**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3208**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt and McCravy

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Introduced in the House on January 10, 2023

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

Summary: Controlled Substance Scheduling

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 94)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 94)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3208&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3208_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 44‑53‑160, relating to controlled substance scheduling, so as to authorize the director of the department of health and environmental control to add a substance to schedule I temporarily to protect the public health and safety.

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

SECTION 1. Section 44‑53‑160 of the S.C. Code is amended by adding:

 (F)(1) Notwithstanding the provisions of this section, the Director of the Department of Health and Environmental Control may at any time, by order, place a substance in Schedule I on a temporary basis if the director finds:

 (a) it is necessary to avoid an imminent hazard to public safety;

 (b) it is necessary for the preservation of public health, safety, or general welfare; and

 (c) the substance is not listed in any schedule identified in Sections 44‑53‑210, 44‑53‑230, 44‑53‑250, and 44‑53‑270.

 (2) Prior to finding that a substance is an imminent hazard to public safety as provided in item (1)(a), the director shall consider the substance's actual or relative potential for abuse and its history and current patterns of abuse and the risk that delay in placing the substance in Schedule I poses to public safety.

 (3) An order issued pursuant to item (1) takes effect when the order is published on the department's publicly accessible website.

 (4) Upon issuing an order pursuant to item (1), the department shall forward a copy of the order to the Board of Health and Environmental Control, the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairmen of the Medical, Military, Public and Municipal Affairs Committee and the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House of Representatives, 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.

 (5) Upon issuing an order pursuant to item (1), the director shall forward a copy of the order to the Attorney General of the United States to request that the Attorney General temporarily place the substance in Schedule I under the Controlled Substances Act, 21 U.S.C. Section 811(h).

 (6) An order issued pursuant to item (1) is effective up to one year, during which time the order has the full force of law unless overturned by the General Assembly.

SECTION 2. This act takes effect upon approval by the Governor.

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