that practice is to be exclusively and totally devoted to providing medical care to the needy and indigent in this State. To be eligible for the waiver of these fees, an applicant shall acknowledge that there is no expectation of payment or compensation for any medical services rendered, or compensation or payment to the applicant, either direct or indirect, monetary or in‑kind, for the provision of medical services. A special volunteer license entitles the licensee to apply for individual controlled substance registration through the Department of Public Health and Environmental Control.

SECTION 81. Section 40‑61‑20 of the S.C. Code is amended to read:

Section 40‑61‑20. There is created the South Carolina State Board of Examiners for Registered Environmental Sanitarians composed of six members appointed by the Governor, one of whom is the executive officerDirector of the Department of Health and Environmental Control Services or his designee, three environmental sanitarians who are qualified by education and experience to be registered environmental sanitarians, and two public members who are not environmental sanitarians or do not have any pecuniary interests in any entity engaged in the business of environmental sanitarians. All members of the board must be residents of the State and serve for terms of four years and until their successors are appointed and qualify. Members of the board are eligible for reappointment but cannot serve more than two consecutive terms.

The board is responsible for examining applicants for registered environmental sanitarians, investigating complaints, and investigating and prosecuting violations of this chapter.

The board may promulgate regulations to carry out the provisions of this chapter.

The Governor may remove any member of the board who has been guilty of continued neglect of his duties or who is found to be incompetent, unprofessional, or dishonorable. No member must be removed without first giving him an opportunity to refute the charges filed against him. He must be given a copy of the charges at the time they are filed.

Vacancies on the board are filled in the same manner as the original appointment for the unexpired portion of the term.

SECTION 82. Section 40‑69‑255 of the S.C. Code is amended to read:

Section 40‑69‑255. As part of the biennial continuing education required by the board or pursuant to law, including Regulation 120‑6, South Carolina Code of State Regulations, a veterinarian authorized pursuant to state and federal law to prescribe controlled substances shall obtain a South Carolina Department of Public Health and Environmental Control Controlled Substances Registration and complete at least two hours of continuing education every two years related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44‑53‑210, 44‑53‑230, and 44‑53‑250.

SECTION 83.A. Section 40‑71‑10(B) of the S.C. Code is amended to read:

(B) There is no monetary liability on the part of, and no cause of action for damages arising against, a member of an appointed committee which is formed to maintain professional standards of a state or local professional society as defined in this section or a committee appointed by the Department of Mental Health, or a committee appointed by the Department of Public Health and Environmental Control to review patient medical and health records in order to study the causes of death and disease for any act or proceeding undertaken or performed within the scope of the functions of the committee if the committee member acts without malice, has made a reasonable effort to obtain the facts relating to the matter under consideration, and acts in the belief that the action taken by him is warranted by the facts known to him.

B. Section 40‑71‑20(B) and (C) of the S.C. Code is amended to read:

(B) Confidentiality provisions do not prevent committees appointed by the Department of Public Health and Environmental Control from issuing reports containing solely nonidentifying data and information.

(C) Nothing in this section affects the duty of a facility or activity licensed by the Department of Public Health and Environmental Control to report accidents or incidents pursuant to the department’s regulations. Provided, however, anything reported pursuant to the department’s regulations shall not be considered to waive any privilege or confidentiality provided in subsection (A).

SECTION 84. Section 40‑81‑20(13) of the S.C. Code is amended to read:

(13) “Emergency medical technician” means a person who is certified by the Department of Public Health and Environmental Control pursuant to the Emergency Medical Services Act.

SECTION 85. Section 40‑84‑120(2) of the S.C. Code is amended to read:

(2) hospitals and health care facilities regulated by the Department of Public Health and Environmental Control under Title 44.

SECTION 86. Section 41‑27‑280 of the S.C. Code is amended to read:

Section 41‑27‑280. “Hospital” means an institution which has been licensed or approved by the South Carolina Department of Public Health and Environmental Control as a hospital.

SECTION 87. Section 43‑5‑24 of the S.C. Code is amended to read:

Section 43‑5‑24. When an individual applies for assistance through the Aid to Families with Dependent Children Program, the Department of Social Services must provide the applicant with information on methods of contraception and family planning, excluding abortion counseling. The Department of Public Health and Environmental Control shall provide a brochure or some similar information packet on contraceptive methods and family planning to the Department of Social Services which the Department of Social Services can easily reproduce and distribute. Abortion must not be included in the brochure or information packet provided by the Department of Public Health and Environmental Control. If the applicant expresses an interest in scheduling an appointment with a local health department to obtain further information and counseling on contraceptive methods and family planning, the Department of Social Services shall assist the applicant in scheduling the appointment.

SECTION 88. Section 43‑5‑910(1) of the S.C. Code is amended to read:

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

SECTION 89. Section 43‑5‑1185 of the S.C. Code is amended to read:

Section 43‑5‑1185. As a condition of eligibility for Family Independence benefits, each adult recipient determined to be in need of family skills by his Family Independence case manager, and minor mother recipient must participate in a family skills training program which must include, but is not limited to, parenting skills, financial planning, and health information. Whenever possible and practical, the department shall coordinate with comparable staff of other state and local agencies in providing these services.

This program must include an alcohol and other drug assessment when it is determined by the department that an assessment is appropriate. The department shall coordinate with the Department of Alcohol and Other Drug Abuse Services to provide the proper assessment of the recipient and training of the department personnel who are to conduct the assessment. If the recipient is determined to be in need of alcohol and other drug abuse treatment, the department shall coordinate the services with the Department of Alcohol and Other Drug Abuse Services and shall include the individually determined terms and conditions of the treatment in the recipient’s agreement with the department.

This program must include a family planning assessment if it is determined by the department that an assessment is appropriate. The department shall coordinate with the Department of Public Health and Environmental Control to provide the AFDC family with education, evaluation, and counseling, consistent with Medicaid regulations. State funds appropriated for family planning must not be used to pay for an abortion.

SECTION 90.A. Section 43‑21‑120 of the S.C. Code is amended to read:

Section 43‑21‑120. There is created the Coordinating Council to the Department on Aging to work with the department on the coordination of programs related to the field of aging, and to advise and make pertinent recommendations, composed of the following: the Director of the Department of Public Health and Environmental Control, the State Director of Social Services, the Director of the Department of Mental Health, the Superintendent of Education, the Director of the State Department of Labor, Licensing and Regulation, the Executive Director of the South Carolina State Department of Employment and Workforce, the Secretary of Commerce, the Commissioner of the State Department of Vocational Rehabilitation, the Director of the Clemson University Extension Service, the Director of the South Carolina Department of Parks, Recreation and Tourism, the Director of the South Carolina Retirement System, the Executive Director of the South Carolina Municipal Association, the Executive Director of the State Office of Economic Opportunity, the Executive Director of the South Carolina Association of Counties, the Commissioner of the Commission for the Blind, the Director of the Department of Health and Human Services, the Director of the Department of Alcohol and Other Drug Abuse Services, and the Chairperson of the Commission on Women.

The council shall meet at least once each six months and special meetings may be called at the discretion of the chairman or upon request of a majority of the members.

The chairman of the advisory commission and the director of the Department on Aging, who shall serve as secretary to the council, shall attend the meetings of the council.

The director of each agency or department making up the council shall serve as chairman of the council for a term of one year. The office of chairman is held in the order in which the membership of the council is listed in this section.

B. Section 43‑21‑130(A)(3) of the S.C. Code is amended to read:

(3) the Director of the Department of Public Health and Environmental Control;

SECTION 91. Section 43‑25‑30(7) of the S.C. Code is amended to read:

(7) Cooperate with the State Department of Public Health and Environmental Control in the adoption and enforcement of proper preventive measures.

SECTION 92. Section 43‑33‑350(4) of the S.C. Code is amended to read:

(4) It may conduct team advocacy inspections of a facility providing residence to a person with a developmental or other disability. Inspections must be completed by the system’s staff and trained volunteers. Team advocacy inspections are unannounced visits to review the living conditions of a residential facility, including the plans of care for individuals in a residential care facility and a community mental health center day program. Only the coordinator of the team advocacy project or the coordinator’s designee is authorized to perform reviews of plans of care. The system shall prepare a report based on the inspection which must be submitted to the South Carolina Department of Public Health and Environmental Control and State Department of Mental Health.

SECTION 93. Section 43‑35‑10(4), (12), and (13) of the S.C. Code is amended to read:

(4) “Facility” means a nursing care facility, community residential care facility, a psychiatric hospital, or any residential program operated or contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs.

(12) “Operated facility” means those facilities directly operated by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs.

(13) “Contracted facility” means those public and private facilities contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs.

SECTION 94. Section 43‑35‑15(A) and (B) of the S.C. Code is amended to read:

(A) The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs. The unit shall establish a toll free number, which must be operated twenty‑four hours a day, seven days a week, to receive the reports. The unit shall investigate or refer to appropriate law enforcement those reports in which there is reasonable suspicion of criminal conduct. The unit also shall investigate vulnerable adult fatalities as provided for in Article 5, Chapter 35, Title 43. The unit shall refer those reports in which there is no reasonable suspicion of criminal conduct to the appropriate investigative entity for investigation. Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor when further action is necessary. The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, the Department of Veterans’ Affairs, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.

(B) Except as otherwise provided in subsection (D), the Long Term Care Ombudsman Program shall investigate or cause to be investigated noncriminal reports of alleged abuse, neglect, and exploitation of vulnerable adults occurring in facilities. The Long Term Care Ombudsman Program may develop policies, procedures, and memoranda of agreement to be used in reporting these incidents and in furthering its investigations. The Long Term Care Ombudsman Program must not delegate its responsibility to investigate noncriminal reports of alleged abuse, neglect, and exploitation to the facilities or to the entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, the Department of Veterans’ Affairs, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements. The Long Term Care Ombudsman Program shall refer reports of abuse, neglect, and exploitation to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division if there is reasonable suspicion of criminal conduct.

SECTION 95. Section 43‑35‑25(D)(1) of the S.C. Code is amended to read:

(1) the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for incidents occurring in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs;

SECTION 96. Section 43‑35‑35(B) of the S.C. Code is amended to read:

(B) All deaths involving a vulnerable adult in a facility operated or contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, the Department of Disabilities and Special Needs, or their contractors must be referred to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for investigation pursuant to Section 43‑35‑520.

SECTION 97. Section 43‑35‑220(B)(1) of the S.C. Code is amended to read:

(1) obtaining and reviewing relevant documents including, but not limited to, the vulnerable adult’s medical records; records from the place of residence if the vulnerable adult is living in a facility or other institution; records related to assets and debts of the vulnerable adult in cases of alleged exploitation; and records from the Department of Social Services, Department of Mental Health, the Department of Veterans’ Affairs, Department of Disabilities and Special Needs, or other public entities providing services to the vulnerable adult;

SECTION 98. Section 43‑35‑310(A)(2)(d) of the S.C. Code is amended to read:

(d) South Carolina Department of Public Health and Environmental Control, CommissionerDirector, or a designee;

SECTION 99. Section 43‑35‑520 of the S.C. Code is amended to read:

Section 43‑35‑520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23‑3‑810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44‑7‑130, contracted for operation by the Department of Mental Health, the Department of Veterans’ Affairs, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43‑35‑35(A). In the event that a coroner rules that the death of an individual in a veterans’ nursing home under the authority of the Department of Mental HealthVeterans’ Affairs results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual’s death.

SECTION 100. Section 43‑35‑560(A)(2) of the S.C. Code is amended to read:

(2) the CommissionerDirector of the South Carolina Department of Public Health and Environmental Control;

SECTION 101. Sections 44‑1‑60 through 44‑1‑140 of the S.C. Code are amended to read:

Section 44‑1‑60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case must be made using the procedures set forth in this section.

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

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

(D)(C) In making a staff decision on any permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. At the time that such staffa decision is made, the department shall issue a department decision, and shall base its department written decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as suchthose materials are specifically referred to in the department decision. The department is not required to issue a written decision need not be issued for issuance of routine permits for which nothe department has not received adverse public comments have been received.

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

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

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

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

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

(2) After the final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the final review conference. Within thirty calendar days after the receiptmailing of thea decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the final agencydepartment decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1‑23‑600(H)(1), the entirety of Section 1‑23‑600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Public Health. The court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

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

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

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

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

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

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

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

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

Section 44‑1‑65. Section effective until July 1, 2024.

(A) In making a staff decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 44‑1‑60(D), or if the department conducts a final review conference related to a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 44‑1‑60(F), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

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

(1) only an applicant, permittee, licensee, or affected person may request a final review conference pursuant to Section 44‑1‑60(F);

(2) only an affected person may request a contested case hearing pursuant to Section 44‑1‑60(G);

(3) only an applicant, permittee, licensee, or affected person may become a party to a final review conference;

(4) only an affected person may become a party to a contested case hearing; and

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

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

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person has seventy‑two hours to provide in writing a withdrawal or rescission of the waiver.

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

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

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

Section 44‑1‑70. All rules and regulations promulgated by the BoardDepartment of Public Health shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgationpromulgated in compliance with the Administrative Procedures Act.

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

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

(2) The sharing of information on reportable illnesses, health conditions, unusual clusters, or suspicious events between authorized personnel must be restricted to information necessary for the treatment, control, investigation, and prevention of a public health emergency. Restriction of access to this information to those authorized personnel for the protection of public health ensures compliance with all state and federal health information privacy laws.

(3) The boarddepartment and its agents must have full access to medical records and nonmedical records when necessary to investigate the causes, character, and means of preventing the spread of a qualifying health event or public health emergency. For purposes of this item, “nonmedical records” mean records of entities, including businesses, health facilities, and pharmacies, which are needed to adequately identify and locate persons believed to have been potentially exposed or known to have been infected with a contagious disease.

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

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

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

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

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

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

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

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

Section 44‑1‑140. (A) The Department of Public Health may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

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

(2) the sanitation and regulation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profitfood services provided for patients and facility residents at health care facilities or other facilities regulated by the Department of Public Health pursuant to the State Health Facility Licensure Act;

(3) the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish, and crustaceans;

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

(3) the control of disease‑bearing insects, including the impounding of waters;

(5)(4) the care, segregation, and isolation of persons having or suspected of having any communicable, contagious, or infectious disease; and

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

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

SECTION 102. Sections 44‑1‑151 and 44‑1‑152 of the S.C. Code are amended to read:

Section 44‑1‑151. Notwithstanding any other provision of law, all shellfish involved in any violation of law, including any regulation, regarding shellfish may be confiscated and disposed of at the discretion of the arresting officer. Any person convicted of a second offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for not less than thirty days and not more than sixty days. Any person convicted of a third or subsequent offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than five hundred dollars and not more than one thousand or imprisoned for not less than sixty days and not more than ninety days. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first offense of harvesting shellfish in any polluted area may be impounded at the discretion of the arresting officer. The equipment impounded shall be delivered to the sheriff of the county in which the arrest was made and shall be retained by the sheriff. Such equipment may not be returned to the owner until the case has been finally disposed of. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a second, third, or subsequent offense of harvesting shellfish in any polluted area shall be confiscated. All such confiscated equipment shall be sold at auction by the sheriff of the county in which such second, third, or subsequent offense took place and by a representative of the State Department of Health and Environmental ControlServices, except for weapons, which, following confiscation, shall be disposed of in the manner set forth in Sections 16‑23‑50, 16‑23‑460, and 16‑23‑500.

Section 44‑1‑152. Notwithstanding any other provision of law, all revenue from any fine or any forfeiture of bond for any violation of any shellfish law or regulation provided by this title must be deposited monthly with the treasurer of the county in which the arrest for such violation was made. One‑third of such revenue must be retained by the county treasurer to be used for the general operating needs of the county pursuant to the direction of the governing body of the county. Two‑thirds of such revenue must be remitted quarterly to the state Department of Health and Environmental Control Services of which one‑half is to be used in enforcing shellfish laws and regulations and one‑half of such revenue must be remitted quarterly to the state’s general fund. All monies derived from auction sales of confiscated equipment pursuant to Section 44‑1‑151 must be deposited, retained, remitted, and used in the same manner as provided in this section for all revenue derived from any fine or any violation of any shellfish law or regulation. A report of fines for forfeitures of bonds regarding shellfish violations must be sent to the state Department of Health and Environmental Control Services monthly by each magistrate and clerk of court in this State. A report of monies derived from auction of sales of confiscated equipment must be sent to the state Department of Health and Environmental Control Services monthly by each sheriff.

SECTION 103. Section 44‑1‑165(A) of the S.C. Code is amended to read:

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

SECTION 104. Sections 44‑1‑170 through 44‑1‑230 of the S.C. Code are amended to read:

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

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

Section 44‑1‑190. The Department of Public Health and Environmental Control shall make such investigations as it deems necessary to determine which persons or which of the parents, guardians, trustees, committees or other persons or agencies legally responsible therefor are financially able to pay the expenses of the care and treatment, and may contract with any person or agency for the care and treatment of any person to the extent permitted by the resources available to the Departmentdepartment. The Departmentdepartment may require any county or State agency to furnish information which would be helpful to it in making the investigations. In arriving at the amount to be charged, the Departmentdepartment shall have due regard for the financial condition and estate of the person, his present and future needs and the present and future needs of his lawful dependents, and whenever considered necessary to protect him or his dependents, may agree to accept a sum less than the actual cost of services. No person shall be deprived of available health ervicees solely because of inability to pay. No fees shall be charged for services which in the judgment of the Departmentdepartment should be made freely available in order to protect and promote the public health.

Section 44‑1‑200. The Department of Public Health and Environmental Control may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services shall include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment and rehabilitation services. In order that it may provide such services, the department may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists, medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase equipment and materials necessary to maintain an effective program. The Departmentdepartment shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with such agencies or associations specifying the type of assistance and advice it will provide.

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

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

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

Section 44‑1‑230. The Department of Public Health and Environmental Control shall give consideration to any benefits available to an individual, including private, group or other insurance benefits, to meet, in whole or in part, the cost of any medical or health services. Such benefits shall be utilized insofar as possible; provided, however, the availability of such benefits shall not be the sole basis for determining eligibility for program services of the department. Insurance carriers shall not deny payment of benefits otherwise available to the insured solely on the basis that an individual has applied for, or has been deemed eligible to receive, or has received, services, or on the basis that payments have been made for services by the department.

SECTION 105. Section 44‑1‑280 of the S.C. Code is amended to read:

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

SECTION 106. Section 44‑1‑300 of the S.C. Code is amended to read:

Section 44‑1‑300. The departmentDepartment of Agriculture shall not use any funds appropriated or authorized to the department Department of Agriculture to enforce Regulation 61‑25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

SECTION 107. Section 44‑1‑310(A) and (J) of the S.C. Code is amended to read:

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

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

SECTION 108. Section 44‑1‑315 of the S.C. Code is amended to read:

Section 44‑1‑315. (A) For purposes of the section, “impacted location” means any facility issued or otherwise subject to a permit, license, or approval from the North Carolina Department of Environment and Natural Resources that has now been determined to be located within the jurisdiction of the South Carolina Department of Health and Environmental Control Services as a result of the amendments to Section 1‑1‑10, effective January 1, 2017.

(B) Notwithstanding any other provision of law, the South Carolina Department of Health and Environmental ControlServices, in issuing any environmental permit, license, or approval to an impacted location shall provide a schedule of compliance that allows the permittee a reasonable period of time to be no greater than five years to come into compliance with any South Carolina environmental rule, regulation, or standard established by the department or by law that has no corresponding rule, regulation, or standard under North Carolina law or regulation, or is more stringent than the corresponding rule, regulation, or standard established under North Carolina law or regulation. The department may include increments of progress applicable in each year of the schedule established under this subsection, and may shorten the period of compliance as necessary to prevent an imminent threat to the public health and environment. The department may extend a permittee’s compliance schedule under this section beyond five years upon written application by the permittee only if the department determines that circumstances reasonably require such an extension, and the extension of time would pose no threat to public health or the environment.

SECTION 109. Section 44‑2‑20(3) and (5) of the S.C. Code is amended to read:

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

(5) “Department” means the Department of Health and Environmental ControlServices.

SECTION 110. Section 44‑2‑40(A) of the S.C. Code is amended to read:

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

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

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

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

SECTION 111. Section 44‑2‑60(C) of the S.C. Code is amended to read:

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

SECTION 112. Section 44‑2‑130(E)(1) of the S.C. Code is amended to read:

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

SECTION 113. Section 44‑2‑150(C) of the S.C. Code is amended to read:

(C) The committee shall consist of fourteen members, appointed by the commissioner director of the department as follows:

(1) one member representing the general public;

(2) two members representing environmental organizations;

(3) one member representing the South Carolina Petroleum Council;

(4) one member representing the South Carolina Petroleum Marketers Association;

(5) one member representing the South Carolina Service Station Dealers Association;

(6) one member representing the South Carolina Chamber of Commerce;

(7) one member representing the South Carolina Bankers Association;

(8) one member representing a business that specializes in the assessment or remediation, or both, of contamination resulting from leaking underground storage tanks;

(9) one member representing the South Carolina Department of Insurance;

(10) one member representing the Department of Health and Environmental ControlServices;

(11) one member representing the State Department of Administration, Division of General Services;

(12) one member representing the Municipal Association of South Carolina; and

(13) one member representing the South Carolina Association of Counties.

SECTION 114. Section 44‑3‑10 of the S.C. Code is amended to read:

Section 44‑3‑10. Municipal corporations of this State may establish and maintain a board of health which shall be authorized by the governing body of the municipality. The composition and method of selection of the board shall be within the discretion of the governing body of the municipality. The duties and powers of the board shall be designated by such governing body. However, the board and its employees shall function under the administration, control, guidance and direction of the Department of Public Health and Environmental Control. The rules and regulations or operational procedures of any board established hereunder shall not be in conflict with any rule, regulation, or procedure of the Department of Public Health and Environmental Control, and in the event of any conflict, the rules, regulations and procedures of the Department of Public Health and Environmental Control shall prevail. Municipal boards of health shall, when requested by the Department of Public Health and Environmental Control, make reports on their activities to the Department of Public Health and Environmental Control.

SECTION 115. Section 44‑3‑150 of the S.C. Code is amended to read:

Section 44‑3‑150. The Chester County Health Department, the Lancaster County Health Department and the York County Health Department, including county health officers, medical directors and county administrators, shall be directly responsible to and under the direction and control of the district medical director who shall be responsible to and under the direction and control of the Director of the Department of Public Health and Environmental Control.

SECTION 116. Section 44‑4‑130(F), (I), and (W) of the S.C. Code is amended to read:

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

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

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

SECTION 117. Sections 44‑4‑300 through 44‑4‑340 of the S.C. Code are amended to read:

Section 44‑4‑300. After the declaration of a state of public health emergency, DHECDPH may exercise, in coordination with state agencies, local governments, and other organizations responsible for implementation of the emergency support functions in the State Emergency Operations Plan for handling dangerous facilities and materials, for such period as the state of public health emergency exists, the following powers over dangerous facilities or materials:

(1) to close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health; and

(2) to decontaminate or cause to be decontaminated, any material of which there is reasonable cause to believe that it may endanger the public health.

Section 44‑4‑310. DHECDPH, in coordination with the guidelines of the State Emergency Operations Plan, may, for such period as the state of public health emergency exists and as may be reasonable and necessary for emergency response, require a health care facility to provide services or the use of its facility if the services are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business in the State as a health care facility. When DHECDPH needs the use or services of the facility to isolate or quarantine individuals during a public health emergency, the management and supervision of the health care facility must be coordinated with DHECDPH to ensure protection of existing patients and compliance with the terms of this act.

Section 44‑4‑320. (A) DHECDPH must coordinate with coroners, medical examiners, and funeral directors, for such period as the state of public health emergency exists, to exercise, in addition to existing powers, the following powers regarding the safe disposal of human remains:

(1) to take possession or control of any human remains which cannot be safely handled otherwise;

(2) to order the disposal of human remains of a person who has died of an infectious disease through burial or cremation within twenty‑four hours after death;

(3) to require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State to accept any human remains or provide the use of its business or facility if these actions are reasonable and necessary for emergency response. When necessary during the period of time of the public health emergency, DHEC DPH must coordinate with the business or facility on the management or supervision of the business or facility; and

(4) to procure, by order or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.

(B) Where possible, existing provisions set forth in the State Emergency Operations Plan for the safe disposal of human remains must be used in a public health emergency. Where the State Emergency Operations Plan is not sufficient to handle the safe disposal of human remains for a public health emergency, DHECDPH, in coordination with coroners, medical examiners, and funeral directors, must adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary for emergency response. These measures may be related to procedures including, but not limited to, death certificates, autopsies, embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains.

(C) All human remains prior to disposal must be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with an infectious disease must have an external, clearly visible tag indicating that the human remains are infected and, if known, the infectious disease.

(D) Every person in charge of disposing of any human remains must maintain a written record of each set of human remains and all available information to identify the decedent and the circumstances of death and disposal. If the human remains cannot be identified, prior to disposal, a qualified person must, to the extent possible, take fingerprints and one or more photographs of the human remains, and collect a DNA specimen. All information gathered under this paragraph must be promptly forwarded to DHECDPH. Identification must be handled by the agencies that have laboratories suitable for DNA identification.

Section 44‑4‑330. (A) After the declaration of a public health emergency, DHECDPH may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it considers advisable in the interest of preparing for or controlling a public health emergency, without any additional legislative authorization.

(B)(1) If a state of public health emergency results in a statewide or regional shortage or threatened shortage of any product covered by subsection (a), whether or not such product has been purchased by DHECDPH, DHEC DPH may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the State. In making rationing or other supply and distribution decisions, DHEC DPH must give preference to health care providers, disaster response personnel, and mortuary staff.

(2) During a state of public health emergency, DHEC DPH may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.

(3) If a public health emergency simultaneously affects more than one state, nothing in this section shall be construed to allow DHEC DPH to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing their fair and equitable distribution among affected states.

Section 44‑4‑340. To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under this article, DHEC DPH in coordination with the applicable law enforcement agency must institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this State or any such rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by DHECDPH through such proceedings must, after entry of the decree, be disposed of by destruction as the court may direct.

SECTION 118. Sections 44‑4‑500 through 44‑4‑570 of the S.C. Code are amended to read:

Section 44‑4‑500. During a state of public health emergency, DHECDPH must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.

Section 44‑4‑510. (A)(1) During a state of public health emergency, DHECDPH may perform voluntary physical examinations or tests as necessary for the diagnosis or treatment of individuals.

(2) DHECDPH may isolate or quarantine, pursuant to the sections of this act and its existing powers under Section 44‑1‑140, any person whose refusal of physical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a contagious or possibly contagious disease or otherwise poses a danger to public health.

(B)(1) Physical examinations or tests may be performed by any qualified person authorized to do so by DHECDPH.

(2) Physical examinations or tests must not be reasonably likely to result in serious harm to the affected individual.

Section 44‑4‑520. (A) During a state of public health emergency, DHECDPH may exercise the following emergency powers, in addition to its existing powers, over persons as necessary to address the public health emergency:

(1) to vaccinate persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease;

(2) to treat persons exposed to or infected with disease; and

(3) to prevent the spread of contagious or possibly contagious disease, DHECDPH may isolate or quarantine, pursuant to the applicable sections of this act, persons who are unable or unwilling for any reason (including, but not limited to, health, religion, or conscience) to undergo vaccination or treatment pursuant to this section.

(B) Vaccinations or treatment, or both, must be provided only to those individuals who agree to the vaccinations or treatment, or both.

(C)(1) Vaccination may be performed by any qualified person authorized by DHECDPH.

(2) To be administered pursuant to this section, a vaccine must not be such as is reasonably likely to lead to serious harm to the affected individual.

(D)(1) Treatment must be administered by any qualified person authorized to do so by DHECDPH.

(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

Section 44‑4‑530. (A) During a public health emergency, DHECDPH may isolate or quarantine an individual or groups of individuals. This includes individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to Sections 44‑4‑510 and 44‑4‑520. DHECDPH may also establish and maintain places of isolation and quarantine, and set rules and make orders.

(B) DHECDPH must adhere to the following conditions and principles when isolating or quarantining individuals or groups of individuals:

(1) isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a contagious or possibly contagious disease to others and may include, but are not limited to, confinement to private homes or other private and public premises;

(2) individuals isolated because of objective evidence of infection or contagious disease must be confined separately from quarantined asymptomatic individuals;

(3) the health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine;

(4) if a quarantined individual becomes infected or is reasonably believed to be infected with a contagious or possibly contagious disease, he or she must be promptly removed to isolation;

(5) isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others;

(6) the needs of persons isolated and quarantined must be addressed in a systematic and competent fashion including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;

(7) premises used for isolation and quarantine must be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined; and

(8) to the extent possible, cultural and religious beliefs must be considered in addressing the needs of the individuals and establishing and maintaining isolation and quarantine premises.

(C) A person subject to isolation or quarantine must comply with DHEC’sDPH’s rules and orders, and must not go beyond the isolation or quarantine premises. Failure to comply with these rules and orders constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

(D)(1) DHECDPH may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

(2) No person, other than a person authorized by DHECDPH, shall enter isolation or quarantine premises. Failure to comply with this provision constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

(3) A person entering an isolation or quarantine premises with or without authorization of DHECDPH may be isolated or quarantined as provided for in this chapter.

(4) The public safety authority and other law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of an isolation or quarantine order after the order is given to the individual pursuant to Section 44‑4‑540(B)(3) or after the individual is provided notice of the order. In a case where an individual is not the subject of an isolation or quarantine order under Section 44‑4‑540, law enforcement officers may provide written or verbal notice of the order. Law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of isolation or quarantine rules after the rules are established and the individual is given written or verbal notice of the rules. An arrest warrant or an additional isolation or quarantine order is not required for arrest, isolation, or quarantine under Section 44‑4‑530(D)(4).

(E) An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order issued pursuant to Section 44‑1‑80, 44‑1‑110, 44‑1‑140, 44‑4‑520, 44‑4‑530, or 44‑4‑540; however, nothing in this section prohibits an employer from requiring an employee to use annual or sick leave to comply with such an order.

Section 44‑4‑540. (A) During a public health emergency, the isolation and quarantine of an individual or groups of individuals must be undertaken in accordance with the procedures provided in this section.

(B)(1) DHECDPH may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the commissioner or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize DHEC’sDPH’s ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.

(2) The emergency order must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a copy of Article V of this act and relevant definitions of this act.

(3) A copy of the emergency order must be given to the individual(s) or groups of individuals to be isolated or quarantined, or if impractical to be given to a group of individuals, it may be posted in a conspicuous place in the isolation or quarantine premises.

(4) Within ten days after issuing the emergency order, DHECDPH must file a petition pursuant to subsection (c) of this section for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.

(C)(1) DHECDPH may make a written petition to the trial court for an order authorizing the isolation or quarantine of an individual or groups of individuals.

(2) A petition under subsection (c)(1) must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a statement of compliance with the conditions and principles for isolation or quarantine of Section 44‑4‑530(B); and (vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this article. The petition must be accompanied by a sworn affidavit of DHECDPH attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court’s consideration.

(3) Notice to individuals or groups of individuals identified in the petition must be accomplished within twenty‑four hours in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.

(4) A hearing must be held on any petition filed pursuant to this subsection within five days of filing of the petition. In extraordinary circumstances and for good cause shown, DHECDPH may apply to continue the hearing date on a petition filed pursuant to this section for up to ten days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public’s health, the severity of the emergency, and the availability of necessary witnesses and evidence.

(5)(a) The court must grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease.

(b) An order authorizing isolation or quarantine may do so for a period not to exceed thirty days.

(c) The order must: (i) identify the isolated or quarantined individuals or groups of individuals by name or shared or similar characteristics or circumstances; (ii) specify factual findings warranting isolation or quarantine pursuant to this act; (iii) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this act; and (iv) served on affected individuals or groups of individuals in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.

(d) Prior to the expiration of an order issued pursuant to this item, DHECDPH may move to continue the isolation or quarantine for additional periods not to exceed thirty days each. The court must consider the motion in accordance with standards set forth in this item.

(D)(1) An individual or group of individuals isolated or quarantined pursuant to this act may apply to the trial court for an order to show cause why the individual or group of individuals should not be released. The court must rule on the application to show cause within forty‑eight hours of its filing. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty‑four hours from issuance of the order to show cause. The issuance of the order to show cause does not stay or enjoin the isolation or quarantine order.

(2)(a) An individual or group of individuals isolated or quarantined pursuant to this act may request a hearing in the trial court for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing does not stay or enjoin the isolation or quarantine order.

(b) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court must fix a date for hearing on the matters alleged not more than twenty‑four hours from receipt of the request.

(c) Otherwise, upon receipt of a request under this subsection, the court must fix a date for hearing on the matters alleged within five days from receipt of the request.

(3) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, DHECDPH may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public’s health, the severity of the emergency, and the availability of the necessary witnesses and evidence.

(E) A record of the proceedings pursuant to this section must be made and retained. In the event that, given a state of public health emergency, parties cannot personally appear before the court, proceedings may be conducted by their authorized representatives and be held via any means that allow all parties to fully participate.

(F) The court must appoint counsel to represent individuals or groups of individuals who are or who are about to be isolated or quarantined pursuant to the provisions of this act and who are not otherwise represented by counsel. Payment for these appointments must be made in accordance with other appointments for legal representation in actions arising outside of matters in this act, and is not the responsibility of any one state agency. Appointments last throughout the duration of the isolation or quarantine of the individual or groups of individuals. DHECDPH must provide adequate means of communication between such individuals or groups of individuals and their counsel. Where necessary, additional counsel for DHECDPH from other state agencies or from private attorneys appointed to represent state agencies, must be appointed to provide adequate representation for the agency and to allow timely hearings of the petitions and motions specified in this section.

(G) In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public’s health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims where:

(1) the number of individuals involved or to be affected is so large as to render individual participation impractical;

(2) there are questions of law or fact common to the individual claims or rights to be determined;

(3) the group claims or rights to be determined are typical of the affected individuals’ claims or rights; and

(4) the entire group will be adequately represented in the consolidation.

(H) Notwithstanding the provisions of subsection (A), prior to the Governor declaring a public health emergency, as defined in Section 44‑4‑130, the isolation and quarantine of an individual or groups of individuals pursuant to Section 44‑1‑80, 44‑1‑110, 44‑1‑140, 44‑4‑520, 44‑4‑530, or 44‑4‑540 must be undertaken in accordance with the procedures provided in this section.

Section 44‑4‑550. (A)(1) DHECDPH may, for such period as the state of public health emergency exists, collect or cause to be collected specimens and perform tests on any person or animal, living or deceased, and acquire any previously collected specimens or test results that are reasonable and necessary to respond to the public health emergency.

(2) Specimens shall be collected only from those individuals who agree to have specimens collected or who agree to have tests performed.

(3) All specimens must be clearly marked.

(4) Specimen collection, handling, storage, and transport to the testing site must be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

(5) Any person authorized to collect specimens or perform tests must use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on‑site testing kits.

(B) Any business, facility, or agency authorized to collect specimens or perform tests must provide such support as is reasonable and necessary to aid in a relevant criminal investigation.

Section 44‑4‑560. (A) Access to protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by DHECDPH during a public health emergency is limited to those persons having a legitimate need to:

(1) provide treatment to the individual who is the subject of the health information;

(2) conduct epidemiological research; or

(3) investigate the causes of transmission.

(B) Protected health information held by DHECDPH must not be disclosed to others without individual specific informed authorization except for disclosures made:

(1) directly to the individual;

(2) to the individual’s immediate family members or life partners;

(3) to appropriate state or federal agencies or authorities when necessary to protect public health;

(4) to health care personnel where needed to protect the health or life of the individual who is the subject of the information;

(5) pursuant to a court order or executive order of the Governor to avert a clear danger to an individual or the public health; or

(6) to coroners, medical examiners, or funeral directors or others dealing with human remains to identify a deceased individual or determine the manner or cause of death.

Section 44‑4‑570. (A) DHECDPH, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation, may exercise, for such period as the state of public health emergency exists, in addition to existing emergency powers, the following emergency powers regarding licensing of health personnel:

(1) to require in‑state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in this State;

(2) to accept the volunteer services of in‑state and out‑of‑state health care providers consistent with Title 8, Chapter 25, to appoint such in‑state and out‑of‑state health care providers as emergency support function volunteers, and to prescribe the duties as may be reasonable and necessary for emergency response; and

(3) to authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(B)(1) The appointment of in‑state and out‑of‑state health care providers pursuant to this section may be for a limited or unlimited time but must not exceed the termination of the state of public health emergency. DHEC DPH may terminate the in‑state and out‑of‑state appointments at any time or for any reason provided that any termination will not jeopardize the health, safety, and welfare of the people of this State.

(2) The appropriate licensing authority may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for health care providers from other jurisdictions to practice in this State.

(C)(1) Any health care provider appointed by the department pursuant to this section must not be held liable for any civil damages as a result of medical care or treatment including, but not limited to, trauma care and triage assessment, related to the appointment of the health care provider and the prescribed duties unless the damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

(2) This subsection applies if the health care provider does not receive payment from the State other than as allowed in Section 8‑25‑40 for the appointed services and prescribed duties. However, if the health care provider is an employee of the State, the health care provider may continue to receive compensation from the health care provider’s employer. This subsection applies whether the health care provider was paid, should have been paid, or expected to be paid for the services at the time of rendering the services from sources including, but not limited to, Medicaid, Medicare, reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 512, et seq., or private health insurance.

(D)(1) The appointment of emergency assistant medical examiners or coroners pursuant to this section may be for a limited or unlimited time, but must not exceed the termination of the state of public health emergency. The medical examiner or coroner may terminate the emergency appointments at any time or for any reason, if the termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for the performance of these duties.

(3) Any emergency assistant medical examiner or coroner appointed pursuant to this section is immune from civil liability for damages resulting from services relating to and performed during the period of appointment unless the damages result from providing, or failing to provide, services under circumstances demonstrating a reckless disregard for the consequences.

SECTION 119. Section 44‑5‑20(1) of the S.C. Code is amended to read:

(1) The “state health planning and development agency” or “state agency” means the Department of Public Health and Environmental Control.

SECTION 120. Section 44‑6‑5(10) of the S.C. Code is amended to read:

(10) “General hospital” means any hospital licensed as a general hospital by the Department of Public Health and Environmental Control.

SECTION 121. Section 44‑6‑150(A)(2) of the S.C. Code is amended to read:

(2) accept the transfer of a patient sponsored by the program from a hospital which is not equipped to provide the necessary treatment.

In addition to or in lieu of an action taken affecting the license of the hospital, when it is established that an officer, employee, or member of the hospital medical staff has violated this section, the South Carolina Department of Public Health and Environmental Control shall require the hospital to pay a civil penalty of up to ten thousand dollars.

SECTION 122. Section 44‑6‑170(B)(12) and (I) of the S.C. Code is amended to read:

(12) the director or his designee of the South Carolina Department of Public Health and Environmental Control;

(I) A person, as defined in Section 44‑7‑130, seeking to collect health care data or information for a registry shall coordinate with the office to utilize existing data collection formats as provided for by the office and consistent with regulations promulgated by the office. With the exception of information that may be obtained from the Office of Vital Records, Department of Public Health and Environmental Control, in accordance with Section 44‑63‑20 and Regulation 61‑19 and disease information required to be reported to the Department of Public Health and Environmental Control under Sections 44‑29‑10, 44‑29‑70, and 44‑31‑10 and Regulations 61‑20 and 61‑21 and notwithstanding any other provision of law, no hospital or health care facility or health care professional required by this section to submit health care data is required to submit data to a registry which has not complied with this section.

SECTION 123. Section 44‑6‑400(2) and (4) of the S.C. Code is amended to read:

(2) “Nursing home” means a facility subject to licensure as a nursing home by the Department of Public Health and Environmental Control and subject to the permit provisions of Article 2, Chapter 7 of Title 44 and which has been certified for participation in the Medicaid program or has been dually certified for participation in the Medicaid and Medicare programs.

(4) “Survey agency” means the South Carolina Department of Public Health and Environmental Control or any other agency designated to conduct compliance surveys of nursing facilities participating in the Title XIX (Medicaid) program.

SECTION 124. Section 44‑7‑77 of the S.C. Code is amended to read:

Section 44‑7‑77. The Department of Public Health and Environmental Control and the State Department of Social Services, in conjunction with the South Carolina Hospital Association, shall develop and implement a program to promote obtaining voluntary acknowledgments of paternity as soon after birth as possible and where possible before the release of the newborn from the hospital. A voluntary acknowledgment including those obtained through an in‑hospital program shall contain the requirements of Section 63‑17‑60(A)(4) and the social security number, or the alien identification number assigned to a resident alien who does not have a social security number, of both parents, and must be signed by both parents. The signatures must be notarized. As part of its in‑hospital voluntary acknowledgment of paternity program, a birthing hospital as part of the birth registration process, shall collect, where ascertainable, information which is or may be necessary for the establishment of the paternity of the child and for the establishment of child support. The information to be collected on the father or on the putative father if paternity has not been established includes, but is not limited to, the name of the father, his date of birth, home address, social security number, or the alien identification number assigned to a resident alien who does not have a social security number, and employer’s name, and additionally for the putative father, the names and addresses of the putative father’s parents.

SECTION 125. Section 44‑7‑80(6) of the S.C. Code is amended to read:

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

SECTION 126. Section 44‑7‑90(C) of the S.C. Code is amended to read:

(C) In the event of a voluntary or involuntary discontinuation of participation of a nursing facility in the Medicaid program, the State must ensure that the facility provides for patient safety and freedom of choice. The Department of Public Health and Environmental Control and the Department of Health and Human Services must determine the availability of existing patient days statewide for the purpose of relocating these patients. Based upon this determination, the department, at its discretion, may reallocate the patient days from a facility discontinuing its Medicaid participation to a facility that participates in the Medicaid program and agrees to accept the residents from the facility that is discontinuing Medicaid participation. The Medicaid permit day shall permanently remain with the facility accepting the resident. In the allocation of patient days from the facility discontinuing Medicaid participation, the department must give first priority to restoring a county’s allocation where a facility holding a permit closes, or discontinues participation in Medicaid. A nursing home receiving beds under the provisions of this subsection must not be a Special Focus Facility at the time of allocation.

SECTION 127. Section 44‑7‑130(4) and (10) of the S.C. Code is amended to read:

(4) “Board” means the State Board of Health and Environmental ControlReserved.

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

SECTION 128. Section 44‑7‑150(A)(3) of the S.C. Code is amended to read:

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department and approved by the board to carry out the department’s licensure duties under this article;

SECTION 129. Sections 44‑7‑180 through 44‑7‑260 of the S.C. Code are amended to read:

Section 44‑7‑180. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor’s appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for‑profit nursing home. The chairman of the boarddirector of the department shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate’s designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four‑year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two‑year term in that office.

(B) With the advice of the health planning committee, the department shall prepare a South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include:

(1) an inventory of existing health care facilities, beds, specified health services, and equipment;

(2) projections of need for additional health care facilities, beds, health services, and equipment;

(3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and

(4) a general statement as to the project review criteria considered most important in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment.

The South Carolina Health Plan must address and include projections and standards for specified health services and equipment which have a potential to substantially impact health care cost and accessibility. Nothing in this provision shall be construed as requiring the department to approve any project which is inconsistent with the South Carolina Health Plan.

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

Section 44‑7‑190. (A) The department shall adopt, upon approval of the board, Project Review Criteria which, at a minimum, must provide for the determination of need for health care facilities, beds, services and equipment, including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.

(B) The project review criteria promulgated in regulation must be used in reviewing all projects under the Certificate of Need process. When the criteria are weighted to determine the relative importance for the specific project, the department may reorder the relative importance of the criteria no more than one time after the project review meeting. When an application has been appealed, the department may not change the weighted formula.

(C) Project review criteria must prioritize timely access to health care services and seek a balance between competition in the marketplace and regulation in the provision of health care and must support reasonable patient choice in health care facilities and services. The department shall promulgate regulations within one year of the effective date of this act identifying how the department will incorporate these considerations in reviewing Certificate of Need applications.

Section 44‑7‑200. (A) An application for a Certificate of Need must be submitted to the department in a form established by regulation. The application must address all applicable standards and requirements set forth in departmental regulations, Project Review Criteria of the department, and the South Carolina Health Plan.

(B) Within twenty days before submission of an application, the applicant shall publish notification that an application is to be submitted to the department in a newspaper serving the area where the project is to be located for three consecutive days. The notification must contain a brief description of the scope and nature of the project. No application may be accepted for filing by the department unless accompanied by proof that publication has been made for three consecutive days within the prior twenty‑day period and payment of the initial application fee has been received.

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

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

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

A person who violates this subsection is subject to the penalties provided in Section 1‑23‑360.

(D)(C) After receipt of an application with proof of publication and payment of the initial application fee, the department shall publish in the State Register a notice that an application has been accepted for filing. Within fifteen days of acceptance of the application, the department may request additional information as may be necessary to complete the application. The applicant has fifteen days from the date of the request to submit the additional information. If the applicant fails to submit the requested information within the fifteen‑day period, the application is considered withdrawn.

(E)(D) After a Certificate of Need application has been filed with the department, state and federal elected officials are prohibited from communicating with the department with regard to the Certificate of Need application at any time. This prohibition does not include written communication of support or opposition to an application. Such written communication must be included in the administrative record.

Section 44‑7‑210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than ninety calendar days, from the date affected persons are notified that the application is complete, unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff’s decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred twenty calendar days from the date affected persons are notified that the application is complete. The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff’s reordering of the relative importance of the project review criteria does not extend the review period provided for in this section.

(B) The department may not issue a Certificate of Need unless an application complies with the South Carolina Health Plan, Project Review Criteria, and other regulations. Based on project review criteria and other regulations, which must be identified by the department, the department may refuse to issue a Certificate of Need even if an application complies with the South Carolina Health Plan. In the case of competing applications, the department shall award a Certificate of Need, if appropriate, on the basis of which, if any, most fully complies with the requirements, goals, and purposes of this article and the State Health Plan, Project Review Criteria, and the regulations adopted by the department.

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

(D) However, aA person may not file a request for final reviewa contested case hearing in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.

(D) The staff’s decision is not the final agency decision until the completion of the final review process provided for in Section 44‑1‑60(F).

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

(F) Notwithstanding any other provision of law, including Section 1‑23‑650(C), in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160, the following apply:

(1) each party may name no more than five witnesses who may testify at the contested case hearing;

(2) each party is permitted to take only the deposition of a person listed by an opposing party as a witness who may testify at the contested case hearing and one Federal Rules of Civil Procedure Rule 30(b)(6) deposition;

(3) each party is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) each party is permitted to serve only ten requests for admission, including subparts;

(5) each party is permitted to serve only fifteen requests for production, including subparts; and

(6) the parties shall complete discovery within one hundred twenty days after the assignment of the administrative law judge.

(G) Notwithstanding any other provision of law, in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160, the Administrative Law Court shall file a final decision no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court. An affected person who was a party to the contested case has a right to appeal to the Supreme court final decisions issued by the Administrative Law Court for a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or denial of a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160.

Section 44‑7‑220. (A) A party who is aggrieved by the Administrative Law Court’s final decision may seek judicial review of the final decision in accordance with Section 1‑23‑380.

(B)(1) If a party does not prevail in a contested case at the Administrative Law Court when requesting the reversal of the department’s decision concerning a Certificate of Need application, when claiming an exemption under Section 44‑7‑170, or when claiming that the article is not applicable pursuant to Section 44‑7‑160, the Administrative Law Court shall award the party whose project is the subject of the appeal reasonable attorney’s fees and costs incurred in the contested case.

(2) If a party does not prevail in an appeal to the Supreme Court when requesting the reversal of the Administrative Law Court’s decision concerning a Certificate of Need application, when claiming an exemption under Section 44‑7‑170, or when claiming that the article is not applicable pursuant to Section 44‑7‑160, the Supreme Court shall award the party whose project is the subject of the contested case reasonable attorney s fees and costs incurred in the appeal.

(C) If the relief requested in the appeal is the reversal of the Administrative Law Court’s decision to approve the Certificate of Need application or approve the request for exemption under Section 44‑7‑170 or approve the determination that Section 44‑7‑160 is not applicable, the party filing the appeal shall deposit a bond with the Clerk of the Supreme Court within five calendar days after filing the petition to appeal. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Supreme Court affirms the Administrative Law Court’s decision or dismisses the appeal, the Supreme Court shall award to the party whose project is the subject of the appeal all of the bond. If a party appeals the denial of its own Certificate of Need application or of an exemption request under Section 44‑7‑170 or appeals the determination that Section 44‑7‑160 is applicable and there is no competing application involved in the appeal, the party filing the appeal is not required to deposit a bond with the Supreme Court.

(D)(1) If at the conclusion of the contested case or judicial review the Administrative Law Court or the Supreme Court finds that the contested case or a subsequent appeal was frivolous, the Administrative Law Court or the Supreme Court shall award damages incurred as a result of the delay, as well as reasonable attorney’s fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this subsection, “frivolous appeal” means a reasonable person in the same circumstances would believe that:

(a) the contested case or subsequent appeal was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) the procurement, initiation, or continuation of the contested case or subsequent appeal was intended merely to harass or injure the other party; or

(c) the contested case or subsequent appeal was not reasonably founded in fact or was interposed merely for delay or was merely brought for a purpose other than securing proper discovery or adjudication of the claim upon which the proceedings are based.

(3) This subsection must not be construed to prohibit any party from seeking sanctions pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act pursuant to Section 15‑36‑10, et. Seq.

(E)(1) The court must not assess attorney’s fees or costs awarded against or to the department in any contested case or appeal involving a Certificate of Need application or an exemption request pursuant to Section 44‑7‑170 or a request for a determination as to the applicability of Section 44‑7‑160.

(2) This subsection must not be interpreted to abrogate the contractual rights of any party concerning the recovery of attorney’s fees or other monies in accordance with the provisions of any written contract between the parties to the action.

Section 44‑7‑225. The department, the Administrative Law Court, and the Court of Appeals shall consider the South Carolina Health Plan in place at the time the application was filed and may consider the current South Carolina Health Plan when making its decision.

Section 44‑7‑230. (A) The Certificate of Need, if issued, is valid only for the project described in the application including location, beds and services to be offered, physical plant, capital or operating costs, or other factors as set forth in the application, except as may be modified in accordance with regulations. The department shall require periodic reports and make inspections to determine compliance with the Certificate of Need. Implementation of the project or operation of the facility or medical equipment that is not in accordance with the Certificate of Need application or conditions subsequently agreed to by the applicant and the department may be considered a violation of this article.

(B) In issuing a Certificate of Need, the department shall specify the maximum capital expenditure obligated under the certificate. The department shall prescribe the method used to determine capital expenditure maximums, establish procedures to monitor capital expenditures obligated under certificates, and establish procedures to review projects for which the capital expenditure maximum is exceeded or expected to be exceeded.

(C) Prior to any construction authorized by a Certificate of Need, final drawings and specifications prepared by an architect or engineer legally registered under the laws of this State must be submitted to the department for approval. All construction must be completed in accordance with approved plans and specifications and prior approval must be obtained from the department for any changes that substantially alter the scope of work, function of construction, or major items of equipment, safety, or cost of the facility during construction.

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

(E) A Certificate of Need is nontransferable. A Certificate of Need or rights thereunder may not be sold, assigned, leased, transferred, mortgaged, pledged, or hypothecated, and any actual transfer or attempt to make a transfer of this sort results in the immediate voidance of the Certificate of Need. The sale or transfer of the controlling interest or majority ownership in a corporation, partnership, or other entity holding, either directly or indirectly, a Certificate of Need, results in the transfer and voidance of a Certificate of Need.

Section 44‑7‑240. The department may establish a construction program providing for adequate facilities in this State and, insofar as possible, shall provide for the distribution of facilities and services throughout this State in such manner as to make all types of health services reasonably accessible to all persons in this State. The State Health Plan as required by this article may be used for purposes of establishing the relative need of projects for which applications are submitted under this construction program. Submittal of applications and review and approval of projects for which federal funds are requested must be in accordance with regulations adopted by the department and applicable federal act.

Section 44‑7‑250. The department shall establish and enforce basic standards for the licensure, maintenance, and operation of health facilities and services to ensure the safe and adequate treatment of persons served in this State.

Section 44‑7‑260. (A) If they provide care for two or more unrelated persons, the following facilities or services may not be established, operated, or maintained in this State without first obtaining a license in the manner provided by this article and regulations promulgated by the department:

(1) hospitals, including general and specialized hospitals;

(2) nursing homes;

(3) residential treatment facilities for children and adolescents;

(4) ambulatory surgical facilities;

(5) crisis stabilization unit facilities;

(6) community residential care facilities;

(7) facilities for chemically dependent or addicted persons;

(8) end‑stage renal dialysis units;

(9) day care facilities for adults;

(10) any other facility operating for the diagnosis, treatment, or care of persons suffering from illness, injury, or other infirmity and for which the department has adopted standards of operation by regulation;

(11) intermediate care facilities for persons with intellectual disability;

(12) freestanding or mobile technology;

(13) facilities wherein abortions are performed;

(14) birthing centers.

(B) The licensing provisions of this article do not apply to:

(1) infirmaries for the exclusive use of the student bodies of privately‑ownedprivately owned educational institutions which maintain infirmaries;

(2) community‑based housing sponsored, licensed, or certified by the South Carolina Department of Disabilities and Special Needs. The Department of Disabilities and Special Needs shall provide to the Department of Public Health and Environmental Control the names and locations of these facilities on a continuing basis; or

(3) homeshare programs designated by the Department of Mental Health, provided that these programs do not serve more than two persons at each program location, the length of stay does not exceed fourteen consecutive days for one of the two persons, and the temporarily displaced person must be directly transferred from a homeshare program location. The Department of Mental Health shall provide to the Department of Public Health and Environmental Control the names and locations of these programs on a continuing basis.

(C) The department is authorized to investigate, by inspection or otherwise, any facility to determine if its operation is subject to licensure.

(D) Each hospital must have a single organized medical staff that has the overall responsibility for the quality of medical care provided to patients. Medical staff membership must be limited to doctors of medicine or osteopathy who are currently licensed to practice medicine or osteopathy by the State Board of Medical Examiners, dentists licensed to practice dentistry by the State Board of Dentistry and podiatrists licensed to practice podiatry by the State Board of Podiatry Examiners. No individual is automatically entitled to membership on the medical staff or to the exercise of any clinical privilege merely because he is licensed to practice in any state, because he is a member of any professional organization, because he is certified by any clinical examining board, or because he has clinical privileges or staff membership at another hospital without meeting the criteria for membership established by the governing body of the respective hospital. Patients of podiatrists and dentists who are members of the medical staff of a hospital must be coadmitted by a doctor of medicine or osteopathy who is a member of the medical staff of the hospital who is responsible for the general medical care of the patient. Oral surgeons who have successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accredited body approved by the United States Office of Education may admit patients without the requirement of coadmission if permitted by the bylaws of the hospital and medical staff.

(E) No person, regardless of his ability to pay or county of residence, may be denied emergency care if a member of the admitting hospital’s medical staff or, in the case of a transfer, a member of the accepting hospital’s medical staff determines that the person is in need of emergency care. “Emergency care” means treatment which is usually and customarily available at the respective hospital and that must be provided immediately to sustain a person’s life, to prevent serious permanent disfigurement, or loss or impairment of the function of a bodily member or organ, or to provide for the care of a woman in active labor if the hospital is so equipped and, if the hospital is not so equipped, to provide necessary treatment to allow the woman to travel to a more appropriate facility without undue risk of serious harm. In addition to or in lieu of any action taken by the South Carolina Department of Public Health and Environmental Control affecting the license of any hospital, when it is established that any officer, employee, or member of the hospital medical staff has recklessly violated the provisions of this section, the department may require the hospital to pay a civil penalty of up to ten thousand dollars.

SECTION 130. Section 44‑7‑320(B) of the S.C. Code is amended to read:

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, return receipt requested, a notice setting forth the particular reasons for the determination and the decision may be appealed by requesting a contested case hearing pursuant to Section 44‑1‑60 and the Administrative Procedures Act. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty‑day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

SECTION 131. Section 44‑7‑325(A)(1)(d) of the S.C. Code is amended to read:

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

SECTION 132. Section 44‑7‑370 of the S.C. Code is amended to read:

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

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

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

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

(1) The council is composed of a minimum of fourteen persons, one member recommended by the Palmetto Chapter of the American Nephrology Nurses Association; one member recommended by the South Carolina Chapter of the National Association of Patients on Hemodialysis and Transplants; three physicians specializing in nephrology recommended by the South Carolina Renal Physicians Association; two administrators of facilities certified for dialysis treatment or kidney transplant services; one member recommended by the South Carolina Kidney Foundation; one member recommended by the South Carolina Hospital Association; one member recommended by the South Carolina Medical Association; one member of the general public; one member representing technicians working in renal dialysis facilities; one member recommended by the Council of Nephrology Social Workers; and one member recommended by the Council of Renal Nutritionists. The directors of dialysis programs at the Medical School of the University of South Carolina and the Medical University of South Carolina, or their designees, are ex officio members of the council.

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

SECTION 133. Section 44‑7‑392(B) and (C) of the S.C. Code is amended to read:

(B) The confidentiality provisions of subsection (A) do not prevent committees appointed by the Department of Public Health and Environmental Control from issuing reports containing solely nonidentifying data and information.

(C) Nothing in this section affects the duty of a hospital licensed by the Department of Public Health and Environmental Control to report accidents or incidents pursuant to the department’s regulations. However, anything reported pursuant to the department’s regulations must not be considered a waiver of any privilege or confidentiality provided in subsection (A).

SECTION 134. Section 44‑7‑510(4) of the S.C. Code is amended to read:

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

SECTION 135.A. Section 44‑7‑1420(4) of the S.C. Code is amended to read:

(4) It is the purpose of this article to empower the governing bodies of the several counties of the State under the terms and conditions of this article to finance the acquisition, enlargement, improvement, construction, equipping and providing of such hospital facilities to the end that the public health and welfare of the people of the State will be promoted at the least possible expense to those utilizing such hospital facilities so provided. In this connection, such governing bodies shall function under the guidance of the State Fiscal Accountability Authority of South Carolina and the Department of Public Health and Environmental Control and shall be vested with all powers necessary to enable them to accomplish the purposes of this article, which powers shall be in all respects exercised for the benefits of the inhabitants of the State and to promote the public health and welfare of its citizens.

B. Section 44‑7‑1440 of the S.C. Code is amended to read:

Section 44‑7‑1440. Subject to obtaining approvals from the Authority required by Section 44‑7‑1590 and from the Department of Public Health and Environmental Control, required by Section 44‑7‑1490, the several counties of the State functioning through their respective county boards shall be empowered:

(1) To enter into agreements with any hospital agency or public agency necessary or incidental to the issuance of bonds.

(2) To acquire and in connection with such acquisition, to enlarge or expand, whether by purchase, gift or lease, hospital facilities and in the case of hospital facilities located in more than one county, the facilities may be acquired jointly by the county boards of the counties wherein such hospital facilities shall be located.

(3) To enter into loan agreements with any hospital agency or public agency, prescribing the payments to be made by the hospital agency or public agency to the county or its assignee to meet the payments that shall become due on bonds, including terms and conditions relative to the acquisition and use of hospital facilities and the issuance of bonds.

(4) To issue bonds for the purpose of defraying the cost of providing hospital facilities and to secure the payment of such bonds as hereafter provided.

(5) To receive and accept from any public agency loans or grants for or in aid of the construction of hospital facilities or any portion thereof, and to receive and accept loans, grants, aid or contributions from any source of either money, property, labor or other things of value to be held, used and applied only for the purposes for which such loans, grants, aid and contributions are made.

(6) To mortgage any hospital facilities and the site thereof for the benefits of the holders of bonds issued to finance such hospital facilities.

(7) To issue bonds to refinance or to refund outstanding obligations, mortgages or advances heretofore or hereafter issued, made or given by a hospital or public agency for the cost of hospital facilities.

(8) To charge to each hospital and public agency utilizing this article any administrative costs and expenses incurred in the exercise of the powers and duties conferred by this article.

(9) To do all things necessary or convenient to carry out the purposes of this article.

(10) To make and execute contracts and agreements necessary or incidental to the exercise of its powers and duties under this article, with persons, firms, corporations, governmental agencies and others.

(11) To make the proceeds of any bonds available by way of a loan to a hospital or public agency pursuant to a loan agreement.

(12) To acquire by purchase, lease, gift or otherwise, or to obtain options for the acquisition of, existing hospital facilities and any property, real or personal, improved or unimproved, including interests in land in fee or less than fee for any hospital facilities, upon such terms and at such cost as shall be agreed upon by the owner and the county board.

(13) To arrange or contract with any county, city, town or other political subdivision or instrumentality of the State for the opening or closing of streets or for the furnishing of utility or other services to any hospital facilities.

(14) To enter into lease agreements with any hospital or public agency whereby the county board leases hospital facilities to such hospital or public agency, including hospital facilities located in more than one county.

(15) To pledge or assign any money, rents, charges, fees or other revenues, including any proceeds of insurance or condemnation awards, pursuant to any loan agreement to the payment of the bonds issued pursuant to such loan agreement.

C. Section 44‑7‑1490 of the S.C. Code is amended to read:

Section 44‑7‑1490. The county board shall not undertake the acquisition, construction, expansion, equipping or financing of any hospital facilities unless and until such approval of the Department of Public Health and Environmental Control for such undertaking as may be required under Article 3, Chapter 7, Title 44, shall have been obtained.

D. Section 44‑7‑1590 of the S.C. Code is amended to read:

Section 44‑7‑1590. (A) No bonds may be issued pursuant to the provisions of this article until the proposal of the county board to issue the bonds receives the approval of the authority. Whenever a county board proposes to issue bonds pursuant to the provisions of this article, it shall file its petition with the authority setting forth:

(1) a brief description of the hospital facilities proposed to be undertaken and the refinancing or refunding proposed;

(2) a statement setting forth the action taken by the Department of Public Health and Environmental Control in connection with the hospital facilities;

(3) a reasonable estimate of the cost of hospital facilities;

(4) a general summary of the terms and conditions of the proposed loan agreement; and

(5) such other information as the authority requires.

(B) Upon the filing of the petition the authority, as soon as practicable, shall conduct the review as it considers advisable, and if it finds that the proposal of the governing board is intended to promote the purposes of this article, it is authorized to approve the proposal. At any time following the approval, the county board may proceed with the issuance of the bonds in accordance with the proposal as approved by the authority. Notice of the approval of the proposal by the authority must be published at least once by the authority in a newspaper having general circulation in the county where the hospital facilities are or are to be located. The notice must set forth the action taken by the county board pursuant to Section 44‑7‑1480 and the action taken by the Department of Public Health and Environmental Control pursuant to Section 44‑7‑1490.

(C) Any interested party, within twenty days after the date of the publication of the notice, but not afterwards, may challenge the action so taken by the authority, or the county board, or the Department of Health and Environmental Control, by action de novo in the court of common pleas in any county where the hospital facilities are to be located.

E. Section 44‑7‑1660(B) of the S.C. Code is amended to read:

(B) The county board may not enter into a subsidiary loan agreement to finance the acquisition, construction, expansion, equipping, or financing of any hospital facilities until approval of the agreement by the South Carolina Department of Public Health and Environmental Control as may be required under Article 3 of Chapter 7 of Title 44.

F. Section 44‑7‑1690 of the S.C. Code is amended to read:

Section 44‑7‑1690. Notice of the approval by a county board of any intergovernmental loan agreement or subsidiary loan agreement must be published at least once in a newspaper having general circulation in each county by the respective county board prior to the execution of such agreements. With respect to a subsidiary loan agreement, the notice must set forth the action taken by the county board and the South Carolina Department of Public Health and Environmental Control pursuant to Section 44‑7‑1660. The intergovernmental loan agreement and subsidiary loan agreement must be filed with the clerk of court of the authorizing issuer and the clerk of court of the project county prior to the issuance of the bonds authorized thereby.

Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board of the authorizing issuer or the project county in approving the intergovernmental loan agreement by action de novo in the court of common pleas of the project county or the authorizing issuer.

Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board in approving the subsidiary loan agreement or the Department of Health and Environmental Control with respect to the hospital facilities by action de novo in the court of common pleas in any county where the hospital facilities are to be located.

SECTION 136.A. Section 44‑7‑2420(1) of the S.C. Code is amended to read:

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

B. Section 44‑7‑2430(C)(1) of the S.C. Code is amended to read:

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

SECTION 137. Section 44‑7‑2940 of the S.C. Code is amended to read:

Section 44‑7‑2940. The Department of Public Health and Environmental Control shall verify that a direct care entity is conducting criminal record checks as required in this article before the department issues a renewal license for the direct care entity. The department shall act as the channeling agency for any federal criminal record checks required by this article.

SECTION 138.A. Section 44‑7‑3430 of the S.C. Code is amended to read:

Section 44‑7‑3430. All clinical staff, clinical trainees, medical students, interns, and resident physicians of a hospital shall wear badges clearly stating their names, using at a minimum either first or last names with appropriate initials, their departments, and their job or trainee titles. All clinical trainees, medical students, interns, and resident physicians must be explicitly identified as such on their badges. This information must be clearly visible and must be stated in terms or abbreviations reasonably understandable to the average person, as recognized by the Department of Public Health and Environmental Control.

B. Section 44‑7‑3460 of the S.C. Code is amended to read:

Section 44‑7‑3460. The Department of Public Health and Environmental Control shall administer and enforce the provisions of this article in accordance with procedures and penalties provided in law and regulation.

SECTION 139.A. Section 44‑8‑10 of the S.C. Code is amended to read:

Section 44‑8‑10. The Department of Public Health and Environmental Control shall implement a targeted community program for dental health education, screening, and treatment referral in the public schools for children in kindergarten, third, seventh, and tenth grades or upon entry into a South Carolina school. The department shall target three to five counties of need. The program must seek collaboration from local school districts, other governmental entities, school nurses, and dentists to coordinate federal Medicaid assistance and any volunteer efforts to reduce costs to the State to the extent practicable. Program guidelines must be promulgated in regulations and must include procedures for screenings and for the issuance of an Acknowledgment of Dental Screening for a child indicating that the child has had the dental screening. These guidelines also must provide that the screenings required by this section be made by an authorized provider at no charge.

B. Section 44‑8‑20(5) of the S.C. Code is amended to read:

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

C. Section 44‑8‑60 of the S.C. Code is amended to read:

Section 44‑8‑60. The initial and continued implementation of the provisions of this chapter is contingent upon the appropriation of adequate funding. There is no mandatory financial obligation to the Department of Public Health and Environmental Control, the Department of Education, or school districts within the counties chosen to participate if adequate funding is not appropriated or made available.

SECTION 140. Section 44‑9‑70 of the S.C. Code is amended to read:

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

SECTION 141. Section 44‑20‑270 of the S.C. Code is amended to read:

Section 44‑20‑270. The department is designated as the state’s intellectual disability, related disabilities, head injuries, and spinal cord injuries authority for the purpose of administering federal funds allocated to South Carolina for intellectual disability programs, related disability programs, head injury programs, and spinal cord injury programs. This authority does not include the functions and responsibilities granted to the South Carolina Department of Public Health and Environmental Control or to the South Carolina Department of Vocational Rehabilitation or the administration of the “State Hospital Construction and Franchising Act”.

SECTION 142. Section 44‑29‑10 through 44‑29‑250 of the S.C. Code is amended to read:

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

(B) A health care provider, coroner, medical examiner, or any person or entity that maintains a database containing health care data must report all cases of persons who harbor any illness or health condition that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long‑term disability. The Department of Public Health and Environmental Control must designate reportable illnesses and health conditions as set forth in subsection (A).

(C) A pharmacist must report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long‑term disability. Prescription‑related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints;

(2) an unusual increase in the number of prescriptions for antibiotics;

(3) an unusual increase in the number of requests for information on over‑ the‑counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints; and

(4) any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.

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

(E) For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44‑4‑130.

Section 44‑29‑15. (A) A laboratory, within or outside the State, responsible for performing a test for any of the infectious or other diseases required by the Department of Public Health and Environmental Control to be reported pursuant to Section 44‑29‑10, shall report positive or reactive tests to the department. This includes, but is not limited to, all laboratories, within or outside the State, which collect specimens in South Carolina or which receive the initial order for testing from a practitioner, blood bank, plasmapheresis center, or other health care provider located in South Carolina. The department also may require that all results of certain, specifically identified laboratory tests be reported. All reports must be submitted within the time frame and in the form and manner designated by the department.

(B) Laboratories, within or outside the State, which perform tests as described in subsection (A) and which determine positive or reactive test results, shall, if required by the department, provide clinical specimens and isolates to the department or another laboratory designated by the department for further testing to determine incidence and other epidemiological information. These clinical specimens and isolates must be submitted within the time frame and in the form and manner designated by the department. The testing must be performed for epidemiological surveillance only; source consent is not required, and results are not required to be returned to the source patient or physician. The clinical specimens and isolates must be destroyed after tests are successfully completed, unless otherwise directed by the department.

(C) Persons and entities, which are required to report test results to the department pursuant to this section and which send clinical specimens and isolates out of state for testing, are responsible for ensuring that results are reported and clinical specimens and isolates are submitted to the department, or a laboratory designated by the department, as required under this section and related regulations.

(D) If a laboratory forwards clinical specimens and isolates out of state for testing, the originating laboratory retains the duty to comply with this section and related regulations, either by:

(1) reporting the results, providing the name and address of the testing laboratory, and submitting the clinical specimens and isolates to the department; or

(2) ensuring that the results are reported and that the clinical specimens and isolates are submitted to the department or another laboratory designated by the department.

(E) A person, laboratory, or other entity violating a provision of this section or related regulations is subject to a civil monetary penalty of not more than one thousand dollars for the first offense and not more than five thousand dollars for each subsequent offense. Each instance of noncompliance constitutes a separate violation and offense.

Section 44‑29‑20. Prior to transportation of human remains known to be infected by any dangerous, contagious, or infectious disease into, through, or out of this State or any city, town, or county within this State, the hospital, health or medical clinic, physician, medical facility, person, or other entity in possession of the human remains shall inform any funeral director, ambulance driver, or any other person or entity who is to transport the remains that the remains are infected by a dangerous, contagious, or infectious disease.

In the event that human remains as described above are not to be moved immediately but are to be operated on for purposes of autopsy or otherwise handled, any doctor, technician, or other person charged with the responsibility of handling the remains known to be infected by any dangerous, contagious, or infectious disease must be informed that the remains are so infected.

For the purpose of enforcing this section, the Department of Public Health and Environmental Control (department) shall make and distribute, at intervals considered necessary by the department, to all hospitals, health or medical clinics, other medical facilities, persons, or other entities who may normally be in possession of human remains a list declaring what diseases are regarded as dangerous, contagious, or infectious and shall classify these diseases and shall designate the diseases as are of so dangerous a character that transportation of human remains infected by them is forbidden except under conditions as prescribed by the department which it considers proper for the transportation of those remains.

Section 44‑29‑30. Whenever any animal or poultry shall die from any natural or other cause, except from being slaughtered or killed for the use of man, or the dead body thereof be found upon the premises of any person, be he the owner or tenant thereof, the owner of such dead animal or poultry, or the owner or tenant of the lands or premises upon which such dead bodies may be found, shall immediately burn or bury or cause to be burned or buried such dead animal or poultry. When buried, an animal shall be put not less than three feet and poultry not less than one foot under the ground. Any owner of any such dead animal or poultry, knowing that such dead animal or poultry is lying dead upon his premises, or any tenant on premises having such knowledge or having notice thereof, who refuses or fails to bury or burn such dead animal or poultry as aforesaid shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than five dollars or more than one hundred dollars, or be imprisoned for a period of not more than thirty days.

Section 44‑29‑40. (A) The Department of Public Health and Environmental Control shall have general direction and supervision of vaccination, screening, and immunization in this State. The Department of Public Health and Environmental Control has the authority to promulgate regulations concerning vaccination, screening, and immunization requirements.

(B) The department shall establish a statewide immunization registry and shall promulgate regulations for the implementation and operation of the registry. All health care providers shall report to the department the administration of any immunization in a manner and including such data as specified by the department. The department may make immunization information available to persons and organizations in accordance with state and federal disclosure and reporting laws. The department may seek enforcement of this section and issue civil penalties in accordance with Section 44‑1‑150.

Section 44‑29‑50. Any person who shall fail, neglect or refuse to comply with any regulation of the Department of Public Health and Environmental Control relating to vaccination, screening or immunization shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

Section 44‑29‑60. Sexually transmitted diseases which are included in the annual Department of Public Health and Environmental Control List of Reportable Diseases are declared to be contagious, infectious, communicable, and dangerous to the public health. Sexually transmitted diseases include all venereal diseases. It is unlawful for anyone infected with these diseases to knowingly expose another to infection.

Section 44‑29‑70. Any physician or other person who makes a diagnosis of or treats a case of a sexually transmitted disease and any superintendent or manager of a hospital, dispensary, health care related facility, or charitable or penal institution in which there is a case of a sexually transmitted disease shall report it to the health authorities according to the form and manner as the Department of Public Health and Environmental Control directs.

Section 44‑29‑80. Any laboratory performing a positive laboratory test for a sexually transmitted disease shall make a report of the case or positive laboratory test for a sexually transmitted disease to the Department of Public Health and Environmental Control in the form and manner as the department directs and shall cooperate with the Department of Public Health and Environmental Control and local boards of health in preventing the spread of sexually transmitted diseases.

Section 44‑29‑90. State, district, county, and municipal health officers, in their respective jurisdictions, when in their judgment it is necessary to protect the public health, shall make examination of persons infected or suspected of being infected with a sexually transmitted disease, require persons infected with a sexually transmitted disease to report for treatment appropriate for their particular disease provided at public expense, and request the identification of persons with whom they have had sexual contact or intravenous drug use contact, or both. The health officer may isolate persons infected or reasonably suspected of being infected with a sexually transmitted disease. To the extent resources are available to the Department of Public Health and Environmental Control for this purpose, when a person is identified as being infected with Human Immunodeficiency Virus (HIV), the virus which causes Acquired Immunodeficiency Syndrome (AIDS), his known sexual contacts or intravenous drug use contacts, or both, must be notified but the identity of the person infected must not be revealed. Efforts to notify these contacts may be limited to the extent of information provided by the person infected with HIV. Public monies appropriated for treatment of persons infected with a sexually transmitted disease must be expended in accordance with priorities established by the department, taking into account the cost effectiveness, curative capacity of the treatment, and the public health benefit to the population of the State.

Section 44‑29‑100. Any person who is confined or imprisoned in any state, county, or city prison of this State may be examined and treated for a sexually transmitted disease by the health authorities or their deputies. The stateDepartment of Public Health, county, and municipal boards of health may take over a portion of any state, county, or city prison for use as a board of health hospital. Persons who are confined or imprisoned and who are suffering with a sexually transmitted disease at the time of expiration of their terms of imprisonment must be isolated and treated at public expense as provided in Section 44‑29‑90 until, in the judgment of the local health officer, the prisoner may be medically discharged. In lieu of isolation, the person, in the discretion of the department or board of health, may be required to report for treatment to a licensed physician or submit for treatment provided at public expense by the Department of Public Health and Environmental Control as provided in Section 44‑29‑90.

Section 44‑29‑110. No person suffering from any of the sexually transmitted diseases described in Section 44‑29‑60 may be discharged from confinement unless he is pronounced cured of the disease by a state, county, or municipal health officer or, if no cure is available, upon the recommendation of the Department of Public Health and Environmental Control. If any person is released before a complete cure of the sexually transmitted disease of which he is suffering, the department shall direct the individual as to whom to report for further treatment, and failure to report at the stated intervals as directed, in each instance, constitutes a violation of the provisions of Sections 44‑29‑60 to 44‑29‑140 and subjects him, upon conviction, to the penalty set forth in Section 44‑29‑140.

Section 44‑29‑115. If the Department of Public Health and Environmental Control believes that a person must be isolated pursuant to Section 44‑29‑90, 44‑29‑100, or 44‑29‑110, it shall file a petition with the probate court of the county where the person is located or where the person resides. The complaint must state the specific harm thought probable and the factual basis for this belief. If the court, after due notice and hearing, is satisfied that the petition is well‑founded, it may order that the person must be isolated.

Any person isolated pursuant to Section 44‑29‑90, 44‑29‑100, or 44‑29‑110 has the right to appeal to any court having jurisdiction for review of the evidence under which he was isolated.

A court may not order isolation for more than ninety days. If the department determines that the grounds for isolation no longer exist, it shall file a notice of intent to discharge with the court before the person isolated is released.

The person for whom isolation is sought must be represented by counsel at all proceedings and, if he cannot afford to hire an attorney, the court shall appoint an attorney to represent him. The attorney for the person isolated must have access to any documents regarding the isolation.

Section 44‑29‑120. Every physician attending a pregnant woman in the State for conditions relating to her pregnancy during the period of gestation or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of his first examination or within three days thereafter and shall submit such sample to an approved laboratory for a standard serological test for syphilis, rubella, Rh factor and a hemoglobin determination, if the latter test is not performed by the physician’s staff. Such an approved laboratory must participate in an appropriate proficiency testing program approved by the Department of Public Health and Environmental Control. Every person, other than a physician, permitted by law to attend pregnant women in the State, but not permitted by law to take blood samples, shall cause a sample of blood of each such pregnant woman to be taken by a physician duly licensed to practice medicine and surgery, registered nurse, laboratory technician or other person authorized to take blood for blood tests and have such sample submitted to an approved laboratory for a standard serological test for syphilis, rubella, Rh factor and a hemoglobin determination, if the latter test is not performed by the physician’s staff. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The provisions of this section shall not apply to any person who submits a sworn affidavit stating that she objects to the tests herein required on grounds such tests conflict with her religious tenets or beliefs.

Section 44‑29‑130. The Department of Public Health and Environmental Control shall promulgate regulations necessary to carry out the purposes of Sections 44‑29‑60 to 44‑29‑140, other than Section 44‑29‑120, including regulations providing for labor on the part of isolated persons considered necessary to provide in whole or in part for their subsistence and to safeguard their general health and regulations concerning sexually transmitted diseases as it considers advisable. All regulations so made are binding upon all county and municipal health officers and other persons affected by Sections 44‑29‑60 to 44‑29‑140.

Section 44‑29‑135. All information and records held by the Department of Public Health and Environmental Control and its agents relating to a known or suspected case of a sexually transmitted disease are strictly confidential except as provided in this section. The information must not be released or made public, upon subpoena or otherwise, except under the following circumstances:

(a) release is made of medical or epidemiological information for statistical purposes in a manner that no individual person can be identified;

(b) release is made of medical or epidemiological information with the consent of all persons identified in the information released;

(c) release is made of medical or epidemiological information to the extent necessary to enforce the provisions of this chapter and related regulations concerning the control and treatment of a sexually transmitted disease;

(d) release is made of medical or epidemiological information to medical personnel to the extent necessary to protect the health or life of any person;

(e) in cases involving a minor, the name of the minor and medical information concerning the minor must be reported to appropriate agents if a report of abuse or neglect is required by Section 63‑7‑310; or

(f) if a minor has Acquired Immunodeficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV), the virus that causes AIDS, and is attending a public school in kindergarten through fifth grade, the department shall notify the superintendent of the school district and the nurse or other health professional assigned to the school the minor attends. This notification and information contained in the notification must not be recorded in the child’s permanent record. However, if this information is in the child’s permanent school record, the information must be purged from the child’s record before the child enters the sixth grade.

Section 44‑29‑136. (A) A portion of a person’s sexually transmitted disease test results disclosed to a solicitor or state criminal law enforcement agency pursuant to Section 44‑29‑135(c) must be obtained by court order upon a finding by the court that the request is valid under Section 44‑29‑135(c) and that there is a compelling need for the test results. In determining a compelling need, the court must weigh the need for disclosure against both the privacy interest of the test subject and the potential harm to the public interest if disclosure deters future Human Immunodeficiency Virus‑related testing and counselling or blood, organ, and semen donation. No information regarding persons other than the subject of the test results must be released. The court shall provide the department and the person who is the subject of the test results with notice and an opportunity to participate in the court hearing.

(B) No court may issue an order solely on the basis of anonymous tips or anonymous information. A person who provides information relied upon by a law enforcement agency or solicitor to obtain records under Section 44‑29‑135(c) shall sign a sworn affidavit setting forth the facts upon which he bases his allegations. This person shall appear and be subject to examination and cross‑examination at the hearing to determine whether an order requiring disclosure should be granted.

(C) Pleadings pertaining to disclosure of test results must substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject’s true name must be communicated in documents sealed by the court. Court proceedings must be conducted in camera unless the subject of the test results requests a hearing in open court. All files regarding the court proceedings must be sealed unless waived by the subject of the test results.

(D) Upon issuance of an order to disclose the test results pursuant to Section 44‑29‑135(c), the court may impose appropriate safeguards against the unauthorized disclosure of the information including, but not limited to, specifying who may have access to the information, the purposes for which the information must be used, and prohibitions against further disclosure of the information.

Section 44‑29‑140. Any person who violates any of the provisions of Sections 44‑29‑60 to 44‑29‑140, other than Section 44‑29‑120, or any regulation made by the Department of Public Health and Environmental Control pursuant to the authority granted by law, or fails or refuses to obey any lawful order issued by any state, county, or municipal health officer, pursuant to Sections 44‑29‑60 to 44‑29‑140, or any other law or the regulations prescribed by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned for not more than thirty days.

Section 44‑29‑145. It is unlawful for a person who knows that he is infected with Human Immunodeficiency Virus (HIV) to:

(1) knowingly engage in sexual intercourse, vaginal, anal, or oral, with another person without first informing that person of his HIV infection;

(2) knowingly commit an act of prostitution with another person;

(3) knowingly sell or donate blood, blood products, semen, tissue, organs, or other body fluids;

(4) forcibly engage in sexual intercourse, vaginal, anal, or oral, without the consent of the other person, including one’s legal spouse; or

(5) knowingly share with another person a hypodermic needle, syringe, or both, for the introduction of drugs or any other substance into, or for the withdrawal of blood or body fluids from the other person’s body without first informing that person that the needle, syringe, or both, has been used by someone infected with HIV.

A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than ten years.

Section 44‑29‑146. A physician or state agency identifying and notifying a spouse or known contact of a person having Human Immunodeficiency Virus (HIV) infection or Acquired Immunodeficiency Syndrome (AIDS) is not liable for damages resulting from the disclosure.

“Contact” means the exchange of body products or body fluids by sexual acts or percutaneous transmission.

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

Section 44‑29‑160. Any person applying for a position in any of the public or private schools, kindergartens, nurseries, or day care centers for infants and children of the State shall, as a prerequisite to employment, secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage.

Section 44‑29‑170. The physician shall make the aforesaid certificate on a form supplied by the Department of Public Health and Environmental Control, whose duty it shall be to provide such forms upon request of the applicant.

Section 44‑29‑180. (A) No superintendent of an institution of learning, no school board or principal of a school, and no owner or operator of a public or private childcare facility as defined in Section 63‑13‑20 may admit as a pupil or enroll or retain a child or person who cannot produce satisfactory evidence of having been vaccinated or immunized so often as directed by the Department of Public Health and Environmental Control. Records of vaccinations or immunizations must be maintained by the institution, school, or day care facility to which the child or person has been admitted.

(B) The Department of Public Health and Environmental Control shall monitor the immunization status of each child who is enrolled or retained in a licensed child day care facility or a registered church or religious child day care facility. The monitoring of day care facilities shall consist of a review of the immunization or vaccination records to insure that required immunizations are complete as recommended and routinely provided by the Department of Public Health and Environmental Control for all infants and children.

(C) South Carolina Department of Public Health and Environmental Control Regulation 61‑8, as amended, “Vaccination, Screening and Immunization Regarding Contagious Diseases”, and its exemptions apply to this section.

(D) A South Carolina Certificate of Special Exemption signed by the school principal, authorized representative, or day care director may be issued to transfer students while awaiting arrival of medical records from their former area of residence or to other students who have been unable to secure immunizations or documentation of immunizations already received. A South Carolina Certificate of Special Exemption may be issued only once and is valid for only thirty calendar days from date of enrollment. At the expiration of this special exemption, the student must present a valid South Carolina Certificate of Immunization, a valid South Carolina Certificate of Medical Exemption, or a valid South Carolina Certificate of Religious Exemption.

(E) Registered family day care homes are exempt from requirements of this section.

Section 44‑29‑185. (A)(1) Beginning with the 2016‑2017 school year, the Department of Public Health and Environmental Control may offer the cervical cancer vaccination series for adolescent students. Adolescent students include children enrolling in the seventh grade in any school, public, private, or home schooling program in this State.

(2) No student is required to have the cervical cancer vaccination series before enrolling in or attending school. Consent of a parent or guardian is required for a student to receive the cervical cancer vaccination from the department, except as provided under Section 63‑5‑340.

(B)(1) The department may develop and provide, to each school and home schooling program whose grade levels include grade six, informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series. The brochure specifically must state the benefits and side effects of the cervical cancer vaccination series and that the vaccination series is optional. The brochure must encourage the parent or guardian of a student to take the child to the child’s own health care provider to be vaccinated. At the beginning of the school year, each school and home schooling program may provide this informational brochure to the parents or guardians of all students in the sixth grade.

(2) The department shall disclose the benefits, adverse risks, and side effects of the adolescent vaccination series offered, which must take into account medical findings by the health care profession in this State, another state, or any other country. The department shall encourage the parent or guardian of a student to take the child to the child’s own health care provider for a full discussion of the benefits and side effects of receiving any adolescent vaccination series.

(C) For the purposes of this section “cervical cancer vaccination series” means the human papillomavirus vaccination series.

(D) Implementation of this section is contingent upon the appropriation of state and federal funding to the department to fully cover the costs of providing this vaccination series to eligible students as well as the availability of funds to produce the informational brochure provided for in subsection (B)(1).

(E) The department may not contract with a health care provider to offer the vaccination series if the health care provider performs abortions.

Section 44‑29‑190. Any person who violates the provisions of Section 44‑29‑180 is guilty of a misdemeanor and, upon conviction, may be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Section 44‑29‑195. (A) A student sent home from school for having pediculosis (head lice) only may return to school upon presentation of evidence of treatment and upon a physical screening conducted by the school nurse or other person designated by the principal indicating an absence of pediculosis.

(B) The department shall make available to eligible families, through the county health departments, products or vouchers for products for the treatment of pediculosis.

For purposes of this subsection, a family is eligible if a child in the family is a student in the public school system and the child receives Medicaid or free or reduced school meals.

Section 44‑29‑200. Any board of education, school trustees, or other body having control of a school, on account of the prevalence of any contagious or infectious diseases or to prevent the spread of disease, may prohibit or limit the attendance of any employee or student at any school or school‑related activities under its control. The decision to prohibit or limit attendance must be based on sound medical evidence and must comply with the official procedures adopted by the board for this purpose. Before lifting a prohibition or restriction on attendance, the board may require a satisfactory certificate from one or more licensed physicians that attendance is no longer a risk to others attending school.

Any board acting in good faith and in compliance with the provisions of this section is not liable for damages which may result from its decision. Nothing in this section relieves a board from its responsibilities to provide a student with educational programs and services appropriate to his needs as required by Section 59‑20‑30.

Section 44‑29‑210. (A) If the BoardDirector of the Department of Public Health and Environmental Control or the Director of the Department of Health and Environmental Control approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any licensed nurse who participates in the project, except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. Neither the board nor the director may approve the project unless either finds that the project conforms to good medical and public health practice.

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

(B) Nothing in this section exempts any physician, licensed nurse, or authorized public health employee participating in any mass immunization project from liability for gross negligence, and the provisions of this section do not exempt any drug manufacturer from any liability for any drug or vaccine used in the project.

Section 44‑29‑230. (A) While working with a person or a person’s blood or body fluids, if a health care worker or emergency response employee is involved in an incident resulting in possible exposure to bloodborne diseases, and a health care professional based on reasonable medical judgment has cause to believe that the incident may pose a significant risk to the health care worker or emergency response employee, the health care professional may require the person, the health care worker, or the emergency response employee to be tested without his consent.

(B) The test results must be given to the health care professional who shall report the results and assure the provision of post‑test counseling to the health care worker or emergency response employee, and the person who is tested. The test results also shall be reported to the Department of Public Health and Environmental Control in a manner prescribed by law.

(C) No physician, hospital, or other health care provider may be held liable for conducting the test or the reporting of test results under this section.

(D) For purposes of this section:

(1) “Person” means a patient at a health care facility or physician’s office, an inmate at a state or local correctional facility, an individual under arrest, or an individual in the custody of or being treated by a health care worker or an emergency response employee.

(2) “Emergency response employee” means firefighters, law enforcement officers, paramedics, emergency medical technicians, medical residents, medical trainees, trainees of an emergency response employee as defined herein, and other persons, including employees of legally organized and recognized volunteer organizations without regard to whether these employees receive compensation, who in the course of their professional duties respond to emergencies.

(3) “Bloodborne diseases” means Hepatitis B or Human Immunodeficiency Virus infection, including Acquired Immunodeficiency Syndrome.

(4) “Significant risk” means a finding of facts relating to a human exposure to an etiologic agent for a particular disease, based on reasonable medical judgments given the state of medical knowledge, about the:

(a) nature of the risk;

(b) duration of the risk;

(c) severity of the risk;

(d) probabilities the disease will be transmitted and will cause varying degrees of harm.

(5) “Health care professional” means a physician, an epidemiologist, or infection control practitioner.

(6) “Health care worker” means a person licensed as a health care provider under Title 40, a person registered under the laws of this State to provide health care services, an employee of a health care facility as defined in Section 44‑7‑130(10), or an employee in a physician’s office.

(E) The cost of any test conducted under this section must be paid by the:

(1) person being tested;

(2) State in the case of indigents; or

(3) public or private entity employing the health care worker or emergency response employee if the cost is not paid pursuant to subitems (1) and (2) above.

Section 44‑29‑240. A person, upon whom an invasive, exposure‑prone procedure, as defined by the Department of Public Health and Environmental Control, is scheduled to be performed, is encouraged to know his HIV antibody, HbsAG, and HbeAg status and disclose the status to the health care professionals rendering care so that precautionary measures may be taken. A person, upon whom an invasive, exposure‑prone procedure is scheduled to be performed, who does not know his status, is encouraged to have his blood tested for the presence of HIV or HBV so as to protect the health care professionals rendering care.

Section 44‑29‑250. Notwithstanding any other provision of this chapter or a regulation promulgated under this chapter, a person who collects and anonymously submits a sample of the person’s own body fluid or tissue for Human Immunodeficiency Virus (HIV) infection testing is not required to report a positive test result, and the test results are confidential. However, the person or laboratory performing the test on an anonymous sample shall report a positive HIV infection test result to the Department of Public Health and Environmental Control, as well as certification to the Department of Public Health and Environmental Control that counseling options, including community‑based resources, and referrals to appropriate medical providers have been made or offered to the positive subject, but the report must not contain any information identifying the subject of the report or any information that may lead to the identification of the subject of the report.

SECTION 143.A. Section 44‑30‑20(3) of the S.C. Code is amended to read:

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

B. Section 44‑30‑90 of the S.C. Code is amended to read:

Section 44‑30‑90. The department and each licensing board shall promulgate regulations necessary to accomplish the purposes set forth in this article and to comply with public law no later than October 1, 1992. All orders for medication dispensed or treatment provided in a hospital shall be authenticated according to hospital policy. The orders shall be taken by personnel qualified by hospital medical staff rules and shall include the date, time, and name of persons who gave the order, and the signature of the person taking the order. The Department of Public Health and Environmental Control shall promulgate regulations consistent with this provision.

SECTION 144.A. Sections 44‑31‑10 through 44‑31‑30 of the S.C. Code are amended to read:

Section 44‑31‑10. Every attending physician and chief administrative officer having charge of any hospital, clinic, dispensary or other similar private or public institution in the State shall make a report in writing, on a form to be furnished by the Department of Public Health and Environmental Control, on every person known by the physician to have tuberculosis or on every patient in the care of such administrator. Such report shall be filed within twenty‑four hours after the patient is known by the physician to have tuberculosis or after such patient comes into the care of the administrator.

The report shall contain the name, age, sex, race, occupation, place where last employed if known, and the address or previous address in the case of a patient reported on, and the reporting physician or officer shall also give evidence upon which the diagnosis of tuberculosis has been made, the part of the body affected, and the stage of the disease. All cases in which sputum, urine, feces, pus, or any other bodily discharge, secretion, or excretion contains the tubercle bacillus, shall be regarded as active infectious cases of tuberculosis.

Section 44‑31‑20. (1) All bacteriological and pathological laboratories rendering diagnostic service shall report to the Department of Public Health and Environmental Control, within twenty‑four hours after diagnosis, the full name and other available data relating to the person whose sputa, gastric contents, or other specimens submitted for examination reveal the presence of tubercle bacilli. Such report shall include the name and address of the physician or of any other person or agency referring such positive specimen for clinical diagnosis.

(2) All reports and records of clinical or laboratory examination, for the presence of tuberculosis, shall be confidential and recorded in a register maintained by the Department of Public Health and Environmental Control.

Section 44‑31‑30. Authorized personnel of the Department of Public Health and Environmental Control may inspect all medical records of all public and private institutions and clinics where tuberculosis patients are treated, and shall provide consultation services to officers of State educational, correctional, and medical institutions regarding the control of tuberculosis and the care of patients or inmates having tuberculosis.

B. Sections 44‑31‑105 through 44‑31‑110 of the S.C. Code are amended to read:

Section 44‑31‑105. (A) If the Department of Public Health and Environmental Control determines that the public health or the health of any individual is endangered by a case of tuberculosis, or a suspected case of tuberculosis, the commissionerdirector, or his or her designee, may issue an emergency order he or she considers necessary to protect the public health or the health of any person, and law enforcement shall aid and assist the department in accordance with Section 44‑1‑100.

(B) An emergency order issued pursuant to this section may include, but is not limited to:

(1) authorizing the emergency removal to and detention in a hospital or other treatment facility for examination of a person who is unable or unwilling to voluntarily submit to an examination by a physician or by the department for the purpose of determining whether the person is infected with active tuberculosis and presents a danger to himself or others;

(2) requiring compliance with an appropriate, prescribed course of medication for tuberculosis and contagion precautions;

(3) requiring compliance with a course of directly observed therapy in which the prescribed antituberculosis medication is administered under direct observation as specified by the department;

(4) authorizing the emergency removal to and isolation in a hospital or other treatment facility of a person who fails to comply with an emergency order issued by the department, fails to comply with a medically ordered treatment regimen, and presents a substantial risk and likelihood of exposure of active tuberculosis to other persons;

(5) requiring the emergency detention and isolation by a hospital of a hospital patient with active tuberculosis disease who is threatening or attempting to leave the hospital against medical advice.

(C) An emergency order issued pursuant to this section must include:

(1) an individualized assessment of the person’s circumstances or behavior, or both, constituting the basis for the issuance of the order;

(2) the purposes of the isolation or detention;

(3) notice that the respondent has the right to request release from isolation and detention by contacting a person designated in the order; and

(4) in the absence of a court order, that the detention must not continue for more than thirty days.

(D) The probate court shall enforce the provisions of an emergency order issued pursuant to this section. If a person being isolated or detained pursuant to an emergency order requests release from isolation or detention, the department, within three working days of the request for release, shall file a petition in the probate court of the county in which the person is being held seeking continued isolation or detention. The probate court must schedule a hearing to review the request for continued isolation or detention within ten days of the filing of the petition.

Section 44‑31‑110. (A) When it is brought to the attention of a Department of Public Health and Environmental Control health officer that a person with active tuberculosis is unable or unwilling to conduct himself so as not to expose others to danger, the department shall issue an emergency order pursuant to Section 44‑31‑105 or file a petition in the probate court of the county in which the person resides or is situated seeking commitment of the person to a facility for isolation and treatment. In case of the absence of the health officer or the department’s failure to act, any other interested person may petition the probate court for commitment of the person for isolation and treatment. A petition seeking commitment must be based on proper records and affidavits.

(B) The probate court may waive the requirement of notice to the person who is the subject of the emergency order or petition seeking commitment if the health officer demonstrates that the person is:

(1) hiding from the health department staff;

(2) evading attempts by health department staff or law enforcement to serve notice of the proceedings; or

(3) refusing to accept service of pleadings or motions.

C. Section 44‑31‑610 of the S.C. Code is amended to read:

Section 44‑31‑610. There is hereby created the Tuberculosis Control Advisory Committee to be appointed by the Governor, upon the recommendation of the Department of Public Health and Environmental Control.

The Committee shall consist of six members who shall serve for terms of two years and until their successors are appointed and qualify. The present chairman of the South Carolina Sanatorium Board shall be appointed as an original member of the Committee.

The other five members shall consist of: two practicing physicians (one from the South Carolina Thoracic Society and one from the South Carolina Medical Association); one representative from the South Carolina Department of Social Services; one representative from the South Carolina Vocational Rehabilitation Department; and one representative from the South Carolina Tuberculosis Association.

The Committee shall advise the Department of Public Health and Environmental Control in all matters relating to the control, prevention and treatment of tuberculosis and chronic respiratory diseases.

SECTION 145.A. Section 44‑32‑10(2) of the S.C. Code is amended to read:

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

B. Section 44‑32‑20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health and Environmental Control shall establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing. The department shall provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross‑contamination of instruments and supplies.

C. Section 44‑32‑120(G) of the S.C. Code is amended to read:

(G) All fines collected must be remitted to the State Treasurer to be credited to the Department of Public Health and Environmental Control in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.

SECTION 146. Section 44‑33‑10 of the S.C. Code is amended to read:

Section 44‑33‑10. The Department of Public Health and Environmental Control is hereby authorized to initiate a sickle cell education and prevention program based entirely upon voluntary cooperation of the individuals involved. The program shall provide:

(1) laboratory testing of citizens in the reproductive ages to determine the presence of the sickle cell gene;

(2) counselling for persons identified as carriers of the sickle cell gene, for the purpose of educating these persons about the risk of a child of the person inheriting sickle cell disease;

(3) referral of persons with sickle cell disease, as necessary, so that they may obtain proper medical care and treatment, to include pain management; and

(4) basic education to the general public about sickle cell disease, so as to eradicate the stigma attached to the disease.

SECTION 147. Section 44‑33‑310 of the S.C. Code is amended to read:

Section 44‑33‑310. The South Carolina Department of Public Health and Environmental Control shall develop and maintain the Sickle Cell Disease Voluntary Patient Registry for residents of the State who have been diagnosed with sickle cell disease. The purpose of the registry is to:

(1) enable individuals diagnosed with sickle cell disease to register so that physicians and other health care practitioners providing care to the patient may confirm whether the individual has been diagnosed with sickle cell disease; and

(2) collect and study data on the incidence and nature of sickle cell disease in the State to improve patient care and access to services.

SECTION 148.A. Section 44‑34‑10(1) of the S.C. Code is amended to read:

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

B. Section 44‑34‑20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health and Environmental Control must establish by regulation sterilization, sanitation, and safety standards for persons engaged in the business of tattooing. The department must provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified in accordance with the Administrative Procedures Act as appropriate to protect consumers from transmission of contagious diseases through cross‑contamination of instruments and supplies.

C. Section 44‑34‑100(G) of the S.C. Code is amended to read:

(G) All licensing fees and monetary penalties collected must be remitted to the Department of Public Health and Environmental Control in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.

SECTION 149. Section 44‑35‑10 through 44‑35‑100 of the S.C. Code are amended to read:

Section 44‑35‑10. The Department of Public Health and Environmental Control, in conjunction with hospitals and entities throughout the State, shall formulate a plan for cancer prevention, detection, and surveillance programs and for care of persons suffering from cancer to meet standards of care set forth by nationally recognized and approved accrediting bodies.

Section 44‑35‑20. (A) There is established the South Carolina Central Cancer Registry and, to the extent funds are available, the Department of Public Health and Environmental Control shall administer this as a statewide population‑based registry of cancer cases with a diagnosis date after December 31, 1995.

(B) The purpose of the registry is to provide statistical information that will reduce morbidity and mortality of cancer in South Carolina. This information must be used to guide cancer control effort in the State by assisting in prevention and early detection of cancer, extending the life of the cancer patient, identifying high‑risk groups or areas in the State with cluster of cancer cases, and improving cancer treatment.

(C) The registry shall receive, compile, analyze, and make available epidemiological and aggregate clinical cancer case information collected from all health care providers who diagnose and/or treat cancer patients in this State. The registry shall meet national standards of completeness and timeliness of case reporting and quality of data. Annual reports of aggregate cancer data must be provided to reporting facilities and physicians in the State.

Section 44‑35‑30. (A) A provider who diagnoses and/or treats cancer patients and does not report to a regional cancer registry shall report specific case information to the registry in accordance with regulations promulgated by the Department of Public Health and Environmental Control. These regulations shall include, but are not limited to, the reportable case listing, data elements to be collected, the content and design of forms and reports required by this section, the procedures for disclosure of information gathered by the registry, and other matters necessary to the administration of this section. The regulations shall include these data elements:

(1) complete demographic information;

(2) occupational and industrial information to the extent available;

(3) date and confirmation of initial diagnosis;

(4) pathological information characterizing the cancer, including cancer site and cell type, stage of disease, and initial treatment information, to the extent available, in the medical record.

A provider participating in a regional registry is not required to report to the Central Cancer Registry. Reporting providers must not incur additional expense in providing information to the registry.

(B) Regional registries shall report data on behalf of providers in their area to the Central Cancer Registry.

Section 44‑35‑40. Information that could identify the cancer patient must be kept strictly confidential in accordance with the administrative policy of the Department of Public Health and Environmental Control. This information must not be open for inspection except by the individual patient or the patient’s authorized representative. Procedures for the disclosure of confidential information to researchers for the purposes of cancer prevention, control, and research must be promulgated in regulations. The data release protocol developed in coordination with the Revenue and Fiscal Affairs Office, must be utilized by the registry to determine appropriate use and release of cancer registry data.

Section 44‑35‑50. The registry shall coordinate, to the fullest extent possible, with the Revenue and Fiscal Affairs Office, for the complete, timely, and accurate collection and reporting of cancer data.

Section 44‑35‑60. A provider or regional registry making a case report or providing access to cancer case information to the registry is immune from any civil or criminal liability that might otherwise be incurred or imposed.

Section 44‑35‑70. The Department of Public Health and Environmental Control may, to the extent of and within the available funds which may be provided, acquire laboratories, hospitals, or other property, either real or personal, by gift, purchase, devise or otherwise, as the department considers advisable to afford proper treatment and care to cancer patients in this State and to carry out the intent and purpose of this chapter.

Section 44‑35‑80. The Department of Public Health and Environmental Control may furnish aid to cancer patients who are residents of this State to the extent of and within the available funds as the department considers proper. The department may administer this aid in any manner which, in its judgment and with the approval of the Cancer Control Advisory Committee, provided for in Section 44‑35‑90, will afford greater benefit for the prevention, detection, and control of cancer throughout the State.

Section 44‑35‑90. There is established within the Department of Public Health and Environmental Control the Cancer Control Advisory Committee. The department shall appoint the members of the committee which must consist of qualified physicians, researchers, other experts engaged professionally in cancer prevention and care in South Carolina, and health care consumers. The committee shall advise and make recommendations to the department about the formulation and implementation of a comprehensive cancer prevention and control program through its review of cancer control services throughout the State. The committee shall:

(1) advise the department on professional issues pertaining to cancer prevention, detection, care and surveillance;

(2) participate in the evaluation of cancer programs and services offered through the department;

(3) serve as advocates for the poor and underserved patients through support of the state‑aid cancer clinics;

(4) assist the department in maintaining liaison with the community and other health care providers; and

(5) advise the department on the administration of available funds for the prevention, detection, care, and surveillance of cancer.

Section 44‑35‑100. The reporting requirements provided for in Section 44‑35‑30 are suspended if adequate funding is not provided to the Department of Public Health and Environmental Control.

SECTION 150.A. Section 44‑36‑20(A)(5) of the S.C. Code is amended to read:

(5) Department of Public Health and Environmental Control;

B. Section 44‑36‑30(B) of the S.C. Code is amended to read:

(B) Except for use in collecting data on deaths from the Bureau of Vital Statistics, Department of Public Health and Environmental Control, no identifying information collected or maintained by the registry may be released unless consent is obtained from the subject or the subject’s legal representative.

C. Section 44‑36‑50 of the S.C. Code is amended to read:

Section 44‑36‑50. The registry shall submit an annual report to the Alzheimer’s Disease and Related Disorders Resource Coordination Center of the Department on Aging, the Department of Public Health and Environmental Control, and the Revenue and Fiscal Affairs Office.

SECTION 151. Section 44‑36‑320(10) of the S.C. Code is amended to read:

(10) when updating the statewide plan, the advisory council must solicit input from the Department of Public Health and Environmental Control, the Department of Health and Human Services, and the Department of Social Services to ensure the formulation of a comprehensive statewide plan that meets the needs of the State; and

SECTION 152. Section 44‑36‑520 of the S.C. Code is amended to read:

Section 44‑36‑520. A nursing home, community residential care facility, or day care facility for adults licensed by the Department of Public Health and Environmental Control which offers to provide or provides an Alzheimer’s special care unit or program must include in its policies and procedures and disclose to the responsible party seeking a placement within the Alzheimer’s special care unit or program, the form of care or treatment provided that distinguishes it as being especially applicable to or suitable for persons with Alzheimer’s disease. The information that distinguishes the form of care or treatment shall include criteria for admission, transfer, and discharge; care planning; staffing patterns; staff training; physical environment; resident and participant activities; family role in care; and unique costs to the resident or participant associated with specialized service delivery.

SECTION 153.A. Section 44‑37‑20 of the S.C. Code is amended to read:

Section 44‑37‑20. Every doctor, midwife, nurse or other person attending the delivery at birth of a child in this State shall instill, or have instilled, into the eyes of the baby, within one hour after birth, some effective prophylactic approved by the Department of Public Health and Environmental Control, for prevention of blindness from ophthalmia neonatorum. A record of such administration or instillation shall be reported on the birth certificate, showing the time with respect to the birth and the kind of prophylactic administered.

B. Section 44‑37‑30(A) of the S.C. Code is amended to read:

(A) A child born in this State, except a child born of a parent who objects on religious grounds and indicates this objection before testing on a form promulgated in regulation by the Department of Public Health and Environmental Control, shall have neonatal testing to detect inborn metabolic errors and hemoglobinopathies.

C. Section 44‑37‑40(B)(6) and (7) of the S.C. Code is amended to read:

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

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

D. Section 44‑37‑50 of the S.C. Code is amended to read:

Section 44‑37‑50. (A) Every hospital in this State must make available to the parents of each newborn baby delivered in the hospital a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. Every hospital also must make available information on the importance of parents and caregivers learning infant CPR. The hospital must request that the maternity patient, the father, or the primary caregiver view the video. Those persons whom the hospital requested to view the video shall sign a document prescribed by the Department of Public Health and Environmental Control stating that they have been offered an opportunity to view the video.

(B) The director, or his designee, of the Department of Public Health and Environmental Control must approve the video to be utilized by a hospital, pursuant to subsection (A). Upon the request of a hospital, the Director of the Department of Public Health and Environmental Control, or his designee, shall review a hospital’s proposed video for possible approval. The Department of Public Health and Environmental Control may not require a hospital to use a video that would require the hospital to pay royalties for use of the video, restrict viewing in order to comply with public viewing or other restrictions, or be subject to other costs or restrictions associated with copyrights. The department must provide a copy of any approved video, at cost, to a hospital or any interested individual.

(C) The Department of Public Health and Environmental Control shall make available to all childcare facilities and childcare providers, regulated pursuant to Chapter 13, Title 63, a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. Childcare facilities, as defined in Section 63‑13‑20, shall include this video presentation in the initial and ongoing training of caregivers in the childcare facility. Caregivers in a registered family childcare home or church or religious childcare facility may participate in presentations offered pursuant to this subsection. The Department of Public Health and Environmental Control must provide a copy of any approved video, at cost, to a childcare facility or childcare provider or any interested individual.

(D) The Department of Public Health and Environmental Control shall establish a protocol for health care providers to educate parents or primary caregivers about safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. The Department of Public Health and Environmental Control shall request family medicine physicians, pediatricians, and other pediatric health care providers to review these dangers with the parent or primary caregiver, who are present, of infants and young children up to the age of one at each well‑baby visit.

(E) The Department of Social Services, Adoption Services must make available to all adopting parents a video presentation, approved by the Department of Public Health and Environmental Control, on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, the dangers associated with shaking infants and young children, and the importance of parents and caregivers learning infant CPR. The department must request that the adopting parents view the video. The adopting parents must sign a document prescribed by the department stating that they have been offered an opportunity to view the video. This subsection only applies to adoptive placements administered by the Department of Social Services, Adoption Services.

(F) Nothing contained in this section may be construed to create any civil, criminal, or administrative cause of action or other liability against a health care facility or health care provider for any acts or omissions relating to compliance with this section.

E. Section 44‑37‑70 of the S.C. Code is amended to read:

Section 44‑37‑70. (A) The Department of Public Health and Environmental Control shall require each birthing facility licensed by the department to perform on every newborn in its care a pulse oximetry or other department‑approved screening to detect critical congenital heart defects when the baby is twenty‑four to forty‑eight hours of age, or as late as possible if the baby is discharged from the hospital before reaching twenty‑four hours of age. A department‑approved screening must be based on standards set forth by the United States Secretary of Health and Human Services’ Advisory Committee on Heritable Disorders in Newborns and Children, the American Heart Association, and the American Academy of Pediatrics. If a parent of a newborn objects, in writing, to the screening, for reasons pertaining to religious beliefs only, the newborn is exempt from the screening required by this subsection.

(B) The Department of Health and Human Services shall work with birthing facilities through its partnership with the Birth Outcomes Initiative to recommend policies for critical congenital heart defect screening. The Department of Health and Human Services shall provide reimbursement for services provided pursuant to this section.

(C) For purposes of this section, “birthing facility” means an inpatient or ambulatory health care facility licensed by the Department of Public Health and Environmental Control that provides birthing and newborn care services.

(D) The department with advice from the Birth Outcome Initiative Leadership Team under the Department of Health and Human Services shall promulgate regulations necessary to implement the provisions of this section. In promulgating the regulations, the department must consider the best practices in screening, current scientific guidelines and recommendations, and advances in medical technology.

SECTION 154.A. Section 44‑38‑30(A) of the S.C. Code is amended to read:

(A) There is the South Carolina Head and Spinal Cord Injury Information System Council established for the purpose of overseeing the daily activities of the system which shall be under the Head and Spinal Cord Injury Division of the Department of Disabilities and Special Needs. The council is composed of the following ex officio members or their designees: the chairman, Developmental Disabilities Council, Office of the Governor, the chairman of the Joint Committee to Study the Problems of Persons with Disabilities, the State Director of the State Department of Mental Health, the Commissioner of the Department of Vocational Rehabilitation, the Director of the State Department of Disabilities and Special Needs, the Director of the South Carolina Department of Public Health and Environmental Control, the Director of the South Carolina Department of Health and Human Services, Dean of the University of South Carolina School of Medicine, the Dean of the Medical University of South Carolina, the Executive Director of the South Carolina Hospital Association, one representative from each of the head injury advocacy organizations, and one individual with a spinal cord injury. The council shall elect a chairman who may appoint such other nonvoting members who may serve in an advisory capacity to the council, including representatives from the private service delivery sector.

B. Section 44‑38‑380(A)(1)(k) of the S.C. Code is amended to read:

(k) Commissioner of the South Carolina Department of Public Health and Environmental Control;

SECTION 155. Section 44‑38‑630(A)(5) of the S.C. Code is amended to read:

(5) South Carolina Department of Public Health and Environmental Control;

SECTION 156. Section 44‑39‑20(B) of the S.C. Code is amended to read:

(B) The board consists of:

(1) the following officials or their designees:

(a) the President of the Medical University of South Carolina;

(b) the Dean of the University of South Carolina School of Medicine;

(c) the Director of the Department of Public Health and Environmental Control;

(d) the Director of the State Department of Health and Human Services;

(e) the President of the South Carolina Medical Association;

(f) the Vice President of the Southeastern Division of the American Diabetes Association;

(g) the President of the American Association of Diabetes Educators;

(h) the President of the South Carolina Academy of Family Physicians;

(i) the Head of the Office of Minority Health inof the Department of Health and Environmental ControlCommission for Minority Affairs;

(j) the Governor of the South Carolina Chapter of the American College of Physicians;

(k) the Chair of the Division of Endocrinology at the Medical University of South Carolina;

(l) the President of the South Carolina Hospital Association;

(2) a representative of the Office of the Governor, to be appointed by the Governor; and

(3) six representatives appointed by the President of the Medical University of South Carolina, three of whom must be from the general public and one each from the Centers of Excellence Council, the Outreach Council, and the Surveillance Council, all of whom must be persons knowledgeable about diabetes and its complications.

SECTION 157.A. Section 44‑40‑30 of the S.C. Code is amended to read:

Section 44‑40‑30. There is created the South Carolina Agent Orange Advisory Council to assist and advise the South Carolina Department of Public Health and Environmental Control in its duties and functions as provided in this chapter and to assist and advise the Veterans’ Affairs Department of the Governor’s Office in its duties and functions as provided in Section 25‑11‑70. The council is composed of five voting members and five nonvoting ex officio members. The voting members must be veterans who served in Vietnam, Cambodia, Laos, or Thailand. Voting members are appointed by the Governor for terms of four years and until their successors are appointed and qualify. The Governor shall designate a chairman who shall serve for a term of two years. Vacancies on the council are filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. Voting members of the council are paid the usual per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees. The following shall serve as ex officio members without voting rights:

(1) the Director of the Department of Public Health and Environmental Control;

(2) the Director of Veterans’ Affairs Department or his designee;

(3) one faculty member of the Medical University of South Carolina with expertise in a field relevant to the purpose of the council;

(4) one faculty member of the University of South Carolina with expertise in a field relevant to the purpose of the council.

B. Section 44‑40‑60 of the S.C. Code is amended to read:

Section 44‑40‑60. With the cooperation of the Department of Public Health and Environmental Control and the Department of Veterans Affairs, the council:

(1) shall make an annual report to the General Assembly containing:

(a) a comprehensive review and summary analysis of the scientific literature on the effects of exposure to chemical agents, including Agent Orange;

(b) a summary of the activities undertaken to inform and assist veterans who may have been exposed to chemical agents, including Agent Orange;

(c) a description and interpretation of the results of any study undertaken pursuant to this chapter;

(d) other comments or recommendations the council considers appropriate.

(2) may hold hearings consistent with the purposes of this chapter.

To assist it in carrying out these functions, the council may contract for an evaluation of the performance of the Department of Public Health and Environmental Control and the Department of Veterans Affairs in implementing this chapter and may contract for the compilation and editing of the annual report.

SECTION 158.A. Section 44‑41‑10(c) of the S.C. Code is amended to read:

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

B. Section 44‑41‑60 of the S.C. Code is amended to read:

Section 44‑41‑60. Any abortion performed in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of Public Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44‑41‑640, 44‑41‑650, or 44‑41‑660, which exception the physician relied upon in performing or inducing the abortion.

SECTION 159. Section 44‑41‑340 of the S.C. Code is amended to read:

Section 44‑41‑340. (A) The South Carolina Department of Public Health and Environmental Control shall cause to be published the following printed materials:

(1) geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, which include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers, in which they may be contacted;

(2) materials designed to inform the woman of the probable anatomical and physiological characteristics of the embryo or fetus at two‑week gestational increments from the time when a woman can be known to be pregnant to full term. Any photograph, drawing or other depiction must state in bold letters, which are easily legible, stating the magnification of the photograph, drawing or depiction if it is not the actual size of the embryo or fetus at the age indicated. The materials must be objective, nonjudgmental, and designed to convey only accurate scientific information about the embryo or fetus at the various gestational ages;

(3) materials designed to inform the woman of the principal types of abortion procedures and the major risks associated with each procedure, as well as the major risks associated with carrying a fetus to full‑term;

(4) materials designed to inform the woman that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care by providing the names, addresses, and phone numbers of appropriate agencies that provide or have information available on these benefits;

(5) materials designed to inform the woman of the mechanisms available for obtaining child support payments;

(6) a list of health care providers, facilities, and clinics that offer to perform ultrasounds free of charge. The list must be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity listed. A health care provider, facility, or clinic that would like to be included on this list may contact the department and provide the required information. The department must update this list annually before September first;

(7) a plainly worded explanation of how a woman may calculate the gestational age of her embryo or fetus;

(8) a scientifically accurate statement concerning the contribution that each parent makes to the genetic constitution of their biological child;

(9) forms for notifications, certifications, and verifications required by Section 44‑41‑330.

(B) The materials must be easily comprehendible and must be printed in a typeface large enough to be clearly legible.

(C) The materials required under this section must be available from the South Carolina Department of Public Health and Environmental Control upon request and in appropriate number to any person, facility, or hospital.

(D)(1) The materials required under this section must be available on the department’s Internet website in a format suitable for downloading. The website must be capable of permitting the user to print a time and date stamped certification identifying when the materials are downloaded.

(2) The department’s Internet website also must provide a link to the Internet website maintained by health care providers, facilities, and clinics that offer to perform ultrasounds free of charge that have requested to be placed on the list maintained by the department.

SECTION 160.A. Section 44‑44‑20(2) of the S.C. Code is amended to read:

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

B. Section 44‑44‑30(A) of the S.C. Code is amended to read:

(A) There is established the South Carolina Birth Defects Program within the Department of Public Health and Environmental Control to promote increased understanding of birth defects, prevent and reduce birth defects, and assist families with children who have birth defects.

C. Section 44‑44‑40(A) of the S.C. Code is amended to read:

(A) There is established the Birth Defects Advisory Council composed of at least thirteen members to be appointed by the commissionerdirector of the department, with an odd total number of members. The members shall include at least one representative from each of the following organizations, upon the recommendation of the director of the respective organization:

(1) American Academy of Pediatrics, South Carolina Chapter, a board‑certified physician in neonatal‑perinatal medicine;

(2) American College of Obstetrics and Gynecology, South Carolina Chapter, a board‑certified physician in maternal fetal medicine;

(3) Greenwood Genetic Center;

(4) University of South Carolina School of Medicine, a board‑certified genetics professional who must be a physician or genetics counselor;

(5) Medical University of South Carolina, a board‑certified physician in pediatric cardiology or a board‑certified genetics professional;

(6) March of Dimes, South Carolina Chapter;

(7) South Carolina Perinatal Association;

(8) South Carolina Department of Disabilities and Special Needs;

(9) South Carolina Department of Health and Human Services;

(10) Parent of a child with a birth defect, recommended by a South Carolina family advocacy or disability organization;

(11) An adult who was born with a birth defect, recommended by a South Carolina family advocacy or disability organization;

(12) South Carolina Hospital;

(13) South Carolina Medical Association, a licensed physician specializing in genetics.

SECTION 161. Section 44‑49‑40(B) of the S.C. Code is amended to read:

(B) Results, information, and evidence received from the Department of Public Health and Environmental Control relating to the regulatory functions of this chapter and Article 3 of Chapter 53, including results of inspections conducted by such department, may be relied upon and acted upon by the department in conformance with its administration and coordinating duties under this Chapter and Article 3 of Chapter 53.

SECTION 162. Section 44‑52‑10(4) of the S.C. Code is amended to read:

(4) “Treatment facility” means any facility licensed or approved by the Department of Public Health and Environmental Control equipped to provide for the care and treatment of chemically dependent persons including the Division of Alcohol and Drug Addiction Services of the South Carolina Department of Mental Health, and any other treatment facility approved by the Director of the Department of Mental Health.

SECTION 163.A. Section 44‑53‑10 of the S.C. Code is amended to read:

Section 44‑53‑10. The Department of Public Health and Environmental Control shall take cognizance of the interest of the public health as it relates to the sale of drugs and the adulteration thereof and shall make all necessary inquiries and investigations relating thereto. For such purpose it may appoint inspectors, analysts and chemists who shall be subject to its supervision and removal. The Department shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs.

B. Section 44‑53‑50 of the S.C. Code is amended to read:

Section 44‑53‑50. (A) Except as otherwise provided in this section, a person may use, sell, manufacture, or distribute for use or sale in this State no cleaning agent that contains more than zero percent phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding five‑tenths of one percent. For the purposes of this section, “cleaning agent” means a household or commercial laundry detergent, dishwashing compound, household cleaner, household or commercial dishwashing detergent, metal cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

(B) A person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than zero percent phosphorus by weight but does not exceed eight and seven‑tenths percent phosphorus by weight that is a substance excluded from the zero percent phosphorus limitation of this section by regulations adopted by the Department of Public Health and Environmental Control which are based on a finding that compliance with this section would:

(1) create a significant hardship on the user; or

(2) be unreasonable because of the lack of an adequate substitute cleaning agent.

(C) This section does not apply to a cleaning agent that is:

(1) used in dairy, beverage, or food processing equipment;

(2) used in hospitals, veterinary hospitals, clinics, or health care facilities or in agricultural or dairy production or in the manufacture of health care supplies;

(3) used by industry for metal, fabric, or fiber cleaning or conditioning;

(4) manufactured, stored, or distributed for use or sale outside of this State;

(5) used in a laboratory, including a biological laboratory, research facility, chemical laboratory, or engineering laboratory; or

(6) used as a water softening chemical, antiscale chemical, or corrosion inhibitor intended for use in closed systems such as boilers, air conditioners, cooling towers, or hot water heating systems.

(D) The Department of Public Health and Environmental Control shall promulgate regulations to administer and enforce the provisions of this section. A cleaning agent held for sale or distribution in violation of this section may be seized by appropriate administrative or law enforcement personnel. The seized cleaning agents are considered forfeited.

(E) A person who knowingly sells, manufactures, or distributes any cleaning agent in violation of the provisions of this section shall receive a written warning from the Department of Public Health and Environmental Control for the first violation. For a subsequent violation, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year. Each unlawful sale constitutes a separate violation.

(F) The provisions of this section may not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2012.

SECTION 164.A. Section 44‑53‑110(11) of the S.C. Code is amended to read:

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

B. Section 44‑53‑160(C) of the S.C. Code is amended to read:

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

C. Section 44‑53‑280(C) and (D) of the S.C. Code is amended to read:

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

(D) All registrations other than class 20‑28, as provided for by the boarddepartment in regulation, expire on April first of each year. The registration of a registrant who fails to renew by April first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

D. Section 44‑53‑290(i) of the S.C. Code is amended to read:

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

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

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

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

E. Section 44‑53‑310(a) of the S.C. Code is amended to read:

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

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

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

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

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

F. Section 44‑53‑320(b) of the S.C. Code is amended to read:

(b) The Departmentdepartment, without an order to show cause, may suspend any registration simultaneously with the institution of proceedings under Section 44‑53‑310, or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. A failure to comply with a standard referred to in Section 44‑53‑290(i) may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. The suspension shall continue in effect until withdrawn by the Boarddepartment or dissolved by a court of competent jurisdiction.

G. Section 44‑53‑360(c) and (g) of the S.C. Code is amended to read:

(c) No controlled substances included in any schedule may be distributed or dispensed for other than a medical purpose. No practitioner may dispense a Schedule II narcotic controlled substance for the purpose of maintaining the addiction of a narcotic dependent person outside of a facility or program approved by the Department of Public Health and Environmental Control. No practitioner may dispense a controlled substance outside of a bona fide practitioner‑patient relationship.

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

H. Section 44‑53‑362(B) of the S.C. Code is amended to read:

(B) The Department of Public Health and Environmental Control shall develop guidance for pharmacies and other entities qualified to register as a collector to encourage participation. The department shall coordinate with law enforcement, health care providers, and the U.S. Drug Enforcement Administration to encourage registration as a collector and to promote public awareness of controlled substance take‑back events and mail‑back programs.

I.Section 44‑53‑375(E)(2)(c) of the S.C. Code is amended to read:

(c) products that the Drug Enforcement Administration and the Department of Public Health and Environmental Control, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors’ salts, isomers, or salts of isomers, or a combination of any of these substances.

J. Section 44‑53‑430 of the S.C. Code is amended to read:

Section 44‑53‑430. Any person may appeal from any order of the Department within thirty days after the filing of the order, to the court of common pleas of the county in which the aggrieved party resides or in which his place of business is located. The Department shall thereupon certify to the court the record in the hearing. The court shall review the record and the regularity and the justification for the order, on the merits, and render judgment thereon as in ordinary appeals in equity. The court may order or permit further testimony on the merits of the case, in its discretion such testimony to be given either before the judge or referee by him appointed. From such judgment of the court an appeal may be taken as in other civil actionsdepartment in accordance with Section 44‑1‑60 and applicable law.

K. Section 44‑53‑480(b) of the S.C. Code is amended to read:

(b) The Department of Public Health and Environmental Control shall be primarily responsible for making accountability audits of the supply and inventory of controlled substances in the possession of pharmacists, doctors, hospitals, health care facilities and other practitioners as well as in the possession of any individuals or institutions authorized to have possession of such substances and shall also be primarily responsible for such other duties in respect to controlled substances as shall be specifically delegated to the Department of Public Health and Environmental Control by the General Assembly. Drug inspectors and special agents of the Department of Public Health and Environmental Control as provided for in Section 44‑53‑490, while in the performance of their duties as prescribed herein, shall have:

(1) statewide police powers;

(2) authority to carry firearms;

(3) authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses;

(4) authority to make investigations to determine whether there has been unlawful dispensing of controlled substances or the removal of such substances from regulated establishments or practitioners into illicit traffic;

(5) authority to seize property; and

(6) authority to make arrests without warrants for offenses committed in their presence.

L. Section 44‑53‑490 of the S.C. Code is amended to read:

Section 44‑53‑490. The Department of Public Health and Environmental Control shall designate persons holding a degree in pharmacy to serve as drug inspectors. Such inspectors shall, from time to time, but no less than once every three years, inspect all practitioners and registrants who manufacture, dispense, or distribute controlled substances, including those persons exempt from registration but who are otherwise permitted to keep controlled substances for specific purposes. The drug inspector shall submit an annual report by the first day of each year to the Departmentdepartment and a copy to the Commission on Alcohol and Drug AbuseDepartment of Alcohol and Other Drug Abuse Services specifying the name of the practitioner or the registrant or such exempt persons inspected, the date of inspection and any other violations of this article.

The Departmentdepartment may employ other persons as agents and assistant inspectors to aid in the enforcement of those duties delegated to the Departmentdepartment by this article.

M.Section 44‑53‑500(b) of the S.C. Code is amended to read:

(b) The Department of Public Health and Environmental Control is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

(1) For the purposes of this article only, “controlled premises” means:

(a) Places where persons registered or exempted from registration requirements under this article are required to keep records, and

(b) Places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this article are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When so authorized by an administrative inspection warrant issued pursuant to this section an officer or employee designated by the Commission on Alcohol and Drug Abuse upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When so authorized by an administrative inspection warrant, an officer or employee designated by the Departmentdepartment may:

(a) Inspect and copy records required by this article to be kept;

(b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (b)(5) of this section, all other things therein including records, files, papers, processes, controls, and facilities bearing on violation of this article; and

(c) Inventory any stock of any controlled substance therein and obtain samples of any such substance.

(4) This section shall not be construed to prevent entries and administrative inspections (including seizures of property) without a warrant:

(a) With the consent of the owner, operator or agent in charge of the controlled premises;

(b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and

(e) In all other situations where a warrant is not constitutionally required.

(5) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:

(a) Financial data;

(b) Sales data other than shipment data;

(c) Pricing data;

(d) Personnel data; or

(e) Research data.

SECTION 165. Section 44‑53‑630(A) of the S.C. Code is amended to read:

(A) There is established in the Department of Public Health and Environmental Control a controlled substances therapeutic research program. The program shall be administered by the director. The program shall distribute to cancer chemotherapy and radiology patients and to glaucoma patients who are certified pursuant to this article marijuana under the terms and conditions of this article for the purpose of alleviating the patient’s discomfort, nausea and other painful side effects of their disease or chemotherapy treatments. The department shall promulgate regulations necessary for the proper administration of this article and in such promulgation, the department shall take into consideration those pertinent regulations promulgated by the Drug Enforcement Agency, U. S. Department of Justice; Food and Drug Administration; the National Institute on Drug Abuse, and the National Institutes of Health.

SECTION 166. Section 44‑53‑710 through 44‑53‑750 of the S.C. Code is amended to read:

Section 44‑53‑710. The South Carolina Department of Public Health and Environmental Control has exclusive control over the controlled substance methadone.

Section 44‑53‑720. Methadone and its salts are restricted to:

(1) use in treatment, maintenance, or detoxification programs as approved by the Department of PublicHealth and Environmental Control, including narcotic treatment programs operating pursuant to Section 40‑43‑72.

(2) dispensing by a hospital for analgesia, pertussis, and detoxification treatment as approved by the Department of Public Health and Environmental Control.

(3) dispensing by a retail pharmacy for analgesia as provided for by R. 61‑4, Section 507.5.

Section 44‑53‑730. No supplier, distributor, or manufacturer may sell or distribute methadone or its salts to an entity for use, except as provided for in Section 44‑53‑720.

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

Section 44‑53‑750. An autopsy shall be performed on any person on a methadone program who dies while enrolled in such program. A report concerning the autopsy shall be filed with the Department of Public Health and Environmental Control. Each person enrolling in such program shall be notified of the autopsy provision as a part of such person’s consent which is required prior to admission to such program.

SECTION 167. Section 44‑53‑930 of the S.C. Code is amended to read:

Section 44‑53‑930. Sales at retail of hypodermic needles or syringes shall be made only by a registered pharmacist or registered assistant pharmacist through a permitted pharmacy as authorized by Section 40‑43‑37040‑69‑270(A), except that syringes and hypodermic needles may be sold by persons lawfully selling veterinary medicines as authorized by item (8) of Section 40‑69‑220 if they register annually with the Department of Public Health and Environmental Control and pay such registration fee as may be required by the Department department and they shall be subject to the provisions of Section 44‑53‑920.

SECTION 168. Section 44‑53‑1320(4) and (13) of the S.C. Code is amended to read:

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

(13) “Lead poisoning” means a blood lead level at an elevation hazardous to health as established by the Department of Public Health and Environmental Control.

SECTION 169.A. Section 44‑53‑1630(4) of the S.C. Code is amended to read:

(4) “Drug control” means the Department of Public Health and Environmental Control, Bureau of Drug Control.

B. Section 44‑53‑1640(A) of the S.C. Code is amended to read:

(A) The Department of Public Health and Environmental Control, Bureau of Drug Control shall establish and maintain a program to monitor the prescribing and dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense these substances in this State and the administering of opioid antidotes pursuant to Sections 44‑130‑60 and 44‑130‑80.

SECTION 170.A. Section 44‑55‑20(1), (2), and (7) of the S.C. Code is amended to read:

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

(2) “Commissioner” means the commissioner of the department or his authorized agentReserved.

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

B. Section 44‑55‑30 of the S.C. Code is amended to read:

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

C. Section 44‑55‑40(G), (K), (L), and (O) of the S.C. Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Section 44‑55‑45 though 44‑55‑70 of the S.C. Code are amended to read:

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

The term of office of members of the Advisory Committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.

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

(B) If the board or department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the board or department is entitled to request a public hearing, which the board or department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the board or department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the board or department may be appealed in accordance with Section 48‑6‑30 and the Administrative Procedures Act to the circuit courtAdministrative Law Court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the board or department within fifteen days after it has affirmed or reevaluated its initial findingsin accordance with Section 48‑6‑30 and the Administrative Procedures Act and copies also must be served on known interested parties.

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

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

(B) In order to eliminate an imminent hazard, the commissionerdirector may, without notice or hearing, issue an emergency order requiring the water system to immediately take such action as is required under the circumstances to protect the public health. A copy of the emergency order must be served by certified mail or other appropriate means. An emergency order issued by the commissionerdirector must be effected immediately and binding until the order is reviewed and modified by the board or modified or rescinded by a court of competent jurisdiction.

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

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

(2) fails to perform required monitoring;

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

(4) is granted an exemption; or

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

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

E. Section 44‑55‑120(C) of the S.C. Code is amended to read:

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

SECTION 171. Section 44‑55‑210 through 44‑55‑290 of the S.C. Code are amended to read:

Section 44‑55‑210. The term “privy” as used in this article shall be understood to include any and all buildings which are not connected with a system of sewage or with septic tanks of such construction and maintenance as are approved by the State Department of Health and Environmental Control Services and which are used for affording privacy in acts of urination or defecation. For the purpose of this article the term “watershed” shall include the entire watershed of all streams, creeks and rivers that have a daily average flow of less than ten million gallons, but for watersheds of streams, creeks or rivers that have a daily average flow of more than ten million gallons, the watershed shall include only such drainage areas as lie within fifteen miles of the waterworks intake.

Section 44‑55‑220. The provisions of this article shall apply to all residences, institutions and establishments and all privies, without regard to their distance from the homes of persons, which are located on the watershed of a public surface water supply.

Section 44‑55‑230. Every privy, located on property occupied by the owner or a tenant or by any person employed by the owner, shall be maintained in a sanitary manner and in accordance with rules and regulations prescribed by the Department of Health and Environmental Control Services and posted in a suitable form inside of the privy by an officer of the Departmentdepartment.

Section 44‑55‑240. The person in charge of a dwelling, office building, establishment or institution shall be responsible for the sanitary maintenance of any privy which is used by his household, guests, customers, pupils, passengers, occupants, employees, workers or other persons.

Section 44‑55‑250. The Department of Health and Environmental ControlServices, through its officers and inspectors, shall exercise such supervision over the sanitary construction and maintenance of privies as may be necessary to enforce the provisions of this article.

Section 44‑55‑260. Duly authorized agents of the Department of Health and Environmental Control Services may enter upon any premises and into any buildings or institutions for the purposes of inspection as provided for or required by State laws or regulations of the Department department pursuant to such laws, but the privacy of no person shall be violated. Any person who wilfully interferes with or obstructs the officers of the Departmentdepartment in the discharge of any of their duties under this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than thirty days.

Section 44‑55‑270. If an officer or an inspector of the Department of Health and Environmental Control Services shall find a privy which is not constructed in accordance with the provisions of this article or not being maintained in a sanitary manner and in accordance with the rules and regulations of the Department department he the officer or inspector shall securely fasten on the privy a notice reading, “Unsanitary, Unlawful To Use.”

Section 44‑55‑275. On the effective date of this section any provision of law or regulation relating to outdoor toilet facilities or privies which would require the destruction or discontinued use of such facilities shall not apply to facilities at campgrounds or parks used exclusively for religious purposes.

Section 44‑55‑280. No person shall remove or deface an official notice fastened on or in a privy by an officer of the Department of Health and Environmental ControlServices.

Section 44‑55‑290. The Department of Health and Environmental Control Services shall designate as its agents local health inspectors of incorporated towns or cities for the enforcement of the terms of this article and the rules and regulations issued pursuant thereto within one mile outside the corporate limits of such town or city. Such local health inspectorsagents shall enforce such rules and regulations as may be issued by the Departmentdepartment under the terms of this article. In counties having health units it shall be the duty of such health units to enforce the rules and regulations of the Department in the territory of such counties lying beyond the distance of one mile from the corporate limits of towns or cities having local health inspectors. Provided, that nothing herein shall affect the Richland County board of health from having concurrent jurisdiction with the designated local health inspectors to implement the rules and regulations within one mile of the boundary of a city or town.

SECTION 172. Section 44‑55‑410 of the S.C. Code is amended to read:

Section 44‑55‑410. In order to protect the public health and environment, all persons engaged in manufacturing in this State and furnishing, by renting and otherwise, directly or indirectly, houses to their employees shall furnish to their employees occupying such houses sewage closets with necessary sewage connections for them.

SECTION 173. Section 44‑55‑420 through 44‑55‑460 of the S.C. Code is amended to read:

Section 44‑55‑420. The construction of the sewage connections and the sanitary closets and the method of keeping such connections and closets in sanitary condition shall be under the supervision and control of the Department of Health and Environmental ControlServices.

Section 44‑55‑430. The Department of Health and Environmental Control Services may make rules and regulations necessary for the enforcement of the provisions of this article.

Section 44‑55‑440. In case a person subject to the provisions of this article shall have installed, prior to June 3, 1951, in his tenement or mill village an adequate sewage system with adequate water closets in compliance with the law as it then existed on the subject, such person shall be exempt from the provisions hereof, except the requirement of maintenance in compliance with the rules and regulations of the Department of Health and Environmental ControlServices.

Section 44‑55‑450. This article shall not apply to sawmills, manufacturing enterprises operating on a temporary basis or manufacturing firms operating under an order of court or in receivership.

Section 44‑55‑460. Any person refusing or neglecting to carry into effect the provisions of this article, to obey the rules and regulations as established by the Department of Health and Environmental Control Services or to obey any order issued by said Department department relative to the provisions of this article shall, upon conviction, be fined in a sum not exceeding one hundred dollars or not less than twenty‑five dollars, and each day of such violation shall constitute a separate offense.

SECTION 174. Sections 44‑55‑610 through 44‑55‑700 of the S.C. Code are amended to read:

Section 44‑55‑610. In each county in this State containing a city having a population of more than seventy thousand according to the official United States census, the construction, installation and use of septic tanks shall be regulated by the provisions of this article and specifications and rules and regulations adopted by the county board of healthDepartment of Environmental Services and shall be approved by the county board of healthDepartment of Environmental Services, whose certificate of approval shall be accepted by all agencies and the courts of this State as evidence of such approval and of installation in compliance with the provisions of this article and of such specifications, rules and regulations.

Section 44‑55‑620. The county board of healthDepartment of Environmental Services of any such county may promulgate specifications, rules and regulations governing septic tanks and their installation which shall accord with approved engineering standards in general and shall contain the following standards and requirements in particular:

(1) No septic tank shall be installed which has a net liquid capacity of less than five hundred gallons;

(2) The length of each tank shall be at least two but not more than three times the width;

(3) The uniform liquid depth of each tank shall be not less than two feet six inches; and

(4) The theoretical detention period of each tank shall be not less than twenty‑four hours based upon the average daily flow.

Section 44‑55‑630. The plans for each septic tank having a capacity of one thousand gallons or more shall have the approval of the county health officerDepartment of Environmental Services before the tank is installed. Each such tank shall have a second or effluent compartment not longer than one third the total length of the tank nor shorter than three feet and shall be equipped with a dosing chamber and siphon if a tile field or filter is used for secondary treatment of the tank effluent.

Section 44‑55‑640. Each septic tank shall be installed so as to receive the approval of the county board of healthDepartment of Environmental Services through a duly authorized agent.

Section 44‑55‑650. All septic tanks shall be constructed of such materials as shall be required by the rules and regulations and specifications promulgated by the county board of healthDepartment of Environmental Services.

Section 44‑55‑660. A grease trap shall be installed on the kitchen waste line preceding the septic tank when the tank serves a boardinghouse, cafe, restaurant, hotel or other public eating place. The grease trap shall have a theoretical detention period of at least thirty minutes.

Section 44‑55‑670. All septic tanks shall have a minimum of one hundred feet of distribution pipe laid and installed in the manner required by the specifications, rules and regulations promulgated by the county board of healthDepartment of Environmental Services.

Section 44‑55‑680. No septic tank effluent shall be discharged into any stream without special approval of the county board of healthDepartment of Environmental Services through a duly authorized agent.

Section 44‑55‑690. The county board of healthDepartment of Environmental Services may permit and approve the installation of temporary septic tanks in the case of unusual, temporary or emergency conditions. Such temporary septic tank shall be constructed and installed in accordance with the specifications, rules and regulations promulgated by the county board of health relating to the use of such tanks, and the board may determine the period of time for which such temporary septic tank may be used.

Section 44‑55‑700. The use, construction or installation of any septic tank in any such county without the prior approval of the county board of healthDepartment of Environmental Services as herein provided for shall be deemed a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars or imprisonment of not less than five days nor more than twenty days, and each day during which such violation shall continue shall constitute a separate offense.

SECTION 175. Section 44‑55‑820 of the S.C. Code is amended to read:

Section 44‑55‑820. No private or public utility, municipality, or electric cooperative supplying power shall connect temporary or permanent power to a new site of any mobile, modular or permanently constructed building or facility until such time as the power supplier is presented with a certificate, license, or permit by the county or municipality when the proposed connection is to be made within the corporate limits thereof authorizing such connection. No such certificate, license, or permit shall be issued by the county or municipality without a permit from the county health departmentDepartment of Environmental Services approving the method of sewage disposal; nor shall such permit, certificate or license be issued until evidence is presented that all other appropriate safety and health regulations, permits, codes and ordinances have been complied with. Such permits, certificates or licenses shall state the location of the approved site. The governing body of each county or municipality shall provide one office to issue evidence that all such requirements have been met by the applicant.

SECTION 176.A. Section 44‑55‑822(A)(1) and (B)(1) of the S.C. Code is amended to read:

(1) The Department of Health and Environmental Control Services may issue a preliminary tract evaluation for tracts of land that may be developed in the future. For purposes of this section, a tract of land is any tract of land that is not yet divided into individual lots for the immediate or future purpose of building development. A preliminary tract evaluation will determine whether a tract of land is conceptually appropriate for the use of onsite wastewater systems. If the proposed subdivision is found to be suitable for onsite waste treatment systems, the department shall issue a preliminary subdivision approval letter.

(1) The Department of Health and Environmental Control Services may issue a preliminary subdivision approval letter for subdivisions where the use of onsite wastewater systems is proposed as the method of sewage treatment and disposal. For purposes of this section, a subdivision is any tract of land divided into five or more lots for the immediate or future purpose of building development where onsite wastewater systems are to be considered except where all of the lots are five acres or larger, regardless of the number of lots.

B. Section 44‑55‑825(C) of the S.C. Code is amended to read:

(C) Onsite wastewater systems must be installed pursuant to construction and operation permits issued by the department pursuant to regulation. Deviation from the installation design and conditions in onsite wastewater permits may be considered by the department to be a violation. Violation of an onsite wastewater system permit installation must be enforced in accordance with the following:

(1) First offense violations may be enforced under Section 44‑1‑15048‑6‑70 or by suspension of the installer’s license by a period not to exceed one year.

(2) Second offense violations may be enforced under Section 44‑1‑15048‑6‑70 or by suspension of the installer’s license by a period not to exceed three years.

(3) Third offense violations may be enforced under Section 44‑1‑15048‑6‑70 or by permanent revocation of the installer’s license.

C. Section 44‑55‑827(C) of the S.C. Code is amended to read:

(C) Nothing in this chapter or regulations promulgated pursuant to this chapter affect the department’s authority, under Section 44‑1‑14048‑6‑60 and regulation, to issue permits for the installation and construction of individual onsite wastewater systems.

D. Section 44‑55‑830 of the S.C. Code is amended to read:

Section 44‑55‑830. The purchaser or owner shall obtain the permit and provide to any person who sells a mobile home a copy of the certificate of health departmentthe Department of Environmental Services’ approval required by Section 44‑55‑820 before placing such mobile home upon the new site for occupancy.

E. Section 44‑55‑860 of the S.C. Code is amended to read:

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

F. Section 44‑55‑2320(1) and (3) of the S.C. Code is amended to read:

(1) “Board” means the Board of Health and Environmental ControlReserved.

(3) “Department” means the Department of Health and Environmental ControlServices.

SECTION 177.A. Section 44‑55‑2360 of the S.C. Code is amended to read:

Section 44‑55‑2360. It is unlawful for a person to fail to comply with the requirements of this article and regulations promulgated by the department including a permit or order issued by the board, director or department.

B. Section 44‑55‑2390(B) and (D) of the S.C. Code is amended to read:

(B) All Type “E” public swimming pools, as defined in Regulation 61‑51, shall submit to the Department of Health and Environmental ControlServices a lifeguard coverage plan. Upon approval by the department, Type “E” public swimming pools shall provide lifeguards in accordance with their approved plan.

(D) Any request for a variance from these provisions must be made in writing and must include a site‑specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Health and Environmental Control Services will consider the variance request and will provide written notice of its decision.

SECTION 178.A. Section 44‑56‑20(1) and (3) of the S.C. Code is amended to read:

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

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

B. Section 44‑56‑30 of the S.C. Code is amended to read:

Section 44‑56‑30. The boarddepartment shall promulgate such regulations, procedures or standards as may be necessary to protect the health and safety of the public, the health of living organisms and the environment from the effects of improper, inadequate, or unsound management of hazardous wastes. Such regulations may prescribe contingency plans; the criteria for the determination of whether any waste or combination of wastes is hazardous; the requirements for the issuance of permits required by this chapter; standards for the transportation, containerization, and labeling of hazardous wastes consistent with those issued by the United States Department of Transportation; operation and maintenance standards; reporting and record keeping requirements; and other appropriate regulations.

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

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

D. Section 44‑56‑100 of the S.C. Code is amended to read:

Section 44‑56‑100. The boarddepartment may issue, modify or revoke any order to prevent any violation of this chapter.

E. Section 44‑56‑130(3) of the S.C. Code is amended to read:

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

F. Section 44‑56‑160(A) of the S.C. Code is amended to read:

(A) The Department of Health and Environmental Control Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44‑56‑170, 44‑56‑215, and 44‑56‑510 and annual appropriations which must be provided by the General Assembly.

G. Section 44‑56‑200(B) of the S.C. Code is amended to read:

(B) The Department of Health and Environmental Control Services is empowered to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Public Law 96‑510), and subsequent amendments to Public Law 96‑510 as of the effective date of the amendments.

H. Section 44‑56‑210 of the S.C. Code is amended to read:

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

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

SECTION 179.A. Section 44‑56‑405 of the S.C. Code is amended to read:

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

B. Section 44‑56‑410(2) of the S.C. Code is amended to read:

(2) “Department” means the Department of Health and Environmental Control Services.

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

(B) The board of the Department of Health and Environmental Control Services shall establish a moratorium on administrative and judicial actions by the department concerning drycleaning facilities and wholesale supply facilities resulting from the release of drycleaning solvent to soil or waters of the State. This moratorium applies only to those sites deemed eligible as defined in Section 44‑56‑470. The boarddepartment may review and determine the appropriateness of the moratorium as needed. The review by the boarddepartment must include, but is not limited to, consideration of these factors:

(1) the solvency of the fund as described in this article;

(2) prioritization of the sites;

(3) public health concerns related to the sites;

(4) eligibility of the sites; and

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

D. Section 44‑56‑495(C) of the S.C. Code is amended to read:

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

SECTION 180. Section 44‑56‑840(A)(6) of the S.C. Code is amended to read:

(6) the Director of the Department of Health and Environmental Control Services or hisa designee;

SECTION 181.A. Section 44‑59‑10(1) of the S.C. Code is amended to read:

(1) “River basins” means that land area designated as the Catawba/Wateree, Yadkin/Pee Dee River Basins by the North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Health and Environmental ControlServices.

B. Section 44‑59‑30 of the S.C. Code is amended to read:

Section 44‑59‑30. (A) The North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Health and Environmental Control Services shall provide staff support and facilities to each commission within the existing programs of the respective agencies.

(B) All agencies of the State of North Carolina and the State of South Carolina shall cooperate with the commissions and, upon request, shall assist each commission in fulfilling its responsibilities. The North Carolina Secretary of Environmental and Natural Resources and the CommissionerDirector of the South Carolina Department of Health and Environmental ControlServices or their designees shall each serve as the liaison between their respective state agencies and each commission.

SECTION 182.A. Section 44‑61‑20(5) and (8) of the S.C. Code is amended to read:

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

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

B. Section 44‑61‑30(A) and (C) of the S.C. Code is amended to read:

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

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

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

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

D. Section 44‑61‑50 of the S.C. Code is amended to read:

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

E. Section 44‑61‑60 of the S.C. Code is amended to read:

Section 44‑61‑60. (A) Such equipment as deemed necessary by the department must be required of organizations applying for ambulance permits. Each licensee of an ambulance shall comply with regulations as may be promulgated by the boarddepartment and shall maintain in each ambulance, when it is in use as such, all equipment as may be prescribed by the boarddepartment.

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

F. Section 44‑61‑70(C) of the S.C. Code is amended to read:

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

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

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

H. Section 44‑61‑130 of the S.C. Code is amended to read:

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

SECTION 183.A. Section 44‑61‑310(3), (4), (5) and (9) of the S.C. Code is amended to read:

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

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

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

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

B. Section 44‑61‑320 of the S.C. Code is amended to read:

Section 44‑61‑320. There is established within the Department of Public Health and Environmental Control, Division of Emergency Medical Services, the Emergency Medical Services and Trauma for Children Program.

C. Section 44‑61‑340(C) of the S.C. Code is amended to read:

(C) Except as otherwise authorized in this section, patient information must not be released except to:

(1) appropriate staff of the Division of Emergency Medical Services and Trauma within the Department of Public Health and Environmental Control, South Carolina Data Oversight Council, and Revenue and Fiscal Affairs Office;

(2) submitting hospitals or their designees;

(3) a person engaged in an approved research project, except that no information identifying a subject of a report or a reporter may be made available to a researcher unless consent is obtained pursuant to this section.

D. Section 44‑61‑350(B) of the S.C. Code is amended to read:

(B) Committee members must be appointed by the boarddepartment.

SECTION 184.A. Section 44‑61‑510(1) of the S.C. Code is amended to read:

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

B. Section 44‑61‑520(A) of the S.C. Code is amended to read:

(A) The Department of Public Health and Environmental Control, with the advice of the Trauma Advisory Council, established pursuant to Section 44‑61‑530, may develop standards and promulgate regulations for the creation and establishment of a State Trauma Care System to promote access to trauma care for all residents of the State.

C. Section 44‑61‑530(A)(6) and (11) of the S.C. Code is amended to read:

(6) the chairmanChairman of the South Carolina Department of Health and Environmental Control'sPublic Health’s Medical Control Committee;

(11) the chairmanChairman of the Emergency Medical Services Advisory Council of the South Carolina Department of Public Health and Environmental Control;

D. Section 44‑61‑540(B) of the S.C. Code is amended to read:

(B) The fund must be a separate and distinct fund for the payment of the Department of Health and Environmental Control'sPublic Health’s expenses in establishing, administering, and overseeing the Trauma Care System. After the payment of the department’s operating expenses from the fund, the department may authorize and allocate the distribution of any remaining funds for any or all of the following purposes:

(1) distribution of financial aid to participating providers using a formula based on criteria and factors identified in regulations promulgated by the department pursuant to this article. All providers receiving funds must be located within this State;

(2) distribution of any remaining funds for grants for proposals related to trauma care in this State which may include, but are not limited to, research, injury prevention, education, and planning and development of related services under this article;

(3) other expenses or providers considered appropriate by the department related to the purposes of this article.

SECTION 185.A. Section 44‑61‑630 of the S.C. Code is amended to read:

Section 44‑61‑630. As used in this article:

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

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

(3) “Joint Commission” means the Joint Commission, formerly known as the Joint Commission on Accreditation of Healthcare Organizations, a not‑for‑profit organization that accredits hospitals and other health care organizations.

B. Section 44‑61‑650(A)(6) of the S.C. Code is amended to read:

(6) a licensed emergency medical services agency representative, upon the recommendation of the South Carolina Emergency Medical Services Advisory Council of the Department of Public Health and Environmental Control;

SECTION 186.A. Section 44‑63‑10 though 44‑63‑30 of the S.C. Code are amended to read:

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

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

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

B. Section 44‑63‑80(C) of the S.C. Code is amended to read:

(C) The Department of Social Services may obtain a birth certificate by requesting the certificate in writing pursuant to the terms of a written agreement that shall be entered into between the Department of Public Health and Environmental Control and the Department of Social Services, and no copies of court orders or other third‑party records shall be required when the Department of Social Services requests a birth certificate pursuant to the written agreement.

C. Section 44‑63‑86 of the S.C. Code is amended to read:

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

D. Section 44‑63‑110 of the S.C. Code is amended to read:

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

E. Section 44‑63‑161(A)(1) of the S.C. Code is amended to read:

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

F. Section 44‑63‑163 of the S.C. Code is amended to read:

Section 44‑63‑163. Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63‑17‑70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Public Health and Environmental Control. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63‑17‑10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.

SECTION 187.A. Section 44‑69‑20(1) and (3) of the S.C. Code is amended to read:

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

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

B. Section 44‑69‑30 of the S.C. Code is amended to read:

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

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

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

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

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

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

C. Section 44‑69‑50 of the S.C. Code is amended to read:

Section 44‑69‑50. Reasonable fees shall be established by the Boarddepartment. Such fees shall be paid into the State Treasury or refunded to the applicant if the license is denied. Governmental home health agencies are exempt from payment of license fees.

SECTION 188. Section 44‑70‑20(1) of the S.C. Code is amended to read:

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

SECTION 189.A. Section 44‑71‑20(1) and (2) of the S.C. Code is amended to read:

(1) “Board” means the South Carolina Board of Health and Environmental ControlReserved.

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

B. Section 44‑71‑70(A) and (D) of the S.C. Code is amended to read:

(A) The department is authorized to issue, deny, suspend, or revoke licenses in accordance with regulations promulgated pursuant to this section. Such regulations must include hearing procedures related to denial, suspension, or revocation of licenses.

(D) Regulations pertaining to the denial, suspension, or revocation of approvals must include hearing procedures related to denial, suspension, or revocation of licensesA department decision denying, suspending, or revoking a license or approval made pursuant to this section may be appealed in accordance with Section 44‑1‑60 and applicable law.

SECTION 190.A. Section 44‑74‑50(A) of the S.C. Code is amended to read:

(A) Any person employing or allowing a person to operate x‑ray machinery without possessing a certificate must be reported to the South Carolina Department of Health and Environmental ControlServices. The South Carolina Department of Health and Environmental Control Services must take appropriate action against the registrant of the x‑ray machinery pursuant to regulations of the South Carolina Department of Health and Environmental ControlServices. Reports of violations can be made to the South Carolina Department of Health and Environmental Control Services by members of the public, licensed health care professionals, hospitals, or the South Carolina Radiation Quality Standards Association. The South Carolina Department of Health and Environmental Control Services must act on these complaints within ninety days. A current copy of the operators’ certificate must be reviewed by the South Carolina Department of Health and Environmental Control Services at the time of inspection. The registrant of the equipment must display the current operators’ certificates in public view.

B. Section 44‑74‑60(B) of the S.C. Code is amended to read:

(B) The board must be composed of thirteen members from the below listed trade associations as follows: one member shall be a representative from the South Carolina Society of Medical Assistants, Incorporated, who is also a certified limited practice radiographer and a certified medical assistant; one member shall be a consumer from the South Carolina Radiation Standards Association; two members shall be radiologic technologists from the South Carolina Society of Radiologic Technologists (SCSRT), one of whom is employed by a hospital and from the South Carolina Health Care Alliance; one member shall be a radiologic technologist educator from the SCSRT; one member shall be a radiologic technologist of nuclear medicine from the South Carolina Society of Nuclear Medicine; one member shall be a radiation therapist from the SCSRT; three members shall be medical doctors, one doctor shall be a licensed family physician from the South Carolina Academy of Family Physicians, one doctor shall be a licensed radiologist from the South Carolina Radiological Society, and one doctor shall be a medical doctor of another specialty from the South Carolina Medical Association; one member shall be a chiropractor from the South Carolina Chiropractic Association; one member shall be a podiatrist from the South Carolina Podiatric Medical Association; and one member shall be a nonvoting representative from the South Carolina Department of Health and Environmental ControlServices, ex officio, and from the Radiological Health Branch.

SECTION 191.A. Section 44‑78‑15(3) of the S.C. Code is amended to read:

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

B. Section 44‑80‑10(3) and (4) of the S.C. Code is amended to read:

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

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

SECTION 192. Section 44‑81‑30(1) of the S.C. Code is amended to read:

(1) “Long‑term care facility” means an intermediate care facility, nursing care facility, or residential care facility subject to regulation and licensure by the State Department of Public Health and Environmental Control (department).

SECTION 193. Section 44‑87‑10(4) of the S.C. Code is amended to read:

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

SECTION 194.A. Section 44‑89‑30(2) and (4) of the S.C. Code is amended to read:

(2) “Board” means the South Carolina Board of Health and Environmental ControlReserved.

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

B. Section 44‑89‑90 of the S.C. Code is amended to read:

Section 44‑89‑90. Any applicant or licensee who is aggrieved with a final decision of the department as a result of the hearing provided for byissued pursuant to Section 44‑85‑8044‑89‑80 may appeal to the appropriate court for judicial review pursuant to the Administrative Procedures Actin accordance with Section 44‑1‑60 and applicable law.

SECTION 195.A. Section 44‑93‑20 (C) and (F) of the S.C. Code is amended to read:

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

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

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

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

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

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

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

SECTION 196.A. Section 44‑96‑40 (9), (24), (29), (51), and (55) of the S.C. Code is amended to read:

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

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

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

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

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

B. Section 44‑96‑60(C)(3) of the S.C. Code is amended to read:

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

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

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

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

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

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

D. Section 44‑96‑100(A) of the S.C. Code is amended to read:

(A) Whenever the department determines that a person is in violation of a regulation promulgated pursuant to this article regarding Sections 44‑96‑160(X) (Used Oil), 44‑96‑170(H) (Waste Tires), or 44‑96‑190(A) (Yard trash, compost), the department may issue an order requiring the person to comply with the regulation or the department may bring civil action for injunctive relief in the appropriate court or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties not to exceed ten thousand dollars, for each day of violation, for violations of the regulations promulgated pursuant to this article regarding Sections 44‑96‑160(X), 44‑96‑170(H), or 44‑96‑190(A). After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department or board of the court of common pleas, pursuant to the Administrative Procedures Act in accordance with Section 48‑6‑30 and applicable law.

E. Section 44‑96‑120(C) of the S.C. Code is amended to read:

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

F. Section 44‑96‑165 of the S.C. Code is amended to read:

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

G. Section 44‑96‑170(N), (P), and (Q) of the S.C. Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the South Carolina Association of Counties;

(3) the South Carolina Association of Regional Councils;

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

(5) tire manufacturers;

(6) the general public;

(7) a public interest environmental organization;

(8) the South Carolina Department of Natural Resources;

(9) the Office of the Governor; and

(10) the South Carolina Municipal Association.

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

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

SECTION 197.A. Section 44‑96‑250(B)(4) of the S.C. Code is amended to read:

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

B. Section 44‑96‑440(C) of the S.C. Code is amended to read:

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

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

(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive relief in the appropriate court, or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for violations of the provisions of this article, including any order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department or board to the court of common pleas in accordance with Section 48‑6‑30 and applicable law.

SECTION 198.A. Section 44‑99‑10(3) of the S.C. Code is amended to read:

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

B. Section 44‑99‑30 of the S.C. Code is amended to read:

Section 44‑99‑30. Notwithstanding any other provision of law, an authorized entity may acquire and stock a supply of epinephrine auto‑injectors pursuant to a prescription issued in accordance with this chapter. Epinephrine auto‑injectors acquired pursuant to this chapter must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto‑injector’s instructions for use, requirements that may be established by the South Carolina Department of Public Health and Environmental Control, and recommendations included as part of an approved training. An authorized entity shall designate employees or agents who have completed the training required by Section 44‑99‑50, to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto‑injectors acquired by the authorized entity.

C. Section 44‑99‑50(A) of the S.C. Code is amended to read:

(A) An employee, agent, or other individual described in Section 44‑99‑30 or 44‑99‑40, before undertaking an act authorized by this chapter, shall complete an anaphylaxis training program and must complete an anaphylaxis training program at least every two years following completion of the initial anaphylaxis training program. The training must be conducted by the South Carolina Department of Public Health and Environmental Control, a licensed medical provider, a nationally recognized organization experienced in training laypersons in emergency health treatment, the manufacturer of an epinephrine auto‑injector, an organization with a training program that has been approved in at least three states, or an entity or individual approved by the department. The department also may approve specific entities or individuals or may approve classes of entities or individuals to conduct training.

SECTION 199. Section 44‑113‑20(3) of the S.C. Code is amended to read:

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

SECTION 200.A. Section 44‑115‑80(A)(3) of the S.C. Code is amended to read:

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

B. Section 44‑115‑130 of the S.C. Code is amended to read:

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

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

SECTION 201. Section 44‑117‑50(d) of the S.C. Code is amended to read:

(d) the authority of the Department of Public Health and Environmental Control to obtain medical records or patient prescription drug information as provided by state and federal law.

SECTION 202. Section 44‑122‑50(E) of the S.C. Code is amended to read:

(E) The Department of Public Health and Environmental Control shall:

(1) provide technical assistance and training to county governments and contractors, as needed, related to adolescent pregnancy prevention issues; and

(2) if a community health assessment has been conducted in a county, share information with county governments, contractors, and program applicants about the nature of the problem, available resources, and potential barriers to the development of teen pregnancy prevention projects and activities.

SECTION 203. Section 44‑125‑20(A) of the S.C. Code is amended to read:

(A) There is established the Osteoporosis Education Fund, separate and distinct from the general fund, in the State Treasury and to be administered by the Department of Public Health and Environmental Control. The purpose of the fund is to promote public awareness, prevention, and treatment of osteoporosis.

SECTION 204.A. Section 44‑128‑20(A) of the S.C. Code is amended to read:

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

B. Section 44‑128‑50(B)(3) of the S.C. Code is amended to read:

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

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

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

(c) three health professionals;

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

and

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

SECTION 205.A. Section 44‑130‑20(3) of the S.C. Code is amended to read:

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

B. Section 44‑130‑70(C) of the S.C. Code is amended to read:

(C)(1) A community distributor acting in good faith may distribute an opioid antidote:

(a) obtained pursuant to a written prescription or standing order issued in accordance with this section; and

(b) pursuant to a written joint protocol issued by the Board of Medical Examiners and the Board of Pharmacy.

(2) Not later than six months after passage of this act, the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a community distributor to distribute an opioid antidote without a patient‑specific written order or prescription to a person at risk of experiencing an opioid‑related overdose or to a caregiver of such a person, and without the requirement for a pharmacist to dispense the opioid antidote.

(3) The Board of Medical Examiners and the Board of Pharmacy must appoint an advisory committee to advise and assist in the development of the joint protocol for their consideration. The membership of the committee must include, but not be limited to, a representative of the Department of Public Health and Environmental Control, a representative of the Department of Alcohol and Other Drug Abuse Services, and health care professionals licensed in the State.

(4) For purposes of this subsection, “caregiver” means a person who is not at risk of an opioid overdose but who, in the judgment of the community distributor, may be in a position to assist another individual during an overdose.

SECTION 206.A. Section 44‑139‑40(A)(1) of the S.C. Code is amended to read:

(1) provided, caused to be provided, or is about to provide or cause to be provided to the practitioner’s employer, the Attorney General of South Carolina, the Department of Public Health and Environmental Control, the South Carolina Board of Medical Examiners, any state agency charged with protecting health care rights of conscience, the U.S. Department of Health and Human Services Office of Civil Rights, or any other federal agency charged with protecting health care rights of conscience information relating to any violation of, or any act or omission the medical practitioner reasonably believes to be a violation of, any provision of this chapter;

B. Section 44‑139‑50(B) of the S.C. Code is amended to read:

(B) The State Human Affairs Commission must investigate reports of alleged violations of this chapter. If the State Human Affairs Commission finds that a respondent has engaged in an unlawful discriminatory practice pursuant to this chapter, the State Human Affairs Commission will assist respondent with appropriate corrective action. If, despite assistance, corrective action is not satisfactory, the State Human Affairs Commission shall consult other public officers as the commission deems proper regarding options to overcome the effects of such violations. At a minimum, the State Human Affairs Commission must provide a copy of its report to:

(1) the Director of the Department of Public Health and Environmental Control, if the respondent is a health care facility;

(2) the Director of the Department of Labor, Licensing and Regulation, if the respondent is a medical practitioner.

SECTION 207.A. Section 45‑4‑30(B) of the S.C. Code is amended to read:

(B) Regulations promulgated by the Department of Public Health and Environmental Control pursuant to Section 44‑1‑140(2) or other provision of law and by the Department of Agriculture pursuant to Section 46‑57‑50(1) or other provision of law regarding food service do not apply to a bed and breakfast providing only the food service identified in subsection (A) of this section. Instead of those regulations, a bed and breakfast must comply with the provisions of Section 45‑4‑40.

B. Section 45‑4‑70 of the S.C. Code is amended to read:

Section 45‑4‑70. If a bed and breakfast has a swimming pool which is available to guests, it must be constructed and operated in accordance with Department of Health and Environmental Control Services standards for residential swimming pools.

SECTION 208.A. Section 46‑1‑130 of the S.C. Code is amended to read:

Section 46‑1‑130. (a) Notwithstanding any other provisions of the law, any person having knowledge of the death of a person who engages in seasonal agricultural work as his primary source of income and does not normally return to his permanent place of residence each night shall, without delay, report the fact of such death to the Department of Public Health and Environmental Control in the county in which the body is located together with any information he may possess respecting the deceased including his identity, place of employment, permanent residence, and the name, address, and telephone number of any relatives. The County Department of Public Health and Environmental Control shall within a reasonable amount of time of receiving such report transmit to the State Department of Public Health and Environmental Control notice of the death of the deceased worker and information pertaining thereto. The State Department of Public Health and Environmental Control shall upon such notification make every effort to inform the nearest relative of such death.

(b) In the event that the identity of the deceased cannot be determined within a reasonable period of time, or in the event that the body of the deceased is unclaimed seven days after death, or in the event that the estate or the relatives are unable to provide for the burial of the deceased, the Department of Public Health and Environmental Control is authorized to allocate a sum of not more than three hundred and fifty dollars for the burial of such worker.

(c) In the event that the estate or the relatives of the deceased are able to provide for the burial but are unable to provide for the transportation of the body of the deceased to his legal residence or the legal residence of the relatives, the Department of Public Health and Environmental Control is authorized to allocate a sum of not more than two hundred dollars to defray the transportation expenses.

(d) The Department of Public Health and Environmental Control is authorized to file a claim with the Social Security Administration for reimbursement of the maximum amount allowable in behalf of the deceased and to use such funds or any assets belonging to the deceased to defray the burial or transportation expenses.

B. Section 46‑1‑140 of the S.C. Code is amended to read:

Section 46‑1‑140. Any irrigation system which is designed or used for the applications of fertilizer, pesticide, or chemicals must be equipped with an anti‑syphon device adequate to protect against contamination of the water supply. The minimum acceptable anti‑syphon device shall include a check valve, vacuum breaker, and low pressure drain on the irrigation supply line between the irrigation pump and the point of injection of fertilizer, pesticide, or chemicals. The vacuum breaker must be upstream from the check valve. The low pressure drain must be upstream from the vacuum breaker. The injection pump must be tied to the irrigation pump either mechanically or electrically so that the injection pump shall stop operating if the irrigation pump fails to function.

Any person who uses an irrigation system for the application of fertilizer, pesticide, or chemicals which is not equipped with an anti‑syphon device as required by this section is subject to a civil penalty of not more than five hundred dollars. Each day’s violation is subject to an additional fine.

The Division of Regulatory and Public Service Programs at Clemson University shall promulgate regulations with the advice of the Department of Health and Environmental Control Services as it considers necessary to implement this section and is also charged with enforcing this section. The provisions of this section do not apply to residential yard use.

SECTION 209. Section 46‑3‑240 of the S.C. Code is amended to read:

Section 46‑3‑240. The Commissioner of Agriculture and all inspectors and chemists employed under Chapter 27 of this Title shall be charged with the enforcement of such regulations relating to food and drugs, in addition to those with which they are expressly charged by law, as the Department of Public Health and Environmental Control may issue under the authority of law. And such inspectors shall also assist in the enforcement of all of the provisions of this chapter.

SECTION 210.A. Section 46‑7‑100 of the S.C. Code is amended to read:

Section 46‑7‑100. Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person having the care of animals must report animals having or suspected of having any disease that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human or animal fatalities or incidents of permanent or long‑term disability. The report must be made by telephone, in writing, or by compatible electronic format within twenty‑four hours to the State Veterinarian and must include as much of the following information as is available: the geographical location of the animal or the exposure, the name and address of any known owner, and the name and address of the reporting individual. The State Veterinarian must report to the Department of Public Health and Environmental Control any incidents which affect public health, or which create a public health emergency, as defined in Section 44‑4‑130. For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44‑4‑130.

B. Section 46‑7‑110 (A) and (B) of the S.C. Code is amended to read:

(A) Clemson University, in conjunction with the Department of Health and Environmental Control Services, shall create a training and certification program for owners or operators of an animal facility as defined in Regulation 61‑43 which must include, but is not limited to, understanding relevant regulations, issues, standards, principles, and practices regarding siting and management of an animal facility and land application of animal waste; controlling vectors, testing for toxic metals, organic materials, and other elements; and implementing emergency procedures and spill prevention protocols.

(B) An operator of an animal facility and waste utilization area must be trained and certified according to South Carolina Department of Health and Environmental Control Services Regulations on the operation of animal waste management under the program created in subsection (A).

SECTION 211. Section 46‑9‑120 of the S.C. Code is amended to read:

Section 46‑9‑120. Every farmer, agriculturalist, county extension agent, agricultural products processor, crop advisor, or other person working in agriculture, or person having responsibility for agricultural production or processing must report agricultural products having or suspected of having any disease or infection from any crop pest whatsoever that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly infectious agents and which might cause serious agricultural threat to the State. The report must be made by telephone, in writing, or by compatible electronic format within twenty‑four hours to the Director, Regulatory and Public Service Programs, Clemson University, and must include as much of the following information as is available: the geographic location of the agricultural product and/or its origin; the name and address of any known owner, the name and address of any known shipper; the name and address of the owner of the point of origin; and the name and address of the reporting individual. The director must report to the Department of Public Health and Environmental Control any incidents which affect public health, or which create a public health emergency, as defined in Section 44‑4‑130. The director must report to the Director of the Department of Environmental Services any incidents related to radiological terrorism. For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44‑4‑130.

SECTION 212.A. Section 46‑13‑110 of the S.C. Code is amended to read:

Section 46‑13‑110. The Director may by regulation require the reporting of significant pesticide accidents or incidents to the Department of Health and Environmental Control Services.

B. Section 46‑13‑150 of the S.C. Code is amended to read:

Section 46‑13‑150. There is created a pesticide advisory committee consisting of five licensed commercial applicators residing in the State, one of whom must be licensed to operate horticultural ground equipment, one must be licensed to operate agricultural ground equipment, one must be licensed to operate aerial equipment, and two must be licensed for structural pest control; one entomologist in public service; one toxicologist in public service; one herbicide specialist in public service; two members from the agrichemical industry, one of whom must be a pesticide dealer; two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; one representative of the South Carolina Department of Natural Resources; one plant pathologist in public service; one representative of the South Carolina State Forestry Commission; one representative of the South Carolina Department of Agriculture; one representative of the South Carolina Department of Health and Environmental Control Services; and two citizens from the State at large. The members must be residents of this State and must be appointed by the Governor on the recommendation of the following organizations:

(1) The South Carolina Aerial Applicators’ Association shall recommend the pesticide applicator licensed to operate aerial equipment.

(2) The South Carolina Pest Control Operator’s Association shall recommend the pesticide applicator licensed to operate horticultural ground equipment and two pesticide applicators licensed for structural pest control.

(3) The Vice President and Vice Provost of Agriculture and Natural Resources of Clemson University shall recommend the herbicide specialist in public service, the entomologist in public service, and the plant pathologist in public service.

(4) The members of the South Carolina Fertilizer and Agrichemical Association shall recommend the member from the agrichemical industry and the pesticide dealer.

(5) The South Carolina Farm Bureau shall recommend the two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides, and the commercial applicator licensed to operate agricultural ground equipment.

(6) The Director of the South Carolina Department of Natural Resources shall recommend the member from the South Carolina Department of Natural Resources.

(7) The State Forester shall recommend the member from the South Carolina State Forestry Commission.

(8) The Commissioner of Agriculture shall recommend the member from the South Carolina Department of Agriculture.

(9) The director Director of the Department of Health and Environmental Control Services shall recommend the member from that department.

(10) The administrator of the Department of Consumer Affairs shall recommend the two citizens at large.

Such members shall be appointed for terms of four years and may be appointed for successive terms; provided, that at the inception of this chapter the pesticide applicator licensed to operate aerial equipment, the entomologist in public service, the herbicide specialist, one of the two producers of agricultural crops, and the representative from the South Carolina Department of Agriculture shall be appointed for two years; the pesticide applicator licensed for structural pest control, one of the two pesticide applicators licensed to operate ground equipment, one of the two producers of agricultural crops, the pesticide dealer representing the South Carolina Pesticide Association, and the plant pathologist in public service shall be appointed for a period of three years; one of the two pesticide applicators licensed to operate ground equipment, the toxicologist in public service, the member of the agrichemical industry representing the South Carolina Pesticide Association, the representative of the South Carolina Department of Natural Resources, the representative from the South Carolina Commission of Forestry and the representative from the Department of Health and Environmental Control Services shall be appointed for a period of four years. All subsequent terms for appointment to such committee shall be for a period of four years.

The appointing organizations shall have the authority to recommend the removal of the appointees prior to the expiration of their term of appointment for cause.

Upon the death, resignation, or removal for cause of any member of the committee, such vacancy shall be filled within thirty days of its creation for the remainder of its term in the manner herein prescribed for appointment to the committee.

The committee shall elect one of its members chairman. The members of the committee shall meet at such time and at such place as shall be specified by the call of the Director, Chairman, or a majority of the committee.

The committee shall advise the Director on any or all problems relating to the use and application of pesticides. This may include pest control problems, environmental or health problems related to pesticide use, and review of needed legislation, regulations and agency programs.

SECTION 213.A. Section 46‑45‑10(5) of the S.C. Code is amended to read:

(5) With the exception of new swine operations and new slaughterhouse operations, in the interest of homeland security and in order to secure the availability, quality, and safety of food produced in South Carolina, it is the intent of the General Assembly that state law and the regulations of the Department of Health and Environmental Control Services pre‑empt preempt the entire field of and constitute a complete and integrated regulatory plan for agricultural facilities and agricultural operations as defined in Section 46‑45‑20, thereby precluding a county from passing an ordinance that is not identical to the state provisions.

B. Section 46‑45‑60 of the S.C. Code is amended to read:

Section 46‑45‑60. (A) Notwithstanding any local law or ordinance, an agricultural operation or facility is considered to be in compliance with the local law or ordinance if the operation or facility would otherwise comply with state law or regulations governing the facility or operation.

With the exception of new swine operations and new slaughterhouse operations, to the extent an ordinance of a unit of local government:

(1) attempts to regulate the licensing or operation of an agricultural facility in any manner that is not identical to the laws of this State and regulations of the Department of Health and Environmental Control Services and amendments thereto;

(2) makes the operation of an agricultural facility or an agricultural operation at an agricultural facility a nuisance or providing for abatement as a nuisance in derogation of this chapter; or

(3) is not identical to state law and regulations governing agricultural operations or agricultural facilities, is null and void. The provisions of this section do not apply whenever a nuisance results from the negligent, illegal, or improper operation of an agricultural facility. The provisions of this section do not apply to an agricultural facility or agricultural operation at an agricultural facility located within the corporate limits of a city.

(B) The provisions of this section shall not preclude any right a county may have to determine whether an agricultural use is a permitted use under the county’s land use and zoning authority; provided, if an agricultural facility or an agricultural operation is a permitted use, or is approved as a use pursuant to any county conditional use, special exception or similar county procedure, county development standards, or other ordinances that are not identical with the laws of this State or the regulations of the Department of Health and Environmental Control Services are null and void to the extent they (a) apply to agricultural operations or facilities otherwise permitted by this chapter, the laws of this State, and the regulations of the Department of Health and Environmental Control Services, and (b) are not identical to this chapter, the laws of this State, and the regulations of the Department of Health and Environmental Control Services.

C. Section 46‑45‑80 of the S.C. Code is amended to read:

Section 46‑45‑80. Any setback distances given in R. 61‑43, Standards for Permitting of Agricultural Animal Facilities, are minimum siting requirements as established by the Department of Health and Environmental Control Services. As long as the established setbacks are achieved, the department may not require additional setback distances. Such distances from property lines or residences may be waived or reduced by written consent of the adjoining property owners. All animal facilities affected by these setback provisions must have an evergreen buffer between the facility and the affected residence as established by DHEC DES unless otherwise agreed to in writing by the adjoining landowners.

SECTION 214. Section 46‑49‑60 of the S.C. Code is amended to read:

Section 46‑49‑60. A distributor shall not engage, either directly or indirectly, in doing business in any market until he has applied for and obtained a license from the department. A store is not required to make application for a license but is considered to be a de facto licensee as required in this chapter. The department may classify licensees and may issue licenses to distributors to produce, receive, process, manufacture, or sell any of the products covered by this chapter in any particular market.

The department may decline to grant a license or may suspend or revoke a license already granted upon due notice and after a hearing before the department whenever the applicant or licensee has violated department regulations issued by the Department of Health and Environmental Control, or any provisions of this chapter.

The department may, in lieu of license suspensions, invoke a penalty of not less than fifty dollars nor more than five thousand dollars. All receipts from the penalties must be paid by the department to the State Treasurer.

SECTION 215. Section 46‑51‑20 of the S.C. Code is amended to read:

Section 46‑51‑20. Within ninety days after the creation of the office the facilitator shall meet with the director of the Department of Health and Environmental Control Services, the director of the South Carolina Department of Natural Resources and the director of the Department of Administration to establish one application form which must be used by all the permitting agencies when a potential aquaculturist is seeking permits, licenses, and certifications to begin an aquaculture operation. The permit facilitator shall recognize the value and integrity of the permitting programs of each of the state’s regulatory agencies listed above and seek to maintain the division of authority.

SECTION 216.A. Section 46‑57‑20(E) and (G) of the S.C. Code is amended to read:

(E) Home‑based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home‑based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home‑based food production operation must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61‑25Home‑based food operations only may sell, or offer to sell, food items directly to a person, including online and by mail order, or to retail stores, including grocery stores. Food produced from a home‑based food production operation shall be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25. Any retail stores, including grocery stores, that sell or offer to sell home‑based food products must post clearly visible signage indicating that home‑based food products are not subject to commercial food regulations.

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

B. Section 46‑57‑20 of the S.C. Code is amended by adding:

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

SECTION 217. Section 46‑57‑50(1), (3), and (4) of the S.C. Code is amended to read:

(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities, and all other places known as private nursing homes or places of similar nature, operated for gain or profit, except that this section does not apply to food services provided at health care facilities or other facilities regulated by the Department of Public Health pursuant to the State Health Facility Licensure Act unless such services are provided to the general public; and

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

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

SECTION 218. Section 47‑1‑80 of the S.C. Code is amended to read:

Section 47‑1‑80. Any agent or officer of the Department of Public Health and Environmental Control or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or of any society duly incorporated for that purpose may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.

SECTION 219. Section 47‑3‑420(A)(1)(i) of the S.C. Code is amended to read:

(i) an animal shelter or governmental animal control agency may obtain sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter or governmental animal control agency must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Public Health and Environmental Control (DHEC) (DPH). If an animal shelter or governmental animal control agency is issued a certificate by the DEA and a registration by DHEC DPH pursuant to this subitem, the animal shelter or governmental animal control agency director or his designee are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter or governmental animal control agency and its certified euthanasia technician are subject to inspection and audit by DHEC DPH and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article;

SECTION 220. Section 47‑4‑150 of the S.C. Code is amended to read:

Section 47‑4‑150. The commission by regulation may establish advisory committees which fairly reflect the particular portion of the industry being regulated as well as other concerned groups or agencies. The members of these committees serve at the pleasure of the commission. In nominating the members of the advisory committees the director shall consult with officials of representative trade associations, the Administrator of the South Carolina Department of Consumer Affairs, the Commissioner of Agriculture, and the Commissioner Director of the South Carolina Department of Health and Environmental Control Services. The committee members serve at no cost to the State.

SECTION 221. Section 47‑5‑20(2) of the S.C. Code is amended to read:

(2) “Department” means the South Carolina Department of Public Health and Environmental Control, including county health departments.

SECTION 222. Section 47‑9‑60 of the S.C. Code is amended to read:

Section 47‑9‑60. Notwithstanding any other provision of law, only property owners and residents within a two‑mile radius of a permitted livestock or poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control Services pertaining to the facility.

SECTION 223.A. Section 47‑17‑40(b) of the S.C. Code is amended to read:

(b) The Director shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

The Director shall immediately notify the South Carolina Department of Health and Environmental Control Agriculture of the name and address of any establishment for which the Director shall refuse to render veterinary inspection service.

B. Section 47‑17‑120(D) of the S.C. Code is amended to read:

(D) The commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47‑4‑130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of Health and Environmental Control Agriculture of action upon a permit.

C. Section 47‑17‑130 of the S.C. Code is amended to read:

Section 47‑17‑130. The Director shall promulgate such rules and regulations and appoint such veterinarians and other qualified personnel as are necessary to carry out the purposes or provisions of this article. Such rules and regulations shall be in conformity with the rules and regulations under the Federal Meat Inspection Act and the South Carolina Department of Health and Environmental Control Agriculture as now in effect and with subsequent amendments thereof unless they are considered by the Director as not to be in accord with the objectives of this article.

D. Section 47‑17‑140 (b) and (c) of the S.C. Code is amended to read:

(b) The Director shall cooperate with the South Carolina Department of Health and Environmental Control Agriculture and may cooperate with the Federal Government in carrying out the provisions of this article or the Federal Meat Inspection Act.

(c) The provisions of this article shall be applied in such a manner as to maintain the support and cooperation of all State and local agencies dealing with animals, animal diseases and human diseases, and in no way shall this article restrict the authority given to the Department of Public Health and Environmental Control, the State Department of Agriculture or any other agency under the General Statutes of South Carolina.

SECTION 224. Section 47‑17‑320 of the S.C. Code is amended to read:

Section 47‑17‑320. The Department of Health and Environmental ControlAgriculture is charged with the enforcement of the provisions of this article. All meat found by the Department of Health and Environmental ControlAgriculture which is landed within the boundaries of the State and does not comply with the provisions of this article shall be confiscated and destroyed.

SECTION 225. Section 47‑19‑35(D) of the S.C. Code is amended to read:

(D) The commission, for cause, may refuse to grant a permit, may suspend, revoke, or modify the permit, or may assess a civil penalty in accordance with Section 47‑4‑130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of Health and Environmental ControlAgriculture of permit actions.

SECTION 226. Section 47‑20‑165(A) of the S.C. Code is amended to read:

(A) In addition to any regulations authorized to be promulgated pursuant to this chapter, the Department of Health and Environmental Control Services shall promulgate regulations regarding confined swine feeding operations which are separate and distinct from the regulations promulgated pursuant to this chapter.

SECTION 227.A. Section 48‑1‑10(9) of the S.C. Code is amended to read:

(9) “Department” means the Department of Health and Environmental ControlServices;

B. Section 48‑1‑20 of the S.C. Code is amended to read:

Section 48‑1‑20. It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of Health and Environmental Control Services shall have authority to abate, control and prevent pollution.

C. Section 48‑1‑55 of the S.C. Code is amended to read:

Section 48‑1‑55. On any navigable river in this State where an oyster factory is located, the Department of Health and Environmental Control Services may utilize qualified personnel of the county or municipality in whose jurisdiction the factory operates to assist with the monitoring of water quality and other environmental standards the department is required to enforce. The assistance may be provided at the request of the department and upon the consent of the county or municipality concerned.

D. Section 48‑1‑85(C) and (D) of the S.C. Code is amended to read:

(C) When an owner of a houseboat having a marine toilet applies to the Department of Natural ResourcesEnvironmental Services for a certificate of title pursuant to Section 50‑23‑20, he shall certify in the application that the toilet discharges only into a holding tank.

(D) Houseboat holding tanks may be emptied only by a pump‑out system permitted by the South Carolina Department of Health and Environmental ControlServices.

E. Section 48‑1‑95(A)(4) of the S.C. Code is amended to read:

(4) “Department” means the Department of Health and Environmental ControlServices.

F. Section 48‑1‑100(B) and (C) of the S.C. Code is amended to read:

(B) The Department of Health and Environmental Control Services is the agency of state government having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop and enforce standards as may be necessary governing emissions or discharges into the air, streams, lakes, or coastal waters of the State, including waste water discharges.

(C) The Department of Health and Environmental Control Services is the agency of state government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual or privately‑ownedprivately owned systems for the disposal of offal and human or animal wastes.

G. Section 48‑1‑110(b) of the S.C. Code is amended to read:

(b) The director Director of Health and Environmental Control Services shall classify all public wastewater treatment plants, giving due regard to size, types of work, character, and volume of waste to be treated, and the use and nature of the water resources receiving the plant effluent. Plants may be classified in a group higher than indicated at the discretion of the classifying officer by reason of the incorporation in the plant of complex features which cause the plant to be more difficult to operate than usual or by reason of a waste unusually difficult to treat, or by reason of conditions of flow or use of the receiving waters requiring an unusually high degree of plant operation control or for combinations of such conditions or circumstances. The classification is based on the following groups:

(1) For biological wastewater treatment plants: Group I‑B. All wastewater treatment plants which include one or more of the following units: primary settling, chlorination, sludge removal, imhoff tanks, sand filters, sludge drying beds, land spraying, grinding, screening, oxidation, and stabilization ponds. Group II‑B. All wastewater treatment plants which include one or more of the units listed in Group I‑B and, in addition, one or more of the following units: sludge digestion, aerated lagoon, and sludge thickeners. Group III‑B. All wastewater treatment plants which include one or more of the units listed in Groups I‑B and II‑B and, in addition, one or more of the following: trickling filters, secondary settling, chemical treatment, vacuum filters, sludge elutriation, sludge incinerator, wet oxidation process, contact aeration, and activated sludge (either conventional, modified, or high rate processes). Group IV‑B. All wastewater treatment plants which include one or more of the units listed in Groups I‑B, II‑B, and III‑B and, in addition, treat waste having a raw five‑day biochemical oxygen demand of five thousand pounds a day or more.

(2) Effective July 1, 1987, for physical‑chemical wastewater treatment plants: Group I‑P/C. All wastewater treatment plants which include one or more of the following units: primary settling, equalization, pH control, and oil skimming. Group II‑P/C. All wastewater treatment plants which include one or more of the units listed in Group I‑P/C and, in addition, one or more of the following units: sludge storage, dissolved air flotation, and clarification. Group III‑P/C. All wastewater treatment plants which include one or more of the units listed in Groups I‑P/C and II‑P/C and, in addition, one or more of the following: oxidation/reduction reactions, cyanide destruction, metals precipitation, sludge dewatering, and air stripping. Group IV‑P/C. All wastewater treatment plants which include one or more of the units listed in Groups I‑P/C, II‑P/C, and III‑P/C and, in addition, one or more of the following: membrane technology, ion exchange, tertiary chemicals, and electrochemistry.

H. Section 48‑1‑280 of the S.C. Code is amended to read:

Section 48‑1‑280. Nothing herein contained shall be construed to postpone, stay or abrogate the enforcement of the provisions of the public health laws of this State and rules and regulations promulgated hereunder in respect to discharges causing actual or potential hazards to public health nor to prevent the Department of Public Health and Environmental Control from exercising its right to prevent or abate nuisances.

SECTION 228.A. Section 48‑2‑20(2) of the S.C. Code is amended to read:

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

B. Section 48‑2‑60 of the S.C. Code is amended to read:

Section 48‑2‑60. A person required to pay the fees set forth in this article who disagrees with the calculation or applicability of the fee may petition the department for a hearing by submitting a petition setting forth the fee which is challenged, the grounds on which relief is sought, and the total amount of the fee duerequest a contested case hearing before the Administrative Law Court in accordance with Section 48‑6‑30 and the Administrative Procedures Act. The petition and the fee must be received by the department no later than thirty days after the due date. The hearing must be conducted in accordance with contested case provisions set forth in the Administrative Procedures Act and department regulations. If it is finally determined that the amount in dispute was improperly assessed, the department shall return the amount determined to be improperly assessed with interest not to exceed the statutory rate.

C. Section 48‑2‑70 of the S.C. Code is amended to read:

Section 48‑2‑70. Under each program for which a permit processing fee is established pursuant to this article, the promulgating authority also shall establish by regulation a schedule for timely action by the Department of Health and Environmental Control Services on permit applications under that program. These schedules shall contain criteria for determining in a timely manner when an application is complete and the maximum length of time necessary and appropriate for a thorough and prompt review of each category of permit applications and shall take into account the nature and complexity of permit application review required by the act under which the permit is sought. If the department fails to grant or deny the permit within the time frame established by regulation, the department shall refund the permit processing fee to the permit applicant.

D. Section 48‑2‑80 of the S.C. Code is amended to read:

Section 48‑2‑80. Fees collected pursuant to Section 48‑2‑50 do not supplant or reduce in any way the general fund appropriation to the department from the state or federal program; and the total amount of fees authorized by this article collected in any fiscal year, may not exceed thirty‑three and one‑third percent of the “Total Funds” appropriated to the Office of Environmental Quality ControlDepartment of Environmental Services in the annual appropriations act.

SECTION 229. Sections 48‑2‑320 through 48‑2‑340 of the S.C. Code are amended to read:

Section 48‑2‑320. As used in this article:

(1) “Commissioner””Director” means the Commissioner Director of the Department of Health and Environmental ControlServices.

(2) “Department” means the Department of Health and Environmental ControlServices.

(3) “Environmental Emergency” means a situation, to be determined by the commissionerdirector, that constitutes an immediate threat to the environment or public health, or both, and providing immediate, but temporary relief to the situation may require the expenditure of funds to effect a solution, provide temporary relief, or retain the services of appropriate technical personnel or contractors.

(4) “Fund” means the “Environmental Emergency Fund” established pursuant to this article.

(5) “Responsible party” means a person determined to be legally responsible for any environmental pollution or threat to public health which requires expenditures from the fund.

Section 48‑2‑330. (A) There is created within the Department of Health and Environmental Control Services a restricted account to be known as the Environmental Emergency Fund.

(B) The fund must be financed through the collection and deposit of fines and penalties levied by the department. However, a fine or penalty collected under any statute which provides explicitly for distribution of the fine or penalty, other than to the general fund including, but not limited to, those penalties distributed to the counties pursuant to Section 48‑1‑350, must not be deposited in the fund.

(C) Fines and penalties must be credited to the fund until the fund reaches two hundred fifty thousand dollars, at which time all subsequent fines and penalties must be deposited to the general fund or as otherwise prescribed by law. At no time shall the balance in the fund exceed two hundred fifty thousand dollars, and no more than two hundred fifty thousand dollars may be deposited to the fund in any fiscal year.

(D) Interest accruing to the fund must be remitted to the general fund of the State.

Section 48‑2‑340. (A) The department, through the commissioner director or the commissioner's director’s designee, shall certify that funding for a specific emergency was necessary to protect the environment or public health, or both. Annually, the department shall prepare an independent accounting of all revenue in the fund. The report must be submitted to the chairman of the Board of the Department of Health and Environmental Control and must be made available to the public upon request.

(B) Nothing in this section precludes the department from seeking appropriate enforcement action, including civil penalties and recovery of costs expended from the fund, against a party determined to be responsible for the environmental emergency. Costs recovered pursuant to an enforcement action must be deposited in the fund in accordance with the limitation prescribed in Section 48‑2‑330.

SECTION 230.A. Section 48‑3‑10(6) of the S.C. Code is amended to read:

(6) “Department” shall mean the Department of Health and Environmental Control Services of South Carolina.

B. Section 48‑3‑140(A)(2) of the S.C. Code is amended to read:

(2) a statement setting forth the action taken by the Department of Health and Environmental Control Services in connection with the pollution control facilities;

SECTION 231. Section 48‑5‑20(6) of the S.C. Code is amended to read:

(6) “Department” means the South Carolina Department of Health and Environmental ControlServices.

SECTION 232.A. Section 48‑6‑50 of the S.C. Code is amended to read:

Section 48‑6‑50. All rules and regulations promulgated by the department shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgationmust be promulgated in compliance with the Administrative Procedures Act.

B. Section 48‑6‑60(A) of the S.C. Code is amended to read:

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

(1) the classification of waters;

(2) the control of disease‑bearing insects, including the impounding of waters;

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

(4)(3) the use of water in air humidifiers;

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

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

(6) the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans; and

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

SECTION 233.A. Section 48‑18‑20(8) and (11) of the S.C. Code is amended to read:

(8) “Department” means the South Carolina Department of Health and Environmental ControlServices.

(11) “Board” means the board of the department.

B. Section 48‑18‑50(1) of the S.C. Code is amended to read:

(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:

South Carolina Association of Counties

South Carolina Municipal Association

South Carolina Association of Conservation Districts

South Carolina Home Builders Association

Associated General Contractors, Inc.

South Carolina Association of Realtors

South Carolina Chapter, American Society of Landscape Architects

South Carolina Chapter, American Society of Civil Engineers

Council of Governments Executive Director’s Committee

South Carolina Farm Bureau

South Carolina State Grange

Office of the Governor

USDA‑Soil Conservation Service

Clemson University

South Carolina Department of Health and Environmental ControlServices

South Carolina Forestry Commission

South Carolina Forestry Association

South Carolina Chapter

American Institute of Architects

SECTION 234.A. Section 48‑20‑30 of the S.C. Code is amended to read:

Section 48‑20‑30. The South Carolina Department of Health and Environmental Control Services is responsible for administering the provisions and requirements of this chapter. This includes the process and issuance of mining permits, review and approval of reclamation plans, collection of reclamation performance bonds, conduct of environmental appraisals, technical assistance to mine operators and the public, implementation of research and demonstration projects, and inspections of all mining operations and reclamation as set forth in this chapter. Proper execution of these responsibilities may necessitate that the department seek comment from other relevant state agencies regarding matters within their respective areas of statutory responsibility or primary interests. The department has ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this chapter, and the provisions of this chapter regulating and controlling such activity.

B. Section 48‑20‑40(3) of the S.C. Code is amended to read:

(3) “Department” means the South Carolina Department of Health and Environmental ControlServices. Whenever in this chapter the department is assigned duties, they may be performed by the director or by subordinates as he designates.

C. Section 48‑20‑70(3) of the S.C. Code is amended to read:

(3) the operation will violate standards of air quality, surface water quality, or groundwater quality which have been promulgated by the South Carolina Department of Health and Environmental ControlServices;

SECTION 235. Section 48‑21‑20(b) and (c) of the S.C. Code is amended to read:

(b) The council shall be composed of eleven members. One member shall be the State Geologist and one member shall be the Secretary of Commerce or his designee. Three members, appointed by the Governor, shall be representatives of mining industries; three members, appointed by the Governor, shall be representatives of nongovernmental conservation interests; two members, appointed by the Governor, shall be representatives of the Department of Health and Environmental ControlServices who shall be knowledgeable in the principles of water and air resources management; and one member, appointed by the Governor, shall be his official representative to the Interstate Mining Compact Commission. Any public official appointed to the council shall serve ex officio. The term of office for the Secretary of Commerce or his designee and the Governor’s official representative to the Interstate Mining Compact Commission shall be coterminous with that of the Governor. Of the remaining eight members appointed by the Governor, six shall be appointed for terms of six years, two shall be appointed for terms of two years and beginning July 1, 1976, the term of office for all new appointments and reappointments to these eight positions shall be for four years. The term of each member of the council shall expire on June thirtieth of the year in which his term expires. Any vacancy occurring on the council by death, resignation, or otherwise shall be filled for the unexpired term of the person creating the vacancy by the Governor.

(c) In accordance with Article V (i) of the compact, the commission shall file copies of its bylaws and any amendments thereto with the Director of the Department of Health and Environmental ControlServices.

SECTION 236. Section 48‑34‑40(B)(3) of the S.C. Code is amended to read:

(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to the South Carolina Smoke Management Guidelines, Chapters 1 and 35, Title 48, and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters and the South Carolina Smoke Management Guidelines are exempt from the open fire prohibition pursuant to R. 61‑62.2 and are acceptable to the Department of Health and Environmental Control Services if the fire is for:

(a) burning forest lands for specific management practices;

(b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes;

(c) open burning of trees, brush, grass, and other vegetable matter for game management purposes;

SECTION 237.A. Section 48‑39‑10(C), (D), (V), and (W) of the S.C. Code is amended to read:

(C) “Division” means the Coastal Division of Coastal Management of the South Carolina Department of Health and Environmental ControlServices.

(D) “CDPS” means Coastal Division Permitting Staff “DCMPS” means the Division of Coastal Management permitting staff.

(V) “Department” means the South Carolina Department of Health and Environmental ControlServices.

(W) “Board” means the board of the department“Director” means the Director of the Department of Environmental Services.

B. Section 48‑39‑35 of the S.C. Code is amended to read:

Section 48‑39‑35. The Coastal Division of the Department of Health and Environmental Control iswas created July 1, 1994. The Division of Coastal Management is transferred to the Department of Environmental Services effective July 1, 2024.

C. Section 48‑39‑45(A)(1) and (D)(1) of the S.C. Code is amended to read:

(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fifteen members, which shall act as an advisory council to the department’s Office of Ocean and Coastal Resources ManagementDivision of Coastal Management.

(1) The council shall provide advice and counsel to the staff of the Office of Ocean and Coastal Resources ManagementDivision of Coastal Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council’s attention.

D. Section 48‑39‑50(A), (S), and (V) of the S.C. Code is amended to read:

Section 48‑39‑50. The South Carolina Department of Health and Environmental Control Services shall have the following powers and duties:

(A) To employ the CDPSDCMPS consisting of, but not limited to, the following professional members: An administrator and other staff members to include those having expertise in biology, civil and hydrological engineering, planning, environmental engineering and environmental law.

(S) To monitor, in coordination with the South Carolina Department of Natural Resources, the waters of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately report such spill to the South Carolina Department of Health and Environmental ControlServices, the United States Coast Guard and Environmental Protection Agency. This in no way negates the responsibility of the spiller to report a spill.

(V) To delegate any of its powers and duties to the CDPSDCMPS.

E. Section 48‑39‑250(4) of the S.C. Code is amended to read:

(4) Chapter 39 of Title 48, Coastal Tidelands and Wetlands, prior to 1988, did not provide adequate jurisdiction to the South Carolina Coastal Council Division of Coastal Management to enable it to effectively protect the integrity of the beach/dune system. Consequently, without adequate controls, development unwisely has been sited too close to the system. This type of development has jeopardized the stability of the beach/dune system, accelerated erosion, and endangered adjacent property. It is in both the public and private interests to protect the system from this unwise development.

F. Section 48‑39‑270(3) of the S.C. Code is amended to read:

(3) “Department” means the Department of Health and Environmental ControlServices.

G. Section 48‑39‑280(F) of the S.C. Code is amended to read:

(F)(1) A landowner claiming ownership of property adversely affected by the establishment of a baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line. Alternatively, the municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. A review is initiated by filing a request for a review conference with the department boardDivision of Coastal Management via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred‑dollar‑review fee per property.

(2) The initial decision to establish a baseline or setback line must be a department staff decision.

(3) No later than sixty calendar days after the receipt of a request for review, the board must:

(a) decline to schedule a review conference in writing; or

(b) conduct a review conference in accordance with the provisions of item (4).

(4) A review conference may be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. The board shall set the place, date, and time for the conference; give twenty calendar days' written notice of the conference; and advise the landowner or the county, municipality, or organization acting on behalf of the landowner that evidence may be presented at the conference. The review conference must be held as follows:

(a) Review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the landowner or the county, municipality, or organization acting on behalf of the landowner. During the course of the review conference, the staff must explain the staff decision and the materials relied upon to support its decision. The landowner or the county, municipality, or organization acting on behalf of the landowner shall state the reasons for contesting the staff decision and may provide evidence to support amending the staff decision. The staff may rebut information and arguments presented by the landowner or the county, municipality, or organization acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting on behalf of the landowner may rebut information and arguments presented by the staff. Any review conference officer may request additional information and may question the landowner or the county, municipality, or organization acting on behalf of the landowner and the staff.

(b) After the review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue, based upon the evidence presented, a written decision to the landowner or the county, municipality, or organization acting on behalf of the landowner via certified mail no later than thirty calendar days after the date of the review conference. The written decision must explain the basis for the decision and inform the landowner or the county, municipality, or organization acting on behalf of the landowner of the right to request a contested case hearing before the Administrative Law Court.

(5)(2) The landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after:

(a) written notice is received by the landowner or the county, municipality, or organization acting on behalf of the landowner that the board declines to hold a review conference;

(b) the sixty‑calendar‑day deadline to hold the review conference has lapsed and no conference has been held; or

(c) the final agency decision resulting from the review conference is received by the landowner or the county, municipality, or organization acting on behalf of the landowner.”the Division of Coastal Management issues the final agency decision resulting from the review.

H. Section 48‑39‑290(D)(2) and (3) of the S.C. Code is amended to read:

(2) The department's Permitting Committee Coastal Divisiondepartment’s Division of Coastal Management shall consider applications for special permits.

(3) In granting a special permit, the committee division may impose reasonable additional conditions and safeguards as, in its judgment, will fulfill the purposes of Sections 48‑39‑250 through 48‑39‑360.

I. Section 48‑39‑320(C) of the S.C. Code is amended to read:

(C) Notwithstanding any other provision of law contained in this chapter, the board, or the Office of Ocean and Coastal ResourceDivision of Coastal Management, may allow the use in a pilot project of any technology, methodology, or structure, whether or not referenced in this chapter, if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area. If success is demonstrated, the board, or the Office of Ocean and Coastal ResourceDivision of Coastal Management, may allow the continued use of the technology, methodology, or structure used in the pilot project location and additional locations.

J. Section 48‑39‑345 of the S.C. Code is amended to read:

Section 48‑39‑345. Any funds reimbursed to nonfederal project sponsors under the terms of a Local Cooperative Agreement (LCA) with the Army Corps of Engineers for a federally cost‑shared beach renourishment project, where the reimbursement is for credit to the nonfederal sponsor for federally approved effort and expenditures toward the nonfederal project sponsor obligations detailed in the LCA and where the State has provided funding to the nonfederal sponsor to meet the financial cost‑sharing responsibilities under the LCA, must be refunded by the nonfederal sponsor to the State with the State and the nonfederal sponsor sharing in this reimbursement in the same ratio as each contributed to the total nonfederal match specified in the LCA. The Coastal Division of Coastal Management of the South Carolina Department of Health and Environmental Control Services shall administer these funds and make these funds available to other beach renourishment projects.

SECTION 238.A. Section 48‑40‑20(2) of the S.C. Code is amended to read:

(2) “Office” means the Office of Ocean and Coastal Resource Management of the Department of Health and Environment Control“Division” means the Division of Coastal Management of the Department of Environmental Services.

B. Section 48‑40‑40(B) of the S.C. Code is amended to read:

(B) The trust fund must be administered by the Office of Ocean and Coastal ResourceDivision of Coastal Management of the Department of Health and Environmental Control Services pursuant to this chapter and its regulations governing application, review, ranking, and approval procedures for grants.

C. Section 48‑40‑50(E), (F), and (G) of the S.C. Code is amended to read:

(E) An application for trust fund monies for a public beach restoration or maintenance project or project to improve and enhance public beach access may be accepted by the officedivision only from a municipal or county government with a Local Beach Management Plan approved by the officedivision.

(F) An application pursuant to this section for matching funds for a public beach renourishment project may be accepted and ranked by the officedivision only if the project first has been fully permitted and approved as otherwise provided by law.

(G) Allocations of trust fund monies may be made to approved public beach restoration or maintenance projects or projects for improvement and enhancement of public beach access only through properly executed written agreements between the officedivision and all the municipal and county project sponsors. All the trust fund monies and the nonstate matching funds required for financing the projects must be deposited in an escrow account within five business days of the execution of the agreement and receipt of the monies from the trust fund. The officedivision must be given quarterly financial status reports of this account and annual and final audit reports throughout the project’s duration and at completion.

D. Section 48‑40‑60(B) of the S.C. Code is amended to read:

(B) This emergency reserve fund must be administered by the officedivision in consultation with the State Emergency Management Division and impacted municipal, county, and federal officials.

E. Section 48‑40‑70(A) and (E) of the S.C. Code is amended to read:

(A) The accumulated data from annual monitoring and evaluation of erosion rates and hazard areas for all beach areas as required of the officedivision in Sections 48‑39‑280, 48‑39‑320, and 48‑39‑330 must be analyzed and used in the determination of priorities of need for storm damage reduction, property protection, recreational beach restoration, and public notification of erosion and hazardous conditions.

(E) The officedivision and local governments must use the annual analysis to document beach restoration needs and for restoration project design.

SECTION 239.A. Section 48‑43‑10(B), (W), and (X) of the S.C. Code is amended to read:

(B) “Department” means the South Carolina Department of Health and Environmental ControlServices.

(W) “Sanitary landfill” means a solid waste disposal facility regulated by the Department of Health and Environmental ControlServices.

(X) “Board” means board of the department.

B. Section 48‑43‑30(B)(5) and (6) of the S.C. Code is amended to read:

(5) To promulgate, after hearing and notice as hereinafter provided, such rules and regulations, and issue such orders reasonably necessary to prevent waste and oil discharges from drilling and production platforms, pipelines, gathering systems, processing facilities, storage facilities, refineries, port facilities, tankers and other facilities and vessels that may be a source of oil spills and to protect correlative rights, to govern the practice and procedure before the boarddepartment and to fulfill its duties and the purposes of this chapter.

(6) To regulate the exploration, drilling, production, and transportation of methane gas in and related to sanitary landfills. The department is authorized to exercise discretion in regulating such activities and may impose any requirement of this chapter as is necessary, in the opinion of the department, to prevent waste of oil and gas, to protect correlative rights and to prevent pollution of the water, air, and land by oil and gas. The department is further authorized to require any person applying for a drilling permit or otherwise producing methane gas in a sanitary landfill to comply with one of the following requirements for financial responsibility in an amount deemed sufficient by the department in its discretion in order to achieve the purpose specified in Section 48‑43‑30(A)(1):

(i) furnish a bond consistent with the requirements of Section 48‑43‑30(B)(1)(e); or

(ii) furnish proof of insurance with the State of South Carolina as beneficiary. Before the issuance of drilling permits for methane gas recovery from sanitary landfills, the department must certify that the proposed activity is consistent with the Department of Health and Environmental Control Services’ regulations governing the operation, monitoring, and maintenance of the landfills and applicable permit conditions.

C. Section 48‑43‑40(D) of the S.C. Code is amended to read:

(D) All rules, regulations and orders made by the Department of Health and Environmental Control Services shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, and shall be public records open for inspection at all times during office hours. In addition, all rules and regulations shall be filed with the Secretary of State. A copy of any rule, regulation or order, certified by any member of the department or the department, under its seal, shall be received in evidence in all courts of this State with the same effect as the original.

D. Section 48‑43‑50 of the S.C. Code is amended to read:

Section 48‑43‑50. (A) The board or an Administrative Law Judge Court shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation.

(B) Upon failure or refusal on the part of any person to comply with a subpoena issued by the board pursuant to this section, or upon the refusal of any witness to testify as to any matter regarding which he may be interrogated and which is pertinent to the hearing or investigation, any circuit court in the State, upon the application of the board, may issue an order to compel such person to comply with such subpoena, and to attend before the board and produce such records, books and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

E. Section 48‑43‑60 of the S.C. Code is amended to read:

Section 48‑43‑60. Any person, who is aggrieved and has a direct interest in the subject matter of any final order issued by the boarddepartment, may appeal such order to the circuit courtin accordance with Section 48‑6‑30 and applicable law.

F. Section 48‑43‑100 of the S.C. Code is amended to read:

Section 48‑43‑100. All rules and regulations adopted by the Department of Health and Environmental ControlServices, as provided for in this chapter, must be approved by the General Assembly before they shall be effective; provided, however, no regulation approved by the General Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute, rule or regulation of the Federal Governmentfederal government or any department or agency thereof.

G. Section 48‑43‑390(A) of the S.C. Code is amended to read:

(A) The South Carolina State Fiscal Accountability Authority, upon review by the Joint Bond Review Committee as necessary, hereinafter referred to as the authority, is hereby designated as the State Agency with the authority, responsibility and power to lease all State lands to persons for the purpose of drilling for and producing oil and gas. The Department of Health and Environmental Control Services is hereby designated as the exclusive agent for the authority in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included herein as responsibilities of the authority.

H. Section 48‑43‑510(1) and (13) of the S.C. Code is amended to read:

(1) “Department” means the Department of Health and Environmental ControlServices.

(13) “Board” means the Department of Health and Environmental ControlReserved.

I. Section 48‑43‑520(4) of the S.C. Code is amended to read:

(4) The General Assembly intends by the enactment of this article to exercise the police power of the State by conferring upon the Department of Health and Environmental Control Services power to:

(a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) Require the prompt containment and removal of pollution occasioned thereby; and.

J. Section 48‑43‑570(a) of the S.C. Code is amended to read:

(a) The Department of Transportation, the Department of Natural Resources, and any other agency of this State, shall cooperate with and lend assistance to the Department of Health and Environmental Control Services by assigning, upon request, personnel, equipment and material to be utilized in any project or activity related to the containment, collection, dispersal or removal of oil discharged upon the land or into the waters of this State.

SECTION 240.A. Section 48‑46‑30(7), (10), (19), and (22) of the S.C. Code is amended to read:

(7) “Extended care maintenance fund” means the “escrow fund for perpetual care” that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post‑closure observation period specified by the Department of Health and Environmental Control Services and for activities associated with closure of the site as provided for in Section 13‑7‑30(4).

(10) “Maintenance” means active maintenance activities as specified by the Department of Health and Environmental ControlServices, including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

(19) “Regional waste” means waste generated within a member state of the Atlantic Compact. Consistent with the regulatory position of the Department of Health and Environmental ControlServices, Bureau of Radiological Health, dated May 1, 1986, some waste byproducts shipped for disposal that are derived from wastes generated within the Atlantic Compact region, such as residues from recycling, processing, compacting, incineration, collection, and brokering facilities located outside the Atlantic Compact region may also be considered regional waste.

(22) “Waste” means Class A, B, or C low‑level radioactive waste, as defined in Title I of Public Law 99‑240 and Department of Health and Environmental Control Services Regulation 61‑63, 7.2.22, that is eligible for acceptance for disposal at a regional disposal facility.

B. Section 48‑46‑40(B)(7)(a) and (9) of the S.C. Code is amended to read:

(a) If the office, upon the advice of the compact commission or the site operator, concludes based on information provided to the office, that the volume of waste to be disposed during a forthcoming period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site operator for its costs of operating the facility and its operating margin, then the office shall direct the site operator to propose to the compact commission plans including, but not necessarily limited to, a proposal for discontinuing acceptance of waste until such time as there is sufficient waste to cover the site operator’s operating costs and operating margin. Any proposal to suspend operations must detail plans of the site operator to minimize its costs during the suspension of operations. Any such proposal to suspend operations must be approved by the Department of Health and Environmental Control Services with respect to safety and environmental protection.

(9) In all proceedings held pursuant to this section, the office shall participate as a party representing the interests of the State of South Carolina, and the compact commission may participate as a party representing the interests of the compact states. The Executive Director of the Office of Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such proceeding. Representatives from the Department of Health and Environmental Control Services shall participate in proceedings where necessary to determine or define the activities that a site operator must conduct in order to comply with the regulations and license conditions imposed by the department. Other parties may participate in the PSC’s proceedings upon satisfaction of standing requirements and compliance with the PSC’s procedures. Any site operator submitting records and information to the PSC may request that the PSC treat such records and information as confidential and not subject to disclosure in accordance with the PSC’s procedures.

C. Section 48‑46‑50(A) of the S.C. Code is amended to read:

(A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may appoint up to two alternate commissioners. These alternate commissioners may participate in meetings of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical representatives from the Department of Health and Environmental ControlServices, the office, the PSC, and other state agencies may participate in relevant portions of meetings of the compact commission upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as called for in the compact commission bylaws.

D. Section 48‑46‑80 of the S.C. Code is amended to read:

Section 48‑46‑80. Pursuant to Section 48‑2‑10 et seq., the Department of Health and Environmental Control Services may adjust the radioactive materials license fee for Low‑Level Radioactive Waste Shallow Land Disposal in Regulation 61‑30 in an amount that will offset changes to its annual operating budget caused by projected increases or decreases in the number of permittees expected to pay fees for Radioactive Waste Transport Permits under the same regulation for shipment of low‑level radioactive waste for disposal within the State.

E. Section 48‑46‑90 of the S.C. Code is amended to read:

Section 48‑46‑90. (A) In accordance with Section 13‑7‑30, the office, or its designee, is responsible for extended custody and maintenance of the Barnwell site following closure and license transfer from the facility operator. The Department of Health and Environmental Control Services is responsible for continued site monitoring.

(B) Nothing in this chapter may be construed to alter or diminish the existing statutory authority of the Department of Health and Environmental Control Services to regulate activities involving radioactive materials and radioactive wastes.

SECTION 241.A. Section 48‑52‑810(10)(b)(v) of the S.C. Code is amended to read:

(v) a building project funded by the Department of Public Health and Environmental Control the Department of Environmental Services in which the primary purpose of the building project is for the storage of archived documents.

B. Section 48‑52‑865(A)(1)(c) of the S.C. Code is amended to read:

(c) the Director of the Department of Health and Environmental ControlServices, or his designee;

SECTION 242. Section 48‑55‑10(A)(1), (4), and (7) of the S.C. Code is amended to read:

(1) South Carolina Department of Health and Environmental Control Services by its commissionerdirector;

(4) Water Resources Division of the Department of Natural ResourcesEnvironmental Services by the department’s director;

(7) Coastal Division of Coastal Management of the Department of Health and Environmental Control Services by the department’s director;

SECTION 243. Section 48‑56‑20(3) of the S.C. Code is amended to read:

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

SECTION 244. Section 48‑57‑20(1) of the S.C. Code is amended to read:

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

SECTION 245. Section 48‑60‑20(11) of the S.C. Code is amended to read:

(11) “Department” means the South Carolina Department of Health and Environmental ControlServices.

SECTION 246. Section 48‑62‑30(1)(a) of the S.C. Code is amended to read:

(a) describe known flood risks for each of the eight major watersheds of the State, as delineated in the Department of Health and Environmental Control's Service’s South Carolina Watershed Atlas;

SECTION 247.A. Section 49‑1‑15(A) and (B) of the S.C. Code is amended to read:

(A) Except as otherwise provided herein, no person may erect, construct, or build any structure or works in order to dam or impound the waters of a navigable stream or any waters which are tributary to a navigable stream for the purpose of generating hydroelectricity without securing a permit from the Department of Health and Environmental ControlServices. Any projects that are subject to Chapter 33 of Title 58 of the Utility Facility Siting and Environmental Protection Act are exempted from this section. Further exempted are projects where the project developer without exercising condemnation authority is the existing owner of the property upon which the project is to be constructed and projects which do not exceed sixty acres including in both cases inundated land.

(B) The Department of Health and Environmental Control Services may issue a permit for the projects in this subsection after a thorough review of the proposed project and a finding that it meets any regulations of the board and the following standards:

(1) The proposed project does not halt or prevent navigation by watercraft of the type ordinarily frequenting the reach of the watercourse in question.

(2) The projects proposed for shoaled areas of the watercourse provide a means of portage or bypass of the project structure.

(3) The need for the proposed project far outweighs the historical and current uses of the stream in question.

(4) The impact of the proposed project will not threaten or endanger plant or animal life.

(5) The recreational and aesthetic benefits or detriments caused by the proposed project do not alter the watercourse or damage riparian lands.

B. Section 49‑1‑16 of the S.C. Code is amended to read:

Section 49‑1‑16. The Department of Health and Environmental Control Services may charge a fee to an applicant for a permit for any construction, alteration, dredging, filling, or other activity in navigable waters of the State. If the project is commercial or industrial and is in support of operations that charge for the production, distribution, or sale of goods or services, a fee of five hundred dollars must be charged, except if the aerial crossing of navigable waters by conductors or other wires supported solely by structures outside the navigable waters the fee shall be one hundred dollars. If the work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise the fee must be fifty dollars. The department shall remit the fees to the State Treasurer and shall be issued a credit for any portion of the fees necessary to offset its costs in processing, investigating and taking final action on each permit application. Any remaining portion shall be credited to the general fund of the State.

C. Section 49‑1‑18 of the S.C. Code is amended to read:

Section 49‑1‑18. The General Assembly, pursuant to Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of Health and Environmental Control and its successor agency, the Department of Environmental Services, hereinafter the department, for all decisions subsequent to 2007 related to all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean‑going container or commerce vessels, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, hereinafter the Maritime Commission, superseded the responsibilities of the department for such approval, as established by Act 56 of 2007, and the approval by the department could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. The Department of Health and Environmental Control Services retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean‑going container or commerce vessels.

SECTION 248.A. Section 49‑4‑20(5) of the S.C. Code is amended to read:

(5) “Department” means the Department of Health and Environmental ControlServices.

B. Section 49‑4‑80(C), (E), and (F) of the S.C. Code is amended to read:

(C) The department shall determine the safe yield of the surface water source and the volume of supplemental water supply, if needed, necessary to sustain the applicant’s proposed water use. In making the safe yield determination, the department, in consultation with the Department of Natural Resources, may perform stream flow modeling.

(E) The department must consult with the Department of Natural Resources to determine which, if any, existing stream flow measuring devices should be utilized to quantify the stream flow at the point of the proposed withdrawal. If no existing measuring device is suitable, the Department of Natural Resourcesdepartment will recommend determine the appropriate location of a new measuring device.

(F) The department must consult with the Department of Natural Resources to quantify the stream flow measured at the specified measuring device that will require a reduction in the applicant’s water withdrawal because of inadequate stream flow at the point of withdrawal.

C. Section 49‑4‑170(B)(1) of the S.C. Code is amended to read:

(1) The department may, in consultation with the Department of Natural Resources, negotiate agreements, accords, or compacts on behalf of and in the name of the State with other states or the United States, or both, with any agency, department, or commission of either, or both, relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the boarddepartment pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented. The department also may represent the State in connection with water withdrawals, diversions, or transfers occurring in other states which may affect this State. The provisions in this section do not apply to the Office of Attorney General or any pending or future criminal or civil actions, lawsuits, or causes in which the State is a party or interested.

SECTION 249.A. Section 49‑5‑30(3) and (5) of the S.C. Code is amended to read:

(3) “Board” means the Board of the Department of Health and Environmental ControlReserved.

(5) “Department” means the Department of Health and Environmental ControlServices.

B. Section 49‑5‑60 of the S.C. Code is amended to read:

Section 49‑5‑60. (A) In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long‑term integrity of a groundwater source, including salt water intrusion, the boarddepartment, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area. The department, local government authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area designation process. The notice and public hearing must be conducted such that local government authorities, groundwater withdrawers, or the general public may provide comments concerning the capacity use area designation process. A capacity use area must be designated by the boarddepartment based on scientific studies and evaluation of groundwater resources and may or may not conform to political boundaries.

(B) After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in Section 49‑5‑20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. The plan must be approved by the boarddepatment before the department may issue groundwater withdrawal permits for the area.

(C) Once the board department approves the groundwater management plan for a designated capacity use area, each groundwater withdrawer shall make application for a groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in accordance with the approved plan.

(D) A person or entity affected may appeal a decision of the boarddepartment on a capacity use area designation within thirty days after the filing of the decision to the court of common pleas of any county which is included in whole or in part within the disputed capacity use area. The department shall certify to the court the record in the hearing. The court shall review the record and the regularity and the justification for the decision. The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) in violation of constitutional or statutory provisions;

(2) in excess of the statutory authority of the agency;

(3) made upon unlawful procedure;

(4) affected by other error of law;

(5) clearly erroneous in view of the reliable, probative, and substantial evidence on the record; or

(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

SECTION 250.A. Section 49‑6‑10 of the S.C. Code is amended to read:

Section 49‑6‑10. There is hereby created the South Carolina Aquatic Plant Management Program for the purpose of preventing, identifying, investigating, managing, and monitoring aquatic plant problems in public waters of South Carolina. The program will coordinate the receipt and distribution of available federal, state, and local funds for aquatic plant management activities and research in public waters.

The Department of Natural ResourcesEnvironmental Services (department) is designated as the state agency to administer the Aquatic Plant Management Program and to apply for and receive grants and loans from the federal government or such other public and private sources as may be available for the Aquatic Plant Management Program and to coordinate the expenditure of such funds.

B. Section 49‑6‑30 of the S.C. Code is amended to read:

Section 49‑6‑30. There is hereby established the South Carolina Aquatic Plant Management Council, hereinafter referred to as the council, which shall be composed of ten members as follows:

1.(1) The council shall include one representative from each of the following agencies, to be appointed by the chief executive officer of each agency:

(a) Water Resources Division of the Department of Natural ResourcesEnvironmental Services;

(b) South Carolina Department of Health and Environmental ControlServices;

(c) Wildlife and Freshwater Fish Division of the Department of Natural Resources;

(d) South Carolina Department of Agriculture;

(e) Coastal Division of Coastal Management of the the Department of Health and Environmental ControlServices;

(f) South Carolina Public Service Authority;

(g) Land Resources and Conservation Districts Division of the Department of Natural Resources;

(h) South Carolina Department of Parks, Recreation and Tourism;

(i) Clemson University, Department of Fertilizer and Pesticide Control.

2.(2) The council shall include one representative from the Governor’s Office, to be appointed by the Governor.

3.(3) The representative of the Water Resources Division of the Department of Natural ResourcesEnvironmental Services shall serve as chairman of the council and shall be a voting member of the council.

The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.

SECTION 251.A. Section 49‑11‑120(3) of the S.C. Code is amended to read:

(3) “Department” means the South Carolina Department of Health and Environmental Control Services or its staff or agents.

B. Section 49‑11‑170(E) of the S.C. Code is amended to read:

(E) The owner of a dam or reservoir determined through a preliminary inspection not to be maintained in good repair or operating condition or to be unsafe and a danger to life or property may request a hearing before the board of the departmentAdministrative Law Court in accordance with Section 48‑6‑30 and the Administrative Procedures Act within thirty days after notice of the findings are deliveredmailed. The owner may submit written or present oral evidence which must be considered by the board of the department in the issuance of the order.

C. Section 49‑11‑260(B) and (D) of the S.C. Code is amended to read:

(B) The department may assess an administrative fine of not less than one hundred nor more than one thousand dollars against a person who violates this article or an order issued or regulation promulgated pursuant to it. In determining the amount of the fine the department shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Fines assessed under this subsection may be appealed to the department whoAdministrative Law Court pursuant to Section 48‑6‑30 and the Administraive Procedures Act, and the Administrative Law Court may reduce them based on information presented at the appeal hearing.

(D) A person against whom a final order or decision has been made, except for emergencies specified in Section 49‑11‑190, may appeal to the board underAdministrative Law Court pursuant to Section 48‑6‑30 and the Administrative Procedures Act. The burden of proof is on the party attacking an order or a decision of the department to show that the order is unlawful or unreasonable.

SECTION 252. Section 49‑23‑60(A)(1) of the S.C. Code is amended to read:

(1) a statewide committee composed of the following state agencies: South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental ControlServices, Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources;

SECTION 253. Section 50‑5‑35(B) of the S.C. Code is amended to read:

(B) Except as provided in Section 50‑5‑955(B), nothing in this chapter alters, reduces, or amends the authority of the Department of Health and Environmental Control Services to regulate for public health and environmental protection.

SECTION 254. Section 50‑5‑360(A) and (C) of the S.C. Code is amended to read:

(A) Except as provided in subsection (G), a person or entity who buys, receives, or handles any live or fresh saltwater fish or any saltwater fishery products landed in this State regardless of where taken and packs, processes, ships, consigns, or sells such items at other than retail, and not solely as bait, must first obtain a wholesale seafood dealer license. A person who buys or receives such product solely from licensed wholesale seafood dealers is not required to obtain a wholesale seafood dealer license. The fee for a resident wholesale seafood dealer license is one hundred dollars, and the fee for a nonresident license is five hundred dollars. Each location at which products are to be packed, processed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, nonmobile establishment, and must be separately licensed. The department may require applicants to specify the activities in which the applicant intends to engage. The department may provide information provided in the application to the South Carolina Department of Agriculture and the South Carolina Department of Health and Environmental ControlServices.

(C) A person or entity required to obtain a wholesale seafood dealer license who receives molluscan shellfish must first be licensed for molluscan shellfish. The fee for a resident to acquire a molluscan shellfish license is an additional ten dollars, and the fee for a nonresident is an additional fifty dollars. Prior to obtaining a molluscan shellfish license, a person or entity must complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control Services pursuant to Section 44‑1‑140Section 48‑6‑60.

SECTION 255.A. Section 50‑5‑910(C) of the S.C. Code is amended to read:

(C) Persons and entities granted Shellfish Culture Permits and Shellfish Mariculture Permits must submit a sworn statement stating the permittee has a wholesale seafood dealer’s license, a molluscan shellfish license, and a shellfish facility certified by the South Carolina Department of Health and Environmental Control Services or that all shellfish harvested for sale shall be handled through a licensed wholesale seafood dealer having a molluscan shellfish license and a Department of Health and Environmental Control Services approved facility.

B. Section 50‑5‑955(B) of the S.C. Code is amended to read:

(B) No area currently containing a structure permitted by the Department of Health and Environmental Control Services or its successor agency may be designated pursuant to this section. The Department of Health and Environmental Control Services or its successor agency may not issue a permit for utilization of a critical area designated as a Public Shellfish Ground.

C. Section 50‑5‑965(B) of the S.C. Code is amended to read:

(B) In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control Services pursuant to Section 44‑1‑14048‑6‑60.

D. Section 50‑5‑997(B)(1) and (D) of the S.C. Code is amended to read:

(1) a shellfish operations plan that meets requirements established by regulations promulgated by the South Carolina Department of Health and Environmental Control Services pursuant to Section 44‑1‑14048‑6‑60; and

(D) An authorized harvester acting under the provisions of a permittee’s out‑of‑season harvest permit must first complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control Services pursuant to Section 44‑1‑14048‑6‑60. A Mariculture permittee must ensure that an authorized harvester acting under the permittee’s out‑of‑season harvest permit abides by the conditions of the permit, receives proper training, and holds all required permits and licenses.

SECTION 256. Section 50‑11‑90 of the S.C. Code is amended to read:

Section 50‑11‑90. The department may obtain and utilize Schedule III nonnarcotics and Schedule IV controlled substances for the capture and immobilization of wildlife. The department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement and Administration (DEA) and a State Controlled Substances Registration from the Department of Public Health and Environmental Control (DHEC)(DPH). The administration of tranquilizing agents must be done only by department employees trained and certified for this purpose. Department applicants issued a certificate by the DEA and a registration by DHECDPH are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances and are subject to inspection and audit by DHECDPH and the DEA.

SECTION 257. Section 50‑15‑430(B) of the S.C. Code is amended to read:

(B) Water quality and waste impacts caused by alligator farms shall be subject to regulations issued by the Department of Health and Environmental ControlServices.

SECTION 258. Section 50‑16‑30 of the S.C. Code is amended to read:

Section 50‑16‑30. It is unlawful for a person to possess, transport, or otherwise bring into the State or release or introduce into the State any diseased wildlife or other animal that reasonably might be expected to pose a public health or safety hazard as determined by the South Carolina Department of Public Health and Environmental Control after consultation with the department.

SECTION 259. Section 50‑19‑1935 of the S.C. Code is amended to read:

Section 50‑19‑1935. The Department of Health and Environmental ControlServices, in conjunction with the Department of Natural Resources shall, from the funds appropriated in the General Appropriations Act, monitor the striped bass fishery in the Wateree‑Santee riverine system.

Both departments shall have oversight responsibility for any studies which may be required as a condition of a DHECDES permit.

SECTION 260. Section 50‑21‑30(C)(1)(b) of the S.C. Code is amended to read:

(b) moored to a mooring buoy that is permitted by the Department of Health and Environmental Control Services with permission from the buoy owner; or

SECTION 261. Section 54‑6‑10(B)(5) and (F) of the S.C. Code is amended to read:

(5) the ChairmanDirector of the Board Department of Health and Environmental Control Services to serve ex officio or his designee;

(F) Except as provided below, nothing in this section shall supersede the authority of other state agencies, departments, or instrumentalities including the Department of Natural Resources, the Department of Health and Environmental ControlServices, or the State Ports Authority to exercise all powers, duties, and functions within their responsibilities as provided by law. However, on an interstate basis and specifically in regard to the State of Georgia, the responsibilities granted to the Savannah River Maritime Commission in this joint resolution supersede any other concurrent responsibilities of a particular state agency or department. Any requirements for permitting and constructing new terminal facilities on the Savannah River in Jasper County are declared not to be the responsibility of this commission, except as they may relate to this state’s responsibility for the navigability or depth of the South Carolina portion of the Savannah River.

SECTION 262. Section 55‑1‑100(B) of the S.C. Code is amended to read:

(B) A person who operates or acts as a flight crew member of an aircraft in this State may consent to a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for violating the provisions of subsection (A). The test must be administered at the direction of a law enforcement officer who has apprehended a person while or after operating or acting as a flight crew member of any aircraft in this State while under the influence of alcohol. The test must be administered by a person trained and certified by and using methods approved by the South Carolina Law Enforcement Division, using methods approved by the division. The arresting officer may not administer the test, and no test may be administered unless the defendant has been informed that he does not have to take the test. A person who refuses to submit to the test violates the provisions of this subsection and is subject to a civil fine of two thousand dollars. The penalties provided for in this subsection are in addition to those provided for in subsection (E).

No person is required to submit to more than one test for any one offense for which he has been charged, and the test must be administered as soon as practicable without undue delay.

The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his own choosing conduct a test or tests in addition to the test administered by the law enforcement officer. The failure or inability of the person tested to obtain an additional test does not preclude the admission of evidence relating to the test taken at the direction of the law enforcement agency or officer.

The arresting officer and the person conducting the test shall inform the person tested of his right to obtain an additional test, and the arresting officer or the person conducting the chemical test of the person apprehended promptly shall assist that person to contact a qualified person to conduct additional tests.

The division shall administer the provisions of this subsection and may make regulations as may be necessary to carry out its provisions. The Department of Public Health and Environmental Control and SLED shall cooperate with the division in carrying out its duties.

SECTION 263. Section 56‑1‑221(A) of the S.C. Code is amended to read:

(A) There is created an advisory board composed of thirteen members. One member must be selected by the Commissioner Director of the Department of Public Health and Environmental Control from hisdepartment staff, ten members must be appointed by the South Carolina Medical Association, and two members must be appointed by the South Carolina Optometric Association. The member selected by the Commissioner Director of the Department of Public Health and Environmental Control must be the administrative officer of the advisory board. To the maximum extent possible, the members of the board appointed by the South Carolina Medical Association and the South Carolina Optometric Association must be representative of the disciplines of the medical and optometric community treating the mental or physical disabilities that may affect the safe operation of motor vehicles. The identity of physicians and optometrists serving on the board, other than the administrative officer, may not be disclosed except as necessary in proceedings under Sections 56‑1‑370 or 56‑1‑410. The members of the board may receive no compensation.

SECTION 264. Section 56‑3‑9800(A) and (B) of the S.C. Code is amended to read:

(A) The Department of Motor Vehicles may issue a special commemorative Breast Cancer Awareness motor vehicle license plate to establish a special fund to be used by the Department of Public Health and Environmental Control for the purpose of expanding the services provided by the Best Chance Network. The special license plates, which must be of the same size and general design of regular motor vehicle license plates, must be imprinted with the nationally recognized breast cancer symbol with numbers as the department may determine. The special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee as set forth in Article 5, Chapter 3 of this title.

(B) One‑half of the seventy dollar biennial fee collected over that required by Article 5, Chapter 3 of this title must be deposited in a separate fund for the Department of Public Health and Environmental Control and be used solely to expand the services of the Best Chance Network. The remaining one‑half of the fee must be distributed to the South Carolina chapter of the American Cancer Society.

SECTION 265. Section 56‑5‑170(A)(10) of the S.C. Code is amended to read:

(10) vehicles designated by the Commissioner Director of the Department of Public Health and Environmental Control or the Director of the Department of Environmental Services when being used in the performance of law enforcement or emergency response duties.

SECTION 266. Section 56‑5‑2720(A) of the S.C. Code is amended to read:

(A) Except as provided in subsection (B), the driver or operator of every bus transporting passengers, or a vehicle permitted by the Department of Health and Environmental Control Services to carry hazardous waste, or any vehicle required by 49 C.F.R. Section 392.10 to stop at a railroad grade crossing, before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.

SECTION 267.A. Section 56‑35‑50(B) of the S.C. Code is amended to read:

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the Department of Public Safety within twenty‑eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty‑five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of Health and Environmental Control Services for deposit in the Diesel Idling Reduction Fund, twenty‑five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety’s State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

B. Section 56‑35‑60 of the S.C. Code is amended to read:

Section 56‑35‑60. (A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of Health and Environmental ControlServices.

(B) The Department of Health and Environmental ControlServices, as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.

C. Section 56‑35‑80 of the S.C. Code is amended to read:

Section 56‑35‑80. The Department of Health and Environmental Control Services may promulgate regulations to administer and enforce the provisions of this chapter.

SECTION 268. Section 58‑27‑255(A)(4) and (B) of the S.C. Code is amended to read:

(4) placed in an appropriate landfill which meets the standards of the Department of Health and Environmental Control Services Regulation 61‑107, and that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals.

(B) The “beneficial reuse” of coal combustion residuals, as used in this section, is subject to the applicable regulations as promulgated by the Department of Health and Environmental ControlServices.

SECTION 269. Section 58‑33‑140(1)(b) of the S.C. Code is amended to read:

(b) the Office of Regulatory Staff, the Department of Health and Environmental ControlServices, the Department of Natural Resources, and the Department of Parks, Recreation and Tourism;

SECTION 270.A. Section 59‑1‑380(D) of the S.C. Code is amended to read:

(D) The local school district shall collaborate with the Department of Public Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

B. Section 59‑1‑450 of the S.C. Code is amended to read:

Section 59‑1‑450. The State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall promulgate regulations for establishing parenting/family literacy programs to support parents in their role as the principal teachers of their preschool children. The programs must provide parent education to parents and guardians who have children ages birth through five years and who choose to participate in the programs and must include intensive and special efforts to recruit parents or guardians whose children are at risk for school failure. The program or programs also should include developmental screening for children and offer parents of children from birth through five years opportunities to improve their education if the parents do not possess a high school diploma or equivalent certificate.

The State Board of Education, through the Department of Education and after consultation with the Education Oversight Committee, shall promulgate regulations to implement parenting/family literacy programs in all school districts or consortia of school districts. Priority must be given to serving those parents whose children are considered at risk for school failure according to criteria established by the State Board of Education. From funds appropriated for the programs, an adequate number of those parenting programs funded under the Target 2000 Act shall receive priority in funding for fiscal years 1993‑94 and 1994‑95 and must be funded at no less than the level received in fiscal year 1992‑93 contingent upon their agreeing to provide technical assistance to other districts and schools planning and implementing parenting/family literacy programs in concert with the Department of Education’s technical assistance process required in this chapter. Only those projects whose evaluations show them to be most effective may be selected based on criteria developed by the State Department of Education in consultation with the Education Oversight Committee.

Beginning in fiscal year 1995‑96 for districts with Target 2000 Act parenting programs and in fiscal year 1993‑94 for all other school districts and district consortia, funding must be allocated to districts and consortia serving more than two thousand pupils on a base amount of not less than forty thousand dollars with any additional appropriation to be distributed based on the number of free and reduced‑price lunch‑eligible students in grades one through three in a district or consortium relative to the total free and reduced‑price lunch‑eligible students in grades one through three in the State. The programs developed in each district and consortium may draw upon lessons learned from parenting programs funded under this section.

The State Board of Education, through the Department of Education, in developing the regulations for this program shall consult with representatives of the Department of Public Health and Environmental Control, Department of Social Services, the South Carolina State Library, and Health and Human Services Finance Commission, and with adult education and early childhood specialists. In developing the regulations, the State Board and State Department of Education shall consider the guidelines developed for the Target 2000 Act parenting programs and any available evaluation data.

By December, 1993, the chairman of the Human Services Coordinating Council shall convene a committee consisting of supervisors of programs dealing with early childhood and parenting from the Department of Education, Department of Public Health and Environmental Control, the Department of Social Services, the South Carolina State Library, and the Health and Human Services Finance Commission; at least one representative from each of these agencies who administer these programs at the county and district level; and adult education and early childhood specialists. The Executive Director of the Finance Commission shall chair this committee. By July 1, 1994, this committee shall report to the Education Oversight Committee and the Joint Committee on Children ways to better coordinate programs for parenting and literacy and recommend changes to each agency’s state regulations or provisions of law which would better promote coordination of programs. The Department of Public Health and Environmental Control, the Department of Social Services, and the Health and Human Services Finance Commission shall direct their employees at the county and district levels to cooperate with school district officials in establishing parenting/family literacy programs.

SECTION 271. Section 59‑31‑330 of the S.C. Code is amended to read:

Section 59‑31‑330. The State Board of Education, in conjunction with the Department of Public Health and Environmental Control, shall adopt rules and regulations governing the fumigation or disposal of textbooks from quarantined homes and for the regular disinfection of all textbooks used in the public schools of the State.

SECTION 272.A. Section 59‑32‑10(5) of the S.C. Code is amended to read:

(5) “Local school board” means the governing board of public school districts as well as those of other state‑supported institutions which provide educational services to students at the elementary and secondary school level. For purposes of this chapter, programs or services provided by the Department of Public Health and Environmental Control in educational settings must be approved by the local school board.

B. Section 59‑32‑30(A)(1) of the S.C. Code is amended to read:

(1) Beginning with the 1988‑89 school year, for grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Public Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age‑appropriate instruction in reproductive health may be included.

SECTION 273. Section 59‑36‑20(A) of the S.C. Code is amended to read:

(A) The State Board of Education and the State Department of Education are responsible for establishing a comprehensive system of special education and related services and for ensuring that the requirements of the Federal Individuals with Disabilities Education Act are carried out. Other state agencies which provide services for children with disabilities are directed to cooperate in the establishment and support of the system. Agencies with responsibilities under this chapter include: the Department of Mental Retardation, the School for the Deaf and the Blind, the Commission for the Blind, the Department of Public Health and Environmental Control, the Department of Mental Health, the State Department of Social Services, Continuum of Care, and the State Department of Education.

SECTION 274. Section 59‑47‑10 of the S.C. Code is amended to read:

Section 59‑47‑10. The Board of Commissioners of the South Carolina School for the Deaf and the Blind shall consist of eleven members appointed by the Governor for terms of six years and until their successors are appointed and qualify. Each congressional district must be represented by one board member, who must be a resident of that district, and four members must be appointed at large from the State. Of the members appointed at large, one must be deaf, one must be blind, one must represent the interests of persons with multiple handicaps, and one shall represent the general public. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. The State Superintendent of Education and the Executive OfficerDirector of the Department of Public Health and Environmental Control are ex officio members of the board.

SECTION 275.A. Section 59‑63‑75(A) and (D)(4) of the S.C. Code is amended to read:

(A) The South Carolina Department of Public Health and Environmental Control, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Public Health and Environmental Control also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League‑sanctioned events.

(4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of Public Health and Environmental Control, in consultation with health care provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations. Such information must be posted by the department upon receipt from a participating health care organization.

B. Section 59‑63‑95(A)(3) and (5) of the S.C. Code is amended to read:

(3) “Designated school personnel” means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the Department of Public Health and Environmental Control to provide for or administer a lifesaving medication to a student or other individual on a school premises or attending a school function.

(5) “Lifesaving medication” means any prescription medication that can be administered to a person experiencing a medical emergency. The Department of Public Health and Environmental Control, in consultation with the Department of Education, will publish a list of lifesaving medications that can be administered by designated school personnel in response to a medical emergency pursuant to this section and shall publish training guidelines for the administration of such lifesaving medications.

C. Section 59‑63‑95(B) of the S.C. Code is amended to read:

(B) Notwithstanding another provision of law, a physician, including the Director of Public Health for the Department of Public Health and Environmental Control pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34; and a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965 may prescribe lifesaving medications maintained in the name of a school for use in accordance with subsection (D).Notwithstanding another provision of law, licensed pharmacists and physicians may dispense lifesaving medications in accordance with a prescription issued pursuant to this subsection. Notwithstanding another provision of law, a school may maintain a stock supply of lifesaving medications in accordance with a prescription issued pursuant to this subsection. For the purposes of administering and storing lifesaving medications, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

D. Section 59‑63‑95(C)(3) of the S.C. Code is amended to read:

(3) administer a lifesaving medication to a student or other person on a school premises whom the school nurse or other designated school personnel believes in good faith is experiencing a medical emergency, in accordance with a standing protocol of a physician, including the Director of Public Health for the Department of Public Health and Environmental Control pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34; or a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965, regardless of whether the student or other person has a prescription for a lifesaving medication.

E. Section 59‑63‑95(E) of the S.C. Code is amended to read:

(E) Participating governing authorities, in consultation with the State Department of Education and the Department of Public Health and Environmental Control, shall implement a plan for the management of students with life‑threatening allergies or medical emergencies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

(1) education and training for school personnel on the management of students with life‑threatening allergies or medical emergencies, including training related to the administration of lifesaving medications, techniques on how to recognize symptoms of severe allergic reactions or medical emergencies, including anaphylaxis, and the standards and procedures for the storage and administration of lifesaving medications;

(2) procedures for responding to life‑threatening allergic reactions and medical emergencies, including emergency follow‑up procedures; and

(3) a process for the development of individualized health care and allergy action plans for every student with a known life‑threatening allergy.

F. Section 59‑63‑95(H)(1) of the S.C. Code is amended to read:

(1) A school, school district, school district governing authority, private school governing authority, the Department of Public Health and Environmental Control, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student or another person resulting from the administration or self‑administration of a lifesaving medication, regardless of whether:

(a) the student’s parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self‑administration; or

(b) the other person to whom a school nurse or other designated school personnel provides or administers a lifesaving medication gave authorization for the administration.

G. Section 59‑63‑95(I) of the S.C. Code is amended to read:

(I) Notwithstanding another provision of law, the Director of Public Health for the Department of Public Health and Environmental Control is authorized to issue a standing order for the prescription of lifesaving medication on a schoolwide basis under conditions that he determines are in the best interests of this State and in furtherance of this section. In the event the current director of public healthDirector of the Department of Public Health is not a physician, the department may appoint a designee if he is a physician as defined in subsection (A)(7).

SECTION 276. Section 59‑111‑720(A) of the S.C. Code is amended to read:

(A) There is created the Environmental Scholars Endowment Fund, known as “the fund”, which must be separate and distinct from the general fund of the State. The fund must be financed through the collection and deposit of fines and penalty assessments levied by the South Carolina Department of Health and Environmental Control Services pursuant to the State Safe Drinking Water Act, Sections 44‑55‑10, et seq., the South Carolina Hazardous Waste Management Act, Sections 44‑56‑10, et seq., low‑level radioactive waste fines pursuant to Sections 48‑48‑10, et seq., and the South Carolina Pollution Control Act, Sections 48‑1‑10, et seq. However, the portion of the Pollution Control Act fines distributed to the counties pursuant to Section 48‑1‑350 must not be placed into the fund.

SECTION 277. Section 59‑123‑125 of the S.C. Code is amended to read:

Section 59‑123‑125. The funds appropriated to the Medical University of South Carolina for the “Rural Physician Program” shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The Medical University of South Carolina shall be responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. A board is hereby created to manage and allocate these funds in the best interests of the citizens of South Carolina. The board shall be composed of the following: the Executive Director, or his designee, of the South Carolina Primary Care Association; the Dean, or his designee, of the University of South Carolina School of Medicine; the Executive Director, or his designee, of the South Carolina Medical Association; two representatives from rural health care settings, one to be appointed by the Chairman of the Senate Medical Affairs Committee and one to be appointed by the Chairman of the House Medical, Military, Public and Municipal Affairs Committee; the CommissionerDirector, or his designee, of the Department of Public Health and Environmental Control; the Commissioner, or his designee, of the South Carolina Hospital Association; the Commissioner, or his designee, of the Commission on Higher Education; and the Director, or his designee, of the Department of Health and Human Services. The Chairman, with the concurrence of the board, shall appoint three at‑large members with two representing nursing and one representing allied health services in South Carolina.

SECTION 278. Section 59‑152‑60(C)(3)(b) of the S.C. Code is amended to read:

(b) Department of Public Health and Environmental Control; and

SECTION 279. Section 61‑4‑220 of the S.C. Code is amended to read:

Section 61‑4‑220. A restaurant with a Class A or B license issued by the Department of Health and Environmental Control (DHEC)Agriculture may serve food or beverages at its adjoining facilities located outside the restaurant if the food is prepared in a kitchen of the restaurant which is subject to inspection by DHEC the Department of Agriculture and is placed on individual plates or in individual serving dishes inside the restaurant, and if uncovered containers in which the beverages are served are filled only to satisfy the order of a customer.

SECTION 280. Section 61‑4‑1515(B) of the S.C. Code is amended to read:

(B)(1) In addition to the sales provisions set forth in subsection (A) and subject to this subsection (B), a brewery permitted in this State is authorized to sell beer to consumers on‑site for on‑premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of Health and Environmental ControlAgriculture governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on‑premises consumption permit for the sale of beer and wine that has been purchased from a wholesaler through the three‑tier distribution chain set forth in Section 61‑4‑735 and Section 61‑4‑940.

(2) In addition to a retail on‑premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has a Department of Health and Environmental ControlAgriculture approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for on‑premises consumption within a specified area of its licensed or permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:

(a) maintain compliance with all provisions of Section 61‑6‑1610 and all other provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on‑premises consumption not inconsistent with other provisions of this section;

(b) not sell or allow the consumption of alcoholic liquor by the drink on that part of the brewery’s premises designated and permitted for the brewing operation;

(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and

(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.

SECTION 281. Section 61‑4‑1750 of the S.C. Code is amended to read:

Section 61‑4‑1750. No person holding a brewpub permit may sell beer, ale, porter, or other similar malt or fermented beverages on draft, on tap, from kegs, or from other containers unless approved by the rules and regulations of the Department of Health and Environmental ControlAgriculture governing eating and drinking establishments and other retail food establishments.

SECTION 282.A. Section 61‑6‑1610(H) of the S.C. Code is amended to read:

(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 ControlAgriculture. Upon notice by the Department of Health and Environmental ControlAgriculture 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 ControlAgriculture. 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 establishment until the Department of Health and Environmental ControlAgriculture issues a Grade A retail food establishment permit.

B. Section 61‑6‑2410 of the S.C. Code is amended to read:

Section 61‑6‑2410. A restaurant with a Class A license issued by the Department of Health and Environmental Control (DHEC)Agriculture may serve food or beverages at its adjoining facilities located outside the restaurant if the food is prepared in a kitchen of the restaurant which is subject to inspection by DHEC the Department of Agriculture and is placed on individual plates or in individual serving dishes inside the restaurant, and if uncovered containers in which the beverages are served are filled only to satisfy the order of a customer.

C. Section 62‑1‑302(a)(4) of the S.C. Code is amended to read:

(4) the issuance of marriage licenses, in form as provided by the Bureau of Vital Statistics of the Department of Public Health and Environmental Control; record, index, and dispose of copies of marriage certificates; and issue certified copies of the licenses and certificates;

SECTION 283. Section 63‑1‑50(A) of the S.C. Code is amended to read:

(A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, the Director of the Department of Public Health and Environmental Control, the Director of the Department of Health and Human Services, the Director of the Office of South Carolina First Steps to School Readiness, and the State Child Advocate serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).

SECTION 284. Section 63‑7‑1210(D) of the S.C. Code is amended to read:

(D) The Department of Social Services must investigate an allegation of abuse or neglect of a child where the child is in the custody of or a resident of a residential treatment facility or intermediate care facility for persons with intellectual disability licensed by the Department of Public Health and Environmental Control or operated by the Department of Mental Health.

SECTION 285.A. Section 63‑9‑730(B)(4) of the S.C. Code is amended to read:

(4) a person who is recorded on the child’s birth certificate as the child’s father. The Department of Public Health and Environmental Control shall release this information to any attorney representing a party in an adoption or termination of parental rights action pursuant to a subpoena;

B. Section 63‑9‑910(C) of the S.C. Code is amended to read:

(C) Court administration in consultation with the Department of Public Health and Environmental Control shall develop petition forms, including documentation required to be filed with the petition, and guidelines for obtaining the domestication of a foreign adoption. These forms and guidelines must be available to the public upon request at all county clerks of court offices and at Department of Public Health and Environmental Control offices.

SECTION 286. Section 63‑11‑1720(C)(6)(b) of the S.C. Code is amended to read:

(b) Department of Public Health and Environmental Control;

SECTION 287. Section 63‑11‑1930(A)(2) of the S.C. Code is amended to read:

(2) the Director of the South Carolina Department of Public Health and Environmental Control;

SECTION 288. Section 63‑11‑2240(A) of the S.C. Code is amended to read:

(A) The State Child Advocate is responsible for ensuring that children receive adequate protection and care from services or programs offered by the Department of Social Services, the Department of Mental Health, the Department of Health and Human Services, the Department of Juvenile Justice, the Department of Public Health and Environmental Control, the Department of Disabilities and Special Needs, the John de la Howe School, the Wil Lou Gray Opportunity School, and the School for the Deaf and the Blind.

SECTION 289. Section 63‑11‑2290(B)(4) of the S.C. Code is amended to read:

(4) Department of Public Health and Environmental Control;

SECTION 290.A. Section 63‑13‑80(A) of the S.C. Code is amended to read:

(A) In exercising the powers of licensing, approving, renewing, revoking, or making provisional licenses and approvals, the department shall investigate and inspect licensees and approved operators and applicants for a license or an approval. The authorized representative of the department may visit a childcare center, group childcare home, or family childcare home anytime during the hours of operation without prior notice once a year for purposes of investigations and inspections. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The inspection of the health and fire safety of childcare centers and group childcare homes must be completed upon the request of the department by the appropriate agencies (i.e., the Department of Public Health and Environmental Control, the Office of the State Fire Marshal, or local authorities). Inspection reports completed by state agencies and local authorities must be furnished to the department and become a part of its determination of conformity for licensing and approval. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking, or making provisional licenses and approvals. However, upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the facility to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.

B. Section 63‑13‑180(A)(1) of the S.C. Code is amended to read:

(1) Other state agencies, including the State Department of Public Health and Environmental Control, the Office of the State Fire Marshal, and the Office of the Attorney General.

SECTION 291. Section 63‑17‑70(C) of the S.C. Code is amended to read:

(C) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to subsection (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Public Health and Environmental Control.

SECTION 292. Section 48‑6‑30, as enacted by Act 60 of 2023, and Section 44‑1‑60, as amended by Act 60 of 2023 and this act, are intended to provide a uniform procedure for contested cases and appeals from the Department of Environmental Services or the Department of Public Health, respectively, and to the extent that Section 48‑6‑30 or 44‑1‑60 conflicts with an existing statute or regulation, the provisions of Section 48‑6‑30 or 44‑1‑60 are controlling. This SECTION does not apply to decisions under the South Carolina Mining Act as provided in Section 48‑20‑10, et seq.

SECTION 293. The Code Commissioner of the Legislative Council is directed to change or correct all remaining references in the S.C. Code to the former Department of Health and Environmental Control, the former Board of Health and Environmental Control, or other agencies referenced in Act 60 of 2023 to reflect the transfers of authority and responsibility to the Department of Public Health, the Department of Environmental Services, or other agencies referenced in Act 60 of 2023 as provided in Act 60 of 2023. References to the names of these agencies and offices in the S.C. Code or other provisions of law are considered to be and must be construed to mean appropriate references.

SECTION 294. Any staff decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions for which a review is pending before the South Carolina Board of Health and Environmental Control on June 30, 2024, notwithstanding any other provision of law, automatically becomes a final agency decision on July 1, 2024, and an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court until July 31, 2024.

SECTION 295. Nothing contained in Act 60 of 2023 modifies decisions of the former Department of Health and Environmental Control or Board of Health and Environmental Control that occurred prior to July 1, 2024. After the effective date of Act 60 of 2023, all issued decisions including, but not limited to, orders, permits, licenses, registrations, and certifications, remain in full force and effect.

SECTION 296. Sections 44‑1‑30, 44‑1‑40, 44‑1‑50, 44‑3‑110, 44‑3‑120, 44‑3‑130, 44‑3‑140, 44‑7‑310, 44‑55‑1310, 44‑55‑1320, 44‑55‑1330, 44‑55‑1350, 44‑55‑1360, 49‑3‑60, 59‑111‑510, 59‑111‑520, 59‑111‑530, 59‑111‑540, 59‑111‑550, 59‑111‑560, 59‑111‑570, and 59‑111‑580 of the S.C. Code are repealed.

SECTION 297. Sections 44‑11‑30 and 44‑11‑40 of the S.C. Code are repealed July 1, 2025.

SECTION 298. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑