



South Carolina House of Representatives

# Legislative Update

**G. Murrell Smith, Speaker of the House**

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## **2024 Enacted Legislation (Final)**

(Indexed)

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## **Legislative Update, 2024**

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### **Consolidated Legislative Update**

This document consolidates material previously sent as two attachments in a July 1 email, which included legislation as of May 9th and the final conference committees at the end of June. It combines these attachments into a single comprehensive summary.

#### **Document Structure**

This document is organized into two sections:

**Abbreviated Summaries:** These brief, quick descriptions are suitable for newsletters, reports, and communications with constituents and the press.

**Detailed Summaries:** This section provides in-depth, archive style information about the Acts.

#### **Search Suggestions**

To locate a specific bill or topic, use your computer's search feature in your digital copy.

For the printed version, refer to the index at the back, organized by bill number and subject.

In the on-line Word document, you can navigate directly to a specific act or bill summary by placing the cursor over the line in the Table of Contents, holding down the Ctrl key, and left-clicking the mouse.

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### ABBREVIATED SUMMARIES

#### Budget and Finance

##### State Government Budget

###### H. 5100 Fiscal Year 2024-2025

###### H. 5101 Capital Reserve Fund

The General Assembly has approved the conference report on **H. 5100**, the General Appropriation Bill, and **H. 5101**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the \$14.4 billion Fiscal Year 2024-2025 State Government Budget. The grand total of *all* budget funds – state, other, federal and this year's new money totals \$42 billion.

Nearly a billion dollars (\$913 million) in recurring revenue is available for appropriation, with \$2 billion in nonrecurring revenue (which includes \$600 million in Homestead Exemption Surplus funds and \$390 million in Capital Reserve Funds).

**For details regarding the budget, please see the "Detailed Summaries" section below**

###### Uniform Money Services Act [S. 1031, Act 218]

**S. 1031 (Act 218)** establishes the Uniform Money Services Act, adopting key provisions from the Conference of State Bank Supervisors' model legislation. The Act revises anti-money laundering measures to protect the public, standardize licensable activities, modernizing safety and soundness requirements, and ensuring fund protection while fostering innovative and competitive business practices.

#### Economic Development and Taxes

###### Tax Deductions for First Responders [S. 969, Act 217]

**S. 969 (Act 217)** enhances **tax deductions for law enforcement officers, firefighters, and emergency medical service personnel**. The bill increases subsistence deductions for paid public servants and raises the volunteer exemption for unpaid public servants in these roles. The legislation includes provisions revising the **clinical preceptor income tax credit** afforded physicians, advanced practice nurse practitioners, and

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physician assistants who provide supervision and instruction during student clinical training experiences for a public teaching institution or independent institution of higher learning. The legislation includes provisions addressing the **exemption of groceries from Local Option Sales Taxes for transportation facilities.**

### **Tax Incentives for Economic Development [H. 4087, Act 222]**

H. 4087 (Act 222) enhances tax incentives for economic development. The legislation expands income tax credit provisions for establishing corporate headquarters in South Carolina; lowers the minimum investment threshold for qualified recycling facilities and solar and wind materials in the definition of "postconsumer waste material." The Act revises law to include remote employees in South Carolina, North Carolina, and Georgia in certain job creation requirements and adds incentives for specific investments.

### **Tax Rates, Background Checks, Federal Defense Facilities Redevelopment [S. 577, Act 215]**

S. 577 (Act 215) updates references to the **top marginal income tax rate** under provisions relating to the withholding of income taxes to bring them into conformity with income tax relief initiatives. This Act amends the language so that it always conforms to the top marginal tax regardless of the actual top income tax, facilitating continuing work to lower the income tax rates. The Act revises state provisions to bring them into compliance with **federal requirements for criminal history background checks for those with access to federal tax information.**

### **Property Tax Exemption For Disabled Veterans [H. 3116, Act 116]**

H. 3116 (Act 116) revises the **property tax exemption process for disabled veterans**, allowing them to immediately claim a full-year exemption in the year their disability occurs, among other details.

### **Feminine Hygiene Products [H. 3563, Act 131]**

H. 3563 (Act 131) relates to sales tax exemptions, providing an exemption for **feminine hygiene products.**

### **Industry Partnership Fund Tax Credit Increase [H. 3811, Act 134]**

H. 3811 (Act 134) provides for an **Industry Partnership Fund tax credit** increase associated with the South Carolina Research Authority (SCRA).

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### **Corporate Income Tax Changes [S. 298, Act 113]**

**S. 298 (Act 113)** amends the corporate tax laws dealing with the apportionment of income and combined reporting.

### **S. 557 Apprenticeship Income Tax Credit Provisions [S. 557, Act 188]**

**S. 557 (Act 188)** enhances the **apprenticeship income tax credit**. The Act stipulates that the credit equals the greater of the apprenticeship cost or \$1,000 per apprentice, with a cap of \$4,000 per apprentice or \$6,000 for the youth apprenticeship program. If the apprentice completes the program and remains employed by the taxpayer, the taxpayer can claim an additional \$1,000 credit for up to 3 more taxable years. The total credit for all taxpayers is capped at \$5 million per tax year, adjustable by the General Assembly.

### **Abandoned Buildings Revitalization Act [S. 1021, Act 169]**

**S. 1021 (Act 169)** revises the South Carolina **Abandoned Buildings Revitalization Act**, extending its provisions through 2035 and increasing the maximum tax credit from \$500,000 to \$700,000. The legislation also adds **Short Line Railroad Modernization provisions**, offering an income tax credit equal to 50 percent of qualified railroad reconstruction or replacement expenditures to encourage the rehabilitation of **small rail lines**. An annual cap of \$1.5 million is set for these tax credits, which are repealed at the end of 2028.

### **Perpetual Recreational Trail Easements [H. 3121, Act 125]**

**H. 3121 (Act 125)** establishes an income tax credit for **perpetual recreational trail easements**. The legislation makes provisions for a one-time income tax credit for each square foot of property that a taxpayer encumbers with a perpetual recreational trail easement and right-of-way.

### **Tax Conformity (H. 4594, Act 175)**

**H. 4594 (Act 175)** is this year's **state and federal income tax conformity Act**. The legislation updates references to the federal Internal Revenue Code in state income tax statutes. It provides for conformity so that any extensions adopted at the federal level are adopted for South Carolina income tax purposes.

### **South Carolina Ireland Trade Commission [S. 621, Act 121]**

**S. 621 (Act 121)** establishes the "South Carolina Ireland Trade Commission" to advance bilateral trade and investment between South Carolina and Ireland.

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### General Government

#### **Robert Smalls Monument [H. 5042, Act 183]**

**H. 5042 (Act 183)** establishes the **Robert Smalls Monument and Commission**. Robert Smalls was an escaped enslaved person who became a Civil War hero (Smalls was a ship's pilot who commandeered the Confederate armed steamer, the Planter, and later served as a pilot for the Union), a legislator in the South Carolina General Assembly and a United States Congressman.

#### **Lottery Participant Personal Information Protections [H. 3872, Act 106]**

**H. 3872 (Act 106)** posits that personal data of South Carolina **Lottery players**, including names and contact details, are kept confidential, with only the prize details and retailer location made public.

#### **Willfully and Criminally Altering Geodetic or other Surveying Monuments [H. 3748, Act 171]**

**H. 3748 (Act 171)** increases criminal penalties for altering, damaging, moving, or removing geodetic, property corner monuments, control monuments, and any other land surveying monuments and markers.

#### **Ending Mandatory County Auditor Deed Endorsements [H. 3608, Act 133]**

**H. 3608 (Act 133)** discontinues mandatory county auditor preapproval of all deeds -- allowing county auditors to opt-out of long-standing procedures for endorsing deeds recorded in a register of deeds or a registrar of mesne conveyances office. Auditor fees for this task end as well.

#### **Pre-1973 Special Purpose District Property Acquisition and Sales Authority [H. 4563, Act 201]**

**H. 4563 (Act 201)** clarifies the authority of all special purpose districts created before 1973 (pre-Home Rule) to own, acquire, purchase, hold, use, lease, convey, sell, transfer, or dispose of real, personal, or mixed property.

#### **South Carolina Poultry Festival [H. 3960, Act 107]**

**H. 3960 (Act 107)** designates the **South Carolina Poultry Festival** in Lexington County as the official State Poultry Festival.



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### **Paid Family Leave Insurance Act [H. 4832, Act 206]**

**H. 4832 (Act 206)**, the “Paid Family Leave Insurance Act,” establishes a framework for optional family leave insurance policies issued to employers that allow them to provide employees with a benefits program that pays for a percentage or portion of the employee’s income loss due to significant family events (enumerated).

### **Florence County Register of Deeds [H. 3313, Act 197]**

**H. 3313 (Act 197)**. This legislation adds **Florence County** to the list of counties with a Register of Deeds. This list specifies the South Carolina counties that have a Register of Deeds to handle all real estate-related matters. In the past, county Clerks of Courts or Registrars of Mesne Conveyances exclusively handled these documents.

### **Fort Eisenhower to the Definition of Federal Military Installations [H. 3934, Act 173]**

**H. 3934 (Act 173)** adds **Fort Eisenhower** (name change for **Fort Gordon**) to the definition of **Federal Military Installations**.

### **S. 207 Piedmont Gateway Scenic Byway [S. 207, Act 157]**

**S. 207 (Act 157)** creates the **Piedmont Gateway Scenic Byway** approximately from Ridgeway to White Oak, South Carolina.

### **Water Professionals Day [H. 3799, Act 105]**

**H. 3799 (Act 105)** designates the first Monday in March of each year as “**Water Professionals Day**” in South Carolina.

### **Greenville Technical College Area Commission [H. 4349, Act 141]**

**H. 4349 (Act 141)** relates to the **Greenville Technical College Area Commission**. The Act sets out its powers and responsibilities.

### **Denmark Technical College [S. 1047, Act 124]**

**S. 1047 (Act 124)** relates to **Denmark Technical College area commission members**, providing that how commissioners are appointed shall be by appointment of the governor upon the recommendation of a majority of the members of the General Assembly representing Allendale, Bamberg, and Barnwell Counties.

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### Business and Commerce

#### Automatic Renewal Provisions in Service Contracts [S. 434, Act 159]

**S. 434 (Act 159)** addresses **automatic renewal provisions in service contracts**, providing that no automatic renewal provision in a service contract shall be enforceable against the contract holder unless the contract holder was presented written or electronic notification of that automatic renewal provision not less than 30 days nor more than 60 days before the cancellation deadline required by the automatic renewal provision.

#### ESG Pension Protection Act [H. 3690, Act 103]

**H. 3690 (Act 103)**, the “**ESG Pension Protection Act**,” requires that retirement system investments exclusively consider “**pecuniary**” factors (financial); omitting **ESG (Environmental, Social, and Governance)** considerations. The law discharges financially prudent decisions and secures the Investment Commission’s fiduciary duty regarding *shareholder* proxy voting authority.

#### Pharmacy Service Administrative Organizations [S. 962, Act 166]

**S. 962 (Act 166)** revises the duties of **pharmacy service administrative organizations** established in Act 30 of 2023 to remove the requirement that pharmacy service administrative organizations must Act as “fiduciaries” to pharmacies and “perform its duties to a pharmacy exercising good faith and fair dealing.”

#### Funeral Directors [H. 4116, Act 223]

**H. 4116 (Act 223)** revises the licensure and regulation of funeral directors and service providers. The Act enhances continuing education (mandating an ethics course), prohibits aiding unlicensed practice, and targets unlawful fee division. It also redefines cremation, requires funeral home managers to live within 75 miles of their workplace, and allows the display of casket options using photos or representations.

#### “South Carolina Earned Wage Access Services Act” [S. 700, Act 190]

**S. 700 (Act 190)** establishes guidelines and requirements governing the provision of **earned wage access services**, which allow consumers to obtain wages they have already earned ahead of their employer’s regularly scheduled pay-day.

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### **Dues Paid to a Golf Club [H. 3880, Act 135]**

H. 3880 (Act 135) relates to the admissions tax to provide that **no tax** may be charged or collected **on annual or monthly dues paid to a golf club**.

### **Delinquent Unemployment Compensation Tax Payments [H. 3992, Act 136]**

H. 3992 (Act 136) addresses **delinquent unemployment compensation tax payments**. The legislation provides that an employer with an installment payment agreement approved by the Department of Employment and Workforce shall be permitted to pay its unemployment compensation tax at a reduced rate, prescribed by statute. If the employer does not comply with the installment agreement, the employer's tax rate shall immediately revert to the tax class twenty rate.

### **Video Service Definition [H. 3782, Act 104]**

H. 3782 (Act 104) revises statutes governing telephone, cable TV, and other telecom utilities, clarifying that **video streaming services** are exempt from local government franchise fees for using public rights of way.

### **Property and Casualty Insurance Policies [H. 3977, Act 108]**

H. 3977 (Act 108) holds that insurers may post standard property and casualty policies **online** instead of mailing them.

### **Paying Inmates Federal Minimum Wages [S. 1001, Act 192]**

S. 1001 (Act 192) requires **inmates** participating in programs established by the Director of the Department of Corrections working in the private sector **be paid the federal minimum wage** for their work.

### **Alternative Nicotine Product Sold through a Vending Machine (H. 4817, Act 205]**

H. 4817 (Act 205) outlines that it is unlawful to sell an **alternative nicotine or tobacco product** through a vending machine unless the machine is located in an establishment only open to those aged 18 or older.

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### **Use of Marinas and Commercial Decks Located in Critical Coastal Areas [H. 4843, Act 225]**

H. 4843 (Act 225) addresses the **authority for businesses to use their marinas and commercial decks located in coastal critical areas** for purposes of providing food and beverage services for consumption by patrons of the business.

## **Real Estate**

### **Real Estate Professionals [H. 4754, Act 204]**

H. 4754 (Act 204) makes comprehensive revisions and updates to the provisions governing the licensing and regulation of **real estate brokers, brokers-in-charge, associates, and property managers**.

### **Real Estate Appraisers [H. 3278, Act 196]**

H. 3278 (Act 196) makes comprehensive revisions to qualifications and other provisions governing the licensure and regulation of **real estate appraisers**.

### **Regulation of Insurers [H. 4869, Act 180]**

H. 4869 (Act 180) implements recommendations from the Department of Insurance for revising various provisions relating to procedures and the **regulation of insurers**.

### **Prohibition of Unfair Real Estate Service Agreements Act [S. 881, Act 165]**

S. 881 (Act 165), the "**Prohibition of Unfair Real Estate Service Agreements Act**," prohibits the use of certain real estate service agreements as unfair to an owner of residential real estate or to other persons who may become owners of that real estate in the future.

## **Energy and Utilities**

### **Gas Utilities [H. 5154, Act 208]**

H. 5154 (Act 208) revises provisions setting the **maximum civil penalty imposed on gas utilities** for regulatory violations to align them with federal law.

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### **South Carolina Nexus for Advanced Resilient Energy [S. 912, Act 210]**

**S. 912 (Act 210)** is a joint resolution expressing support for South Carolina as the **nexus for advanced, resilient energy**. The Act encourages continued global leadership to reduce the state's environmental impact while enhancing economic output.

## **Agriculture Environment and Natural Resources**

### **Statewide Turkey Hunting Season and Flounder Catch Limit [H. 4820, Act 224]**

In an effort to address the decline of **wild turkeys**, **H. 4820 (Act 224)** creates a statewide turkey hunting season for hunting and taking of male wild turkey. The Act reduces the season bag limit, increases the cost of tags, restricts the use of decoys, and makes it unlawful to hunt, kill, or possess certain young male wild turkeys known as “jakes.” The legislation also repeals Section 5, of Act 91 of 2021 which takes the sunset clause off of the catch and size limit of **flounder**, with limits remaining at 10 per day or 20 per boat.

### **Robust Redhorse and Limited Commercial Blue Crab License [H. 4386, Act 212]**

**H. 4386 (Act 212)** makes it unlawful to take, harm, or kill robust redhorse from public waters. The **robust redhorse** is a large, long-lived member of the redhorse sucker family. Beginning July 2025, this Act establishes requirements for obtaining licenses for the taking of **blue crab** by trap for a commercial purpose. South Carolina is the last Atlantic state that does not regulate blue crab harvests. An individual must obtain a limited commercial blue crab license, a commercial saltwater fishing license, and a commercial equipment license for traps.

### **H. 5246 Eastern Brown Pelican [H. 5246, Act 186]**

**H. 5246 (Act 186)** designates the **eastern brown pelican** (*Pelecanus occidentalis*) as the official seabird of South Carolina. This legislative Act by the General Assembly underscores the significance of this species and highlights South Carolina's dedication to preserving its natural habitats and promoting wildlife conservation.

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### **Extending Duck Hunting Season/Taking of Male Wild Turkey [S. 1051, Act 193]**

**S. 1051 (Act 193)** creates a statewide turkey hunting season, which outlines that the **season for hunting and taking of male wild turkey is April 10 through May 10** (no more game zones). The Act also reduces statewide residents' season bag limit from three to two. This provision takes effect in January 2025 and expires in January 2030. After the law sunsets in 5 years, the provision reverts to the existing law of different seasons in game zones 1 and 2 versus game zones 3 and 4 and a limit of three turkeys per season. The Act **extends the duck hunting season for five years, ending 2028-2029 on Lake Blalock**. The Act also includes language dealing with **recreational licenses for the use of set hooks in the Congaree River and the Upper Reach of the Santee River for residents sixty-five years of age or older**. These provisions expire on January 1, 2030.

### **Working Agricultural Lands Preservation Act [H. 3951, Act 117]**

**H. 3951 (Act 117)** establishes the **Working Agricultural Lands Preservation Program and Fund** to preserve farmland. The program offers landowners an alternative for protecting vital agricultural lands, crucial for the sustainability of South Carolina's agricultural industry.

### **H. 4617 Xylazine [H. 4617, Act 177]**

**H. 4617 (Act 177)** adds **Xylazine**, a legal tranquilizing drug used on large animals by veterinarians, to the list of Scheduled II Drugs. (Xylazine is being mixed with other illegal street drugs, placing users at a higher risk of fatal drug poisoning). As a result, adding Xylazine to the Scheduled II list allows law enforcement to respond accordingly.

### **Farm-Raised Venison [H. 3993, Act 118]**

**H. 3993 (Act 118)** provides an exemption for the **retail sale of white-tailed deer organ meat**, packaged as pet treats, by official, certified establishments.

### **Landowners' Privacy Regarding Endangered Plant or Animal Species [H. 4047, Act 119]**

**H. 4047 (Act 119)** outlines that the Department of Natural Resources cannot release records of **landowners' addresses** when the occurrence of a rare, threatened, endangered plant or animal species is located on such property.

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### **Transportation of Farm Animals by Motor Vehicle [H. 4871, Act 148]**

**H. 4871 (Act 148)** prohibits a person from interfering with or **harassing a farm animal transported** by a motor vehicle.

### **Perpetual Recreational Trail Easements [H. 3121, Act 125]**

**H. 3121 (Act 125)** establishes an income tax credit for perpetual recreational trail easements. This Act provides for a one-time income tax credit for each square foot of property that a taxpayer encumbers with a perpetual recreational trail easement and right-of-way.

### **Striped and Hybrid Bass Limits [H. 4387, Act 143]**

**H. 4387 (Act 143)** relates to **striped and hybrid bass limits** on numerous lakes and rivers.

### **Taking of Feral Hogs by Helicopter [H. 4612, Act 144]**

**H. 4612 (Act 144)** deals with the **taking of feral hogs by helicopter**. The Act outlines that the Department of Natural Resources may issue permits for the taking of feral hogs on private lands while airborne in a helicopter.

### **Deer Processors and Donated Tagged Female (Doe) Deer [H. 4875, Act 149]**

**H. 4875 (Act 149)** allows **deer processors to process tagged female (doe)** deer donated by a hunter or crop depredation permittee and, in turn, recover the fee of processing the deer from a person other than the individual who donated the deer. The Act also increases penalties for selling deer or deer parts.

### **Permitted Hook Size in the Lower Saluda River Regarding Striped Bass [H. 5007, Act 154]**

**H. 5007 (Act 154)** restricts permitted hook size in the Lower Saluda River (on specific dates) regarding striped bass.

### **Electronic Dog Control Device [H. 4611, Act 176]**

**H. 4611 (Act 176)** makes it illegal to remove an **electronic dog control device** placed on a dog by its owner. A person who violates this section is guilty of a misdemeanor (the Act provides for penalties).

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### Law Enforcement and Public Safety

#### **Illegal Immigration Enforcement Unit [H. 4120, Act 109]**

**H. 4120 (Act 109)** places the separately-funded **Illegal Immigration Enforcement Unit** within SLED. The Act also outlines its duties and requires an MOA agreement with Immigration and Customs Enforcement (ICE).

#### **Firefighter Cancer Health Care Benefit Plan [S. 728, Act 163]**

**S. 728 (Act 163)** revises eligibility criteria for the **Firefighter Cancer Health Care Benefit Plan** to extend eligibility to employees of the State Fire Marshal and allow “benefits to a firefighter only if the firefighter has served in a South Carolina fire department for at least 5 continuous years and been in active service within 10 years of the diagnosis” (effectively allowing plan participation for non-residents of South Carolina).

#### **Ignition Interlock Devices for Temporary License Issuances [H. 3518, Act 130]**

**H. 3518 (Act 130)** changes the 2023 Act, revising the issuance of temporary drivers’ licenses to include **ignition interlock devices** being installed for up to three months on motorists’ vehicles. These temporary licenses are available after their drivers’ licenses have been suspended for offenses, including driving under the influence or driving with an unlawful alcohol concentration, allegedly committed.

#### **Prohibition of Telecommunication Devices for Inmates [H. 4002, Act 137]**

**H. 4002 (Act 137)** prohibits **telecommunication devices for inmates**. Absent preapproval by the Department of Corrections Director, no inmate can possess *any* telecommunications device (including portable two-way pagers, handheld radios, cellular telephones, personal digital assistants, and laptop computers). Violators of the ban face increased penalties (more severe if used in the commission of a subsequent felony).

#### **Uniform Money Services Act [S. 1031, Act 218]**

**S. 1031 (Act 218)** establishes the Uniform Money Services Act, adopting key provisions from the Conference of State Bank Supervisors' model legislation. The Act re-



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vises anti-money laundering measures to protect the public, standardize licensable activities, modernizing safety and soundness requirements, and ensuring fund protection while fostering innovative and competitive business practices.

### Judicial, Court and Legal Matters

#### **Judges' Permissions to Temporarily Leave South Carolina [H. 3776, Act 172]**

H. 3776 (Act 172) repeals an old, outdated code section for **state judges** to obtain written permission from the South Carolina Supreme Court Chief Justice before leaving South Carolina.

#### **Incapacitated Individuals Probate Court Protections [H. 4234, Act 200]**

H. 4234 (Act 200) revises existing **probate laws** and procedures covering incapacitated people. When more than \$15,000 in net aggregate funds per year will be paid or delivered on behalf of incapacitated people, then protective proceedings must be convened on behalf of these individuals.

#### **Applying Updated Military Codes and Codes of Military Justice Revisions to State Military Entities [H. 4642, Act 145]**

H. 4642 (Act 145) is a comprehensive proposal to add Air, Army, and State National Guards as well as any state militias to various sections of the South Carolina Code military provisions and the **Uniform Code of Military Justice**.

#### **"Uniform Child Abduction Prevention Act" [H. 3220, Act 195]**

H. 3220 (Act 195) was developed by the national Uniform Law Commission. This effort to conform South Carolina law to a national standard sets out comprehensive criteria for determining a **credible threat to a child's safety or likelihood of abduction exists in either child custody or visitation situations**. It also sets out countermeasures to these attempts.

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### **Recouping Costs Incurred in Prosecuting Animal Abuse Cases [H. 3682, Act 199]**

**H. 3682 (Act 199)** facilitates **Levying on Seized Animals for Care Costs** in animal abuse criminal cases. With hearing procedures met, defendants could be held responsible for paying costs incurred while their charges are pending.

### **Conditional Discharge Orders for Offenders Serving Underage Drinkers Alcohol [H. 4248, Act 211]**

**H. 4248 (Act 211)** allows **servers charged with delivering underage patrons beer, ale, porter, or wine** to participate in conditional discharge orders. Compliance with these orders disposes of their pending criminal charges (no convictions appear on their records as a result). Vetoed; subsequently overridden.

### **Expunging Aged-Out Fraudulent Check Convictions, Mistaken Arrests, and Charges [S. 112, vetoed]**

The Governor vetoed S. 112 on May 20, 2024.

Under **S. 112 checkwriters convicted of** misdemeanor-level criminal offenses, including **multiple misdemeanor check bouncing** offenses within a three-year period, over ten years prior, could seek to **expunge their convictions** after paying full restitution.

### **“2022 Promise to Address Comprehensive Toxins [PACT] Act” Probate Court Appointments [S. 845, Act 122]**

**S. 845 (Act 122)** extends the appointment deadline in **Probate Court** cases related to claims under the **2022 Sgt. First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxins [PACT] Act**. The PACT Act provides benefits for individuals exposed to deleterious substances and other occupational hazards during their military service. The Act preserves legal protections regarding **veteran’s death dates**.

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### Law and Civil Society

#### South Carolina Judicial Merit Selection Commission Reforms [S. 1046, Act 219]

**S. 1046 (Act 219)** enacts several significant **South Carolina Judicial Merit Selection Commission** organizational changes, procedural revisions, judicial candidacy prohibitions, and other updates. The revised South Carolina Judicial Merit Selection Commission [JMSC] is composed of 12 members, and, for the first time, involves our Governor in appointing Commission members.

#### Antisemitism [H. 4042, Act 138]

**H. 4042 (Act 138)** codifies **antisemitism as a listed discriminatory act**. It incorporates the International Holocaust Remembrance Alliance definition and examples of *antisemitism* into the South Carolina Code of Laws. Anyone criticizing the country of Israel in the same manner as they criticize other countries will not violate its prohibitions.

#### “South Carolina Constitutional Carry/Second Amendment Preservation Act of 2024” [H. 3594, Act 111]

The South Carolina **Constitutional Carry Act of 2023, H. 3594 (Act 111)**, is comprehensive legislation that, among other things, declares South Carolina citizens have a constitutional right to carry their firearms anywhere in South Carolina (except in specified locations, and except under certain conditions). Gunowners are also able to store their firearms anywhere within their motor vehicles. Anyone openly carrying their firearm in compliance with this proposed legislation does not give any law enforcement officer or official with arrest powers either a reasonable suspicion, or probable cause, to be searched, detained, or arrested for doing so. Violators still will face criminal charges with punishments based on the severity of their violations. Firearm owners have to report the loss or theft of their guns to an appropriate law enforcement agency within 10 days after discovering they are gone. Owners are encouraged to receive appropriate gun safety training before carrying their firearms. Concealed Weapon Permit holders have to report losing their permits within 48 hours.

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### **Dismissing Qualifying Pending Illegal Firearm Possession Charges [S. 1166, vetoed].**

The Governor vetoed S. 1166 on May 21, 2024.

**The vetoed bill, S. 1166**, held that all charges **pending against a person for unlawful possession of a handgun**, that were nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, would have been **dismissed**.

### **Only Citizens as Qualified Voters Referendum [S. 1126, Act 227]**

**S. 1126 (Act 227)** calls for holding a **ballot referendum** on the question of amending Sec. 4, of art. II, of the **South Carolina Constitution** to read that **only a** (instead of 'every') **qualified citizen can vote** in elections in South Carolina.

### **Gender Reassignment Procedures [H. 4624, Act 203]**

**H. 4624 (Act 203)** prohibits healthcare professionals from performing gender transition procedures on individuals under 18. This excludes mental health providers offering mental health services. "Gender transition procedures" include puberty-blocking drugs, cross-sex hormones, and gender reassignment surgeries. For treatments started before August 1, 2024, health care professionals can gradually reduce these treatments by January 31, 2025. However, medical services for minors with medically verifiable disorders of sexual development are still permitted.

### **No Obscene Material Website Access for Minors [H. 3424, Act 198]**

**H. 3424 (Act 198)** pertains to commercial entities hosting obscene material or content promoting child pornography or sexual exploitation must use reasonable **age verification methods**, such as digital ID cards, third-party verification services, or other commercial data methods. These companies could be held civilly liable if they fail to perform reasonable age verification methods.

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### **Living Donor Protection Act [H. 3255, Act 126]**

**H. 3255 (Act 126), the Living Donor Protection Act**, prohibits insurance companies from discriminating against living organ donors regarding coverage and policy conditions. This prohibition includes not being able to decline or limit coverage based solely on someone's status as a living organ donor.

### **Extending the Expiration Date of 2023 Act 56, the Law Enforcement and Personal Primary Act as well as the Judicial Privacy Protection Act [H. 3865 , Act 220]**

**H. 3865 (Act 220)** extends the sunset date of 2023 Act 56, the **Law Enforcement and Personal Primary Act** as well as the **Judicial Privacy Protection Act**, from July 1, 2024 to July 1, 2025.

## Education

### **Reading [S. 418, Act 114]**

**S. 418 (Act 114)** overhauls reading methodologies used in public schools. The Act defines key literacy concepts and mandates the State Department of Education (SDE) to oversee compliance with Read to Succeed mandates, shift from "evidence-based" to "scientifically based" teaching methods, narrow the focus of Read to Succeed to prekindergarten through grade five, bans curricula based on the three-cueing system for word recognition, and mandates foundational literacy, structured literacy, and science of reading coursework for teachers in early childhood, elementary, and special education.

### **Competency-Based Education (CBE) [H. 3295, Act 127]**

**H. 3295 (Act 127)** allows the State Board of Education to waive certain laws and regulations for districts that successfully apply to operate schools using competency-based education. The legislation outlines core principles for Competency-Based Education, including explicit, measurable, and transferrable competencies, personalized and flexible pathways for students, and meaningful assessments. Competency-Based schools cannot be exempted from anti-discrimination laws or health, safety, civil rights, and disability rights requirements, and state and federal assessment requirements may not be waived.

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### Scholarship Stipends [S. 125 , Act 156]

**S. 125 (Act 156)** relates to additional LIFE **scholarship stipends**. The Act extends the stipend to both education (including math and science majors) and accounting majors. Education majors receiving the stipend must, upon graduation, work in a South Carolina public school for one year for every year the stipend is received.

### Definitions Regarding Institutions and Scholarships [S. 974, Act 191]

**S. 974 (Act 191)** relates to the definition of "public or independent institution" for purposes of the Palmetto Fellows, LIFE, and the Hope Scholarships **to add institutions accredited by the Accrediting Commission of Career Schools and Colleges (ACCSC) to the definition.**

### "Seizure Safe Schools Act" [H. 3309, Act 128]

**H. 3309 (Act 128)**, the "Seizure Safe Schools Act," outlines detailed procedures and requirements for schools to manage and support students with seizure disorders. School districts are required to adopt a "Seizure Action Plan" that addresses the basics regarding epilepsy and its impact on student learning.

### Name, Image, or Likeness (NIL) [H. 4957, Act 207]

**H. 4957 (Act 207)** updates the rules on compensation for intercollegiate athletes' **name, image, or likeness (NIL)**. It allows college sports programs and agents to support NIL activities and protects post-secondary institutions and employees from liability related to athletes' NIL earnings. The Act shields in-state schools from penalties for NIL Activities that breach association rules (such as those of the NCAA). The Act prohibits institutions from receiving fees from NIL deals. NIL agreements are exempt from public records requests unless the institution is a contracting party. Athlete agents must comply with the Uniform Athlete Agents Act of 2018 and related laws. The Act does not prevent common law claims by athletes of fraud or misrepresentation. Athletes cannot earn compensation for endorsements of tobacco, alcohol, illegal substances, banned athletic substances, or gambling, including sports betting. Family members cannot act as agents, and agents cannot receive more than 20 percent of the NIL contract. Institutions may prohibit athlete compensation if it conflicts with institutional values.

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### **Booster Clubs [S. 245, Act 112]**

**S. 245 (Act 112)** outlines new laws for **booster clubs** and their financial officers, banning those with felonies such as forgery, larceny, or embezzlement from serving in financial roles with the clubs.

### **Expulsion and Hearings [S. 1188, Act 194]**

**S. 1188 (Act 194)** relates to the student expulsion process and related hearings. The Act amends requirements to be included in written notification to parents or legal guardians of the pupil.

### **Higher Education Permanent Improvement Projects [S. 314 , Act 214]**

**S. 314 (Act 214)** streamlines the approval process for major **higher education improvement projects** by revising review provisions (removing CHE's submission requirements, defining project cost, and raising the athletic debt cap among others). The Act also establishes responsibilities for bonded indebtedness.

### **Middle-Level Education Month [H. 4352, Act 110]**

**H. 4352 (Act 110)** designates the month of March of each year as "**Middle-Level Education Month.**"

## Health

### **Pharmacist and Pharmacist Technicians [H. 3988, Act 221]**

**H. 3988 (Act 221)** addresses the responsibilities of pharmacist and pharmacist technicians by making permanent some of the 2020 pharmacy provisions allowed during the pandemic under the "**Pharmacy Practice Act.**" The Act allows for flu and COVID-19 testing in the pharmacy.

### **"South Carolina Telehealth and Telemedicine Modernization Act" [H. 4159, Act 120]**

**H. 4159 (Act 120)**, the "**South Carolina Telehealth and Telemedicine Modernization Act,**" broadens telehealth access to all licensed practitioners, setting standards for telehealth care equivalent to in-person care, including for APRNs. It redefines "telehealth" to encompass various electronic and technological means for healthcare delivery.

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### **Telecommunicator CPR Training (T-CPR) [H. 4867, Act 179]**

**H. 4867 (Act 179)** requires all 911 telecommunicators who provide dispatch for emergency medical conditions to be trained annually utilizing the most current nationally recognized high-quality **telecommunicator cardiopulmonary resuscitation (T-CPR)**.

### **Professional Counseling Compact Act [S. 610, Act 189]**

**S. 610 (Act 189)**, the "**Professional Counseling Compact Act**," authorizes South Carolina to enter into a compact to facilitate the interstate practice of licensed professional counselors to improve public access to professional counseling services.

### **Compounding Pharmacies [H. 3592, Act 132]**

**H. 3592 (Act 132)** updates the "**Pharmacy Practice Act**" by removing certain definitions related to medication compounding and revising requirements for compounding pharmacies.

### **Suicide Prevention Training [S. 408, Act 158]**

**S. 408 (Act 158)** requires **suicide prevention training for social workers, therapists, and counselors**.

### **Bloodborne Diseases [S. 455, Act 161]**

**S. 455 (Act 161)** adds **Hepatitis C** to the list of **bloodborne diseases** and includes dentists in the definition of health care professionals.

### **Tuberculosis Testing for Applicants in Nursing Homes [S. 558, Act 162]**

**S. 558 (Act 162)** outlines **procedures for tuberculosis testing** of applicants or newly admitted residents for nursing homes or community residential care facilities.

### **Ambulance Fee Trust Fund [H. 4113, Act 139]**

**H. 4113 (Act 139)** creates an **ambulance assessment fee** for private ambulance services charged by SC DHHS and deposited in a newly established Ambulance Fee Trust Fund (this funding can be augmented with federal matching dollars).



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### **Medicaid Program Conformity [H. 5235, Act 184]**

**H. 5235 (Act 184), Medicaid Program conformity**, revises provisions relating to insurers providing coverage to persons receiving Medicaid to comport with the federal Consolidated Appropriations Act of 2022.

### **Medicaid System Procurement [H. 5236, Act 185]**

**H. 5236 (Act 185)** pertains to **Medicaid System Procurement**. The Department of Health and Human Services or a successor agency (for any multi-state solicitation it issues), is authorized to award contracts and procure Medicaid systems and services using competitively solicited NASPO ValuePoint Master Cooperative Purchasing Agreements.

### **Mobile Optometry Units [H. 4333, Act 140]**

**H. 4333 (Act 140)** allows **mobile optometry units to operate during the summer** when schools are not in session.

### **Acute Hospital Care at Home Programs/Service Exempted from CON Review [S. 858, Act 164]**

**S. 858 (Act 164)** defines “**acute hospital care at home**” and exempts acute hospital care at home programs and services delivered by a licensed acute care hospital from the certificate of need review (with regulations). The Act also directs licensure considerations for home health agencies.

### **Voluntary Certification Program for Recovery Housing [S. 445, Act 160]**

**S. 445 (Act 160)** establishes a voluntary certification program for **recovery housing**. The Department of Alcohol and Other Drug Abuse Services will set protocols and guidance for credentialing entities to certify recovery housing according to national quality standards like those of the National Alliance for Recovery Residences (NARR) or Oxford House.

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### **Revised Certifications for Certified Medical Assistant (CMA) [H. 5183, Act 209]**

**H. 5183 (Act 209)** revises the **certification standards for Certified Medical Assistants** to prevent the lapse of existing standards and to expand the number of approved certification programs. By including provisions for existing CMAs and outlining additional responsibilities for unlicensed assistive personnel, the Act aims to maintain the integrity and effectiveness of the CMA profession.

## **Children and Family Issues**

### **“Uniform Child Abduction Prevention Act” [H. 3220, Act 195]**

**H. 3220 (Act 195)** was developed by the national Uniform Law Commission. It sets out comprehensive criteria for determining a **credible threat to a child’s safety or likelihood of abduction in either child custody or visitation situations**.

### **Genetic Counselors [S. 241, Act 187]**

**S. 241 (Act 187)** seeks to protect the public through the regulation of professionals who educate and communicate with the public regarding genetic disorders by creating the Board of Genetic Counselors to license genetic counselors and further provides for the regulation of **genetic counselors** under the administration of the Department of Labor, Licensing and Regulation (LLR).

### **Sex Trafficking, Sexually Exploiting, and Luring Children [S. 142, Act 213]**

**S. 142 (Act 213)** expands the existing definition of **sex trafficking to include sexual exploitation and prostitution of minors**. Victims can now use duress and coercion as affirmative defenses for nonviolent offenses committed as a direct result of their trafficking. When these sex trafficking survivors are under the age of 18, they have to be referred to the Department of Social Services for it to complete its statutorily-mandated investigation of these cases.

**S. 862 (Act 216)** relates to **caregiver requirements** and provides for educational and pre-service training requirements. In an effort to address labor needs and accommodate otherwise qualified workers, the Act removes certain time requirements that an individual must have. GED and other high school equivalency credentials, along with Certificates of Completion, are acceptable credentials for caregivers.

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### Transportation and Vehicles

#### **The Display of License Plates on Motor Vehicles [H. 4674, Act 178]**

**H. 4674 (Act 178)** addresses laws for fastening and displaying **license plates**, including temporary plates on large commercial vehicles. It also encompasses H. 5024, allowing the retention of plates for the surviving spouse of a National Guard member, and introduces several special license plates: the "Hearing Impaired," the "South Carolina Equine Industry," the "Cherokee Indian Nation," the "Catawba Nation," the "University of South Carolina 2017, 2022, and 2024 Women's Basketball National Champions," the "Autistic and Neurodivergent," the "South Carolina Association for Pupil Transportation," and the "Navy and Marine Corps Medal" (for valorous awards).

#### **Photograph for Parking Placards [H. 4819, Act 147]**

**H. 4819 (Act 147)** allows applicants (mostly children) for accessible parking placards to provide a **photograph for the placard** subject to the Department of Motor Vehicle's approval.

#### **Towing a Truck with a Fifth Wheel Assembly [H. 3355, Act 129]**

**H. 3355 (Act 129)** provides that a **towing truck with a fifth-wheel assembly** may tow one additional vehicle (it sets a maximum length and weight for the final trailing vehicle, among other rules).

#### **Blood Type on Applications for Driver's Licenses [S. 968, Act 167]**

**S. 968 (Act 167)** allow an applicant for a driver's license to voluntarily disclose his **blood type on a driver's license** or a beginner's permit.

#### **Emergency Scene Management [H. 4436, Act 174]**

**H. 4436 (Act 174)** seeks to protect **emergency scene operations**, mandating that drivers maintain control of their vehicles in emergencies, including scenes with stopped vehicles, adding that drivers do not obstruct emergency vehicle operations nor operators of authorized emergency vehicles. (Operators of authorized emergency vehicles [such as tow truck operators] are personnel tasked with assisting emergency services personnel). To expand education about slower traveling zones on the highway, the General Assembly passed the Work Zone Safety Program Course (H. 5023, 182).

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### **Work Zone Safety Program Course [H. 5023, Act 182]**

**H. 5023 (Act 182)** establishes the **work zone safety program** within the Department of Motor Vehicles. The DMV requires all persons obtaining an initial driver's license and who are required to complete a driver's education course to take the work zone safety program course.

### **Preventing the Escape of Loose Material and Debris [H. 4601, Act 202]**

**H. 4601 (Act 202)** amends current law to prevent the escape of materials loaded on vehicles. Effectively, no person shall operate any vehicle on a highway with an unsecured load or covering that could become loose, detached, or hazardous to other highway users. Additionally, it does not restrict the transportation of certain **agricultural** products.

### **Watercraft Motor Restrictions [S. 1005, Act 168]**

**S. 1005 (Act 168)** governs motor and other enumerated restrictions on **Lake Bowen** regarding horsepower, towing, type and place and hours of operation.

### **Beginner's Permits [H. 4673, Act 146]**

**H. 4673 (Act 146)** amends the law regarding **beginner's permits**, hours and conditions of vehicle operation, renewal and fees, driver's training courses, and eligibility for full licensure; also, providing that persons at least 18 years old may take the driving test after maintaining a beginner's permit for at least 30 days.

## **Veterans**

### **Property Tax Exemption For Disabled Veterans [H. 3116, Act 116]**

**H. 3116 (Act 116)** revises the **property tax exemption process for disabled veterans**, allowing them to immediately claim a full-year exemption in the year their disability occurs, among other details.

### **Unclaimed Veterans Remains [H. 4376, Act 142]**

**H. 4376 (Act 142)** requires coroners, as well as funeral home directors, in possession of **unclaimed human remains identified and determined to be unclaimed veteran** remains, be released to a funeral home for an appropriate burial in a national cemetery.

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### **Veterans' Trust Fund [H. 4928, Act 151]**

**H. 4928 (Act 151)** pertains to the **Veterans' Trust Fund** that assists public and private veteran programs throughout the state with only voluntary tax donations. Currently, the fund does not have fundraising as an activity to raise monies to add to the fund. As a result, the Act adds fundraising as an activity.

### **State Veterans' Cemeteries [H. 4953, Act 153]**

**H. 4953 (Act 153)** removes the **residency requirement to qualify for a plot in a state veterans' cemetery** for an honorably discharged veteran.

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# DETAILED SUMMARIES

## Budget and Finance

### State Government Budget

#### H. 5100 Fiscal Year 2024-2025 and H. 5101 Capital Reserve Fund

The General Assembly has approved the conference report on **H. 5100**, the General Appropriation Bill, and **H. 5101**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the \$14.4 billion Fiscal Year 2024-2025 State Government Budget. The grand total of *all* budget funds – state, other, federal and this year's new money totals \$42 billion.

Nearly a billion dollars (\$913 million) in recurring revenue is available for appropriation, with \$2 billion in nonrecurring revenue (which includes \$600 million in Homestead Exemption Surplus funds and \$390 million in Capital Reserve Funds).

#### Tax Relief

The budget delivers \$1 billion in **total direct tax relief** (\$200 million in income tax relief and \$800 million from the tax relief trust fund).

In keeping with the "Comprehensive Tax Cut Act of 2022," \$100 million in recurring funds and \$100 million in Homestead Exemption Surplus funds is used to accelerate to the *fourth* year of the **tax relief schedule**, allowing the highest income tax bracket to be lowered from 6.4 percent to **6.2 percent**.

#### State-wide Issues

The budget funds the enhancements to the state **financial reserve accounts** used to manage revenue shortfalls as provided for in the amendments to the South Carolina Constitution that were approved by voters in the 2022 general election and ratified by the General Assembly. South Carolina's total reserves are over \$1.1 billion.

#### Pensions

Per Ways and Means, both the SCRS and PORS are nine years ahead of their required maximum amortization schedule per law. Contingent upon market performance and no functional changes, both are on track to be fully funded in 16 years.

\$200 million in nonrecurring funds is allocated to accelerate the **Department of Transportation's schedule for repairing and replacing the state's bridges** (evenly divided between the Interstate/Primary Network and the Secondary Network). Nearly a third

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of the state's 8,400 bridges are approaching or past their intended lifespans. \$117 million is allocated for the **Rural Road Safety Program**. \$200 million will go toward roadwork approved by county officials via C-Funds. \$42 million goes to the Rural Infrastructure Authority for water and sewer improvement projects.

\$53.6 million is provided for capital investments to improve the state's **commercial airports**.

Funding for local governments, charities, events and other community enhancements can be found grouped under various agencies based on categories: Health and Human Services, law enforcement, Aid to Subdivisions, Education, PRT, rural infrastructure, and Labor Licensing and Regulations.

\$61.5 million in recurring revenue is devoted to **state employee pay raises** with each full-time state employee who makes no more than \$50,000 a year receiving a \$1,125 increase in base pay and full-time employees making more than \$50,000 a year receiving a 2.25 percent salary increase.

\$108 million in recurring funds is included to cover the increased costs of operating the **state's health insurance plan** with no additional monthly premium costs to state employees.

### K-12

The budget legislation continues to include the revised educational funding formula established in recent years that consolidates numerous budget lines into the single **State Aid to Classrooms** line. The funding formula's weightings continue to apply, including those that emphasize more funding for students in poverty and students with disabilities. After satisfying fundamental requirements, local school districts are afforded greater flexibility in spending State Aid to Classrooms. Districts are subject to accountability and transparency requirements for publishing their expenditures of federal, state, and local funds online.

An additional \$200 million is provided for **State Aid to Classrooms**. The total appropriation for State Aid to Classrooms represents an average per pupil appropriation of \$5,724.

This budget raises the **minimum pay for first-year teachers** to \$47,000, a \$4,500 increase (from a base level of \$42,500). This plan **extends state-paid yearly boosts for experience** from 23 years to 28 years in the classroom to support the state's senior veteran teachers.

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These extended salary schedules (or “**steps**”) fund an average salary increase of \$2,800 (or 5.1 percent).

The budget provides **pay raises for all teachers** under a revised salary schedule that includes increases at all levels but directs the largest increases towards the lowest paid teachers. The revised pay schedule allows the state’s minimum starting salary for teachers to increase from \$42,500 to \$47,500.

Total **state per pupil funding** will be \$8,590 (for a total \$17,980 average).

\$2.7 million in recurring Education Improvement Act funds is provided to increase the amount that each teacher is afforded for purchasing **classroom supplies** from \$350 to \$400.

\$44 million in Education Lottery Funds is appropriated for **instructional materials**.

\$24 million is provided to cover increased expenses for the Department of Education and **First Steps** full day four year old kindergarten.

\$3 million in recurring Education Improvement Act funds is provided for early **literacy** training, along with \$22 million in these EIA funds for Child Early Reading and Developmental Education Program at the SC Department of Education.

\$10 million in recurring Education Improvement Act funds is devoted to **math resources and support**.

\$30 million in recurring funds is appropriated for the **Education Scholarship Trust Fund**.

\$1 million in recurring Education Improvement Act funds is provided for the **Jobs for America’s Graduates** program.

\$20 million in nonrecurring funds is provided for **school safety upgrades**. \$5 million in nonrecurring funds is provided for **school safety mapping** to assist first responders.

\$28 million in lottery funds is allocated for purchasing and leasing **school buses**.

The State Department of Education Grants Committee is afforded \$7 million in recurring Education Improvement Act funds.



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For school safety, the State Law Enforcement Division (SLED) receives \$7.1 million for the **Center for School Safety and Targeted Violence**.

### Higher Education

The **University of South Carolina** will receive \$100 million for the Health Sciences Campus Building.

\$133 million across all sources is allocated for the next and final phases of the **veterinary school** at **Clemson University**.

There is \$113.7 million to support capital needs at other university campuses.

The budget continues to include a higher education **tuition mitigation initiative** in which an additional \$69.3 million in recurring funds is distributed among the state's institutions of higher learning. In order to retain these appropriations, the institutions must comply with provisions for freezing in-state tuition and mandatory fees during the 2024-2025 academic year for all in-state undergraduate students at all public four-year and two-year University of South Carolina campuses.

Full funding (\$336 million) is provided in Education Lottery funds for the **LIFE, HOPE, and Palmetto Fellows** higher education scholarship programs.

The Commission on Higher Education is afforded \$80 million in lottery funds for **need-based grants**.

The Higher Education **Tuition Grant Commission** is allocated \$20 million in lottery funds.

### Technical and Comprehensive Education

\$51 million in lottery funds is provided through CHE and the Board of Technical and Comprehensive Education for **tuition assistance**.

The Board of Technical and Comprehensive Education is afforded \$94 million for SC Workforce Industry Needs scholarships (**SC WINS**) that help provide full tuition at technical colleges for SC WINS recipients seeking degrees in industry sectors with critical workforce needs.

\$5 million in lottery funds is allocated to the **Ready SC Program** which provides worker training at the state's technical colleges that is customized to the needs of new and expanding business and industry.

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\$10 million in lottery funds is provided to the Commission on Higher Education for its **Nursing Initiative**.

The Technical and Comprehensive Education system is receiving approximately \$115 million for initiatives, maintenance, renovation and replacement needs.

### Commerce

As noted above under Technical and Comprehensive Education, TEC is afforded \$78.7 million in lottery funds for SC Workforce Industry Needs scholarships (**SC WINS**) that help provide full tuition at technical colleges for SC WINS recipients seeking degrees in industry sectors with critical workforce needs. \$5 million in lottery funds is allocated to the **Ready SC** Program which provides worker training at the state's technical colleges that is customized to the needs of new and expanding business and industry. This funding works closely with the Department of Commerce's workforce needs initiatives.

\$ 20 million from the Capital Reserve Fund is provided to the Department of Commerce for **SC Nexus for Advanced Resilient Energy**.

\$5 million in nonrecurring funds is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state and encourage expansions in investments.

### Environment

The Department of **Environmental Services** is afforded \$4.8 million in recurring funds for workforce retention and credentialing, \$2.5 million in nonrecurring funds for the clean-up of uncontrolled hazardous waste sites, and \$2.8 million in nonrecurring funds for the implementation of State Water and River Basin Planning.

The budget includes \$28 million funding for healthcare campus relocation and IT restructuring and maintenance in keeping with restructuring initiatives that consolidate the state's public health agencies.

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### Public Health

\$28 million is provided for technology and facilities restructuring and the **Healthcare Campus relocation**. Funding also includes a nursing salary increase, a cancer prevention network and a prostate cancer awareness campaign.

The Department of **Health and Human Services** receives \$36 million in recurring funds for Medicaid program maintenance of effort, \$50.6 million in recurring funds for Medicaid medical provider rate adjustments, and \$16.5 million in recurring funds for Medicaid behavioral health provider rate adjustments.

The Department of **Social Services** is afforded \$18 million, among that is \$5 million in funding for the Child Welfare Placement Stability Fund, \$8.8 million for the Economic Services System Modernization, \$1 million in nonrecurring funds for its Family Resource Center, \$1.1 million for Senior Hunger and Food Insecurity and \$2.5 million for the Working Families Childcare Scholarships and Support.

A provision is included in the budget that establishes within the Department of Environmental Services, a Dam Repair Assistance Fund used for issuing grants that can cover up to 75 percent of the total cost to correct deficiencies in high and significant hazard dams regulated under the Dams and Reservoir Safety Act.

### Conservation

The **Conservation Bank** is provided \$13 million. \$18 million in funds for conservation grant funding and \$3 million for Working Agricultural Lands. And \$10 million goes toward Habitat Protection and Land Conservation at DNR.

### Law Enforcement and Civil Protections

The **Attorney General's Office** is afforded \$1.5 million in recurring funds for its Statewide Violent Crimes Prosecution Task Force, \$6.5 million in nonrecurring funds for grants for residential and emergency housing for minor victims of human trafficking, and \$5 million for the crime victims assistance SAVS program.

The Department of **Corrections** is budgeted \$10.8 million for the cell phone interdiction program, \$10 million for operations, and \$4.5 million from the Capital Reserve Fund for security and maintenance.

The Department of **Juvenile Justice** receives nearly \$24 million to alleviate overcrowding and work towards a new juvenile detention center.

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The State Law Enforcement Division (**SLED**) receives \$2.6 million for career path step increases, almost \$2 million for critical infrastructure and cybersecurity, \$1.3 million for specialized vehicles and \$7.1 million for the Center for School Safety and Targeted Violence.

The Adjutant General receives \$3.3 million in nonrecurring funds for armory revitalization.

\$30 million is provided from the Capital Reserve Fund for the **Disaster Relief and Resilience Reserve Fund**.

The Department of Administration is appropriated \$1 million in nonrecurring funds for first responder communications modernization and \$5 million for cybersecurity and asset protection systems.

A budget provision establishes the South Carolina University **Cyber Leadership Council** to position the state as a national leader in cyber readiness through education, research, and community engagement.

The Department of **Veterans' Affairs** receives \$1 million in nonrecurring funds for the Veteran Trust Fund, \$10 million in funds for the Military Enhancement Plan Fund, and \$1.3 million in nonrecurring funds for the M.J. "Dolly" Cooper State Veterans' Cemetery. Veteran homes are afforded a total of \$77 million in recurring and nonrecurring funds.

\$5.9 million in nonrecurring funds is provided for information technology system modernization at the Department of Motor Vehicles.

The Election Commission is afforded \$11.5 million in nonrecurring funds for election operations.

The State **Ports Authority** is provided \$55 million from the Capital Reserve Fund for North Charleston Economic Development Land Acquisition.

\$13.9 million in recurring funds is included for full funding of the **Local Government Fund** that is consistent with the revised approach for sending revenue to political subdivisions established in Act 84 of 2019.

\$1.1 million in recurring funds is provided to increase state aid to county **libraries**.

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The Department of **Archives and History** receives \$3.5 million in nonrecurring funds for the commemoration of the 250<sup>th</sup> anniversary of the American Revolution in South Carolina.

The Department of **Parks, Recreation and Tourism** receives \$10 million in funds for destination specific tourism marketing grants, \$1 million in funds for statewide marketing, \$1.1 million in funds for SC Association of Tourism Regions promotions, \$10 million in nonrecurring funds for film incentives, \$5 million in nonrecurring funds for its Sports Marketing Program, \$250,000 in nonrecurring funds for the Undiscovered SC Grant Program.

A budget provision devotes Palmetto Pride Litter Control Program funds to the priority list of litter control projects identified it by the South Carolina Department of Transportation.

### **Uniform Money Services Act [S. 1031, Act 218]**

**S. 1031 (Act 218)** establishes the Uniform Money Services Act, adopting key provisions from the Conference of State Bank Supervisors' model legislation. The Act revises anti-money laundering measures to protect the public, standardize licensable activities, modernizing safety and soundness requirements, and ensuring fund protection while fostering innovative and competitive business practices.

## **Economic Development and Taxes**

### **Property Tax Exemption For Disabled Veterans [H. 3116, Act 116]**

**H. 3116 (Act 116)** revises the **property tax exemption process for disabled veterans**. The legislation provides that a qualified veteran of the Armed Forces of the United States who is permanently and totally disabled as a result of a service-connected disability and who files a certificate signed by the county service officer may immediately claim the exemption for the entire year in which the disability occurs. A surviving spouse may immediately claim the exemption for the entire year in the same manner as the veteran, regardless of whether the veteran applied, filed for, or claimed the exemption. Additionally, a veteran who is permanently and totally disabled for any part of the year, or surviving spouse thereof, is entitled to the exemption for the entire year. In a year in which a disabled veteran, or surviving spouse thereof, owns a property

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for less than a year, any other owner, who is not a disabled veteran, or otherwise entitled to an exemption, is responsible for the property tax accrued on the property for the time in which he owned the property. The legislation also expands the current private passenger vehicle tax exemption for disabled veterans.

### **Tax Rates, Background Checks, Federal Defense Facilities Redevelopment [S. 577, Act 215]**

**S. 577 (Act 215)** updates references to the **top marginal income tax rate** under provisions relating to the withholding of income taxes to bring them into conformity with income tax relief initiatives. This Act amends the language so that it always conforms to the top marginal tax regardless of the actual top income tax, facilitating continuing work to lower the income tax rates. The Act revises state provisions to bring them into compliance with **federal requirements for criminal history background checks for those with access to federal tax information**.

### **Tax Incentives for Economic Development [H. 4087, Act 222]**

**H. 4087 (Act 222)** enhances **tax incentives for economic development**. The legislation expands the income tax credit provisions for establishing a **corporate headquarters** in South Carolina. The Act lowers the minimum investment threshold from \$300 million to \$100 million for a qualified recycling facility to be eligible for tax credits. Batteries, solar panels, turbines and related structures are included in the definition of "postconsumer waste material" for recycling facilities. Provisions in the Enterprise Zone Act of 1995 are revised to allow remote employees working in South Carolina, North Carolina and Georgia to be included in certain job creation requirements and adds incentives for certain investments. The legislation revises provisions relating to the Enterprise Zone Act credit against withholding for retraining employees to provide who is eligible for the credit and the amount of the credit allowed.

### **Tax Deductions for First Responders [S. 969, Act 217]**

**S. 969 (Act 217)** enhances **tax deductions for law enforcement officers, firefighters, and emergency medical service personnel**. The legislation revises deductions from individual taxable income to increase the subsistence deduction amount for certain paid public servants such as law enforcement officers, firefighters, and emergency medical service personnel. The legislation increases the volunteer exemption amount for unpaid public servants in these positions.

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The legislation includes provisions revising the **clinical preceptor income tax credit** afforded physicians, advanced practice nurse practitioners, and physician assistants who provide supervision and instruction during student clinical training experiences for a public teaching institution or independent institution of higher learning. Eligibility is expanded to include training in such specialty care as dermatology, hematology, neurology, and oncology. Under the legislation, the credit is equal to \$1,000 for each rotation served, not to exceed \$4,000 a year. The provider must be a Medicaid participating provider and have a minimum of at least 100 Medicaid and Medicare patients combined or be a free clinic. The credit is available through 2029.

The legislation includes provisions addressing the **exemption of groceries from Local Option Sales Taxes for transportation facilities**. County governing bodies are afforded the option of exempting unprepared food items eligible for purchase with United States Department of Agriculture food coupons from Local Option Sales Taxes for transportation facilities authorized through a referendum held on or after November 5, 2024.

### **Abandoned Buildings Revitalization Act [S. 1021, Act 169]**

**S. 1021 (Act 169)** revises the **South Carolina Abandoned Buildings Revitalization Act**. The revision extends the Act's provisions through 2035 and increase the amount of the maximum tax credit that may be earned from \$500,000 to \$700,000. The legislation includes **Short Line Railroad Modernization** provisions that allow for an income tax credit equal to 50 percent of an eligible taxpayer's qualified railroad reconstruction or replacement expenditures to encourage the rehabilitation of certain comparatively **small rail lines**. An annual cap of \$1.5 million is established for these tax credits and the provisions are repealed at the end of 2028.

### **Tax Conformity [H. 4594, Act 175]**

**H. 4594 (Act 175)** is this year's **state and federal income tax conformity** legislation. The Act updates references to the federal Internal Revenue Code in state income tax statutes and provides for conformity so that any extensions adopted at the federal level are adopted for South Carolina income tax purposes.

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### **Industry Partnership Fund Tax Credit [H. 3811, Act 134]**

**H. 3811 (Act 134)** provides for an **Industry Partnership Fund tax credit increase**. The Act revises the tax credit established for contributions to the **Industry Partnership Fund** associated with the South Carolina Research Authority (SCRA) by increasing the aggregate credit from \$9 million to \$12 million for tax years after 2022.

### **Feminine Hygiene Products [H. 3563, Act 131]**

**H. 3563 (Act 131)** relates to sales tax exemptions to provide an exemption for **feminine hygiene products**. Feminine hygiene products are tampons, sanitary napkins, and other similar personal care items for use in connection with the menstrual cycle.

### **Corporate Income Tax Clarifications [S. 298, Act 113]**

**S. 298 (Act 113)** provides clarification in **corporate income tax** provisions to address such issues as assessing intercompany transactions in computing the taxpayer's state net income properly attributable to its business activity in South Carolina; determining when a combined tax return that encompasses affiliated groups must be submitted rather than separate filings; the apportionment formula for affiliated groups in combined returns; and, the process for appealing determinations made by the Department of Revenue.

### **S. 557 Apprenticeship Income Tax Credit Provisions [S. 557, Act 188]**

**S. 557 (Act 188)** enhances **apprenticeship income tax credit provisions**. The Act provides that the amount of the credit is equal to the greater of the cost of the apprenticeship or \$1,000 for each apprentice employed, but not to exceed \$4,000 for an apprentice or \$6,000 for the youth apprenticeship program. If the apprentice completes the apprenticeship and remains an employee of the taxpayer, the taxpayer may claim the \$1,000 credit for up to three additional taxable years. The maximum aggregate credit for all taxpayers may not exceed five million dollars in any one tax year. The General Assembly, in the annual general appropriations Act, may increase or decrease this maximum aggregate credit amount. Any unused credit may be carried forward for three years.



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### General Government

#### **Robert Smalls Monument [H. 5042, Act 183]**

**H. 5042 (Act 183)** establishes the **Robert Smalls Monument and Commission**. Robert Smalls was an escaped enslaved person who became a Civil War hero (Smalls was a ship's pilot who commandeered the Confederate armed steamer, the Planter, and later served as a pilot for the Union), a legislator in the South Carolina General Assembly and a United States Congressman. As a result, this Act creates the Robert Smalls Monument Commission to determine the design of the monument to Robert Smalls and its location on the State House grounds. This eleven-member commission is directed to raise private funds and receive grants for its purpose. The commission must report the proposed design and location of the monument to the State House Committee for its approval by January 15, 2025. The commission is dissolved on January 15, 2028; however, if the Robert Smalls Monument has not been dedicated by January 15, 2028, the powers, duties, and responsibilities of the commission must be transferred to the State House Committee. The Department of Administration will have a seat on the commission for either the DOA director or his designee. They will serve as the chair of the commission. The commission shall consult with the South Carolina Department of Archives and History to determine and confirm the historical accuracy of the monument's engravings.

#### **Pre-1973 Special Purpose District Property Acquisition and Sales Authority [H. 4563, Act 201]**

**H. 4563 (Act 201)** clarifies the **authority of all special purpose districts** created before 1973 (pre-Home Rule) to own, acquire, purchase, hold, use, lease, convey, sell, transfer, or dispose of real, personal, or mixed property.

#### **Florence County Register of Deeds [H. 3313, Act 197]**

**H. 3313 (Act 197)**. This legislation adds **Florence County** to the list of counties with a **Register of Deeds**. This list specifies the South Carolina counties that have a Register of Deeds to handle all real estate-related matters. In the past, county Clerks of Courts or Registrars of Mesne Conveyances exclusively handled these documents.

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### **Fort Eisenhower to the Definition of Federal Military Installations [H. 3934, Act 173]**

**H. 3934 (Act 173)** adds **Fort Eisenhower** (name change for **Fort Gordon**) to the **definition of Federal Military Installations**. The Act also updates name changes for certain bases currently on the list.

### **Piedmont Gateway Scenic Byway [S. 207, Act 157]**

**S. 207 (Act 157)** creates the **Piedmont Gateway Scenic Byway** approximately from Ridgeway to White Oak, South Carolina.

### **Water Professionals Day [H. 3799, Act 105]**

**H. 3799 (Act 105)** designates the first Monday in March of each year as "**Water Professionals Day**" in South Carolina.

### **Greenville Technical College Area Commission (H. 4349, Act 141)**

**H. 4349 (Act 141)** relates to the **Greenville Technical College Area Commission**. The Act sets out its powers and responsibilities. It allows for the Greenville Technical College Commissioners to be able to serve on the board without term limits.

### **Denmark Technical College (S. 1047, Act 124)**

**S. 1047 (Act 124)** relates to **Denmark Technical College area commission members**, providing that the manner by which commissioners are appointed shall be by appointment of the governor upon the recommendation of a majority of the members of the General Assembly representing Allendale, Bamberg, and Barnwell Counties.

### **Lottery Participant Personal Information Protections [H. 3872, Act 106]**

**H. 3872 (Act 106)** provides South Carolina Education **Lottery participants personal information protection**. The law will protect, as confidential, a lottery participant's name, address, telephone number, birth date, Social Security number, and form of identification they gave to the commission. Public information is limited to the date of the claim and draw, the game played, the prize amount, and location of the retailer that sold the ticket.

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### **South Carolina Poultry Festival [H. 3960, Act 107]**

**H. 3960 (Act 107)** designates the **South Carolina Poultry Festival** in Lexington County as the official State Poultry Festival

### **Paid Family Leave Insurance Act [H. 4832, Act 206]**

**H. 4832 (Act 206)**, the "**Paid Family Leave Insurance Act**," establishes a framework for optional family leave insurance policies issued to employers that allow them to provide employees with a benefit program that pays for a percentage or portion of the employee's income loss due to: the birth or adoption of a child; the placement of a child with the employee for foster care; care of a family member who has a serious health condition; or, the status of a family member who is a service member on active duty or who has been notified of an impending call or order to active duty. The Department of Insurance is charged with making an annual report on the utilization of family leave insurance.

### **Willfully and Criminally Altering Geodetic or Other Surveying Monuments [H. 3748, Act 171]**

**H. 3748 (Act 171)** increases criminal penalties for **altering, damaging, moving, or removing geodetic markers**, property corner monuments, control monuments, and any **other land surveying monuments and markers**. Someone who inadvertently moves such a monument and then notifies the affected owner of this occurrence will not be subject to prosecution.

### **Ending Mandatory County Auditor Deed Endorsements [H. 3608, Act 133]**

**H. 3608 (Act 133)** discontinues mandatory county auditor preapproval of all deeds, allowing county auditors to opt-out of long-standing procedures for endorsing deeds recorded in a register of deeds or a registrar of mesne conveyances office. Auditor fees for this task end as well.

## **Business and Commerce**

### **ESG Pension Protection Act [H. 3690, Act 103]**

**H. 3690 (Act 103)**, the "**ESG Pension Protection Act**," revises provisions governing South Carolina's state retirement system funds to require decisions about investing and managing assets to be based solely on **pecuniary factors** ("Pecuniary factor" means a factor that a prudent person in a like capacity would reasonably believe has a material effect or impact on the financial risk

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or return on investment) “that a prudent person in a like capacity would reasonably believe has a material effect or impact on the financial risk or return on an investment, including factors material to assessing an investment manager's operational capability, based on an appropriate investment horizon consistent with a retirement system's investment objectives and funding policy.” Under the new law, investment and management decisions must exclude **non-pecuniary factors** that are collateral to or not reasonably likely to affect or impact the financial risk and return of the investment, such as the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes. “ESG” refers to “**Environmental, Social, and Governance.**” To the extent that it is economically practicable, the “commission must retain the authority to exercise **shareholder proxy voting rights** for shares that are owned directly or indirectly on behalf of a system.” The Act asserts the Investment Commission’s fiduciary duty regarding shareholder proxy voting authority. The legislation includes requirements for the Retirement System Investment Commission to certify compliance. The Attorney General is authorized to bring legal actions to enforce these provisions.

### **Pharmacy Service Administrative Organizations [S. 962, Act 166]**

**S. 962 (Act 166)** revises the duties of **pharmacy service administrative organizations** established in Act 30 of 2023 to remove the requirement that pharmacy service administrative organizations must Act as “fiduciaries” to pharmacies and “perform its duties to a pharmacy exercising good faith and fair dealing.”

### **“South Carolina Earned Wage Access Services Act” [S. 700, Act 190]**

**S. 700 (Act 190)** establishes guidelines and requirements governing the provision of **earned wage access services**, which allow consumers to obtain wages they have already earned ahead of their employer’s regularly scheduled pay-day.

### **Dues Paid to a Golf Club [H. 3880, Act 135]**

**H. 3880 (Act 135)** relates to the admissions tax. It provides that no tax may be charged or collected on annual or monthly dues paid to a **golf club**.

### **Funeral Directors [H. 4116, Act 223]**

**H. 4116 (Act 223)** revises the licensure and regulation of **funeral directors and other licensed funeral service providers**. Changes include enhanced continuing education requirements, including a requirement for one credit hour to be an ethics in funeral

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service course. The legislation provides that it is unlawful to aid and abet those who are unlicensed to engage in the practice of funeral service. Provisions are included to target the unlawful division of funeral service fees and other payments. The legislation enhances penalties for violations. The legislation requires that a licensed funeral director or embalmer who commits a violation must be reported to the State Board of Funeral Services for immediate investigation and disciplinary proceedings. The legislation provides a more detailed definition of cremation. A funeral home manager must live within a radius of 75 miles, rather than 25 miles, of the funeral home. The legislation makes revisions that allow requirements for displaying options to consumers to be satisfied with showing photographs or other representations of available caskets and other necessary funeral supplies.

### **Use of Marinas and Commercial Decks Located in Critical Coastal Areas [H. 4843, Act 225]**

**H. 4843 (Act 225)** addresses the **authority for businesses to use their marinas and commercial decks located in coastal critical areas** for purposes of providing food and beverage services for consumption by patrons of the business.

### **Delinquent Unemployment Compensation Tax Payments [H. 3992, Act 136]**

**H. 3992 (Act 136)** addresses **delinquent unemployment compensation tax payments**. The legislation provides that an employer with an installment payment agreement approved by the Department of Employment and Workforce shall be permitted to pay its unemployment compensation tax at a reduced rate, prescribed by statute. If the employer does not comply with the installment agreement, the employer's tax rate shall immediately revert to the tax class twenty rate.

### **Video Service Definition [H. 3782, Act 104]**

**H. 3782 (Act 104)** revises statutes governing telephone, cable television services, and other telecommunications public utilities to specify that **video streaming services** are not subject to the franchise fees that local governments charge for using public rights of way.

### **Property and Casualty Insurance Policies [H. 3977, Act 108]**

**H. 3977 (Act 108)** facilitates **property and casualty insurance policies** that are posted on a website. The Act establishes conditions under which an insurer may post a standard property and casualty policy or endorsement (that does

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not contain personally identifiable information) on its website instead of mailing the document to the insured. Should an insurance company exercise its option to post e-policies online, the insured must still be able to obtain, upon request, a paper copy of the policy without charge.

### **Paying Inmates Federal Minimum Wages [S. 1001, Act 192]**

**S. 1001 (Act 192)** requires that **inmates** participating in programs established by the Director of the Department of Corrections working in the private sector **be paid the federal minimum wage** for their work.

### **Automatic Renewal Provisions in Service Contracts [S. 434, Act 159]**

**S. 434 (Act 159)** addresses **automatic renewal provisions in service contracts**, providing that no automatic renewal provision in a service contract shall be enforceable against the contract holder unless the contract holder was presented written or electronic notification of that automatic renewal provision not less than 30 days nor more than 60 days before the cancellation deadline required by the automatic renewal provision. This notification shall conspicuously disclose (A) that unless the service contract holder cancels the contract, the contract will automatically renew; (B) the amount that will be charged upon renewal; and (C) methods by which the service contract holder may obtain details of the automatic renewal provision and cancellation procedure, which shall include a toll-free telephone number, electronic email address, a postal address if the seller directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation. The Act defines “automatic renewal provision” and “service contract.”

### **Alternative Nicotine Product Sold through a Vending Machine [H. 4817, Act 205]**

**H. 4817 (Act 205)** outlines that it is unlawful to sell an **alternative nicotine or tobacco product through a vending machine** unless the machine is located in an establishment only open to those aged 18 or older. In addition, the vending machine must be under continuous control by the owner or licensee of the premises or his employees and is not accessible to the public when the establishment is closed. This Act also prohibits the sale of an alternative nicotine product to a person who does not present proof of age.

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### **South Carolina Ireland Trade Commission [S. 621, Act 121]**

**S. 621 (Act 121)** establishes the “**South Carolina Ireland Trade Commission**” to advance bilateral trade and investment between South Carolina and Ireland.

## **Real Estate**

### **Real Estate Professionals [H. 4754, Act 204]**

**H. 4754 (Act 204)** makes comprehensive revisions and updates to the provisions governing the licensing and regulation of real estate brokers, brokers-in-charge, associates, and property managers. The revisions include prohibiting the practice of “wholesaling,” which involves having a contractual interest in purchasing residential real estate from a property owner, then marketing the property for sale to a different buyer prior to taking legal ownership of the property; enhancing provisions for brokers-in-charge to provide for greater responsibility; updating advertising rules; raising the minimum fine for violations from \$5,000 to \$10,000; establishing criminal background checks for associates; and, specifying that licensees are responsible for all work product generated with the assistance of artificial intelligence, machine learning, or similar programs. Further provisions distinguished the practice of wholesaling from contract assignments and advertising a contractual interest in real property to clarify further that both are permissible practices.

### **Real Estate Appraisers [H. 3278, Act 196]**

**H. 3278 (Act 196)** makes comprehensive revisions to qualifications and other provisions governing the licensure and regulation of **real estate appraisers**. The Act brings state provisions into alignment with federal standards. It provides for enhancements to encourage more to enter the profession, addressing the state’s shortfall in qualified real estate appraisers.

### **Regulation of Insurers [H. 4869, Act 180]**

**H. 4869 (Act 180)** relates to **Department of Insurance procedures**. The legislation implements recommendations from the Department of Insurance for revising various provisions relating to the regulation of insurers. These revisions include confidentiality provisions for workpapers, and other materials involved in pending investigations; authority for conducting a market analysis and participating in multistate examinations of market practices; and more ex-

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pansive provisions clarifying that an insurer or producer, by or through employees, affiliates or third-party representatives, may offer value-added products or services at no or reduced cost. Further provisions clarified the conditions required to sue or recover under the uninsured motorist provision for accidents involving an unknown vehicle.

### **Prohibition of Unfair Real Estate Service Agreements Act [S. 881, Act 165]**

**S. 881 (Act 165)**, the “**Prohibition of Unfair Real Estate Service Agreements Act**,” prohibits the use of certain real estate service agreements as unfair to an owner of residential real estate or to other persons who may become owners of that real estate in the future. Under the legislation, a real estate service agreement is considered in violation, unfair, and void if the agreement is to be in effect for more than one year and either expressly or implicitly aims to do any of the following: (1) run with the land or bind future owners of residential real estate identified in the real estate service agreement; (2) allow for the assignment of the right to provide services without notice or consent of the owner or buyer; or, (3) create a lien, encumbrance, or other real property security interest. The legislation also prohibits the recording of such residential real estate service agreements so that they will not cloud the public records and provides remedies for owners who are inconvenienced or damaged by the recording of such agreements. The legislation allows for the recovery of damages, costs, and attorney’s fees from service providers who violate the Act’s prohibitions and provides for causes of action to be brought under the South Carolina Unfair Trade Practices Act.

## Energy and Utilities

### **South Carolina Nexus for Advanced Resilient Energy [S. 912, Act 210]**

**S. 912 (Act 210)** is a joint resolution that expresses support for South Carolina as the **nexus for advanced, resilient energy** and encourages the continued global leadership to reduce the state's environmental impact while enhancing the economic output.

### **Gas Utilities [H. 5154, Act 208]**

**H. 5154 (Act 208)** revises provisions setting the **maximum civil penalty imposed on gas utilities** for regulatory violations to align them with federal law.



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### Agriculture, Environment, and Natural Resources

#### Statewide Turkey Hunting Season and Flounder Catch Limit [H. 4820, Act 224]

In an effort to address the decline of **wild turkeys**, **H. 4820 (Act 224)** creates a statewide turkey hunting season for hunting and taking of male wild turkey from April 3 through May 3. The season bag limit is reduced from three to two for statewide residents; however, from April 3 to April 10 the total bag limit is one. “Youth Turkey Weekend” is the Saturday and Sunday preceding April 3 and the Saturday and Sunday following May 3. A youth turkey hunter who has reached the season bag limit on or prior to May 3 must not harvest or attempt to harvest a turkey during the “Youth Turkey Hunting Weekend” following May 3 but is permitted to call turkeys for another youth turkey hunter. These provisions take effect upon approval by the Governor and expire May 11, 2028; after which, these provisions revert back to the language before July 1, 2024.

The legislation increases the cost of tags for residents from \$5 to \$25 for two tags and for nonresidents from \$100 to \$125 for two tags. The legislation states that it is unlawful to hunt, kill, or possess a male wild turkey with a beard less than six inches long and a tail fan that is not fully developed (known as “jakes”). Also, the legislation prohibits a person stalking a wild turkey while behind a decoy or tail fan. (Tail fans include those made of real or synthetic feathers or an image or likeness of a tail fan applied to any material). The Department of Natural Resources must provide an annual report on the health of the turkey population and to include an itemized list of expenditures from the revenues generated from the sale of wild turkey tags.

The legislation also repeals Section 5, of Act 91 of 2021 which takes the sunset clause off of the catch and size limit of **flounder**, with limits remaining at 10 per day or 20 per boat.

#### Robust Redhorse and Limited Commercial Blue Crab License [H. 4386, Act 212]

Robust Redhorse (*Moxostoma robustum*)

**H. 4386 (Act 212)** makes it unlawful to take, harm, or kill robust redhorse from public waters. The **robust redhorse** is a large, long-lived member of the redhorse sucker family. The fish is nearly extinct and is being considered for the national endangered species list. If it is taken it must be returned immediately to the water. A person who

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violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 for a first offense and not more than \$1,000 for each subsequent offense.

### Blue Crab (*Callinectes sapidus*)

Beginning July 2025, this Act establishes requirements for obtaining licenses for the taking of **blue crab** by trap for a commercial purpose. South Carolina is the last Atlantic state that does not regulate blue crab harvests. An individual must obtain a limited commercial blue crab license, a commercial saltwater fishing license, and a commercial equipment license for traps. The cost of a limited commercial blue crab license is \$100 for residents and \$500 for nonresidents which must be renewed annually. The following are persons eligible to obtain a limited commercial blue crab license: 1) an individual who possessed a valid commercial equipment license for traps during the 2023-2024 license year and who has verifiable documentation of at least 500 pounds of commercial blue crab landings during the first six months of the 2023-2024 license year or the last three years; 2) an individual who is selected by applicant lottery and 3) an individual who receives a valid limited commercial blue crab license via transfer. A limited commercial blue crab license may be transferred by the licensee to another individual after providing information relating to the transfer as required by the Department. An individual is limited to one commercial blue crab license and a licensee must not receive a transfer of another limited commercial blue crab license. The legislation also outlines the maximum number of traps to be used for taking blue crab. To use traps for taking blue crab, and the cost is \$2 for each trap for residents and \$10 for each trap for nonresidents. Prior to every fourth license year, there must be verifiable documentation of at least 4,000 pounds of commercial blue crab landings in at least one of the three previous license years. If a licensee does not meet the documented landings threshold, then the licensee's limited commercial blue crab license must not be renewed by the Department.

The Department must establish criteria for the designation of closed seasons and closed or partially closed areas for the taking of blue crabs by trap. With at least a 45-day notice, the Department may designate closed seasons and closed or partially closed areas for the taking of blue crabs by trap. The Act also states that it is unlawful for a person to take or possess for recreational purposes more than one bushel of blue crabs in any one day, not to exceed two bushels in any one day on any boat. A person who violates this section is guilty of a misdemeanor.

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The legislation adds, upon the Governor's approval, to engage in shedding peeler crabs, a person or entity's business premises must be capable of peeler shedding operations. The Department may inspect the business premises of a person or entity applying for a peeler crab license. There is a moratorium on the issuance of new commercial equipment licenses. As a result, the Department must not issue any new commercial equipment licenses to use traps for the taking of blue crab. This moratorium expires on June 15, 2025. Current 2023-2024 commercial equipment licenses to use traps for the taking of blue crab are extended and do not expire until June 30, 2025.

### Eastern Brown Pelican [H. 5246, Act 186]

**H. 5246 (Act 186)** designates the **eastern brown pelican** (*Pelecanus occidentalis*) as the official seabird of South Carolina. The General Assembly designated the eastern brown pelican as the **official state seabird of South Carolina** to highlight the importance of preserving and enhancing the habitat of this species and other seabirds along the South Carolina coastline and to serve as a symbol of South Carolina's commitment to environmental stewardship and wildlife conservation. A close contender for the official seabird of South Carolina was the **black skimmer**.



The Eastern Brown Pelican

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### **“Working Agricultural Lands Preservation Act” [H. 3951, Act 117]**

**H. 3951 (Act 117)** is the “Working Agricultural Lands Preservation Act.” The Act creates, in the State Treasury, the Working Farmland Protection Fund for the purpose of providing permanent protection to working farmland properties whose continued availability to commercial agricultural businesses is essential to the long-term future of that economic sector. The legislation states that balances in the fund must be retained and carried forward annually, and interest earned on balances in the fund must be credited to the fund. The Working Farmland Protection Fund must be used by the South Carolina Conservation Bank only to award grants to eligible trust fund recipients for the purchase of interests in farmland in which a landowner derives at least 50 percent of his income. The legislation further provides particular criteria for evaluating grants applications, where the Bank is tasked with evaluating project applications, determining funding allocations, and ensuring funds are awarded only to projects that guarantee long-term agricultural land preservation. The Act increases the membership for the South Carolina Conservation Bank from 14 to 17 to include the Commissioner of Agriculture, the Secretary of Commerce, and the Secretary of Transportation or their designees.

### **Xylazine [H. 4617, Act 177]**

**H. 4617 (Act 177)** adds **Xylazine**, a legal tranquilizing drug used on large animals by veterinarians, to the list of Scheduled II Drugs. Xylazine is mixed with other illegal street drugs, placing users at a higher risk of fatal drug poisoning. As a result, adding Xylazine to the Scheduled II list allows law enforcement to respond accordingly. The Act outlines that it is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute Xylazine for a use other than a nonhuman use. The provision does not apply to the production, manufacturing, distribution or possession of it when used in legitimate veterinary practice. The Act also outlines that a person who violates the provision is guilty of a felony and, upon conviction, must be imprisoned for not more than 10 years, or fined not more than \$15,000, or both.

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### **Farm-Raised Venison [H. 3993, Act 118]**

**H. 3993 (Act 118)** provides for an exemption for the retail sale of **white-tailed deer** organ meat, packaged as pet treats, by official establishments certified by the State Livestock-Poultry Health Division, Clemson University, or USDA. The product must be registered by the South Carolina Department of Agriculture.

### **Landowners' Privacy Regarding Endangered Plant or Animal Species [H. 4047, Act 119]**

**H. 4047 (Act 119)** outlines that the Department of Natural Resources cannot release records of **landowners' addresses** when the occurrence of a rare, threatened, endangered plant or animal species is located on such property.

### **Perpetual Recreational Trail Easements [H. 3121, Act 125]**

**H. 3121 (Act 125)** establishes an income tax credit for **perpetual recreational trail easements**. The Act makes provisions for a one-time income tax credit equal to ten cents for each square foot of property a taxpayer encumbers with a perpetual recreational trail easement and right-of-way. The trail must provide a connection between a trail within a municipality's or county's regional trail system plan and a local or regional attraction or point of interest, such as other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. User groups may include equestrians, pedestrians, bicyclists, and other non-motorized users. The maximum amount of tax credits allowed to all qualifying taxpayers under these provisions may not exceed one million dollars for each calendar year. The legislation includes a sunset provision that repeals these tax credits on January 1, 2029.

### **Striped and Hybrid Bass Limits [H. 4387, Act 143]**

**H. 4387 (Act 143)** relates to **striped and hybrid bass limits** on numerous lakes and rivers.

### **Transportation of Farm Animals by Motor Vehicle [H. 4871, Act 148]**

**H. 4871 (Act 148)** prohibits a person from interfering or **harassing a farm animal transported** by a motor vehicle. For the purpose of this provision, the Act outlines the definition of "interfere" as being intentional, knowing, or reckless acts that disrupt or otherwise impede the transportation of animals. The definition of "harass" is intentional, knowing, or reckless acts that have the effect

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of causing apparent emotional distress or fear. This provision is added to the criminal code; therefore, the Act provides for penalties if there is a conviction. Also, the Act outlines that law enforcement or emergency personnel acting within the scope of duties are exempted from this provision.

### **Taking of Feral Hogs by Helicopter [H. 4612, Act 144]**

**H. 4612 (Act 144)** deals with the **taking of feral hogs by helicopter**. The Act outlines that the Department of Natural Resources may issue permits for the taking of feral hogs on private lands while airborne in a helicopter if it is necessary to protect land, water, wildlife, livestock, domesticated animals, human life, crops, or to meet wildlife management objectives. The Act further states that no feral hog may be taken using a helicopter on any parcel or group of parcels consisting of less than 500 contiguous acres. As a result, the permit application must provide for the identification of the specific parcel with sufficient detail and along with other sufficient details. A permit may not be issued for the purpose of sport hunting.

### **Deer Processors and Donated Tagged Female (Doe) Deer [H. 4875, Act 149]**

**H. 4875 (Act 149)** allows deer processors to process tagged female (doe) deer donated by a hunter or crop depredation permittee and, in turn, recover the fee of processing the deer from a person other than the individual who donated the deer. The Act also increases penalties for selling deer or deer parts.

### **Permitted Hook Size in the Lower Saluda River Regarding Striped Bass [H. 5007, Act 154]**

**H. 5007 (Act 154)** restricts **permitted hook size** in the Lower Saluda River. The Act outlines that when fishing (regarding **striped bass**) with live or dead bait fish or bait fish parts in the **Lower Saluda River** between June 16th and September 30th, the hook gap (the distance from hook to point to shank), must not exceed three eighths of an inch (#6 hook) for all hook types with exceptions. All sizes of inline, nonoffset, nonstainless steel circle hooks are allowed.

### **Electronic Dog Control Device [H. 4611, Act 176]**

**H. 4611 (Act 176)** makes it illegal to remove an **electronic dog control device** placed on a dog by its owner. A person who violates this section is guilty of a misdemeanor, and the Act provides for penalties.

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### **Extending Duck Hunting Season/Taking of Male Wild Turkey [S. 1051, Act 193]**

**S. 1051 (Act 193)** creates statewide turkey (*Meleagris gallopavo*) hunting season which outlines that the **season for hunting and taking of male wild turkey is April 10 through May 10** (no more game zones). The Act reduces statewide residents' season bag limit from three to two. This provision takes effect January 2025 and expires January 2030. After the law sunsets in five years, the provision reverts back to the existing law of different seasons in game zones 1 and 2 versus game zones 3 and 4 and a limit of three turkeys per season. The Act **extends the duck hunting season for five years ending 2028-2029 on Lake Blalock**. The Act includes language dealing with **recreational licenses using set hooks in the Congaree River and the Upper Reach of the Santee River for residents sixty-five years of age or older**. These provisions expire on January 1, 2030.

## **Law Enforcement and Public Safety**

### **Illegal Immigration Enforcement Unit [H. 4120, Act 109]**

**H. 4120 (Act 109)** places the separately-funded **Illegal Immigration Enforcement Unit** within the South Carolina Law Enforcement Division (SLED). The Act also includes provisions for the administration and duties of the unit, including the requirement for it to negotiate a memorandum of agreement with the United States Immigration and Customs Enforcement (ICE) agency. Other state law enforcement agencies are still able to enforce immigration laws statewide.

### **Firefighter Cancer Health Care Benefit Plan [S. 728, Act 163]**

**S. 728 (Act 163)** revises eligibility criteria for the **Firefighter Cancer Health Care Benefit Plan** to extend eligibility to employees of the State Fire Marshal and allow "benefits to a firefighter only if the firefighter has served in a South Carolina fire department for at least 5 continuous years and been in active service within 10 years of the diagnosis" (effectively allowing plan participation for non-residents of South Carolina.)

### **Ignition Interlock Devices for Temporary License Issuances [H. 3518, Act 130]**

**H. 3518 (Act 130)** changes the 2023 Act, revising **the issuance of temporary drivers' licenses to include ignition interlock devices being installed** for up

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to three months on motorists' vehicles. These temporary licenses are available after their drivers' licenses have been suspended for offenses, including driving under the influence or driving with an unlawful alcohol concentration, allegedly committed.

### **Prohibition of Telecommunication Devices for Inmates [H. 4002, Act 137]**

**H. 4002 (Act 137) prohibits telecommunication devices for inmates.** Absent preapproval by the Department of Corrections Director, no inmate can possess any telecommunications device (including, but not limited to, portable two-way pagers, handheld radios, cellular telephones, personal digital assistants, or laptop computers) while incarcerated. If these contraband device bans are violated, violators face penalties ranging from 1 to 5 years in jail depending on the number of the offense. If they are found to have been used in the commission of a subsequent felony, violators face up to an additional 10 years in jail.

## **Judicial, Court, and Legal Matters**

### **Judges' Permissions to Temporarily Leave South Carolina [H. 3776, Act 172]**

**H. 3776 (Act 172)** repeals an outdated requirement for state judges to obtain written permission from the South Carolina Supreme Court Chief Justice before leaving South Carolina.

### **"2022 Promise to Address Comprehensive Toxins [PACT] Act" Probate Court Appointments [S. 845, Act 122]**

**S. 845 (Act 122)** extends the appointment deadline in **Probate Court** cases related to claims under the **2022 Sgt. First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxins [PACT] Act**. It does so regardless of the date any military veteran or service member died. The PACT Act provides benefits for individuals exposed to burn pits, Agent Orange, radiation, and other toxins [including sand and dust, particulates, oil well or sulfur fires, chemicals, warfare agents, depleted uranium, herbicides, and other occupational hazards] during their military service. This change will ensure veterans and families can file claims under the PACT Act even if the affected veteran passed away over 10 years ago.



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### **Expunging Aged-Out Fraudulent Check Convictions, Mistaken Arrests, and Charges [S. 112]**

The Governor vetoed S. 112 on May 20, 2024.

**S. 112** asserts that **checkwriters convicted of** misdemeanor-level criminal offenses, including **multiple misdemeanor check bouncing** offenses within a three-year period, over 10 years prior, could seek to **expunge their convictions** after paying full restitution. It cannot be used to expunge any felony crimes. Anyone arrested as a result of mistaken identity will have their charges expunged within 180 days after this mistake is discovered. In addition, anyone not convicted of legitimate charges made against them could have these arrest records expunged after five years' time.

### **Incapacitated Individuals Probate Court Protections [H. 4234, Act 200]**

**H. 4234 (Act 200)** revises existing probate laws and procedures covering **incapacitated people**. When more than \$15,000 per year will be handled on behalf of incapacitated people, then protective proceedings must be convened on behalf of these individuals. In these proceedings, examiner affidavits can be filed by a nurse practitioner, or, in the discretion of the Probate Court, by a physician assistant, nurse practitioner, or psychologist, who could do so in addition to licensed physicians as allowed under current law. Also, the incapacitated persons' Guardians *ad Litem* are required to file their reports 72 hours (increased from 48 hours under current law) prior to any hearing.

### **Applying Updated Military Codes and Codes of Military Justice Revisions to State Military Entities [H. 4642, Act 145]**

**H. 4642 (Act 145)** is a comprehensive proposal to add Air, Army, and State National Guards, as well as any state militias, to various sections of the South Carolina Code military provisions and the Uniform Code of Military Justice. In addition to adding these soldiers, punishments meted out no longer include military pay forfeitures, but allow imprisonment of up to 5 years. One provision limits a colonel or general officer from assigning their nonjudicial punishment case authority, typically involving diversion cases, to another officer no more than two grades lower in rank. This Act conforms to federal updates.

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### **“Uniform Child Abduction Prevention Act” [H. 3220, Act 195]**

**H. 3220 (Act 195)** was developed by the national Uniform Law Commission. This effort to conform South Carolina law to a national standard sets out comprehensive criteria for determining a **credible threat to a child’s safety or likelihood of abduction exists in either child custody or visitation situations**. It also sets out countermeasures to these attempts. These criteria will be available to judges and parties in these cases to evaluate the seriousness of children’s situations and take proactive steps to prevent these incidents from occurring. Both SLED and the FBI can retain fingerprints to solve the identity of latent fingerprints in unsolved crimes. The Uniform Law Commission Reporters Comments are included in this legislation.

### **Recouping Costs Incurred in Prosecuting Animal Abuse Cases [H. 3682, Act 199]**

**H. 3682 (Act 199)** facilitates **levying on seized animals for care costs** in ill treatment of animals criminal cases. Defendants can be held responsible for paying costs incurred while their charges were pending, so long as required hearing procedures, with prior notice, have been met. A surety or bond for animal care will be required. The entity housing these seized animals will receive reimbursement for the care they provided while these charges were pending. Unspent bond proceeds will be returned to owners.

### **Conditional Discharge Orders for Serving Underage Drinkers Alcohol Offenders [H. 4248, Act 211]**

**H. 4248 (Act 211)** permits servers with clean criminal histories who are **charged with delivering underage patrons, beer, ale, porter, or wine** to participate in solicitor-approved conditional discharge orders after paying appropriate fees set out under this Act. Compliance with these orders disposes of pending criminal charges. While the State Law Enforcement Division [SLED] will retain a nonpublic record of these offenses. Once violators successfully meet all of their order’s conditions and pay all appropriate fees, then no convictions will appear on their records as a result. Vetoed; subsequently overridden.

The Governor vetoed H. 4248 May 21, 2024. The General Assembly overrode the Governor’s veto of **H. 4248**.

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### Law and Civil Society

#### South Carolina Judicial Merit Selection Commission Reforms [S. 1046, Act 219]

**S. 1046 (Act 219)** enacts several **South Carolina Judicial Merit Selection Commission Reforms**. A revised South Carolina Judicial Merit Selection Commission [JMSC] is composed of 12 members.

The Speaker of the House of Representatives appoints four members, consisting of three House members and a lawyer with at least 10 years' experience practicing law. The President of the Senate appoints two members with one being a Senator, and the other a lawyer with at least 10 years' experience practicing law. The Senate Judiciary Committee chair appoints two additional members, both being members of the Senate. The Governor appoints four members, with each of them being lawyers with at least ten years of experience practicing law in South Carolina.

Members of the commission serve two-year terms and do not serve more than two consecutive terms. A person is not eligible for appointment if they contributed to any campaign of an appointing authority who ran for office in the most recent election. Nonlegislative members cannot be public employees, or anyone serving in some other elected office besides the House or Senate. Members who are currently serving on the Commission, who have served more than four years, are not eligible for reappointment to this revamped Commission.

Appointees are not eligible for nomination or appointment as a judge, a justice, or as an administrative law court judge while serving on this Commission. That will remain the case for one year after commissioners complete their terms of service. A Bar and Citizens' Judicial Qualifications Committee replaces the existing, separate SC Bar and Citizens Committee.

JMSC will forward to this qualifications committee the names of justices and judges who are at the midpoint of their terms for midterm reviews to be done. This review utilizes electronic ballot box surveying, or other forms of electronic surveys. Review results are then forwarded to the Chief Justice and the JMSC at the next public screening of each candidate. All public hearings will be live streamed, except for any executive sessions which may be held.

Candidates will be able to withdraw prior to their public hearing or after any commission *draft* report has been issued to the General Assembly. Their information will remain on file but kept confidential.

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The Commission will now be able to release up to six names of qualified candidates for each judicial seat. Their reports will include the reasons why any candidate was found to be unqualified. At least 22 days have to elapse between JMSC nominations and qualified candidate designations being sent to the General Assembly and judicial elections being held. No candidates will be allowed to seek pledges until a formal JMSC report has been released.

If a judicial candidate is a family member of a JMSC commissioner, that commissioner will have to resign. A family member includes a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

### **Antisemitism [H. 4042, Act 138]**

**H. 4042 (Act 138)** codifies **antisemitism** as a listed discriminatory Act. The Act incorporates the International Holocaust Remembrance Alliance definition and examples of antisemitism into the South Carolina Code of Laws. Incidents of this type of discrimination will be included in efforts to protect South Carolinians' civil rights, as well as for reviewing policies, laws, and regulations prohibiting discriminatory acts to include acts of **antisemitism**.

However, anyone criticizing the country of Israel in the same manner as they criticize other countries, or otherwise exercising their constitutionally-guaranteed First Amendment rights, will not run afoul of this proposed legislation.

### **“South Carolina Constitutional Carry/Second Amendment Preservation Act of 2024” [H. 3594, Act 111]**

**H. 3594 (Act 111)**, the South Carolina **Constitutional Carry Act of 2023**, declares that South Carolina citizens have a constitutional right to carry their firearms anywhere in South Carolina except in law enforcement, detention, or correction facilities; courthouses, courtrooms, or any venue where court is being held; polling places on election day; in business meetings by, or in the offices of, city, county, public school district, or special purpose district facilities; to school or college events unrelated to firearms; in daycare or preschool facilities; anywhere prohibited by federal law; religious sanctuaries including churches; healthcare facilities of any type unless permission is granted to a gun carrier to

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have that firearm there; anyone else's residence; and any facility clearly marked with a sign complying with state specifications that disallows firearms on those premises. However, visitors to South Carolina's state parks are able to have their concealable weapons with them in specified, limited circumstances.

However, these prohibitions do not apply to anyone with permission of a property owner --or other authorized entity-- to carry on those premises, law enforcement officials, military, militia, and reserve officers while on duty; qualified retired law enforcement officers; and anyone with a concealed weapons permit who is listed under state law as having authority to carry pistols anywhere in South Carolina, including justices, judges, solicitors, workers compensation commissioners; as well as the South Carolina Attorney General and his assistants, and active county clerks of court, public defenders, and assistant public defenders. This legislation prohibits public defenders and assistant public defenders from carrying a firearm into any local or state detention facility.

Anyone openly carrying their firearm in compliance with this proposed legislation does not give any law enforcement officer or official with arrest powers either a reasonable suspicion, or probable cause, to be searched, detained, or arrested for doing so.

First-time violators of these prohibitions face up to 5 years in jail, second time violators face a minimum of 5 years up to a maximum of 20 years in jail, and third time, or more, violators face a minimum of 10 years up to a maximum of 30 years in jail. Anyone convicted of a crime punishable by up to 1 year in jail will be prohibited from possessing firearms or ammunition. Violators convicted of crimes punishable with up to 1 year in jail who are then convicted of carrying a concealable firearm without a concealed weapon permit face additional criminal penalties.

Firearm owners have to report the loss or theft of their guns to an appropriate law enforcement agency within 10 days after discovering they are gone. They are encouraged to receive appropriate gun safety training before carrying their firearms. Concealed Weapon Permit holders have to report losing their permits within 48 hours. Any pardons that are granted can ban gun possession, transport, or sales as conditions of the pardon being granted.

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### **Dismissing Qualifying Pending Illegal Firearm Possession Charges [S. 1166, vetoed]**

The Governor vetoed S. 1166 on May 21, 2024.

**S. 1166** was vetoed by the Governor. The bill would have dismissed all **charges pending against a person for unlawful possession of a handgun** that were nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024.

### **Only Citizens as Qualified Voters Referendum [S. 1126, Act 227]**

**S. 1126 (Act 227)** calls for holding a **ballot referendum** on the question of amending Sec. 4, of art. II, of the **South Carolina Constitution** to read that **only a** (instead of “every”) **qualified citizen can vote** in elections in South Carolina.

### **Gender Reassignment Procedures [H. 4624, Act 203]**

**H. 4624 (Act 203)** prohibits a healthcare professional from engaging in **gender transition procedures to a person under the age of 18 years old**. The Act exempts mental health providers from offering mental health services and outlines that “gender transition procedures” means puberty-blocking drugs, cross-sex hormones, or genital or nongenital gender reassignment surgery provided or performed for the purpose of assisting an individual with a physical gender transition. The Act includes that with any initiated treatment provided before August 1, 2024, a healthcare professional may establish, if necessary, a period during which the treatment is systematically reduced (diminished) by January 31, 2025. However, a healthcare professional may provide certain appropriate medical services to a person who is under 18 years of age who was born with a medically verifiable disorder of sexual development.

### **Living Donor Protection Act [H. 3255, Act 126]**

**H. 3255 (Act 126)**, the “**Living Donor Protection Act**,” prohibits issuers of individual life insurance policies, group life insurance policies, disability income insurance policies, and long-term care insurance policies from discriminating against living organ donors. These insurers may not decline, or limit coverage based solely upon someone’s status as a living organ donor, preclude an insured from donating all or part of an organ as a condition of continuing to receive insurance coverage or discriminate in the offering, issuance, cancellation, amount of coverage, price, or any other condition of an insurance policy for a person, based solely and without any “additional actuarial risks” upon the individual’s status as a living organ donor.

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### **Extending the Expiration Date of 2023 Act 56, the Law Enforcement and Personal Primary Act as well as the Judicial Privacy Protection Act [H. 3865 , Act 220]**

**H. 3865 (Act 220)** extends the sunset date of 2023 Act 56, the **Law Enforcement and Personal Primary Act** as well as the **Judicial Privacy Protection Act**, from July 1, 2024 to July 1, 2025.

## Education

### **Reading [S. 418, Act 114]**

**S. 418 (Act 114)** overhauls reading methodologies. The Act:

- Defines “**Science of Reading,**” “**Foundational Literacy Skills,**” “**Structured Literacy,**” and “**Literacy.**”
- Requires SDE to ensure that the requirements of Read to Succeed are followed instead of statutorily naming an office within the Department to perform the duties.
- Removes references to “evidence-based” instruction in favor of “scientifically based.”
- Focuses Read to Succeed efforts to grades pre-K to 5 instead of pre-K through 12. Efforts are also placed in middle schools where 50 percent or more of students score at the lowest achievement level on the state assessment.
- Prohibits curriculum or instructional materials that use the three-cueing system model of reading and visual memory as the basis for teaching word recognition.
- Requires that teachers certified in early childhood, elementary, or special education must complete coursework in foundational literacy skills, structured literacy, and the science of reading or successfully complete the scientifically research-based reading instruction assessment approved by the board. Classroom teachers must receive pre-service and in-service coursework in foundational literacy skills, structured literacy, and the science of reading.
- Requires that beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking initial certification must pass a

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rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles. Colleges must report the success rate of teacher candidates who take the assessment.

- Requires that teachers, administrators, and other certified staff must earn a literacy endorsement to maintain certification unless they are not educating or serving students in a school or other educational setting. Districts are required to offer professional development, coursework, certification, and endorsements at no charge.
- Professional development, coursework, certification, and endorsements at no charge. Teachers may exempt having to take the literacy endorsement courses if they pass the same literacy assessment given to pre-service educators.
- Requires that districts must show how reading and writing assessments and instruction for all PK-5 students align to the science of reading, structured literacy, and foundational literacy skills and document how interventions are provided to readers who fail to show reading proficiency. Supplemental instruction shall be provided by teachers who have a literacy endorsement and offered during the school day and, as appropriate, before or after school.
- Requires that universal screeners for students that measure early language and literacy development, mathematical thinking, physical well-being, and social-emotional development are to be replaced with screeners that measure only language and literacy. The screener must be aligned with first and second-grade standards for English/language arts.
- Requires that "substantially fails to demonstrate third-grade reading proficiency" means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring Does Not Meet Expectations. Current law sets that at a level equivalent to "Not Met 1" on the Palmetto Assessment of State Standards. Districts must report the number of first and second-grade students who are projected to score "Does Not Meet" on the statewide assessment. Students scoring "substantially fails" could no longer be promoted based solely on a reading portfolio; however, district superintendents may allow advancement if the teacher submits documentation showing reading proficiency.



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- Means that students in kindergarten through grade 2 who do not demonstrate reading proficiency must be given additional support in foundational literacy skills. Interventions must be at least 30 minutes daily in duration and be in addition to the minimum of 90 minutes of daily reading and writing instruction.
- Require that Summer reading camps must be open to all students in kindergarten through third grade who do not exhibit grade-level reading proficiency. Students at any grade who do not exhibit reading proficiency and do not meet the good cause exemption may be included in the camps.

### **Competency-Based Education (CBE) [H. 3295, Act 127]**

**H. 3295 (Act 127)** allows the State Board of Education to waive applicable laws and regulations if a district is successful in its application to operate a competency-based school. When applying, districts must ensure **Competency-Based Education (CBE)** for all students in a selected school and show parental consultation regarding implementation. The Act states the following Competency-Based Education core principles: learning outcomes must emphasize competencies identified in the Profile of the Graduate, students must master competencies along a personalized and flexible pathway before advancing, assessments must be meaningful and used to personalize learning experiences; and, students must receive timely and personalized support based on their learning needs. Competencies must be explicit, measurable, and transferrable.

Competency-Based schools cannot be exempted from anti-discrimination laws, or health, safety, civil rights, and disability rights requirements, and state and federal assessment requirements may not be waived. All eligible students must be allowed to attend, and schools may not limit, deny, or show preference in admission. The State Department of Education (SDE) shall create evaluation criteria, and schools must submit data for a biennial review. The State Department of Education shall establish a definition for competency-based education that must be published on the website of each school district that implements this system of education. If a school does not perform as expected, SDE may request revocation of the waiver if concerns are not alleviated. State and federal assessments are still required. CHE and the State Tech Board must establish policies providing fair and equitable access to admission, scholarships, and financial aid for students with Competency-Based credit or diplomas.

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Students may earn credits for the successful completion of courses through traditional means or a competency assessment that shows mastery of standards. This may include methods and documentation such as tests, interviews, peer evaluations, writing samples, reports, or portfolios. When awarding credit "a greater emphasis shall be placed on a student's mastery of course material rather than completion of predetermined time allotments for courses." Unless waived, schools must still ensure that at least 1,080 instructional hours are completed during the year.

### **Scholarship Stipends (S. 125, Act 156)**

**S. 125 (Act 156)** relates to additional LIFE **scholarship stipends**, extending the stipend to both accounting and education majors (including math and science majors). Education majors who are recipients of the stipend must upon graduation work in a South Carolina public school for one year for every year the stipend is received. A person who is a math or science education major and who qualified for the LIFE or Palmetto Fellows Scholarship STEM (Science, Technology, Engineering, and Mathematics) stipend before the 2024-2025 School Year shall remain so qualified and eligible for the STEM stipend and is exempt from the contractual work requirement of education majors. This language grandfathers in the math and science education majors who are already using the STEM stipend. A student who uses a Palmetto Fellows Scholarship to attend an eligible two-year institution shall receive a maximum of four continuous semesters and may continue to use the scholarship to attend an eligible four-year institution, subject to the maximum number of semesters for which the student may be eligible for the scholarship. Other additions allow for modification of the minimum SAT/ACT if, after the 2024-2025 school year, the scoring scale range of the SAT is changed, CHE shall adjust the minimum SAT/ACT score to maintain a minimum scoring requirement that is the functional equivalent of the 2024-2025 standard.

### **Definitions Regarding Institutions and Scholarships [S. 974, Act 191]**

**S. 974 (Act 191)** relates to the definition of "public or independent institution" for purposes of the Palmetto Fellows Scholarships, the Legislative Incentives for Future Excellence (LIFE) Scholarships, and the SC Hope Scholarships so as **to add an institution accredited by the Accrediting Commission of Career Schools and Colleges (ACCSC) to the definition.**

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### **“Seizure Safe Schools Act” [H. 3309 Act 128]**

**H. 3309 (Act 128)**, the **"Seizure Safe Schools Act,"** outlines detailed procedures and requirements for schools in managing and supporting students with seizure disorders. School districts are required to adopt a seizure training program that addresses the basics regarding epilepsy and its impact on student learning. Training must address the signs and symptoms of seizures and how to properly respond in the administration of medication and meet guidelines established by qualified non-profit organization that supports the welfare of individuals with epilepsy and seizure disorders. Training may be provided virtually by district or school staff or by trained individuals. The district must document completion of training. A "Seizure Action Plan" is a written, emergency action plan that supplements the Individual Health Plan. The school district and its employees are not liable for injuries arising from the administration of medication authorized by the Individual Health Plan, with parents and guardians indemnifying and holding harmless the district and its employees against a claim arising from the administration of medication authorized by the Individual Health Plan.

### **Name, Image, or Likeness (NIL) (H. 4957, Act 207)**

**H. 4957 (Act 207)** updates the rules on compensation for intercollegiate athletes' **name, image, or likeness (NIL)**. It allows college sports programs and agents to support NIL activities and protects post-secondary institutions and employees from liability related to athletes' **NIL** earnings. The Act shields in-state schools from penalties for NIL activities that breach association rules, such as those of the NCAA. It prohibits institutions from receiving fees from NIL deals. NIL agreements are exempt from public records requests unless the institution is a contracting party. Athlete agents must comply with the Uniform Athlete Agents Act of 2018 and related laws. The Act does not prevent common law claims by athletes of fraud or misrepresentation. Athletes cannot earn compensation for endorsements of tobacco, alcohol, illegal substances, banned athletic substances, or gambling, including sports betting. Family members cannot act as agents, and agents cannot receive more than 20 percent of the NIL contract. Institutions may prohibit athlete compensation if it conflicts with institutional values.

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### **Booster Clubs [S. 245, Act 112]**

**S. 245 (Act 112)** defines **booster clubs** and financial officers. Individuals with felony criminal convictions (i.e., forgery, larceny, embezzlement) are prohibited from serving as financial officers in booster clubs. Any current financial officers with such convictions are required to resign immediately. For oversight, booster clubs must register annually with the school district board of trustees. This registration includes details about the club and its officers. Upon registration, the school district board of trustees may conduct a state criminal records check on the booster club's financial officer. The board must notify the club if the officer is found ineligible due to their criminal record. The school district board of trustees can charge fees to offset the costs associated with these criminal background checks. The school district board may require booster club to submit an accounting compilation or review (an external audit may not be required except for a finding of specific cause). The Act adds charter schools and that a school district board of trustees *may* request a state criminal records check.

### **Expulsion and Hearings [S. 1188, Act 194]**

**S. 1188 (Act 194)** relates to **expulsion and hearings** and amends requirements to be included in written notification to parents or legal guardians of the pupil. The Act states:

the written notification to the parents or legal guardian of the pupil must include their right to have legal counsel present at the hearing, the right to question all witnesses, and contact information for a legal aid service provider which may determine eligibility for free legal representation. The notification must also include the right to access the investigative file in its entirety, to inspect all documents and videos at least three days prior to the hearing, with appropriate exemptions and redactions as required by the Family Educational Rights and Privacy Act, 20 USC Section 1232g.

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### **Higher Education Permanent Improvement Projects [S. 314 , Act 214]**

**S. 314 (Act 214)** streamlines the approval process for major **higher education improvement projects** by revising review provisions. It removes the Commission on Higher Education's submission requirements, defines project cost, raises the athletic debt cap to \$500 million and institutional cap parameters, and changes threshold amounts for capital improvements, increasing research institution exemptions from \$5 million to \$10 million. The Act also establishes responsibilities for bonded indebtedness.

### **Middle-Level Education Month [H. 4352, Act 110]**

**H. 4352 (Act 110)** designates the month of March of each year as "**Middle-Level Education Month**." "Middle Level" refers to middle school, also known as intermediate school or junior high school.

## Health

### **Pharmacist and Pharmacist Technicians [H. 3988, Act 221]**

**H. 3988 (Act 221)** addresses the responsibilities of pharmacist and pharmacist technicians by making permanent some of the 2020 pharmacy provisions allowed during the pandemic under the "**Pharmacy Practice Act**." The Act allows for flu and COVID-19 testing in the pharmacy. A pharmacist can order test and must be the one to interpret the results but can delegate the swabbing to trained pharmacy technicians or pharmacy interns. A pharmacist administering vaccinations without an order or prescription of a practitioner shall obtain informed written consent of the person being vaccinated or that person's guardian. Those individuals less than 16 years of age must be accompanied by a parent, legal guardian, or a caretaker with written parental consent. If the person receiving a vaccine is under the age of 18 years, a pharmacist must inform the patient and their caregiver of the importance of mental health and routine well care visits with a pediatrician.

The legislation outlines that if an individual is incapacitated or without sufficient mental capacity an explanation of the vaccine or treatment must be written in language that clearly indicates that the individual agrees and has time to thoughtfully and voluntarily accept or decline the administration of the vaccine or treatment. The legislation further states that if the vaccine or treatment is an investigational medical product or is made available through an Emergency Use Authorization by the Federal

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Food and Drug Administration, a statement acknowledging its investigational nature and the civil liability protections afforded it by law.

The legislation also requires pharmacy technicians must be state-certified to standards and training outlined by the Board of Pharmacy. The legislation also increases the Board of Pharmacy by adding an at-large member who is a state-certified pharmacy technician.

### **Telehealth and Telemedicine Modernization Act [H. 4159, Act 120]**

**H. 4159 (Act 120)** "South Carolina Telehealth and Telemedicine Modernization Act" expands telehealth to all licensed practitioners by enacting the "South Carolina Telehealth and Telemedicine Modernization Act." Among many things, the Act provides requirements for regulated healthcare professionals who provide healthcare by means of telehealth. The Act also clarifies that APRN may utilize telemedicine. The Act is updated to remove the in-person requirement. It states healthcare professionals shall adhere to the same standard of care as required for in-person care and must be evaluated according to the standard of care applicable to the licensee's area of specialty. The Act introduces a revised definition of "telehealth" which means the use of electronic communications, information technology, or other means to deliver clinical health care, patient and professional health-related education, public health, or health administration between a licensee in one location and a patient in another location. The Act outlines that licensees need not reside or maintain a physical office to practice telehealth and makes changes for prescribing medications based on physician-patient relationships established solely by telemedicine.

### **Telecommunicator CPR Training (T-CPR) [H. 4867, Act 179]**

**H. 4867 (Act 179)** requires all 911 telecommunicators that provide dispatch for emergency medical conditions to be trained annually utilizing the most current nationally recognized high-quality **telecommunicator cardiopulmonary resuscitation (T-CPR)**. This provision begins January 1, 2025. "T-CPR" means telecommunicator cardiopulmonary resuscitation, which is the dispatcher-assisted delivery of cardiopulmonary resuscitation (CPR) instruction by trained emergency call takers or public safety dispatchers to callers or bystanders for events requiring CPR, such as out-of-hospital cardiac arrest (OHCA)." The General Assembly included immunity language as it relates to this provision.

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### **Professional Counseling Compact Act [S. 610, Act 189]**

**S. 610 (Act 189)**, the "**Professional Counseling Compact Act**," authorizes South Carolina to enter into a compact to facilitate the interstate practice of licensed professional counselors to improve public access to professional counseling services. The compact is designed to achieve an

increase public access to professional counseling services by providing for the mutual recognition of other member-state licenses; enhance the states' ability to protect the public's health and safety; encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; support spouses of relocating active duty military personnel; enhance the exchange of licensure, investigative, and disciplinary information among member states; allow for the use of telehealth technology to facilitate increased access to professional counseling services; support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time of care is rendered through the mutual recognition of member-state licenses; eliminate the necessity for licenses in multiple states; and provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

### **Compounding Pharmacies [H. 3592, Act 132]**

**H. 3592 (Act 132)** updates the "**Pharmacy Practice Act**" by removing certain definitions related to the **compounding of medications** and revises requirements for **compounding pharmacies**. The Act charges the Board of Pharmacy to develop regulations based on a review of available compendia literature,

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medical or scientific literature, and/or practical experience in the art of compounding. Until the Board of Pharmacy promulgates regulations, compounding pharmacies shall comply with the compounding standards in the state. A pharmacy may acquire and dispense drugs compounded or repackaged by an outsourcing facility. An “outsourcing facility” means a facility registered with the United States Food and Drug Administration to operate under Section 503B of the Federal Food and Cosmetic Act.

### **Suicide Prevention Training [S. 408, Act 158]**

**S. 408 (Act 158)** requires **suicide prevention training for social workers, therapists, and counselors**. The legislation revises licensure provisions for Social Workers, Psycho-educational Specialists, Professional Counselors, and Marriage and Family Therapists to require at least one hour of continuing education in suicide assessment, treatment, and management treatment as a portion of the total continuing education requirement for license renewal. This training may be completed virtually.

### **Bloodborne Diseases [S. 455, Act 161]**

**S. 455 (Act 161)** adds **Hepatitis C** to the list of **bloodborne diseases** and includes dentists in the definition of health care professionals.

### **Tuberculosis Testing for Applicants in Nursing Homes [S. 558, Act 162]**

**S. 558 (Act 162)** outlines **procedures for tuberculosis testing** of applicants or newly admitted residents for nursing homes or community residential care facilities.

### **Ambulance Fee Trust Fund [H. 4113, Act 139]**

**H. 4113 (Act 139)** creates an **ambulance assessment fee** for private ambulance services charged by the South Carolina Department of Health and Human Services and deposited in a newly established Ambulance Fee Trust Fund (this funding can be augmented with federal matching dollars). The Trust Fund is to be used exclusively to supplement Medicaid reimbursements for ambulance services, making the transportation of Medicaid patients more cost effective.



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### **Medicaid Program Conformity [H. 5235, Act 184]**

**H. 5235 (Act 184)** pertains to **Medicaid Program conformity**, revises provisions relating to insurers providing coverage to persons receiving Medicaid to comport with the federal Consolidated Appropriations Act of 2022.

### **Medicaid System Procurement [H. 5236, Act 185]**

**H. 5236 (Act 185), Medicaid System Procurement.** Under the legislation, in reliance upon the prior notification published by the National Association of State Procurement Officials (NASPO) for any multi-state solicitation it issues, the Department of Health and Human Services or a successor agency is authorized to award contracts and procure Medicaid systems and services using competitively solicited NASPO ValuePoint Master Cooperative Purchasing Agreements.

### **Mobile Optometry Units [H. 4333, Act 140]**

**H. 4333 (Act 140)** allows **mobile optometry units to operate during the summer** when schools are not in session. Currently, mobile optometry units only operate during the school year. The mobile optometry unit must be at a site of an organization serving children from low-income communities if approved by the local community foundation serving the region. For clarification, a "community foundation" means an organization, lawfully organized and in good standing, that typically focuses on supporting a geographical area by addressing community needs and supporting local nonprofits.

### **Acute Hospital Care at Home Programs/Service Exempted from CON Review [S. 858, Act 164]**

**S. 858 (Act 164)** defines "**acute hospital care at home**" and exempts acute hospital care at home programs and services delivered by a licensed acute care hospital from the certificate of need review (with regulations). The Act also directs licensure considerations for home health agencies. A home health agency shall obtain a certificate of need before licensure and procedures for applying for a certificate must be in accordance with the "State Certification of Need and Health Facility Licensure Act." No certificate is required for home health agencies providing home health services before July 1, 1980. The Act also adds that patients enrolled in the hospital care at home program shall not be considered within the licensed bed capacity of the hospital participating in the program.

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### **Voluntary Certification Program for Recovery Housing [S. 445, Act 160]**

**S. 445 (Act 160) creates a voluntary certification program for recovery housing.** It is unlawful for an owner or operator of recovery housing not certified to advertise or otherwise represent that such recovery housing is certified. Among many things, the Act outlines that the Department of Alcohol and Other Drug Abuse Services shall establish protocols and guidance requiring the credentialing entity (an organization approved to certify recovery housing) to establish recovery housing certification requirements consistent with nationally recognized quality standards such as the standards established by the National Alliance for Recovery Residences (NARR) or Oxford House. The Department shall approve one credentialing entity within six months of the effective date of this provision. The credentialing entity shall determine standards for recovery housing in consultation with the Department. Different standards for different classifications or categories of recovery housing are permissible; however, at a minimum, standards for all classifications or categories must require recovery housing to include but not limited to having a clear mission and vision, with forthright legal and ethical codes, including the requirement to be financially honest with prospective residents. As a result, the Department shall publish a registry of the names of all certified recovery housing on its website. The Act defines "recovery housing" as recovery residences, recovery homes, sober living homes, work rehab homes, three-quarter houses, and other similar dwellings that provide individuals recovering from alcohol and substance use disorders with a living environment free from alcohol and illicit substance use. An owner or operator of recovery housing who violates this section is subject to a civil penalty of not less than \$100 nor more than \$500 per occurrence.

### **Revised Certifications for Certified Medical Assistant (CMA) [H. 5183, Act 209]**

**H. 5183 (Act 209) revises certification for Certified Medical Assistant (CMA).** Currently, certain CMA certification standards are due to lapse on July 16, 2024. As a result, the Act expands the number of approved certification programs. The Act also states that "certified medical assistant," or "CMA," also includes medical assistants who have maintained certification from one of the certifying boards, such as but not limited to the Board of Medical Examiners or the Board of Nursing, since January 1, 2020 and individuals employed as certified medical assistants as of the effective date of this provision who do not meet the education or training requirements required, but who meet those requirements no later than July 15, 2026. The Act also provides additional responsibilities for unlicensed assistive personnel.

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### Children and Family Issues

#### Sex Trafficking, Sexually Exploiting, and Luring Children [S. 142, Act 213]

**S. 142 (Act 213) expands the existing definition of sex trafficking to include sexual exploitation of minors as well as promoting --or participating in-- prostitution of a minor.**

Sex trafficking survivors will be given the right to raise duress and coercion as affirmative defenses to nonviolent offenses they committed as a direct result of, or incident to, their being so trafficked. They also could not be convicted of any nonviolent offenses when law enforcement investigations show these offenses were committed as a direct result, or incident to, these children being so trafficked.

Additionally, these trafficking survivors could file for expungements. They also could not be subjected to delinquency adjudications, if they show their conduct was a direct result of their being so trafficked.

When these sex trafficking survivors are under the age of 18, they have to be referred to the Department of Social Services for it to complete its statutorily-mandated investigation of these cases. It also allows these survivors, their parents, legal counsel, and guardians to apply to the Attorney General to participate in his address confidentiality program. Survivors of domestic violence, or other designated contacts, are also entitled to have their receipt of any services and contact information kept confidential as well. In addition, non-profit organizations with advocates who provide services to these survivors cannot be compelled to provide evidence of how they helped these survivors.

The Act adds a new statutory criminal offense of adults luring, enticing, or attempting to lure or entice, children with an intent to harm these children, or for doing so for any other unlawful purpose.

Offenders face fines of up to \$10,000, and/or imprisonment for up to 10 years. Mistake of age is not normally be a defense to luring or attempting to lure a child; however, it could be used as an affirmative defensive when the alleged luring or attempt to lure the child turns out to have been done for a lawful purpose. Another affirmative defense is that an alleged offender's actions were reasonable under the circumstances, and no intent to harm the child existed.

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### **No Obscene Material Website Access for Minors [H. 3424, Act 198]**

**H. 3424 (Act 198)** holds that any commercial entity with a site containing a significant percentage of **obscene material, or material that depicts, describes, or promotes child pornography or child sexual exploitation on the internet**, could be held civilly liable if they fail to perform **reasonable age verification methods** for those attempting to access their material -- including digitalized identification cards, independent third-party age verification services, or any other commercially reasonable method using public or private transactional data. This commercial entity or third-party using age verification methods cannot retain any individually identifiable information after access to the website has been granted. Failure to properly verify users' ages allows any harmed individuals to seek nominal, actual, and punitive damages, file class action lawsuits, and recover their costs and attorney fees. In addition, the Attorney General can seek an injunction against commercial entities that fail to comply with reasonable age verification requirements.

### **Caregiver Requirements [S. 862, Act 216]**

**S. 862 (Act 216)** relates to **caregiver requirements** and provides for educational and pre-service training requirements. New childcare workers have 30 days to complete their training instead of just 5. In an effort to address labor needs and accommodate otherwise qualified workers, the Act removes the requirement that an individual must have at least six months experience as a caregiver or be directly supervised. GED and other high school equivalency credentials, along with Certificates of Completion, are acceptable credentials for caregivers. The Act also provides that childcare facility licenses are valid for three years instead of two.

### **Genetic Counselors [S. 241, Act 187]**

**S. 241 (Act 187)** provides for the regulation of **genetic counselors** under the administration of the Department of Labor, Licensing and Regulation (LLR). Among many things, the Act creates the South Carolina Board of Genetic Counselors to license genetic counselors. The purpose of this board is to protect the public through the regulation of professionals who educate and communicate with the public regarding the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder in a family, including the provision of services to help an individual or family. The board is comprised of five members appointed by the governor who must be lay members from the state and four practicing genetic counselors. The board may issue a limited

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license to an applicant who meets certain requirements. The Act also outlines that, under certain conditions, the limited license shall expire automatically. The practice of genetic counseling is, but 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. Nothing in this chapter may be construed to authorize a licensed genetic counselor to practice medicine, surgery, osteopathy, homeopathy, chiropractic, naturopathy, magnetic healing, or another form, branch, or method of healing as authorized by state laws.

### Transportation and Vehicles

#### Emergency Scene Management [H. 4436, Act 174]

**H. 4436 (Act 174)** seeks to protect emergency scene operations; mandating that drivers maintain control of their vehicles in emergencies, including scenes with stopped vehicles, adding that drivers do not obstruct emergency vehicle operations nor operators of authorized emergency vehicles. A person who violates this requirement is guilty of a misdemeanor and, upon conviction, must be fined not less than \$300 nor more than \$500.

#### The Display of License Plates on Motor Vehicles [H. 4674, Act 178]

**H. 4674 (Act 178)** regards laws relating to the display and fastening of license plates, holding that license plates must be fastened to vehicles and to provide for the display of temporary license plates on large commercial vehicles (CMV) (in the windshield). In addition, the Act became a vehicle for including H. 5024 regarding the retention of plates for a surviving spouse of a member of the National Guard in addition to several special license plates. Those are motor vehicle special license plates: the "Hearing Impaired," the "South Carolina Equine Industry," the "Cherokee Indian Nation," the "Catawba Nation," the "University of South Carolina 2017, 2022, and 2024 Women's Basketball National Champions," the "Autistic and Neurodivergent," the "South Carolina Association for Pupil Transportation," and the "Navy and Marine Corps Medal" (plates reflective of valorous awards).

#### Towing a Truck with a Fifth Wheel Assembly [H. 3355, Act 129]

**H. 3355 (Act 129)** provides that a **towing truck with a fifth-wheel assembly** may tow one additional vehicle. It also sets a maximum length for this combination of vehicles, provides the maximum weight for the final trailing vehicle, and requires that a truck operating a towing combination must include a video

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system that allows the driver to monitor the final trailing vehicle as it is being towed and be equipped with certain safety devices.

### **Watercraft Motor Restrictions [S. 1005, Act 168]**

**S. 1005 (Act 168)** deals with **motor restrictions** on Lake Bowen. No boat, watercraft, or any other type of vessel powered by an outdrive or inboard motor having an engine automotive horsepower rating in excess of 200 horsepower is permitted. This restriction does not apply to towboats with certain characteristics. V-Drive towboats are prohibited. Personal watercraft may not exceed 190 horsepower. Also, the Act notes that it is unlawful to operate a personal watercraft, specialty propcraft, or vessel in excess of idle speed within 100 feet of a wharf, dock, bulkhead, or pier or within 50 feet of a moored or anchored vessel or person on Lake Bowen. Other restrictions include provisions regarding waterski and tow rafts, discs, or other similar floating devices in regards to a particular location; pulling more than two persons at one time from any boat or to waterski while carrying one or more persons piggyback; and operating any boat, watercraft, or any other type of a vessel between midnight and one hour before sunrise.

### **Preventing the Escape of Loose Material and Debris [H. 4601, Act 202]**

**H. 4601 (Act 202)** amends current law relating to **preventing the escape of materials loaded on vehicles** by incorporating that "No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway." The provisions do not apply to and do not restrict the transportation of certain **agricultural** products.

### **Blood Type on Applications For Driver's Licenses [S. 968, Act 167]**

**S. 968 (Act 167)** allows an applicant for a driver's license to voluntarily disclose his **blood type** on a driver's license or a beginner's permit.

### **Beginner's Permits [H. 4673, Act 146]**

**H. 4673 (Act 146)** amends the law regarding **beginner's permits**, hours and conditions of vehicle operation, renewal and fees, driver's training courses, and eligibility for full licensure. The Act also provides that persons at least 18 years old may take the driving test after maintaining a beginner's permit for at least 30 days.

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### **Photograph for Parking Placards [H. 4819, Act 147]**

**H. 4819 (Act 147)** allows applicants (mostly children) for accessible **parking placards** to provide a photograph for the placard subject to the Department of Motor Vehicle's approval.

### **Work Zone Safety Program Course [H. 5023, Act 182]**

**H. 5023 (Act 182)** establishes the **work zone safety program** within the Department of Motor Vehicles. The DMV must require all persons obtaining an initial driver's license, and who are required to complete a driver's education course to take the work zone safety program course.

## Veterans

### **Property Tax Exemption For Disabled Veterans [H. 3116, Act 116]**

See above under "Taxes."

### **Veterans' Trust Fund [H. 4928, Act 151]**

**H. 4928 (Act 151)** pertains to the **Veterans' Trust Fund** which assists public and private veteran programs throughout the state with only voluntary tax donations. Currently, the fund does not have fundraising as an activity to raise money to add to the fund. As a result, the Act adds fundraising as an activity.

### **State Veterans' Cemeteries [H. 4953, Act 153]**

**H. 4953 (Act 153)** removes the residency requirement to qualify for a plot in a state veterans' cemetery for an honorably discharged veteran.

### **Unclaimed Veterans Remains [H. 4376, Act 142]**

**H. 4376 (Act 142)** requires coroners, as well as funeral home directors, in possession of **unclaimed human remains identified and determined to be unclaimed veteran** remains, be released to a funeral home for an appropriate burial in a national cemetery.

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