

Session 126 - (2025-2026)

S 0002 General Bill, By Peeler, Alexander and Davis

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 12 TO TITLE 44 SO AS TO ESTABLISH THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, TO PROVIDE FOR ITS POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THAT THE DEPARTMENT IS COMPRISED OF THE OFFICE OF INTELLECTUAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, AND THE OFFICE OF SUBSTANCE ABUSE SERVICES; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, AND TO REMOVE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND THE DEPARTMENT OF MENTAL HEALTH; BY AMENDING SECTION 8-17-370, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE SO AS TO PROVIDE THAT DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, ALL EMPLOYEES WHO REPORT DIRECTLY TO THE DIRECTOR, AND THE DIRECTOR FOR EACH OF THE EXECUTIVE OFFICE'S COMPONENT OFFICES ARE NOT SUBJECT TO THE STATE EMPLOYEE GRIEVANCE PROCEDURE; BY AMENDING SECTION 44-20-30, RELATING TO DEFINITIONS FOR THE INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, SO AS TO CONFORM THE DEFINITIONS TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, AND TO REDESIGNATE THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AS THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AS A COMPONENT OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44-20-210, RELATING TO CREATION OF THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, MEMBERSHIP, TERMS OF OFFICE, REMOVAL, AND VACANCIES, SO AS TO ELIMINATE THE COMMISSION AND CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44-20-220, RELATING TO DUTIES OF COMMISSION, SO AS TO TRANSFER THE DUTIES OF THE COMMISSION TO THE HEAD OF THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THE DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44-20-230, RELATING TO POWERS AND DUTIES OF THE DIRECTOR, SO AS TO CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44-20-240, RELATING TO THE CREATION OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO ESTABLISH THE SCOPE OF AUTHORITY FOR THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44-20-255, RELATING TO OWNERSHIP OF PROPERTY CONFIRMED IN THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO TRANSFER OWNERSHIP TO THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44-49-10, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO ELIMINATE THE DEPARTMENT AND CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES AND THE OFFICE OF SUBSTANCE ABUSE SERVICES; BY AMENDING SECTION 44-49-20, RELATING TO THE DIRECTOR OF THE DEPARTMENT, SO AS TO PROVIDE FOR THE OFFICE OF SUBSTANCE ABUSE SERVICES; BY AMENDING SECTION 44-9-10, RELATING TO THE CREATION OF DEPARTMENT OF MENTAL HEALTH, SO AS TO CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES AND CREATE THE OFFICE OF MENTAL HEALTH, PROVIDE FOR THE HEAD OF THE OFFICE, AND PROVIDE QUALIFICATIONS FOR THE HEAD OF THE OFFICE; BY AMENDING SECTION 44-9-20, RELATING TO TRANSFER OF POWERS, DUTIES, RECORDS, AND FILES FROM FORMER MENTAL HEALTH COMMISSION, SO AS TO FURTHER TRANSFER THOSE POWERS, DUTIES, RECORDS, AND FILES TO THE OFFICE OF MENTAL HEALTH; BY AMENDING SECTION 44-9-30, RELATING TO THE CREATION OF SOUTH THE CAROLINA MENTAL HEALTH COMMISSION, SO AS TO PROVIDE FOR THE POWERS OF THE DIRECTOR OF THE OFFICE; BY AMENDING SECTION 1-3-420, RELATING TO PROCLAMATION OF EMERGENCY BY GOVERNOR, SO AS TO ESTABLISH A PROCESS THROUGH WHICH EMERGENCY PROCLAMATIONS MAY BE LIFTED; BY AMENDING SECTION 25-1-440, RELATING TO ADDITIONAL POWERS AND DUTIES OF THE GOVERNOR DURING A DECLARED EMERGENCY, SO AS TO PROVIDE FOR A PROCESS THROUGH WHICH DECLARATIONS OF EMERGENCY MAY BE LIFTED; BY AMENDING SECTION 40-43-86, RELATING TO FACILITY REQUIREMENTS FOR PHARMACIES, SO AS TO PROVIDE FOR THE CIRCUMSTANCES IN WHICH A PHARMACIST MAY REFUSE TO FILL OR REFILL A PRESCRIPTION; BY AMENDING SECTION 44-1-100, RELATING TO ASSISTANCE FROM PEACE AND HEALTH OFFICERS IN A STATE OF EMERGENCY, SO AS TO GIVE SHERIFFS AND POLICE OFFICERS THE DISCRETION AS TO WHETHER TO AID AND ASSIST THE DIRECTOR OF THE DEPARTMENT OF

PUBLIC HEALTH IN CARRYING OUT HIS ORDERS DURING A STATE OF PUBLIC HEALTH EMERGENCY; BY AMENDING SECTION 44-4-130, RELATING TO DEFINITIONS CONCERNING EMERGENCY HEALTH POWERS, SO AS TO ADD NECESSARY DEFINITIONS AND AMEND CERTAIN DEFINITIONS TO REFLECT CHANGES IN AGENCY NAMES; BY AMENDING SECTION 44-4-510, RELATING TO PHYSICAL EXAMINATIONS OR TESTS, SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISOLATE OR QUARANTINE, PURSUANT TO THE SECTIONS OF THIS ACT AND ITS EXISTING POWERS UNDER SECTION 44-1-140, ANY SYMPTOMATIC PERSON OR PERSON WHO HAS BEEN EXPOSED TO THE CONTAGIOUS DISEASE FOR WHICH THE PUBLIC HEALTH EMERGENCY HAS BEEN DECLARED WHOSE REFUSAL OF PHYSICAL EXAMINATION OR TESTING RESULTS IN UNCERTAINTY REGARDING WHETHER HE IS INFECTED WITH THE CONTAGIOUS DISEASE; BY AMENDING SECTION 44-4-520, RELATING TO VACCINATIONS AND TREATMENT, SO AS TO PROVIDE THAT THE DEPARTMENT OF PUBLIC HEALTH MAY VACCINATE OR TREAT PEOPLE TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES, TO REQUIRE INFORMED CONSENT UNDER CERTAIN CIRCUMSTANCES, AND TO DEFINE INFORMED CONSENT; BY AMENDING SECTION 44-4-530, RELATING TO ISOLATION AND QUARANTINE OF INDIVIDUALS OR GROUPS, SO AS TO PROVIDE THAT, DURING A PUBLIC HEALTH EMERGENCY, THE DEPARTMENT OF PUBLIC HEALTH MAY ISOLATE OR QUARANTINE AN INDIVIDUAL OR GROUPS OF INDIVIDUALS WHO HAVE BEEN DIAGNOSED WITH OR EXPOSED TO THE CONTAGIOUS DISEASE FOR WHICH THE PUBLIC HEALTH EMERGENCY WAS DECLARED; BY AMENDING SECTION 44-4-540, RELATING TO ISOLATION AND QUARANTINE PROCEDURES, SO AS TO REQUIRE A HARD DEADLINE FOR A PETITION FOR AN ORDER AUTHORIZING THE ISOLATION OR QUARANTINE OF AN INDIVIDUAL OR GROUP OF INDIVIDUALS; BY AMENDING SECTION 44-4-570, RELATING TO EMERGENCY POWERS REGARDING LICENSING OF HEALTH PERSONNEL, SO AS TO REMOVE THE REQUIREMENT THAT STATE HEALTH CARE PROVIDERS MAY BE COMPELLED TO ASSIST IN THE PERFORMANCE OF VACCINATION, TREATMENT, EXAMINATION OR TESTING AS A CONDITION OF LICENSURE; AND BY REPEALING SECTION 44-9-40 RELATING TO STATE DIRECTOR OF MENTAL HEALTH, APPOINTMENT AND REMOVAL, POWERS AND DUTIES, AND QUALIFICATIONS.

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