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***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.***

**HOUSE WEEK IN REVIEW**

The House of Representatives approved seven bills that draw upon the work of the special House Opioid Abuse Prevention Study Committee that was appointed by the Speaker of the House to examine the growing misuse of prescription painkillers and recommend legislative actions to counter the epidemic of ruinous addiction and fatal overdoses.

The House amended, approved, and sent the Senate **H.4603**, legislation imposing new **LIMITATIONS ON INITIAL PRESCRIPTIONS OF AN OPIOID MEDICATION FOR ACUTE PAIN MANAGEMENT OR POSTOPERATIVE PAIN MANAGEMENT**. Under the bill, Initial opioid prescriptions for acute pain management or postoperative pain management must not exceed a seven‑day supply, except when clinically indicated for chronic pain, cancer pain, hospice care, palliative care, major trauma, major surgery, treatment of sickle cell anemia, or medication‑assisted treatment for substance abuse. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new opioid prescription. The limitation does not apply when a practitioner orders an opioid prescription to be wholly administered in a hospital, nursing home, hospice facility, or residential care facility.

The House amended, approved, and sent the Senate **H.3826**, legislation that requires a written prescription for any Schedule II, III, IV, and V controlled substance to be written on a **TAMPER-RESISTANT PRESCRIPTION PAD** that meets the counterfeit-resistant standards required by the Centers for Medicare and Medicaid Services for prescriptions. Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper-resistant prescription pad requirement. The tamper-resistant prescription pad requirements do not apply to refill prescriptions of an original written prescription that was issued before the effective date of this act. A pharmacy may fill a prescription written on a non-tamper-resistant pad on an emergency basis as long as the pharmacy receives a compliant written prescription within 72 hours after the date on which the prescription was filled.

The House amended, approved, and sent the Senate **H.3825**, a bill that makes provisions for the Department of Health and Environmental Control to use information in the state prescription monitoring program system to provide **PRESCRIPTION REPORT CARDS** to health care practitioner who prescribe controlled substances to inform them about their prescribing trends compared to other practitioners.

The House amended, approved, and sent the Senate **H.4600**, a bill providing **AUTHORIZATION FOR COMMUNITY DISTRIBUTORS OF OPIOID ANTIDOTES** as a means of preventing overdose deaths. Under the legislation, a prescriber acting in good faith and exercising reasonable care may directly, or by standing order, prescribe an opioid antidote to a community distributor for the purpose of distributing the opioid antidote to those at risk of experiencing an opiate‑related overdose or to their caregivers. A community distributor is a public or private organization which provides substance use disorder assistance and services, such as counseling, homeless services, advocacy, harm reduction, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid related overdose. A community distributor that distributes an opioid antidote in accordance with the provisions of this legislation is not subject to civil or criminal liability. The Board of Medical Examiners and the Board of Pharmacy are charged with issuing 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. This protocol is to be developed by an advisory committee appointed by the Board of Medical Examiners and the Board of Pharmacy with a membership must include representatives of the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and health care professionals licensed in the state.

The House amended, approved, and sent the Senate **H.4602**, a bill **EXPANDING THE PRESCRIPTION MONITORING PROGRAM DATABASE TO INCLUDE INFORMATION ON THE ADMINISTRATION OF** **OPIOID ANTIDOTES**. The legislation establishes protocols for the timely submission to the database of the date an opioid antidote was administered, the dosage and route of administration, and the name, address, and date of birth of the person to whom the opioid antidote was administered, if available, that apply when an opioid antidote is administered in a hospital emergency department or other health care facility or by a first responder. DHEC is required to maintain data on the administering of opioid antidotes including the frequency with which opioid antidotes are administered in health care facilities and by first responders by geographic location. The legislation requires a health care practitioner or the practitioner’s delegate to review a patient’s opioid antidote administration history in addition to the patient’s controlled substance prescription history before issuing a prescription for a Schedule II controlled substance.

The House amended, approved, and sent the Senate **H.4117**, a bill **AFFORDING DRUG COURTS ACCESS TO PRESCRIPTION MONITORING PROGRAM INFORMATION**. The legislation revises confidentiality provisions for the Prescription Monitoring Program maintained by the Department of Health and Environmental Control to allow DHEC to provide program data to a presiding judge of a drug court pertaining to a specific case involving a designated person.

The House amended, approved, and sent the Senate **H.4601**, a bill making provisions for the **LICENSURE OF** **ADDICTION COUNSELORS**. Currently an addiction counselor in this state must be certified by an approved certification board. This bill will require an addiction counselor to be licensed by the Department of Labor, Licensure, and Regulation. After October 1, 2018, an addiction counselor applicant must have a master’s degree or higher and meet the other licensure requirements imposed on professional counselors and marriage and family therapists.

The House concurred in Senate amendments to **H.3513** and enrolled the bill for ratification. The legislation creates a **SOUTH CAROLINA RETIRED EDUCATOR CERTIFICATE** that allows a retired South Carolina teacher to be eligible to maintain certification for the purpose of substituting. A retired educator certificate is valid for five years as is renewable.

The House concurred in Senate amendments to **H.3701**, legislation facilitating **KINSHIP FOSTER PARENTS**, and enrolled the bill for ratification. The legislation provides that before the South Carolina Department of Social Services places a child with a relative who is not licensed as a foster parent, the department is required to inform the relative of the procedures for licensure as a foster parent, the benefits of licensure as a foster parent, including eligibility for financial assistance and supportive services, and the risk that the relative may be ineligible for that assistance and services if the relative is not licensed as a foster parent. Potential kinship foster parents would be required to undergo background checks that include checking the Central Registry of Child Abuse and Neglect. The legislation sets forth the responsibilities of kinship foster parents and makes provisions for kinship care to be monitored by SCDSS. The legislation requires the agency to maintain specified kinship foster care data. The legislation also includes a provision that identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child’s welfare abused, neglected, or harmed the child.

The House concurred in Senate amendments to **H.3442**, a bill **AFFIRMING RIGHTS TO ADOPT CHILDREN IN THE TEMPORARY CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES** in response to recent South Carolina court opinions that the state’s laws do not accommodate such adoptions, and enrolled the bill for ratification.

The House amended, approved, and sent the Senate **H.3002**, the **“REGULATORY FREEDOM ACT”** which establishes a five‑year duration for state agency regulations. The legislation revises the Administrative Procedures Act to provide that when a new regulation is promulgated or an existing regulation is amended, it expires five years from the date on which it becomes effective.

The House amended, approved, and sent the Senate **H.5038**, a bill **DISALLOWING PHARMACY BENEFIT INSURANCE ‘GAG CLAUSE’ ARRANGEMENTS** that restrict pharmacists from offering the insured more affordable alternatives for a prescription drug that may be less than the insured’s copayment cost. The legislation includes new prohibited acts for a pharmacy benefit manager to disallow arrangements that would prevent pharmacists from offering these lower-cost alternatives and arrangements that charge or penalize pharmacists for selling these alternatives to insureds.

The House amended, approved, and sent the Senate **H.4710**, a bill making revisions relating to certain **MILITARY SPECIAL LICENSE PLATES**. The legislation exempts special motor vehicle license plates for Operation Desert Storm‑Desert Shield Veterans, Operation Enduring Freedom Veterans, and Operation Iraqi Freedom Veterans from requirements for the Department of Motor Vehicles to retain sufficient funds in a restricted account to defray the expenses associated with producing and administering these special license plates. The legislation authorizes the Department of Motor Vehicles to issue special motor vehicle license plates for those who have been awarded the Air Medal. The newly-created ‘Air Medal’ special license plates are also exempt from requirements for the DMV to retain sufficient funds in a restricted account to defray expenses.

The House approved and sent the Senate **H.4875**, the **“SOUTH CAROLINA SOLAR HABITAT ACT”**. The legislation establishes voluntary solar best‑management practices for commercial solar energy generation sites that provide native perennial vegetation and foraging habitats beneficial to gamebirds, songbirds, and pollinators and reduce storm water runoff and erosion at the solar generation site. The legislation provides that certificates of compliance may be issued to those that meet solar site guidelines.

The House amended, approved, and sent the Senate **H.4946**, a bill that revises provisions governing the issuance of **SHELLFISH IMPORTATION PERMITS** by the SC Department of Natural Resources in order to eliminate references to genetically modified shellfish.

The House approved and sent the Senate **H.4877**, a bill that revises the composition of the **BOARD OF PYROTECHNIC SAFETY** by designating one additional seat for a member who is a fireworks retailer and eliminating one seat designated for a member of the general public.

The House approved and sent the Senate **H.4962**, a bill addressing **TITLE INSURERS AND RETALIATORY TAXES BY OTHER STATES**. The legislationrevises provisions governing retaliatory taxes by other states against insurance companies chartered in this state, so as to provide title insurers only may include their portion of the premium in the retaliatory tax computations and are prohibited from including these amounts in the South Carolina column of retaliatory tax worksheets.

The House amended, approved, and sent the Senate **H.5042**, a bill **REVISING PROCEDURES IN THE STATEWIDE PROGRAM FOR** **ADDRESSING UNSOUND SCHOOL DISTRICT FINANCES** which affords the State Department of Education authority that extends beyond academic matters to include fiscal affairs.

The House amended, approved, and sent the Senate **H.4487**, a bill that implements recommendations arising from the House Legislative Oversight Committee’s study of the Department of Health and Environmental Control. The legislation makes technical adjustments and revisions relating to the **SCHEDULING OF CONTROLLED SUBSTANCES**. The legislation eliminates provisions authorizing the Department of Health and Environmental Control to use an expedited process to identify a substance as a controlled substance on an emergency basis when the General Assembly is not in session.

The House approved and sent the Senate **H.4485**, a bill that implements recommendations arising from the House Legislative Oversight Committee’s study of the **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**. Revisions include the elimination of outdated references and clarification that appeals from administrative decisions can be provided electronically.

The House amended, approved, and sent the Senate **H.4410**, a bill that implements recommendations relating to **TATTOO FACILITIES** arising from the House Legislative Oversight Committee’s study of the Department of Health and Environmental Control. The legislation includes a provision that authorizes DHEC to impose a monetary penalty, as established in regulation promulgated by the department, upon a facility or individual operating without a required license.

The House amended, approved, and sent the Senate **H.4426**, a bill that implements recommendations relating to **BODY PIERCING FACILITIES** arising from the House Legislative Oversight Committee’s study of the Department of Health and Environmental Control. The legislation includes a provision that authorizes DHEC to impose a monetary penalty, as established in regulation promulgated by the department, upon a facility or individual operating without a required license.

The House amended, approved, and sent the Senate **H.4438**, a bill that implements recommendations relating to **HEARING AID SPECIALISTS** arising from the House Legislative Oversight Committee’s study of the Department of Health and Environmental Control. The legislation makes revisions to accommodate the Commission of Hearing Aid Specialists’ use of third parties for examinations used in the licensure of specialists. The legislation includes a provision that authorizes DHEC to impose a monetary penalty for violations, as established in regulation promulgated by the department.

The House approved and sent the Senate **H.4020**, a bill **REQUIRING A LANDOWNER TO BE PROVIDED NOTICE BEFORE A CONDEMNOR EXERCISES A RIGHT TO ENTER ON REAL PROPERTY SUBJECT TO CONDEMNATION**. The legislation provides that the condemnor shall mail, by first class mail, notice of its application for an ex parte order to the landowner at least five days’ prior to the execution of the ex parte order.

The House amended, approved, and sent the Senate **H.5153**, a bill making revisions to the **VENUE FOR WORKERS’ COMPENSATION COMMISSION HEARINGS**. The legislation provides that hearings must be held in the Workers’ Compensation Commission district, rather than the city or county, in which an injury has occurred, so long as the location is no greater than seventy‑five miles from the county seat of the county in which the injury occurred.

The House amended, approved, and sent the Senate **H.5064**, a bill making updates and technical corrections arising from the House Legislative Oversight Committee’s study of the **HUMAN AFFAIRS COMMISSION**.

The House approved and sent the Senate **H.4628**, a bill enacting the **“SOUTH CAROLINA TELEPHONE PRIVACY PROTECTION ACT”** to replace current provisions for regulating unsolicited consumer telephone calls with updated and enhanced consumer protection provisions relating to telemarketers.

The House amended, approved, and sent the Senate **H.4795**, legislation establishing a **MOTOR VEHICLE DEALER EXEMPTION** that facilitates the annual Hilton Head Island Concours D’Elegance. The legislation provides an exemption from provisions governing motor vehicle dealers for persons conducting a limited number of charitable auctions each year of investment grade, collector, or other special interest motor vehicles.

The House continued **H.3064**, a bill **AUTHORIZING A LICENSED PHYSICIAN TO PRESCRIBE CONTRACEPTIVE DRUGS THAT MAY BE DISPENSED OVER A PERIOD OF UP TO THREE YEARS AFTER THE ORDER IS ISSUED**.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES AND

**ENVIRONMENTAL AFFAIRS**

The Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, March 22, 2018, and reported out three bills.

The committee gave a favorable recommendation to **H.5090**, legislation outlining that **WILD TURKEY PARTS** may be used in arts and crafts sold by American Indian artists. In addition, the bill prohibits the sale of wild turkey meat.

In an effort to eliminate confusion as a result of the House Legislative Oversight review process, **H.5063**, legislation that deletes the **HOME-BASED FOOD PRODUCTION OPERATIONS** under the South Carolina Department of Agriculture, was given a favorable recommendation by the committee. The Legislative Review it was noted that the SC Department of Health and Environmental Control currently oversees the program.

The committee gave a favorable recommendation to **H.5152**, a bill outlining requirements for the **IDENTIFICATION TAGS PLACED ON COTTON BALES STORED IN A WAREHOUSE OPERATED UNDER THE STATE WAREHOUSE.** It states that the system may utilize the Permanent Bale Identification (PBI) number and tag of another gin if the tag meets the requirements. However, if the PBI tag does not meet the requirements, a sticker maybe affixed to the PBI tag or bale of cotton adjacent to the PBI tag that meets these requirements.

**EDUCATION AND PUBLIC WORKS**

The Committee on Education and Public Works met March 21 and passed out the following bills:

The Committee adopted with amendments **H.4480**, **WIRELESS COMMUNICATIONS DEVICES.** The amended bill modifies provisions related to the unlawful use of a wireless communication device while operating a motor vehicle. In addition to revising the definitions of certain related terms, the bill adds new circumstances that constitute the offense of driving under the influence of an electronic device (DUI-E), including holding a wireless communication device in hand while operating a motor vehicle on public streets and highways, typing or sending text-based communication while operating a motor vehicle on public streets and highways, and visually reading a text-based communication while operating a motor vehicle on public streets and highways. Exceptions are allowed for persons relaying information in the course of the operator’s occupational duties, individuals driving an authorized emergency or law enforcement vehicle while acting in an official capacity, or using equipment or services installed or provided by the original manufacturer of the vehicle. Currently, the offense of unlawfully using a wireless communication device while driving is punishable by a fine of not more than $25 regardless of the number of offenses committed. The bill eliminates the current civil fine of $25 for such charges and replaces it with the criminal offense of unlawful use of a wireless communication device while driving (“Driving Under the Influence of an Electronic Device” or DUI-E). The bill revises the penalty structure to require a fine of not more than $100 for a first offense. The bill also establishes enhanced penalties for second and subsequent violations, which will carry a fine of $300. These offenses would primarily be heard in magistrate and municipal courts. The bill also removes the requirement that a law enforcement officer have probable cause that a violation of this provision has occurred in order to initiate a traffic stop. The amended bill also requires DOT to place visible notification signs at every interstate highway ingress to advise motorist entering the state of the existence of this act. Additionally, a law enforcement officer must issue only warning tickets for a driving while using an electronic device violation during the first sixty days after the effective date of this act. This act takes effect 120 days after approval by the Governor.

The committee adopted with amendments **H.4466,** the **OPERATION OF CERTAIN UNLICENSED VEHICLES.** This bill provides that a county may adopt an ordinance that regulates the operation of certain unlicensed vehicles upon the public streets and highways within its jurisdiction when the vehicles are offered to the public for rental on a daily, weekly, or monthly basis, and to provide that municipalities may adopt a similar ordinance in the absence of county ordinances.

The Committee approved **H.4973**, **SPECIAL PLATES FOR RETIRED MEMBERS OF THE GA,** which provides that two special license plates may be issued to a member of the General Assembly who is receiving retirement benefits.

The Committee adopted with amendments, **H.5042**, **SCHOOL DISTRICT FISCAL PRACTICES,** relating to the statewide program for identifying public school district fiscal practices and budgetary conditions that can compromise the fiscal integrity of the districts and for advising the districts on appropriate corrective action. The State Superintendent of Education shall declare a fiscal watch if upon review of the district's annual audit, the department determines financial practices occurring outside of acceptable accounting standards exist; that the district submits an annual audit more than sixty days after the December first deadline; that an outside, independent auditing firm declares that a school district's financial records are unauditable; or the department identifies significant deficiencies, material weaknesses, direct and material legal noncompliance, or management letter comments which, in the opinion of the department, the aggregate effect of the reported issues has, or could have, a significant effect on the financial condition of the district. Also, a watch is declared if the district does not maintain a general reserve fund of at least one month of general fund operating expenditures of the previous two completed fiscal years, or has not made progress in increasing the general reserve fund balance in accordance with department guidelines to meet at least one month of general fund operating expenditures within the previous two completed fiscal years.

**JUDICIARY**

The House Judiciary Committee met Tuesday, March 20th, and reported out the following bills:

They gave a favorable report to **S.27 APPOINTING THE SUPERINTENDENT OF EDUCATION.** Instead of being elected through a statewide vote, the Governor, with Senate approval, would appoint the State Superintendent of Education. Potential appointees must meet the education and experience qualifications or have equivalent operational or management experience. Establishes procedures for filling a vacancy in this office.

Receiving a favorable report, with amendments, was **H.3896 REAL PROPERTY MAINTENANCE.** Authorizes counties to establish standards for residential or commercial property upkeep and any notification processes to alert property owners to conditions needing correction. Agricultural, historically significant, archaeologically significant, and properties with material remains of past human life would be exempted from the provisions of this legislation.

The committee issued a favorable report on **H.4020 NOTICE REQUIREMENT FOR CONDEMNED PROPERTY.** After landowners refuse entry on their land to a condemnor who wants to determine its value, by providing advance, written notice of intent to obtain an *ex parte* order, the condemnor would then be able to enter this land after the order is signed.

It also gave a favorable report, with amendments, to **H.4496 IMMIGRATION COMPLIANCE REPORTS.** The State Law Enforcement Division (SLED) would be directed to create, prepare, maintain, and certify a report, listing each South Carolina political subdivision determined to be in compliance with applicable immigration laws. This report would be known as the "Immigration Compliance Report" (ICR). The state treasurer would not be able to disburse Local Government Funds to political subdivisions that have not been certified as ICR- compliant. SLED could criminally investigate noncompliant political subdivisions. As part of this authority, SLED could prosecute these entities when they file intentionally and materially falsified reports with the agency.

A favorable report, with amendments, was given to **H.4832 FIFTH CIRCUIT FOSTER CARE REVIEW BOARDS.** Mandates that at least one local foster care review board in the 5th Judicial Circuit contain a member appointed by the Kershaw County Legislative Delegation.

A favorable report was given to **H.4933 REGIONAL HEALTH SERVICE DISTRICT BOARD: CONFLICT OF LAWS.** The powers and duties of regional health services district boards of directors would be governed by state antitrust law. Any conflicts between it and United States antitrust laws would have to follow the state law. Any exercise of power by a regional health services district with respect to the ownership, operation, management, or lease of a hospital, health care facility, or other exercise of power would also be governed by applicable South Carolina law under this proposal.

A favorable report, with amendments, was given to **H.5064 HUMAN AFFAIRS COMMISSION REFORMS.** This bill would delete a duplicitous reporting requirement. It also seeks to clarify that the Commission may require reports from all employers. Additionally, it would extend the time for filing a complaint in circuit court. Last, it would end existing requirements in discriminatory housing cases for complaints and answers to be verified.

Receiving a favorable report, too, was **H.5150 LIMITS ON RETAIL LIQUOR SALES LICENSES.** Any sunset provision for the limitation of three retail dealer licenses held by one licensee would be postponed to July 1, 2019 under this bill.

Last, at this session, a favorable report was given to **H.5153 WORKERS COMPENSATION CLAIMS HEARINGS.** Workers' Compensation Commission hearings would have to be held in the districts where potentially compensable injuries have occurred. This proposal changes existing statutory language requiring these hearings to be held in the cities or counties where these injuries occurred. These districts would be determined by the Commission.

The House Judiciary Committee also met Thursday, March 22nd, and reported out the following bills:

They gave a favorable report to **H.3208** **FURTHERING TERRORISM.** Adds the criminal offense of furthering terrorism. Defines the elements of this offense and sets penalties. Creates the offenses of material, or financial, support of an act of terrorism and concealment of the actions or plans of another to carry out an act of terrorism. Also allows seizure and forfeiture of real and personal property used in connection with these offenses.

Also receiving a favorable report was **H.5027 HABITUAL OFFENDERS CANNOT BE DRIVERS FAILING TO PAY TRAFFIC TICKETS.**Drivers convicted of failing to pay traffic tickets could not have those convictions considered under "habitual offender" law pursuant to the provisions of this pending legislation.

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Thursday, March 22, and reported out several bills.

The committee gave a report of favorable with amendments on **H.4093**, the **“EMPLOYMENT FIRST INITIATIVE ACT”**. The legislation directs all of South Carolina’s state agencies and political subdivisions to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities. To further those employment goals, state agencies and local governments are encouraged to coordinate their efforts, adopt rules and promulgate regulations for implementation, and share data and information across systems in order to track the progress of the initiative. A seventeen-member South Carolina Employment First Oversight Commission is created to coordinate the implementation of the initiative and make annual progress reports to the Governor and members of the General Assembly.

The committee gave a report of favorable with amendments on **H.4304**, a bill facilitating **OFFSHORE WIND-RESOURCE DEVELOPMENT ACTIVITIES** undertaken by an electrical utilities. The legislation authorizes the South Carolina Public Service Commission to adopt procedures that encourage electrical utilities, subject to the jurisdiction of the commission, to invest in offshore wind-resource development activities if the commission determines that adopting these procedures would be in the best interest of South Carolina ratepayers in terms of reduced electric rates, economic development benefits for state residents, and environmental impacts. Any wind-resource structure installed must not be visible by the human eye from land.

The committee gave a favorable report on **H.5046**, a bill establishing a one‑month **GRACE PERIOD FOR RENEWING REAL ESTATE LICENSES** and paying renewal fees without incurring a late fee or engaging in the unlicensed practice of real estate.

The committee gave a favorable report on **H.5091**. As a means of promoting student and teacher safety, this bill provides that public and private schools may install and use **LOCKDOWN MAGNETIC DOOR STRIPS ON CLASSROOM DOOR FRAMES** to better secure classrooms during emergency lockdowns. The legislation allows for the use of these door strips despite any conflicting state or local statute, ordinance, regulation, standard, code or specification, policy, or other law concerning building codes and fire safety codes

The committee gave a report of favorable with amendments on **H.3846**, a bill that revises **EXCEPTIONS FROM HOMEBUILDERS LICENSURE REQUIREMENTS** to exempt an owner of residential property who makes general cosmetic improvements, inside or outside the home, such as the installation or repair of interior and exterior paint or trim, flooring, toilets, showers, tubs, sinks, fixtures, cabinetry, shelving, appliances, doors, windows, drywall, driveways, landscaping, external storage buildings, decks, patios, porches, and fencing, if the owner does the work himself. A residential property owner is exempt from building permit application requirements for these cosmetic improvements if he performs the work himself. The legislation also specifies that a licensed residential builder may also obtain licensure as a residential specialty contractor.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The Medical, Military, Public and Municipal Affairs Committee met on Thursday, March 22, 2018 and reported out several bills.

**H.4486**, legislation enacting the **“RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT ACT”**was given a favorable recommendation by the full committee. In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.

**H.4590**, a bill that reduces the degree of supervision from direct to general for **AURICULAR DETOXIFICATION THERAPY** under a licensed acupuncturists or licensed physicians, was given a favorable with amendment recommendation by the committee. General supervision means a licensed physician or acupuncturist who has authorized the auricular detoxification procedures is not required to be present when the procedures are performed.

The committee gave a favorable recommendation to **H.4698**, legislation dealing with the **EXAMINATION REQUIREMENTS TO OBTAIN A LICENSE TO PRACTICE MEDICINE IN THE STATE.** The bill adds the SC Vocational Rehabilitation Agency to the list of agencies where certain additional examination requirements are waived for persons who practice in those particular agencies.

**H.4799**, a bill allowing the state to participate in the **Physical Therapy Licensure Compact**, was given a favorable recommendation by the committee. The purpose of this compact is to facilitate regional practice of physical therapy with the goal of improving public access to physical therapy services. The bill provides for the structure, functions, powers and duties of the compact. The bill further outlines the creation the Physical Therapy Compact Commission.

**H.4815**, legislation that **updates and revises the practice act for speech Language Pathologists and speech language pathology assistants**, was given a favorable with amendment recommendation by the committee.

The committee gave a favorable with amendment recommendation to **H.3751**, legislation dealing with the regulation of **genetic counselors**. The practice of genetic counseling means, but is not limited to, obtaining and evaluating individual, family, and medical histories to determine genetic risk for genetic/medical conditions and diseases in a patient, his offspring, and other family members. As a result, the bill creates the Board of Genetic Counselor Examiners to license genetic counselors under the administration of the Department of Labor, Licensing and Regulation. The bill provides for the procedures and criteria for licensure for genetic counselors and provides for the power and duties of the board.

**H.3775**, a bill relating to the **ORIGINAL BIRTH CERTIFICATES OF ADOPTED PERSONS**, was given a favorable with amendment recommendation by the committee. The legislation allows an adult adoptee (21 years old or older) to obtain a copy of the adoptee’s own original birth certificate information. The bill requires the development of a contact preference form and a medical history form to provide to a biological parent upon request. Upon completion, these forms must be filed with the state registrar and accompany with an original sealed birth certificate issued to an adoptee. The contact preference form must allow the biological parent to indicate whether he has completed or updated a medical history form and must allow the biological parent to choose from various contact options.

**WAYS AND MEANS**

The Ways and Means Committee met on Wednesday, March 21, and reported out several bills.

The committee gave a report of favorable with amendments on **H.4009**, the **“MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT”**, which establishes an exemption from state and local sales taxes for building materials, supplies, fixtures, and equipment used in motorsports entertainment complex construction, repair, improvements, or expansions. The tax exemption applies to a proposed capital investment of at least ten million dollars on any motorsport entertainment complex in this state within a five‑year period.

The committee gave a favorable report on **H.3684**, a bill authorizing the Department of Revenue to implement **INTERNET FILING AND INDEXING OF TAX LIENS** for public inspection online. Replacing the existing system of filing tax liens with county clerks of court, the legislation allows the Department of Revenue to implement a centralized system of filing and indexing liens which is accessible to the public over the Internet or through other means.

The committee gave a favorable with amendments report on **H.4715**. The legislation revises procedures relating to assessments and payments of property taxes on boats and certification of watercraft to provide for an **ANNUAL RENEWAL FOR WATERCRAFT CERTIFICATES** rather than the current three-year renewal period. Fees are adjusted accordingly from $30 for three years to $10 each year.

The committee gave a report of favorable with amendments on **H.4182**, the **“STATE INSTITUTION OF HIGHER EDUCATION EFFICIENCY ACT”**. The legislation establishes a process that allows South Carolina’s public universities and colleges to exercise greater authority and bypass state regulatory oversight, including approvals by the Commission on Higher Education and the Joint Bond Review Committee, when making investments utilizing funds that are not derived from state appropriations or undergraduate tuition in auxiliary activities related to research, housing, food services, stores, and athletics. The legislation makes provisions for annual reports on the financial activities of higher education auxiliary divisions and audit requirements to insure that their financial arrangements and borrowing is not secured by the state. The Commission on Higher Education retains its oversight authority over core functions, such as the approval of new academic programs, and purchases, borrowing, and financial transactions using state funds remain subject to state regulatory protocols through such oversight bodies as the Joint Bond Review Committee and the State Fiscal Accountability Authority. The legislation applies to the Citadel, Clemson University, Coastal Carolina University, College of Charleston, Francis Marion University, Lander University, the Medical University of South Carolina, South Carolina State University, Winthrop University, and the University of South Carolina’s main campus in Columbia and its Aiken, Beaufort, and Upstate campuses.

The committee gave a report of favorable with amendments on **H.4021**, a bill addressing **PERISHABLE PREPARED FOOD MANUFACTURING SALES TAX EXEMPTIONS**. The legislation makes provision for statesales tax exemptions that apply to certain fuel and electricity used in perishable prepared food manufacturing and certain clothing worn at perishable prepared food manufacturing facilities.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**H.5152** ***IDENTIFICATION TAGS PLACED ON COTTON BALES STORED IN A WAREHOUSE OPERATED UNDER THE STATE WAREHOUSE SYSTEM*** **Rep. V. S. Moss**

Currently, each bale of cotton accepted for storage in a warehouse operated under the state warehouse system must be identified by a numbered tag affixed to the bale. The bill outlines that warehouse may utilize the Permanent Bale Identification (PBI) number and tag of another gin if that tag meets these requirements. If the PBI tag does not meet these requirements, the warehouseman may affix a sticker to the PBI tag or bale of cotton adjacent to the PBI tag that meets these requirements.

**EDUCATION AND PUBLIC WORKS**

[**H.5145**](http://www.scstatehouse.gov/billsearch.php?billnumbers=5145&session=122&summary=B) **DMV CONTRACTS WITH US DOD Rep. Johnson**

This bill, relating to the administration of the driver's license examination by persons, corporations, or governmental subdivisions under contract with the department of motor vehicles, provides that the Department of Motor Vehicles must enter into contracts with the United States Department of Defense to offer this service to certain individuals.

[**H.5147**](http://www.scstatehouse.gov/billsearch.php?billnumbers=5147&session=122&summary=B) **SOUTH CAROLINA STATE PARKS SPECIAL LICENSE PLATES Rep. V. S. Moss**

This bill provides that the Department of Motor Vehicles may issue "South Carolina State Parks" special license plates.

[**H.5148**](http://www.scstatehouse.gov/billsearch.php?billnumbers=5148&session=122&summary=B) **CERTIFICATE OF TITLE Rep. Elliott**

This bill, relating to the transfer and surrender of certificates of title, license plates, registration cards, and manufacturers' special plates for vehicles sold as salvage, abandoned, scrapped, or destroyed, provides a procedure for an insurance company or its agent to obtain a certificate of title for a vehicle from the Department of Motor Vehicles when a claimant fails to deliver the title to the insurance company or its agent under certain circumstances.

[**H.5172**](http://www.scstatehouse.gov/billsearch.php?billnumbers=5172&session=122&summary=B) **COMMERCIAL DRIVERS' LICENSES Rep. S. Rivers**

This bill provides that the Department of Education, in conjunction with the Department of Motor Vehicles, shall plan and develop a curriculum for use by high schools to provide students with training to obtain commercial drivers' licenses following graduation provided the students meet all other related requirements.

[**H.5173**](http://www.scstatehouse.gov/billsearch.php?billnumbers=5173&session=122&summary=B) **VEHICLE LIGHTS Rep. Stringer**

This bill provides that a vehicle may not be equipped with certain signs, screens, or other devices that utilize an electronic or remote means to display intermittent, changing, or flashing lights or colors.

**JUDICIARY**

**S.541 *VICTIMS OF SEX TRAFFICKING OR PERSONS TRAFFICKING AS VICTIMS OF CHILD ABUSE OR NEGLECT* Senator Shealy**

If enacted, this legislation would treat children who are victims of sex trafficking, or severe forms of trafficking in persons, as victims of child abuse or neglect.

**S.755 *DROP-OFF BOXES FOR CONTROLLED SUBSTANCES* Senator Peeler**

Under this proposed legislation, sheriffs would be required to maintain at least one public controlled substance disposal drop-off site.

**S.805 *CHILDREN’S LAW REFORMS* Senator Shealy**

This bill would create the SC Department of Children's Advocacy [SCDCA]. This new department would be responsible for ensuring that children receive adequate protection and care from services or programs offered by the SC Departments of Social Services, Mental Health, Health and Human Services, Juvenile Justice, Health and Environmental Control, Disabilities and Special Needs, as well as the John de la Howe School, the Wil Lou Gray Opportunity School, and the School for the Deaf and Blind. Its director would be subject to removal for failing to discharge the listed duties for this office, as well as for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. In addition, this legislation would require medical examiners or coroners to accept reports from persons required to report suspected child abuse or neglect. They then must forward these reports to the SCDCA. Law enforcement officers receiving domestic violence reports must forward them to both the Department of Social Services and to the SCDCA when the parties involved in the reported domestic violence are responsible for the welfare of a child. The Cass Elias McCarter Guardian *ad litem,* Continuum of Care for Emotionally Disturbed Children, and Foster Care Review programs would be similarly administered by SCDCA.

**S.862 *SECURITIES COMMISSION ACTIONS IN RICHLAND COUNTY***

**Senator Young**

This bill would clarify that Securities Commissioners' investigations, including subpoenas, would not preclude any person from applying to the Richland County Court of Common pleas for appropriate relief.

**S.928 *SPECIAL PURPOSE DISTRICTS/DEACCESSIONING WORKS OF ART***

**Senator Scott**

All special purpose districts that have acquired artworks, whether by gift, bequest, purchase, or by other legal means, could transfer them to any nonprofit corporation that displays artworks under the provisions contained in this legislation. Methods of deaccession would be setup by the special purpose district governing body.

**S.949 *CIVIL IMMUNITY FOR COMMUNITY SERVICE PROVIDERS***

**Senator M. B. Matthews**

Probation officers, court personnel, county and municipal personnel, public officials, as well as private volunteers who participate in community service programs would not be liable for civil damages to probationers, unless any injuries or damages are proven to be the result of their gross negligence, recklessness, or intentional misconduct.

**S.1116 *GREENVILLE HEALTH SYSTEM RENAMING AND RATIFICATION OF ITS ACTIONS TO DATE* Senator Timmons**

Greenville Health System would be known as Greenville Health Authority under this proposal. In addition, Greenville Health Authority would be able to operate its facilities and deliver services by agreement with nonprofit entities. It would also ratify all actions taken by Greenville Health System under an amended master affiliation agreement as well as the lease and contribution agreement previously executed.

**H.5146 *NCIS ENFORCEMENT OF CRIMINAL LAWS* Rep. J. E. Smith**

Enforcement of state criminal laws by federal law enforcement officers would be expanded to include Naval Criminal Investigative Service [NCIS] under this pending legislation.

**H.5150 *LIMITS ON RETAIL LIQUOR SALES LICENSES* Rep. Finlay**

Any sunset provision for the limitation of three retail dealer licenses held by one licensee would be postponed to July 1, 2019 under this bill.

**H.5151 *ABSENTEE BALLOT VERIFICATIONS* Rep. Jefferson**

Notices of general, municipal, special, and primary elections would have to include language stating that the process of examining all return-addressed envelopes containing absentee ballots could begin at 9:00 a.m. on the day immediately prior to Election Day. It also would eliminate the requirement that any absentee ballot applicant’s oath be witnessed.

**H.5153 *WORKERS COMPENSATION CLAIMS HEARINGS* Rep. Delleney**

Workers' Compensation Commission hearings would have to be held in the districts where potentially compensable injuries have occurred. This proposal changes existing statutory language requiring these hearings to be held in the cities or counties where these injuries occurred. These districts would be determined by the Commission.

**H.5155 *TRUTH IN SENTENCING REFORMS/RESTITUTION/EARLY RELEASE/MANDATORY MINIMUM SENTENCES/DRUG***

***COURTS Rep*. Pitts**

This proposed legislation would require courts to take into account the financial resources of defendants before ordering restitution to be paid. Payment schedules would have to be developed for defendants. It also limits revocation of probation for mere technical noncompliance events by probationers. Sets up criteria for releasing nonviolent offenders who meet specified criteria. Parole would be made available to terminally ill, geriatric, or permanently disabled inmates. Inmates serving for 15 years could petition courts for sentence modification. The more comprehensive portion of this proposed legislation would remove the mandatory minimum sentences from over 275 criminal offenses that cover a vast spectrum of subjects-- including, but not limited to-- agriculture, alcohol, banking, business licensing and operation, contraband in detention facilities, drivers licenses, drugs, education, elections, environmental affairs, fire codes, fireworks, fishing, food safety, fraud, guns, hunting, inmates, larceny, juveniles, law enforcement, marriage, mining, motor vehicles, public funds, product labeling, professional licensing and practices, public officials, public service, riots, robbery, sex crimes, trains and railroad operations, utility operations, vandalism, and other areas of our existing criminal laws. Directs each circuit solicitor to establish a drug court program for adults and juveniles, to provide criteria for the eligibility of persons charged with nonviolent offenses, to allow each circuit solicitor to establish an office of drug court program coordinator. Also directs the Commission on Prosecution Coordination to establish a state office of Drug Court Coordination, set fees for drug court program participation, and file annual reports detailing drug court program activities. Copies of this report would have to be given to the Sentencing Reform Oversight Committee. Sets out procedures for appointing and paying drug court judges.

**H.5160 *NO GUNS OR AMMO FOR CONVICTED FELONS* Rep. Bryant**

Anyone convicted of a crime punishable by imprisonment of more than one year could not possess firearms or ammunition under this proposed legislation. It also contains increased, graduated penalties for violations.

**H.5161 *NO SMOKING IN CARS WITH MINORS PRESENT* Rep. McKnight**

It would be unlawful for anyone to smoke a tobacco product in a motor vehicle with minor passengers present. This bill also defines the terms "tobacco product" and "minor."

**H.5170 *NCIS IN THE PALMETTO STATE* Rep. J. E. Smith**

This legislation would add, to the list of federal law enforcement agencies authorized to enforce our state criminal laws, the Naval Criminal Investigative Service [NCIS]. NCIS agents would be able to take actions as our state law enforcement officers are able to take.

**H.5180 *MANDATORY INTERNET WEBSITE INFORMATION FOR LOCAL GOVERNMENT ENTITIES* Rep. Elliott**

This legislation would require counties, municipalities, or school districts to post certain information on their websites. It further would require them to develop, maintain, and make public a certain website database. All of this posted information would have to be easily accessible.

**LABOR, COMMERCE AND INDUSTRY**

**S.11 *FLOOD DAMAGE MITIGATION* Sen. Davis**

This bill revises South Carolina Hurricane Damage Mitigation Program provisions to expand the program so that it includes flood damage.

**S.337 *CREDIT UNIONS* Sen. Davis**

This bill revises the powers of credit unions. The legislation authorizes credit unions to sell, to persons in the field of membership, negotiable checks, including traveler’s checks, money orders, and other similar money transfer instruments, including international and domestic electronic fund transfers and remittance transfers and cash checks and money orders for persons in the field of membership for a fee. The legislation revises provisions relating to membership in a credit union, so as to provide a procedure to admit new community groups to a credit union. The legislation relating to board meetings, so as to provide that, unless the bylaws provide otherwise, one regular meeting each calendar year must be conducted in person. If a quorum is present in person for the annual in person meeting, then the remaining board members may participate using audio or video teleconference methods. The other regular meetings may be conducted using audio or video teleconference methods. The legislation revises provisions relating to permissible investments of credit union funds, so as to allow for an investment in certain charitable donation accounts.

**S.877 *APPRAISAL MANAGEMENT COMPANY REGISTRATION***

***REQUIREMENTS* Sen. Alexander**

This bill revises appraisal management company registration requirements to allow the option of satisfying a registration requirement with a surety bond in an amount not to exceed fifty thousand dollars.

**S.1042 *“INTERNATIONAL MAJOR MEDICAL INSURANCE”* Sen. Gambrell**

This bill revises insurance law provisions to define the term “international major medical insurance” and include this form of insurance in the definition for the term “surplus lines insurance”. International major medical insurance is a temporary health insurance policy that covers the expenses associated with illnesses or accidents that occur while traveling or when temporarily residing outside of a person’s home country.

**H.5179 *REAL ESTATE TRUST ACCOUNTS* Rep. Hewitt**

This bill provides that an individual who leases property for more than fourteen days each year shall establish and maintain control of and responsibility for an active trust account when in possession of trust funds belonging to others resulting from a real estate lease, temporary use, or other itinerant occupation of improved real estate.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**S.506** ***STATE OF EMERGENCY, PREREQUISITES TO EMERGENCY REFILLS* Sen. Shealy**

The bill allows for a one-time thirty day dispensing of medications by pharmacists not licensed in the state during a state of emergency.

**S.891 *INFORMATION THAT MUST BE MADE AVAILABLE TO PARENTS OF NEWBORNS* Sen. Shealy**

The bill includes safe sleep practices and the causes of sudden unexpected infant death syndrome in the information that must be provided to parents.

**H.5174 *Interstate Medical Licensure Compact* Rep. G. M. Smith**

The bill provides for the entry of South Carolina into a multistate physician licensure compact.

**WAYS AND MEANS**

**S.1038 *REIMPOSITION OF A CAPITAL PROJECTS SALES TAX* Sen. Hutto**

This bill provides that, for any county which began the reimposition of a capital projects sales tax on April 1, 2013, and reimposed the tax at the 2016 general election, the reimposed tax that commenced on April 1, 2013, is extended until April 30, 2020, and the commencement of the tax that was reimposed at the 2016 general election is delayed until May 1, 2020, and expires on April 30, 2027.

**H.5158 *“SOUTH CAROLINA GENTRIFICATION TRUST FUND”***

**Rep. Robinson-Simpson**

This bill authorizes the governing body of a county or municipality to impose a one‑time impact fee on a private developer for each new residential and commercial unit constructed by the developer within the county or municipality, with all fees collected deposited into a newly-created “South Carolina Gentrification Trust Fund”. A developer who dedicates at least fifteen percent of the housing development to low income housing is exempt from the impact fee. The “South Carolina Gentrification Trust Fund” is created to provide financial assistance for relocation to low income and fixed income individuals, churches, and groups adversely impacted and displaced by gentrification. The legislation provides for the General Assembly to make a five million dollar appropriation each year. The legislation adds the “South Carolina Gentrification Trust Fund” to the income tax return check off list that individuals may use to make voluntary contributions.

**H.5162 *UPDATING THE REFERENCE TO THE FEDERAL INTERNAL REVENUE***

***CODE IN STATE INCOME TAX LAWS* Rep. White**

This bill revises provisions relating to the application of the Internal Revenue Code to state income tax laws, so as to update the reference to the Internal Revenue Code and to provide that if the Internal Revenue Code sections adopted by this state are extended, then these sections also are extended for South Carolina income tax purposes.

**H.5171 *ADMISSIONS TAX EXEMPTION FOR CERTAIN AGROTOURISM***

***BUSINESSES* Rep. Martin**

This bill establishes an exemption from the admissions tax for admissions to an agrotourism business that offers hayrides, tours, and games as an integral component of its business.

**H.5178 *RETIREES RETURNING TO COVERED EMPLOYMENT IN SOUTH***

***CAROLINA RETIREMENT SYSTEMS* Rep. Finlay**

This bill revises provisions relating to the amount of compensation that may be earned upon returning to covered employment in the South Carolina Retirement System, so as to provide that the earnings limitation does not apply to a member who retired before November 1, 2017. The legislation revises provisions relating to the amount of compensation that may be earned upon returning to covered employment in the Police Officers Retirement System, so as to provide that the earnings limitation does not apply to a member who retired before December 31, 2017.

**H.5181 *“TAXPAYER TRANSPARENCY ACT”* Rep. Elliott**

This bill directs the Executive Budget Office to create and maintain a searchable budget database website detailing where, for what purpose, and what results are achieved for all taxpayer investments in state government.

**H.5182 *FEE IMPOSED ON FIREARMS SALES TO FUND RESOURCE***

***OFFICERS IN SCHOOLS* Rep. Brawley**

This bill imposes a seven percent fee on the sale of firearms which must be credited to a newly-created “School Safety Fund” established within the State Department of Education. The fund must be expended only to employ or otherwise provide school resource officers. Each school district may apply to the Department of Education for a disbursement from the fund. In determining which school district shall receive a disbursement, and its amount, the Department of Education must give priority to school districts that, in the previous fiscal year, did not have a full‑time school resource officer at each school within the district.

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