~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 5:3: “O Lord, in the morning you hear my voice.”

Let us pray. We are grateful Lord for listening to our cry in the morning, asking for Your guidance in all the duties and responsibilities cast upon us. For a pleasant day with others with whom we serve, give us peace and a joyful result for our labors. For our Nation, President, State, Governor, for our leaders in this House, grant all Your protection and blessings. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. BERNSTEIN moved that when the House adjourns, it adjourn in memory of Shepard Roy "Shep" Cutler of Columbia, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 5027 -- Reps. G. M. Smith, Weeks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE WILSON HALL FOOTBALL TEAM ON ITS IMPRESSIVE WIN OF THE 2013 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5029 -- Rep. Funderburk: A CONCURRENT RESOLUTION TO CONGRATULATE JACK BRANTLEY OF KERSHAW COUNTY ON RECEIVING THE NATIONAL SOCIETY DAR COMMUNITY SERVICE AWARD, PRESENTED BY THE HOBKIRK HILL CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1183 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND CAMDEN HIGH SCHOOL FOR ITS OUTSTANDING WORK IN EDUCATING STUDENTS AND TO CONGRATULATE THE ADMINISTRATION, FACULTY,

STAFF, STUDENTS, AND PARENTS FOR BEING HONORED AS A 2014 PALMETTO'S FINEST AWARD WINNER.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 5026 -- Reps. Neal, Anderson, Robinson-Simpson, King, M. S. McLeod, Cobb-Hunter, Dillard and Norrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "HEALTH ENTERPRISE ZONE ACT" BY ADDING CHAPTER 140 TO TITLE 44 SO AS TO AUTHORIZE THE ESTABLISHMENT OF HEALTH ENTERPRISE ZONES IN CERTAIN AREAS OF THE STATE BASED ON DOCUMENTED HEALTH DISPARITIES AND POOR HEALTH OUTCOMES AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO ESTABLISH CRITERIA FOR CONSIDERATION AND AWARD OF THE DESIGNATION; TO PROVIDE FOR CERTAIN TAX CREDITS AND LOAN REPAYMENT ASSISTANCE FOR HEALTH ENTERPRISE ZONE PRACTITIONERS WHO PRACTICE IN HEALTH ENTERPRISE ZONES AND WHO HIRE CERTAIN STAFF; TO ESTABLISH REQUIREMENTS ADDRESSING SUBMISSION OF INFORMATION TO THE DEPARTMENT OF REVENUE CONCERNING APPLICATIONS FOR TAX CREDITS; TO LIMIT THE TOTAL TAX CREDITS AVAILABLE TO FOUR MILLION DOLLARS ANNUALLY DIVIDED EQUALLY BETWEEN AVAILABLE TAX CREDITS; TO PROVIDE FOR GRANTS TO ORGANIZATIONS RECEIVING THE DESIGNATION AS A HEALTH ENTERPRISE ZONE AND TO HEALTH ENTERPRISE ZONE PRACTITIONERS; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE REGULATIONS; AND TO REQUIRE THE DEPARTMENT TO SUBMIT REPORTS TO THE GOVERNOR AND GENERAL ASSEMBLY; AND BY ADDING SECTION 12-6-3775 SO AS TO REFERENCE THE AVAILABILITY OF CERTAIN TAX CREDITS AVAILABLE PURSUANT TO CHAPTER 140, TITLE 44.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 5028 -- Rep. R. L. Brown: A BILL TO AMEND SECTION 11-43-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "ELIGIBLE COST" FOR PURPOSES OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO ALLOW COMPENSATION TO LANDOWNERS WHOSE PROPERTY VALUE DECREASES DUE TO A RIGHT OF WAY ACQUISITION UNDER CERTAIN CIRCUMSTANCES, INCLUDING THE LOCATION OF THE PROPERTY AND LOCAL GOVERNMENT APPROVAL; AND TO AMEND SECTION 28-11-40, RELATING TO CONTRACTS BETWEEN GOVERNMENTAL AGENCIES REGARDING EMINENT DOMAIN, SO AS TO PROVIDE THAT ANY SUCH CONTRACT MUST INCLUDE ANY APPLICABLE PROVISIONS REGARDING COMPENSATION TO LANDOWNERS.

Referred to Committee on Judiciary

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Bannister |
| Bedingfield | Bernstein | Bingham |
| Bowen | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Jefferson | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Nanney | Newton |
| Norman | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Sabb | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Thayer | Toole |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 2.

|  |  |
| --- | --- |
| Todd Atwater | Nathan Ballentine |
| Liston Barfield | William Bowers |
| Bill Chumley | William Clyburn |
| Tracy Edge | Jerry Govan |
| Chris Hart | William G. Herbkersman |
| Chip Huggins | Ralph Kennedy |
| David Mack | Peter McCoy, Jr. |
| Joe McEachern | Mia S. McLeod |
| Walton J. McLeod | Harold Mitchell |
| Elizabeth Munnerlyn | Chris Murphy |
| Joseph Neal | Mandy Powers Norrell |
| Richard "Rick" Quinn | Todd Rutherford |
| Mike Ryhal | W. E. "Bill" Sandifer |
| James E. Smith | William "Bill" Taylor |
| Ted Vick |  |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GAMBRELL a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LOWE a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BARFIELD a temporary leave of absence.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert R. Morgan of Greenville, was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. BURNS and STRINGER presented to the House the Blue Ridge High School Corps of Cadets Marching Band, the 2013 South Carolina Class AAA State Champions, their coaches, and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4386 |
| Date: | ADD: |
| 04/02/14 | WHIPPER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4527 |
| Date: | ADD: |
| 04/02/14 | GILLIARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4803 |
| Date: | ADD: |
| 04/02/14 | KNIGHT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4977 |
| Date: | ADD: |
| 04/02/14 | GEORGE |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4607 |
| Date: | REMOVE: |
| 04/02/14 | NORRELL |

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time, passed and, having received three readings in both Houses, it was ordered that the title of each be changed to that of an Act, and that they be enrolled for ratification:

S. 798 -- Senators Malloy and Williams: A BILL TO AMEND ACT 256 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF MARLBORO COUNTY, SO AS TO REVISE THE MANNER IN WHICH CANDIDATES FOR ELECTION TO THE SCHOOL BOARD ARE DEEMED TO BE ELECTED, TO PROVIDE THE COUNTY SCHOOL BOARD MAY DETERMINE SALARIES AND ALLOWANCES OF BOARD MEMBERS AND APPROVE LOCAL TAX FUNDS NEEDED FOR THESE SALARIES AND ALLOWANCES, AND TO DELETE PROVISIONS REQUIRING THE BOARD MEMBERS TO RECEIVE A PER DIEM AND THE CHAIRMAN TO RECEIVE ADDITIONAL COMPENSATION.

**H. 5024--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5024 -- Rep. Sellers: A BILL TO ALLOW THE BOARD OF TRUSTEES OF DENMARK-OLAR SCHOOL DISTRICT NO. 2 TO IMPOSE A CAPITAL MILLAGE TO PROVIDE SCHOOL BUILDINGS IN THE DISTRICT, INCLUDING ANY ASSOCIATED LEASE PAYMENTS, AND TO MAKE FINDINGS THAT ILLUSTRATE THE UNIQUE ISSUES FACING THE DISTRICT.

Rep. SELLERS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 61; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Bales | Bowen | Bowers |
| Branham | G. A. Brown | Clemmons |
| K. R. Crawford | Crosby | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Finlay | Funderburk |
| Gagnon | George | Hardwick |
| Hayes | Herbkersman | Hodges |
| Horne | Howard | Huggins |
| Kennedy | King | Knight |
| Limehouse | Loftis | Lucas |
| McCoy | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| Norman | R. L. Ott | Parks |
| Patrick | Pitts | Pope |
| Ridgeway | Robinson-Simpson | Ryhal |
| Sandifer | Sellers | Simrill |
| Skelton | J. E. Smith | Sottile |
| Southard | Spires | Vick |
| Weeks | White | Willis |
| Wood |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Newton |  |

**Total--2**

So, the Bill was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber, attending the Fallen Firefighter Ceremony at the S. C. Fire Academy and missed the vote on H. 5024. If I had been present, I would have voted in favor of the Bill.

Rep. Kevin Hardee

**SENT TO THE SENATE**

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 4452 -- Rep. Finlay: A BILL TO AMEND SECTION 8-13-1348, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS AND REQUIREMENTS PERTAINING TO AUTHORIZED USE, SO AS TO REVISE REQUIREMENTS REGARDING THE PAYMENT OR REIMBURSEMENT OF TRAVEL, LODGING, AND FOOD AND BEVERAGE EXPENSES, REQUIREMENTS REGARDING CAMPAIGN COMMUNICATION OR OFFICE EQUIPMENT, AND REQUIREMENTS REGARDING CAMPAIGN OR OFFICE STAFF.

**H. 4455--SENT TO THE SENATE**

The following Bill was taken up:

H. 4455 -- Rep. Finlay: A BILL TO AMEND SECTION 8-13-1312, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH CANDIDATE OR CAMPAIGN EXPENSES MUST BE PAID.

Rep. FINLAY spoke in favor of the Bill.

The Bill was read the third time and ordered sent to the Senate.

**S. 815--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 815 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 7-11-30, SOUTH CAROLINA CODE OF LAWS, 1976, TO PROVIDE THAT A PARTY MAY CHOOSE TO CHANGE NOMINATION OF CANDIDATES BY PRIMARY TO A CONVENTION IF THREE-FOURTHS OF THE CONVENTION MEMBERSHIP APPROVES OF THE CONVENTION NOMINATION PROCESS, AND A MAJORITY OF THE VOTERS IN THAT PARTY'S NEXT PRIMARY ELECTION APPROVES THE USE OF A CONVENTION.

Reps. CLEMMONS, J. E. SMITH, HIXON, WELLS, TAYLOR, HIOTT, SKELTON, ALLISON, HARDWICK, SPIRES, KENNEDY, J. R. SMITH, ANDERSON, GILLIARD, NEAL, WILLIAMS, MCEACHERN, BRANNON, K. R. CRAWFORD, WOOD, RYHAL and V. S. MOSS requested debate on the Bill.

**H. 4803--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4803 -- Reps. Horne, Erickson, Gilliard, Whipper, D. C. Moss, McCoy, K. R. Crawford, Weeks, Cobb-Hunter and Knight: A BILL TO AMEND ARTICLE 4, CHAPTER 53, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT OF 1980, SO AS TO ENACT THE "MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH ACT", TO ESTABLISH THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH PROGRAM AT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR PATIENTS ELIGIBLE TO PARTICIPATE IN THE PROGRAM, TO PROVIDE WHO AND UNDER WHAT CIRCUMSTANCES MEDICAL CANNABIS CAN BE ADMINISTERED TO A PATIENT, TO PROVIDE FOR NOTICE TO A PARTICIPATING PATIENT THAT THE PATIENT WILL BE PARTICIPATING IN A RESEARCH STUDY AND OF THE EXPERIMENTAL NATURE OF THE MEDICAL CANNABIS PROGRAM, TO PROVIDE FOR THE PROTECTION OF A PARTICIPATING PATIENT'S PERSONAL INFORMATION, TO PROVIDE FOR THE OPERATION OF THE PROGRAM BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE REPORTING REQUIREMENTS BY ACADEMIC MEDICAL CENTERS THAT SUPERVISE OR ADMINISTER MEDICAL CANNABIS TREATMENTS, TO PROVIDE CRIMINAL AND CIVIL IMMUNITY FROM STATE ACTIONS OR SUITS ARISING FROM THE PROPER IMPLEMENTATION OF THIS ACT, TO PROVIDE THAT THE STATE SHALL DEFEND STATE EMPLOYEES WHO, IN GOOD FAITH, CARRY OUT THE PROVISIONS OF THIS ACT, AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COLLABORATE WITH ACADEMIC MEDICAL CENTERS TO ASSIST INTERESTED PATIENTS WITH THE APPLICATION PROCESS TO PARTICIPATE IN EXISTING UNITED STATES FOOD AND DRUG ADMINISTRATION-APPROVED INVESTIGATIONAL NEW DRUG STUDIES CONCERNING MEDICAL CANNABIS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4803 (COUNCIL\MS\4803C001.MS.AHB14):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Paragraph 27 of Section 44‑53‑110 of the 1976 Code is amended to read:

“‘Marijuana’ means:

(1) all species or variety of the marijuana plant and all parts thereof whether growing or not;

(2) the seeds of the marijuana plant;

(3) the resin extracted from any part of the marijuana plant;

(4) every compound, manufacture, salt, derivative, mixture, or preparation of the marijuana plant, marijuana seeds, or marijuana resin.

‘Marijuana’ does not mean:

(1) the mature stalks of the marijuana plant or fibers produced from these stalks;

(2) oil or cake made from the seeds of the marijuana plant;

(3) any other compound, manufacture, salt, derivatives, mixture, or preparation of the mature stalks (except the resin extracted therefrom);

(4) the sterilized seed of the marijuana plant which is incapable of germination;

(5) for persons participating in a clinical trial or in an expanded access program related to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Article 18, Chapter 53, Title 44, a drug or substance approved for the use of those participants by the federal Food and Drug Administration.”

SECTION 2. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 18

Julian’s Law

Section 44‑53‑1810. As used in this article:

(1) ‘Academic Medical Center’ means a research hospital that operates a medical residency program for physicians and conducts research that involves human subjects.

(2) ‘Approved source’ means a provider approved by the federal Food and Drug Administration which produces cannabidiol that:

(a) has been manufactured and tested in a facility approved or certified by the federal Food and Drug Administration or similar national regulatory agency in another country, which has been approved by the federal Food and Drug Administration; and

(b) has been tested in animals to demonstrate preliminary effectiveness and to ensure that it is safe to administer to humans.

(3) ‘Cannabidiol’ means a finished preparation containing, of its total cannabinoid content, at least ninety‑eight percent cannabidiol and no more than three‑tenths of one percent tetrahydrocannabinol that has been extracted from marijuana or synthesized in a laboratory.

(4) ‘Physician’ means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

(5) ‘Qualifying Patient’ means anyone who suffers from Lennox‑Gastaut Syndrome, Dravet Syndrome, also known as severe myoclonic epilepsy of infancy, or any other form of refractory epilepsy that is not adequately treated by traditional medical therapies.

Section 44‑53‑1820. (A) A statewide investigational new drug application may be established in this State, if approved by the federal Food and Drug Administration, to conduct expanded access clinical trials using cannabidiol on qualifying patients with severe forms of epilepsy.

(B) Any physician who is board certified and practicing in an academic medical center in this State and treating patients with severe forms of epilepsy may serve as the principal investigator for the clinical trials if the physician:

(1) Applies to and is approved by the federal Food and Drug Administration as the

principal investigator in a statewide investigational new drug application; and

(2) receives a license from the federal Drug Enforcement Administration.

(C) a physician acting as principal investigator may include subinvestigators who are also board certified and who practice in an academic medical center in this State and treat patients with severe forms of epilepsy. Subinvestigators also shall comply with subsection (B)(2).

(D) the principal investigator and all subinvestigators shall adhere to the rules and regulations established by the relevant institutional review board for each participating academic medical center and by the federal Food and Drug Administration, federal Drug Enforcement Administration, and the National Institute on Drug Abuse.

Section 44‑53‑1830. (A) Expanded access clinical trials conducted pursuant to a statewide investigational new drug application established pursuant to this article only shall utilize cannabidiol that is:

(1) from an approved source; and

(2) approved by the federal Food and Drug Administration to be used for treatment of a condition specified in an investigational new drug application.

(B) The principal investigator and any subinvestigator may receive cannabidiol directly from an approved source or authorized distributor for an approved source for use in the

expanded access clinical trials.

Section 44‑53‑1840. (A) A person acting in compliance with the provisions of this article must not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the use, prescription, administration, possession, manufacture, or distribution of medical cannabis.

(B) The State must defend a state employee against a federal claim or suit that arises or by virtue of their good faith performance of official duties pursuant to this article.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of amendments.

**RECURRENCE TO THE MORNING HOUR**

Rep. HORNE moved that the House recur to the morning hour, which was agreed to.

**REPORTS OF STANDING COMMITTEE**

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 4900 -- Reps. Gilliard, Whipper, Mack, Kennedy, Stavrinakis, Murphy and Willis: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A COST-BENEFIT STUDY TO DETERMINE THE FEASIBILITY OF ERECTING A PEDESTRIAN OVERPASS AT THE INTERSECTION OF THE SEPTIMA P. CLARK PARKWAY AND COMING STREET IN THE CITY OF CHARLESTON.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 4499 -- Reps. Cole, Spires, Sottile, D. C. Moss, Tallon, Allison, Rivers, Finlay, M. S. McLeod, Hardee, Norrell, Brannon, Atwater, Bowen, Weeks, V. S. Moss, Neal, Whipper, Nanney, Gilliard, Anderson, Bales, G. A. Brown, R. L. Brown, Forrester, Hamilton, Mack, Wells, Willis and Wood: A BILL TO AMEND SECTION 56-1-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A DRIVER'S LICENSE, SO AS TO REMOVE THE ONE DOLLAR FEE CHARGED BY THE DEPARTMENT OF MOTOR VEHICLES FOR THE PLACEMENT OF A VETERAN DESIGNATION ON A DRIVER'S LICENSE.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 4650 -- Reps. Bannister, Bedingfield, Simrill, Burns and Henderson: A BILL TO AMEND SECTION 59-5-65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS AND RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION, SO AS TO PROVIDE THE BOARD SHALL ESTABLISH BEFORE AUGUST 1, 2014, A PROFICIENCY-BASED SYSTEM AS AN ALTERNATIVE TO TRADITIONAL SEAT-TIME REQUIREMENTS FOR CHILDREN NOT EXEMPT FROM COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS, TO PROVIDE THE SYSTEM MUST BE OPTIONAL FOR SCHOOL DISTRICTS, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 59-65-90, RELATING TO RULES AND REGULATIONS CONCERNING STUDENT ATTENDANCE REQUIREMENTS, SO AS TO MAKE A CONFORMING CHANGE.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5030 -- Reps. Erickson, M. S. McLeod, Spires, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE TUESDAY, APRIL 29, 2014, AS "CHILDREN'S ADVOCACY DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 5031 -- Reps. Dillard, Robinson-Simpson, G. R. Smith, Burns, Bannister, Bedingfield, Hamilton, Loftis, Nanney and Stringer: A BILL TO AMEND SECTION 5-15-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT BEFORE A MUNICIPALITY MAY ADOPT AN ORDINANCE CHANGING THE METHOD OF NOMINATING CANDIDATES, THE MUNICIPALITY MUST ADOPT AN ORDINANCE REQUIRING AN ADVISORY REFERENDUM ON THE PROPOSED CHANGE, AND A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE ADVISORY REFERENDUM MUST APPROVE THE PROPOSED CHANGE.

Referred to Committee on Judiciary

**H. 4803—AMENDED, REQUEST FOR DEBATE AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

H. 4803 -- Reps. Horne, Erickson, Gilliard, Whipper, D. C. Moss, McCoy, K. R. Crawford, Weeks, Cobb-Hunter and Knight: A BILL TO AMEND ARTICLE 4, CHAPTER 53, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT OF 1980, SO AS TO ENACT THE "MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH ACT", TO ESTABLISH THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH PROGRAM AT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR PATIENTS ELIGIBLE TO PARTICIPATE IN THE PROGRAM, TO PROVIDE WHO AND UNDER WHAT CIRCUMSTANCES MEDICAL CANNABIS CAN BE ADMINISTERED TO A PATIENT, TO PROVIDE FOR NOTICE TO A PARTICIPATING PATIENT THAT THE PATIENT WILL BE PARTICIPATING IN A RESEARCH STUDY AND OF THE EXPERIMENTAL NATURE OF THE MEDICAL CANNABIS PROGRAM, TO PROVIDE FOR THE PROTECTION OF A PARTICIPATING PATIENT'S PERSONAL INFORMATION, TO PROVIDE FOR THE OPERATION OF THE PROGRAM BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE REPORTING REQUIREMENTS BY ACADEMIC MEDICAL CENTERS THAT SUPERVISE OR ADMINISTER MEDICAL CANNABIS TREATMENTS, TO PROVIDE CRIMINAL AND CIVIL IMMUNITY FROM STATE ACTIONS OR SUITS ARISING FROM THE PROPER IMPLEMENTATION OF THIS ACT, TO PROVIDE THAT THE STATE SHALL DEFEND STATE EMPLOYEES WHO, IN GOOD FAITH, CARRY OUT THE PROVISIONS OF THIS ACT, AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COLLABORATE WITH ACADEMIC MEDICAL CENTERS TO ASSIST INTERESTED PATIENTS WITH THE APPLICATION PROCESS TO PARTICIPATE IN EXISTING UNITED STATES FOOD AND DRUG ADMINISTRATION-APPROVED INVESTIGATIONAL NEW DRUG STUDIES CONCERNING MEDICAL CANNABIS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4803 (COUNCIL\MS\4803C001.MS.AHB14), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Paragraph 27 of Section 44‑53‑110 of the 1976 Code is amended to read:

“‘Marijuana’ means:

(1) all species or variety of the marijuana plant and all parts thereof whether growing or not;

(2) the seeds of the marijuana plant;

(3) the resin extracted from any part of the marijuana plant;

(4) every compound, manufacture, salt, derivative, mixture, or preparation of the marijuana plant, marijuana seeds, or marijuana resin.

‘Marijuana’ does not mean:

(1) the mature stalks of the marijuana plant or fibers produced from these stalks;

(2) oil or cake made from the seeds of the marijuana plant;

(3) any other compound, manufacture, salt, derivatives, mixture, or preparation of the mature stalks (except the resin extracted therefrom);

(4) the sterilized seed of the marijuana plant which is incapable of germination;

(5) for persons participating in a clinical trial or in an expanded access program related to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Article 18, Chapter 53, Title 44, a drug or substance approved for the use of those participants by the federal Food and Drug Administration.”

SECTION 2. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 18

Julian’s Law

Section 44‑53‑1810. As used in this article:

(1) ‘Academic Medical Center’ means a research hospital that operates a medical residency program for physicians and conducts research that involves human subjects.

(2) ‘Approved source’ means a provider approved by the federal Food and Drug Administration which produces cannabidiol that:

(a) has been manufactured and tested in a facility approved or certified by the federal Food and Drug Administration or similar national regulatory agency in another country, which has been approved by the federal Food and Drug Administration; and

(b) has been tested in animals to demonstrate preliminary effectiveness and to ensure that it is safe to administer to humans.

(3) ‘Cannabidiol’ means a finished preparation containing, of its total cannabinoid content, at least ninety‑eight percent cannabidiol and no more than three‑tenths of one percent tetrahydrocannabinol that has been extracted from marijuana or synthesized in a laboratory.

(4) ‘Physician’ means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

(5) ‘Qualifying Patient’ means anyone who suffers from Lennox‑Gastaut Syndrome, Dravet Syndrome, also known as severe myoclonic epilepsy of infancy, or any other form of refractory epilepsy that is not adequately treated by traditional medical therapies.

Section 44‑53‑1820. (A) A statewide investigational new drug application may be established in this State, if approved by the federal Food and Drug Administration, to conduct expanded access clinical trials using cannabidiol on qualifying patients with severe forms of epilepsy.

(B) Any physician who is board certified and practicing in an academic medical center in this State and treating patients with severe forms of epilepsy may serve as the principal investigator for the clinical trials if the physician:

(1) Applies to and is approved by the federal Food and Drug Administration as the

principal investigator in a statewide investigational new drug application; and

(2) receives a license from the federal Drug Enforcement Administration.

(C) a physician acting as principal investigator may include subinvestigators who are also board certified and who practice in an academic medical center in this State and treat patients with severe forms of epilepsy. Subinvestigators also shall comply with subsection (B)(2).

(D) the principal investigator and all subinvestigators shall adhere to the rules and regulations established by the relevant institutional review board for each participating academic medical center and by the federal Food and Drug Administration, federal Drug Enforcement Administration, and the National Institute on Drug Abuse.

Section 44‑53‑1830. (A) Expanded access clinical trials conducted pursuant to a statewide investigational new drug application established pursuant to this article only shall utilize cannabidiol that is:

(1) from an approved source; and

(2) approved by the federal Food and Drug Administration to be used for treatment of a condition specified in an investigational new drug application.

(B) The principal investigator and any subinvestigator may receive cannabidiol directly from an approved source or authorized distributor for an approved source for use in the

expanded access clinical trials.

Section 44‑53‑1840. (A) A person acting in compliance with the provisions of this article must not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the use, prescription, administration, possession, manufacture, or distribution of medical cannabis.

(B) The State must defend a state employee against a federal claim or suit that arises or by virtue of their good faith performance of official duties pursuant to this article.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

Rep. HORNE proposed the following Amendment No. 2 to H. 4803 (COUNCIL\MS\4803C002.MS.AHB14), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Paragraph 27 of Section 44‑53‑110 of the 1976 Code is amended to read:

“‘Marijuana’ means:

(1) all species or variety of the marijuana plant and all parts thereof whether growing or not;

(2) the seeds of the marijuana plant;

(3) the resin extracted from any part of the marijuana plant;

(4) every compound, manufacture, salt, derivative, mixture, or preparation of the marijuana plant, marijuana seeds, or marijuana resin.

‘Marijuana’ does not mean:

(1) the mature stalks of the marijuana plant or fibers produced from these stalks;

(2) oil or cake made from the seeds of the marijuana plant, including cannabidiol derived from the seeds of the marijuana plant;

(3) any other compound, manufacture, salt, derivatives, mixture, or preparation of the mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks ;

(4) the sterilized seed of the marijuana plant which is incapable of germination;

(5) for persons participating in a clinical trial or in an expanded access program related to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Article 18, Chapter 53, Title 44, a drug or substance approved for the use of those participants by the federal Food and Drug Administration;

(6) for persons, or the persons’ parents, legal guardians, or other caretakers, who have received a written certification from a physician licensed in this State that the person has been diagnosed by a physician as having Lennox Gastaut Syndrome, Dravet Syndrome, also known as ‘severe myoclonic epilepsy of infancy’, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, the substance cannabidiol, a nonpsychoactive cannabinoid, or any compound, manufacture, salt, derivative, mixture, or preparation of any plant of the genus cannabis that contains three‑tenths of one percent or less of tetrahydrocannabinol and more than fifteen percent of cannabidiol.

(a) For purposes of this item, written certification means a document dated and signed by a physician stating that the patient has been diagnosed with Lennox Gastaut Syndrome, Dravet Syndrome, also known as ‘severe myoclonic epilepsy of infancy’, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies and the physician’s conclusion that the patient might benefit from the medical use of cannabidiol.

(b) A physician is not subject to detrimental action, including arrest, prosecution, penalty, denial of a right or privilege, civil penalty, or disciplinary action by a professional licensing board for providing written certification for the medical use of cannabidiol to a patient in accordance with this section.” /

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 3 to H. 4803 (COUNCIL\NBD\4803C002.NBD.VR14), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 17

Put Patients First Act

Section 44‑53‑1710. This article may be cited as the ‘Put Patients First Act’.

Section 44‑53‑1720. For purposes of this article:

(1) ‘Bona fide physician‑patient relationship’ means:

(a) a physician and patient treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient’s medical history and current medical condition, including an appropriate personal physical examination;

(b) physician consultation with a patient with respect to the patient’s debilitating medical condition before the patient applies for a registry identification card; and

(c) physician availability to provide follow‑up care and treatment to the patient including, but not limited to, patient examination to determine the efficacy of the use of medical marijuana as a treatment of the patient’s debilitating medical condition.

(2) ‘Criminal record’ means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest, citation, arraignment, conviction, judicial disposition, custody, and supervision.

(3) ‘Debilitating medical condition’ means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, and acquired immune deficiency syndrome, or treatment for these conditions;

(b) a chronic or debilitating disease or medical condition, or treatment of that disease or medical condition, that results in one or more of the following symptoms, and for which, in the professional opinion of that patient’s physician, the use of medical marijuana would alleviate one or more of the symptoms:

(i) cachexia;

(ii) severe pain;

(iii) severe nausea;

(iv) seizures, including those that are characteristic of epilepsy; or

(v) persistent muscle spasms, including those characteristic of multiple sclerosis; and

(c) another disease or medical condition, or treatment of that disease or medical condition, determined by the department to be a debilitating medical condition pursuant to department regulation or department approval of a petition submitted by a patient or a patient’s physician.

(4) ‘Department’ means the Department of Health and Environmental Control.

(5) ‘Dispensary’ means an entity registered pursuant to Section 44‑53‑2040.

(6) ‘Enclosed secured facility’ means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a registered patient, registered caregiver, or an employee or agent of a dispensary, as applicable.

(7) ‘Engage in the medical use of marijuana’ means the acquisition, possession, production, cultivation, use, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to alleviate the symptoms and side effects of a registered patient’s debilitating medical condition, which is in compliance with all the limitations and restrictions of this article.

(8) ‘Managing the well‑being of a registered patient’ means performing tasks to assist a registered patient with activities of daily living, provided the assistance is not limited only to helping a patient to engage in the medical use of marijuana.

(9) Marijuana has the same meaning as defined in Section 44‑53‑110.

(10) ‘Medical verification’ means documentation required by the department provided by a physician to a patient in the course of a bona fide physician‑patient relationship for the patient’s submission to the department with an application for a registry identification card, which supports the physician’s opinion that the patient has a debilitating medical condition with symptoms or side effects that might be alleviated by the medical use of marijuana and that reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms or side‑effects.

(11) Paraphernalia has the same meaning as defined in Section 44‑53‑10.

(12) ‘Parent’ means:

(a) a custodial mother or father of a patient under the age of eighteen years; or

(b) a person with legal custody of a patient under the age of eighteen years; or

(c) a person who is the legal guardian of a patient under the age of eighteen years.

(13) ‘Patient’ means a person who qualifies as a person with a debilitating medical condition.

(14) ‘Physician’ means a physician who is licensed in good standing to practice medicine in this State pursuant to Chapter 47, Title 40.

(15) ‘Registered caregiver’ means a person, other than a registered patient or a registered patient’s physician, who is eighteen years or older and who has been issued a registry identification card by the department, identifying the person as someone who has agreed to undertake responsibility for managing the well‑being of a registered patient including, but not limited to, by assisting the registered patient with the medical use of marijuana.

(16) ‘Registered patient’ means a person who has been issued a registry identification card by the department identifying the person as having a debilitating medical condition who is entitled to engage in the medical use of marijuana.

(17) ‘Registry identification card’ means the nontransferable confidential registry identification card issued by the department to a patient or caregiver that identifies the patient as authorized to engage in the medical use of marijuana or a caregiver as authorized to help a particular registered patient engage in the medical use of marijuana.

Section 44‑53‑1730. (A) A registered patient may engage in the medical use of marijuana in a quantity that is medically necessary to address a debilitating medical condition, provided the quantity does not exceed the limits provided for in subsection (B).

(B) A registered patient’s medical use of marijuana is lawful within the following limits:

(1) up to two ounces of a usable form of marijuana; and

(2) up to six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

(C) Registered patients and registered caregivers may:

(1) cultivate or otherwise produce marijuana only in an enclosed, locked facility; and

(2) may acquire marijuana only from registered dispensaries or from one another.

Section 44‑53‑1740. In the case of medical use of marijuana in excess of the amounts allowed pursuant to Section 44‑53‑1730, a registered patient or registered caregiver may raise as an affirmative defense to charges of violation of this article, or violation of another provision of law relating to the regulation of marijuana, that the quantity of marijuana used in excess of those limitations is medically necessary to alleviate the symptoms or side effects of the patient’s debilitating medical condition and may submit a medical verification provided to the patient by the physician pursuant to Section 44‑53‑1820 as proof that the quantity is medically necessary.

Section 44‑53‑1750. (A) A registered patient or registered caregiver must not:

(1) engage in the medical use of marijuana in a way that endangers the health or well‑being of another person;

(2) engage in the medical use of marijuana in plain view of the public or in a public place; or

(3) possess medical marijuana or otherwise engage in the use of medical marijuana in or on the grounds of a public or private school or childcare facility or in a school bus.

(B) A registered patient must not:

(1) undertake a task while under the influence of marijuana pursuant to this article when doing so would constitute negligence or professional malpractice; or

(2) operate, navigate, or otherwise be in actual physical control of a vehicle, aircraft, or motorboat while under the influence of marijuana pursuant to this article.

Section 44‑53‑1760. In addition to other penalties provided in this article and other applicable laws of the State, the department shall revoke for a period of one year the registry identification card of a registered patient or registered caregiver found to have wilfully violated a provision of this article.

Section 44‑53‑1770. A patient under eighteen years of age must not engage in the medical use of marijuana unless:

(1) two physicians have diagnosed the patient as having a debilitating medical condition with symptoms or side effects that might be alleviated by the medical use of marijuana;

(2) reasonable medical efforts have been made over a reasonable period of time without success to relieve the symptoms or side effects;

(3) one of the physicians referred to in this section has explained the possible risks and benefits of medical use of marijuana to the patient and the patient’s parents who reside in the State;

(4) the physician referred to in item (3) has provided the patient and the patient’s parents who reside in the State with the medical verification required pursuant to Section 44‑53‑1820;

(5) the patient’s parents who reside in the State consent in writing to the patient’s medical use of marijuana;

(6) a parent of the patient who resides in the State:  
 (a) consents in writing to serve as the patient’s registered caregiver; and

(b) submits to the department:

(i) an application for the patient’s registry identification card;

(ii) an application to serve as the registered caregiver of the patient;

(iii) the written consents required by this section;

(iv) the medical verification from the patient’s physician required by this section; and

(v) any other information required by the department;

(7) the department approves the patient’s and parent’s applications to qualify as a registered patient and registered caregiver, respectively, and provides both registry identification cards to the parent designated as the registered caregiver;

(8) the registered patient and registered caregiver collectively possess quantities of marijuana no greater than those specified in Section 44‑53‑1730 or 44‑53‑1740 at any given time; and

(9) the registered caregiver controls the acquisition of the marijuana and the dosage and frequency of its use by the registered patient.

Section 44‑53‑1780. The department shall create and maintain a confidential registry of patients who have applied for a registry identification card authorizing the medical use of marijuana pursuant to this article.

Section 44‑53‑1790. (A) No person is permitted to gain access to information about patients or caregivers maintained in the department’s confidential registry or received by the department as part of an application for a registry identification card, or information otherwise maintained by the department about applicants, except for authorized department employees in the course of performing official duties related to this article and authorized officials of state or local law enforcement agencies who have detained or arrested a person who claims to be engaged in the medical use of marijuana.

(B) A state or local law enforcement official’s right to access the information contained within the department’s confidential registry and other information referenced in subsection (A) is limited to the purpose of verifying that an individual who has presented a registry identification card or documentation serving as the functional equivalent is lawfully in possession of the card or its functional equivalent.

(C) Information maintained in the confidential registry is considered protected health information that must not be released in accordance with state and federal confidentiality statutes including, but not limited to, the Health Insurance Portability and Accountability Act, as amended.

(D) Information maintained in the confidential registry is not public information subject to access under the state’s Freedom of Information Act.

Section 44‑53‑1800. (A)(1) A patient who fraudulently represents a medical condition to a physician, the department, or a state or local law enforcement official for the purpose of falsely obtaining a patient registry identification card from the department pursuant to this article, or for the purpose of avoiding arrest and prosecution for a marijuana‑related offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(2) A caregiver who fraudulently represents the nature of the assistance provided to a registered patient with regard to the registered patient’s activities of daily living to obtain a caregiver registry identification card from the department pursuant to this article, or for the purpose of avoiding arrest and prosecution for a marijuana‑related offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(3) If a department employee or a state or local law enforcement official receives information that reasonably causes the employee or official to believe that a fraudulent representation as described in item (1) or (2) has occurred, the employee or official shall report the information to the department director and the county solicitor or Attorney General.

(B) The fraudulent use or theft of a registered patient’s or registered caregiver’s registry identification card is a misdemeanor, punishable up to five hundred dollars or six months in prison, or both.

(C) The fraudulent production or counterfeiting of, or tampering with, a registered patient’s or registered caregiver’s registry identification card is a misdemeanor, punishable up to five hundred dollars or six months in prison, or both.

(D) A person including, but not limited to, an employee of the department or a state or local law enforcement agency official, who releases or makes public information contained in the confidential registry without the written authorization of the registered patient or registered caregiver, or as otherwise allowed by law, is guilty a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(E) Registered patients and registered caregivers not in possession of their registry identification card issued by the department when engaged in the medical use of marijuana are guilty of a misdemeanor, and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

Section 44‑53‑1810. (A) In order to be placed on the confidential registry for the medical use of marijuana, a patient must be a resident of the State and submit an application and other information as required by the department.

(B) The application must require the patient to provide, at a minimum:

(1) the name, address, date of birth, and social security number of the patient;

(2) the name, address, and telephone number of the patient’s physician providing a medical verification;

(3) the medical verification, required pursuant to Section 44‑53‑1820;

(4) the name, address, and phone number of the patient’s registered caregiver, if one is designated at the time of application;

(5) an acknowledgement for the patient to sign that sets forth:

(a) the penalties for providing false information;

(b) definitions of:

(i) ‘bona fide physician‑patient relationship’, as defined in Section 44‑53‑1720;

(ii) ‘debilitating medical condition’, as defined in Section 44‑53‑1720;

(iii) ‘engage in the medical use of marijuana’, as defined in Section 44‑53‑1720; and

(iv) ‘managing the well‑being of a patient’, as defined in Section 44‑53‑1720.

(C) The department may charge a patient a reasonable fee for processing an application.

Section 44‑53‑1820. The department shall develop a medical verification form to be completed by a physician and submitted by a patient applying for a registry identification card. The form must include:

(1) the physician’s name, address, phone number, and medical license number;

(2) an acknowledgement to be signed by the physician that sets forth:

(a) the penalties for providing false information, including the department’s right to notify the medical board or other similar authority established pursuant to Chapter 47, Title 40; and

(b) definitions of:

(i) ‘bona fide physician‑patient relationship’, as defined in Section 44‑53‑1720;

(ii) ‘debilitating medical condition’, as defined in Section 44‑53‑1720; and

(iii) ‘physician’, as defined in Section 44‑53‑1720; and

(3) an affidavit for the physician to sign with the following provisions:

(a) the physician and patient have a bona fide physician‑patient relationship;

(b) the patient has a debilitating medical condition, identifying the patient’s disease or medical condition, and that the symptoms or side‑effects might benefit from the medical use of marijuana; and

(c) reasonable medical efforts have been made over a reasonable period of time without success to relieve the symptoms or side‑effects of the debilitating medical condition.

Section 44‑53‑1830. (A) The department shall approve or deny the application for patient registration submitted pursuant to Section 44‑53‑1810 in writing within thirty days from receipt of a completed application and processing fee. If the application is approved, the department shall issue the applicant a registration card which includes:

(1) the registered patient’s name, address, date of birth, and photograph;

(2) a unique alphanumeric identifier for department and law enforcement verification purposes; and

(3) the date of issuance and expiration of the registry identification card.

(B) The department shall deny and notify the patient of the denial of the application for a registry identification card if:

(1) the information required pursuant to Section 44‑53‑1810 has not been provided or has been falsified;

(2) the medical verification provided pursuant to Section 44‑53‑1820 fails to state there is a bona fida physician‑patient relationship, that the patient has a debilitating medical condition that might benefit from the use of marijuana, and that the physician has made reasonable medical efforts over a reasonable period of time without success to relieve the symptoms or side‑effects of the debilitating condition; or

(3) the physician is not licensed to practice medicine in the State, or the physician’s medical verification contains false information or has been falsified.

Section 44‑53‑1840. (A) An application is considered approved if the department fails to issue a registry identification card or fails to issue written notice of denial of an application within thirty‑five days of receipt of an application. The department’s date of receipt of an application is the date on which the application is hand‑delivered to the department or the date on which the application is placed in the mail.

(B) A patient who has applied for but who has not received a registry identification card in accordance with Section 44‑53‑1830 and who is questioned by a state or local law enforcement official about the use of marijuana may provide a copy of the application submitted to the department, including the required medical verification, and proof of the date of mailing or delivery to the department, which has the same legal effect as a registry identification card, until the patient receives the registry identification card or notice of denial of application.

Section 44‑53‑1850. (A) A patient whose application for a registry identification card has been denied by the department may not reapply during the six months following the date of the denial.

(B) The denial of a registry identification card is a final department decision and may be contested only in accordance with the Administrative Procedures Act. Only the patient whose application is denied has standing to contest the department decision.

(C) A registry card is effective only for one year. To maintain an effective registry identification card, a registered patient annually shall submit to the department, at least thirty days prior to the expiration date stated on the card:

(1) an updated medical verification from the patient’s physician;

(2) changes to the registered patient’s name or address, if any;

(3) the name and address of the patient’s registered caregiver, if one has been designated; and

(4) other information required by the department.

Section 44‑53‑1860. (A) When there is a change in the name or address of the registered patient or the name or address of the patient’s registered caregiver, the registered patient shall provide the updated information to the department within ten days.

(B) A registered patient who has not designated a registered caregiver at the time of submitting an application to the department may designate one during the period of the registry identification card’s effectiveness by submitting to the department the name and address of the registered caregiver. A person designated as the registered caregiver may act in that capacity only after the patient sends written notification to the department of the designation.

Section 44‑53‑1870. (A) In order to be placed on the confidential registry as a registered caregiver, a caregiver must be a resident of the State and submit an application and other information as required by the department.

(B) The application must require the caregiver to provide, at a minimum:

(1) the name, address, date of birth, and social security number of the caregiver;

(2) the name, address, and telephone number of the registered patient;

(3) a signed consent to undergo a criminal background check;

(4) a signed consent to undergo checks of the Department of Social Services registry for the abuse or neglect of a vulnerable adult and the Central Registry of Child Abuse and Neglect;

(5) an acknowledgement signed by the caregiver that sets forth:

(a) the penalties for providing false information;

(b) definitions of:

(i) ‘registered caregiver’, as defined in Section 44‑53‑1720;

(ii) ‘engage in the medical use of marijuana’, as defined in Section 44‑53‑1720;

(iii) ‘managing the well‑being of a registered patient’, as defined in Section 44‑53‑1720; and

(c) an affidavit signed by the caregiver stating that the caregiver:

(i) manages the well‑being of the registered patient, identifying the assistance provided by the caregiver; and

(ii) serves as the caregiver only for the registered patient identified on the application.

(C) The department may require payment of a reasonable fee for processing an application.

Section 44‑53‑1880. (A) Subject to subsection (B), the department shall approve or deny the application for caregiver registration submitted pursuant to Section 44‑53‑1870 in writing within thirty days from receipt of a completed application and processing fee. If the application is approved, the department shall issue the caregiver a registration card which includes:

(1) the registered caregiver’s name, address, date birth, and photograph;

(2) a unique alphanumeric identifier for department and law enforcement verification purposes;

(3) the name and address of the registered caregiver’s registered patient; and

(4) the date of issuance and expiration of the registry identification card.

(B) Prior to approving a caregiver’s application, the department shall verify that the caregiver:

(1) is serving as the registered caregiver for only one registered patient;

(2) has not been convicted of, or pled guilty or nolo contendere to, a drug‑related crime; and

(3) is not listed on the Department of Social Services registry for the abuse or neglect of a vulnerable adult or a child or on the Central Registry of Child Abuse and Neglect.

(C) The department shall deny and notify the caregiver of the denial of the application for a registry identification card if:

(1) the information required pursuant to Section 44‑53‑1870 has not been provided or has been falsified; or

(2) the caregiver has been convicted of, or pled guilty or nolo contendere to, a drug‑related crime or the caregiver’s name appears on the Department of Social Services registry for the abuse or neglect of a vulnerable adult or a child or on the Central Registry of Child Abuse and Neglect.

(D) If the department denies an application because the applicant has a criminal record history for a drug‑related crime or has been entered into the Department of Social Services registry for the abuse or neglect of a vulnerable adult or a child or on the Central Registry of Child Abuse and Neglect, the department shall provide a copy of the record to the applicant who has the right to provide information that reflects the record is not accurate.

Section 44‑53‑1890. (A) An application submitted pursuant to Section 44‑53‑1870 is considered approved if the department fails to issue a registry identification card or fails to issue written notice of denial of an application within thirty‑five days of receipt of an application. The department’s date of receipt of an application is the date on which the application is hand‑delivered to the department or the date on which the application is placed in the mail.

(B) A caregiver who has applied for, but who has not received a registry identification card, in accordance with Section 44‑53‑1880, and who is questioned by a state or local law enforcement official about the use of marijuana may provide a copy of the application submitted to the department and proof of the date of mailing or delivery to the department, which has the same legal effect as a registry identification card, until the caregiver receives the registry identification card or notice of denial of application.

Section 44‑53‑1900. (A) A caregiver whose application for a registry identification card has been denied by the department may not reapply during the six months following the date of the denial.

(B) The denial of a registry identification card is a final department decision and may be contested only in accordance with the Administrative Procedures Act. Only the caregiver whose application is denied has standing to contest the department decision.

(C) A registry card is effective only for one year. To maintain an effective registry identification card, a registered caregiver annually shall submit to the department, at least thirty days prior to the expiration date stated on the card:

(1) changes to the registered caregiver’s name or address, if any;

(2) the name and address of the caregiver’s registered patient; and

(3) other information required by the department.

Section 44‑53‑1910. (A) A registered patient or registered caregiver charged by a state or local law enforcement official with a violation of Chapter 53, Title 44, or another provision of law related to the use of marijuana, has an affirmative defense to arrest and prosecution if:

(1) the patient was previously diagnosed by a physician as having a debilitating medical condition;

(2) the patient was advised by a physician, in the context of a bona fide physician‑patient relationship, that the patient might benefit from the medical use of marijuana to alleviate a debilitating medical condition;

(3) the patient and caregiver have a valid registration card issued by the department; and

(4) the patient and the caregiver collectively were in possession of quantities of marijuana only as permitted pursuant to Sections 44‑53‑1730 and 44‑53‑1740.

(B) An affirmative defense available to a registered patient or registered caregiver pursuant to this article is in addition to, and not in lieu of, any other legal defense available to that patient or caregiver.

Section 44‑53‑1920. Notwithstanding another provision of law, a physician is not subject to arrest or prosecution, or civil or criminal penalties, in a court of law in this State or subject to discipline by a professional licensing board for:

(1) providing a patient with a medical verification stating that the patient has a debilitating medical condition and might benefit from the medical use of marijuana, provided the opinion is based upon the physician’s contemporaneous assessment of the patient’s medical history and current medical condition as part of a bona fide physician‑patient relationship; or

(2) advising a patient about the risks and benefits of the medical use of marijuana, including advice as to whether the patient might benefit from the medical use of marijuana, provided the physician has diagnosed the patient as having a debilitating medical condition in the context of the physician’s contemporaneous assessment of the patient’s medical history and current medical condition as part of a bona fide physician‑patient relationship.

Section 44‑53‑1930. A physician must not be denied the rights or privileges for the acts authorized by this article.

Section 44‑53‑1940. No person including, but not limited to, registered patients and registered caregivers, is entitled to the protections provided pursuant to this article for acquisition, possession, production, cultivation, use, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana for a use other than a medical use.

Section 44‑53‑1950. (A) State and local law enforcement officials must not harm, neglect, injure, or destroy an individual’s interest in or right to property that is possessed, owned, or used in connection with the medical use of marijuana, or acts incidental to the medical use of marijuana, while the property is in the possession of the state or local law enforcement official as a result of a seizure of property in connection with the claimed medical use of marijuana.

(B) A person does not forfeit a right or interest in property seized in connection with the medical use of marijuana by a state or local law enforcement official under a provision of state law providing for the forfeiture of property, unless the forfeiture is part of a sentence imposed on the person as a result of conviction of a criminal violation or entry of a plea of guilty or nolo contendere relating to a violation of this article.

(C) State and local law enforcement officials immediately shall return marijuana and marijuana paraphernalia seized from a registered patient or registered caregiver in connection with the claimed medical use of marijuana upon a legal determination that the registered patient or registered caregiver is entitled to a protection contained in this article including, but not limited to, a decision not to prosecute, the dismissal of charges, or an acquittal.

Section 44‑53‑1960. (A) A person must not be denied custody of, or visitation or parenting time with, a child for conduct allowed by this article.

(B) There is no presumption of child abuse, neglect, or other endangerment of a child for conduct allowed by this article.

Section 44‑53‑1970. A school or landlord is prohibited from refusing to enroll or lease to and may not otherwise penalize a registered patient or registered caregiver solely for the person’s status as registered to engage in the medical use of marijuana, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing‑related benefit under federal law or regulations.

Section 44‑53‑1980. For the purposes of medical care, including organ transplants, a registered qualifying patient’s use of marijuana pursuant to Section 44‑53‑1730 or 44‑53‑1740 is considered the equivalent of the authorized use of other medication used at the discretion of a physician and does not constitute the use of an illicit substance or otherwise disqualify a qualifying patient from needed medical care.

Section 44‑53‑1990. (A) Except as provided in subsection (B) an employer is prohibited from discriminating against:

(1) a registered patient or registered caregiver in the hiring, termination, or establishment of a term or condition of employment, if the discrimination is based solely on the person’s status as registered to engage in the medical use of marijuana; or

(2) a registered patient with a positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

(B) Subsection (A) does not apply if compliance with the subsection results in the violation of federal law or regulations.

Section 44‑53‑2000. Possession of or application for a registry identification card does not constitute probable cause or reasonable suspicion, nor may it be used to support a search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

Section 44‑53‑2010. (A) The department may operate dispensaries in accordance with Section 44‑53‑2080 and shall develop and facilitate processes to register and issue dispensary certificates to privately owned dispensaries.

(B) A city or county may enact reasonable ordinances regulating the establishment and operation of dispensaries.

Section 44‑53‑2020. (A) In order to register as a dispensary, the prospective dispensary must be located in the State and submit an application and other information as required by the department.

(B) The application must require the prospective dispensary to provide, at a minimum:

(1) the legal name of the prospective dispensary;

(2) the physical address of the prospective dispensary, which must not be within one thousand feet of a public or private school or childcare facility existing before the date of the dispensary’s application;

(3) the name and date of birth of each principal officer and board member of the prospective dispensary;

(4) the name and date of birth of each additional agent of the prospective dispensary;

(5) a fee in an amount to be determined by the department; and

(6) any additional information requested by the department.

(C) For purposes of this article, a resident of the State who owns agricultural property taxed pursuant to Section 12‑43‑220(D) may register as a dispensary by complying with the provisions of this section.

Section 44‑53‑2030. The department shall approve or deny the application for a certificate to operate a dispensary submitted pursuant to Section 44‑53‑2020 in writing within sixty days from receipt of a completed application and processing fee. The application must be approved as long as:

(1) the information required pursuant to Section 44‑53‑2020 is complete and accurate;

(2) none of the principal officers or board members of the prospective dispensary has served as a principal officer or board member for a dispensary that has had its registration certificate revoked;

(3) none of the principal officers or board members of the prospective dispensary is under twenty‑one years of age;

(4) the prospective dispensary has never had a certificate that has been revoked;

(5) the prospective dispensary complies with department regulations that address the operation of dispensaries within a certain proximity of each other and within a certain geographical area, which take into account, at a minimum, population density and demonstrated need; and

(6) if the city or county where the prospective dispensary would be located has enacted zoning restrictions, the prospective dispensary has provided a sworn statement certifying that the prospective dispensary is in compliance with the restrictions of the city or county.

Section 44‑53‑2040. If the application is approved, the department shall issue the applicant a dispensary certificate within sixty‑five days of submitting the application that includes:

(1) the dispensary’s name, address, and phone number;

(2) the name, address, and phone number of a principal officer or board member of the dispensary to serve as a contact for the department;

(3) a unique alphanumeric identifier for department and law enforcement verification purposes; and

(4) the date of issuance and expiration of the certificate.

Section 44‑53‑2050. (A) A dispensary certificate is valid for two years. The dispensary shall submit an application for renewal of its certificate in accordance with department regulations no later than sixty days before expiration of the certificate.

(B) The department shall issue a renewal certificate within thirty days of receipt of the prescribed renewal application, the processing fee, and other information required by the department, provided the dispensary’s current certificate is not under suspension or has not been revoked.

Section 44‑53‑2060. When competing applications are submitted to operate a dispensary within a single county, the department shall use an impartial and numerically scored competitive bidding process to determine the application or applications among those competing to approve. The department may conduct a criminal background check of the principal officers and board members of the prospective dispensary to carry out this provision.

Section 44‑53‑2070. The department may register additional dispensaries at its discretion.

Section 44‑53‑2080. A dispensary is authorized to:

(1) possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, and store marijuana for medical use;

(2) deliver, transfer, and transport marijuana, marijuana paraphernalia, and related supplies that are for medical use and educational materials to and from other dispensaries;

(3) acquire, accept, or otherwise obtain marijuana offered by a registered patient or a registered caregiver for medical use if nothing of value is transferred in return;

(4) purchase or otherwise acquire marijuana for medical use from another dispensary; and

(5) dispense, supply, and sell marijuana, marijuana paraphernalia, and related supplies that are for medical use and educational materials to registered patients, registered caregivers, and other dispensaries.

Section 44‑53‑2090. A dispensary shall maintain operating documents and records on‑site including, but not limited to, a valid registration certificate issued by the department, personnel records, and sales and purchasing documentation that reflect quantities of marijuana grown, processed, and distributed for medical use. The dispensary shall make the information available to the department upon request.

Section 44‑53‑2100. A dispensary shall have written operating procedures approved by the department that address, at a minimum:

(1) recordkeeping; and

(2) security measures to deter and prevent the theft of marijuana and marijuana paraphernalia and the unauthorized entrance into areas containing marijuana and marijuana paraphernalia.

Section 44‑53‑2110. Information kept or maintained by a dispensary must identify cardholders by the registry identification numbers and not contain names or other personal identifying information.

Section 44‑53‑2120. (A) All activities authorized by Section 44‑53‑2080 including, but not limited to, planting, cultivating, harvesting, manufacturing, packaging, and storing of marijuana by a dispensary pursuant to this article must take place in an enclosed, secured facility at a physical address provided to the department during the registration process.

(B) A dispensary must not:

(1) share office space with or refer patients to a physician; or

(2) allow a registered patient or other person to consume marijuana on its property.

(C) A dispensary is subject to inspection by the department upon reasonable notice in order to provide:

(1) consumer protection services for registered patients by means of laboratory sampling and testing for marijuana potency and contamination;

(2) public information and training services, regarding:

(a) safe and effective cultivation, harvesting, manufacturing, packaging, labeling, and distribution of marijuana;

(b) security and inventory procedures; and

(c) scientific and medical research findings related to the medical use of marijuana; and

(3) other services as the department determines appropriate.

Section 44‑53‑2130. (A) A dispensary must not employ or otherwise allow a person to work or serve as an agent for the dispensary who:

(1) is under twenty‑one years of age;

(2) has been convicted of, or pled guilty or nolo contendere to, a drug‑related offense; or

(3) has a positive drug screen for the presence of marijuana components or metabolites.

(B)(1) A prospective employee must consent in writing to undergo a criminal background check and drug screen as a condition of employment.

(2) Employees and agents of a dispensary are subject to periodic criminal background checks and drug screens while employed or otherwise working for a dispensary.

(C) A dispensary shall maintain the results of criminal background checks and drug screens as part of the employee’s personnel records.

Section 44‑53‑2140. (A) Before selling marijuana or marijuana paraphernalia to a person, a dispensary employee shall:

(1) require the person to present the registration card issued pursuant to Section 44‑53‑1830 or 44‑53‑1880, as applicable;

(2) confirm that the photograph on the registry card resembles the individual presenting the card;

(3) verify that the registry card has not expired or been revoked; and

(4) confirm in the dispensary’s records, and the department’s centralized database if one is operational, that the registered patient, or registered caregiver on behalf of the patient, has not acquired a quantity of marijuana that exceeds the quantity allowed pursuant to Sections 44‑53‑1730 and 44‑53‑1740.

(B) A dispensary employee shall call the department if there is reason to believe that:

(1) the person presenting the registry card is not the person to whom the card was issued; or

(2) the card has been tampered with or otherwise altered.

Section 44‑53‑2150. (A) A dispensary is not subject to search or inspection, except pursuant to Section 44‑53‑2090.

(B)(1) A dispensary, and its employees and agents, are not subject to arrest, prosecution, civil or criminal penalties, or disciplinary action, as applicable, by a court or business licensing board or similar entity, for acting pursuant to and in compliance with the provisions of this article.

(2) A dispensary, and its employees and agents, must not be denied a right or privilege of this article.

Section 44‑53‑2160. (A) State and local law enforcement officials must not harm, neglect, injure, or destroy a dispensary’s interest in or right to property possessed, owned, or used by the dispensary pursuant to this article while the property is in the possession of the state or local law enforcement officials as a result of a seizure of property in connection with the dispensary’s operation.

(B) A dispensary registered pursuant to this article does not forfeit a right or interest in property seized in connection with the operation of the dispensary by a state or local law enforcement official under a provision of state law providing for the forfeiture of property, unless the forfeiture is part of a sentence imposed on a dispensary or the dispensary’s employees or agents as a result of conviction of a criminal violation or entry of a plea of guilty or nolo contendere relating to a violation of this article.

(C) State and local law enforcement officials immediately shall return to a dispensary marijuana, related marijuana paraphernalia, and other property seized from the dispensary, or from its employees or agents, in connection with the dispensary’s operation, upon a legal determination that the dispensary, or an employee or agent, is entitled to a protection contained in this article including, but not limited to, a decision not to prosecute, the dismissal of charges, or an acquittal.

Section 44‑53‑2170. (A)(1) Subject to Section 44‑53‑2180, the department may suspend or revoke a dispensary’s registration certificate for multiple negligent violations or an intentional violation of the requirements of this article or regulations promulgated pursuant to this article.

(2) The department shall provide fifteen days’ notice to the dispensary before suspending or revoking a certificate pursuant to this section. The notice must set forth the violations that are the basis for the suspension or revocation and other associated penalties and be sent to the dispensary’s address provided on the registration certificate by certified mail, return receipt requested.

(B) The department’s decision to suspend or revoke a dispensary certificate pursuant to subsection (A) is a final department decision and may be contested only in accordance with the Administrative Procedures Act. Only the board members or principal officers of the dispensary whose registration certificate is being suspended or revoked have standing to contest the department decision.

(C)(1) If the department suspends a registration certificate pursuant to this section, the suspension is effective no longer than six months, during which time the dispensary shall correct the concerns of the department that were the basis for the suspension. Upon correcting these concerns, the department shall remove the suspension. The dispensary may continue to cultivate and possess marijuana during a suspension, but may not dispense, transfer, or sell marijuana.

(2) If the dispensary fails to correct the department’s concerns within six months, the department may revoke the registration certificate or extend the suspension up to an additional ninety days by which time the dispensary shall correct the concerns or have its registration certificate revoked.

(D) If the department revokes the registration certificate pursuant to this section, the dispensary is prohibited from operating in any capacity. A dispensary must not reapply for a registry certificate for one year from the date of revocation of its registration certificate.

Section 44‑53‑2180. (A) A dispensary that intentionally sells or otherwise transfers marijuana in exchange for anything of value to a person other than a registered patient, a registered caregiver on behalf of a registered patient, or another dispensary is guilty of a felony and, upon conviction, must be fined not more than three thousand dollars or, its board members and principal officers must be imprisoned not more than two years, or both.

(B) A person convicted pursuant to this section is prohibited from owning or operating a dispensary in the State. The dispensary’s board members and principal officers are prohibited from serving as board members or principal officers for another dispensary.

Section 44‑53‑2190. Marijuana and marijuana paraphernalia sold, purchased, or otherwise transferred pursuant to this article is tangible personal property whose retail sales are subject to the provisions of Chapter 36, Title 12.

Section 44‑53‑2200. Not later than one year from the date of enactment of this article, the confidential registry created pursuant to this article must be operational and available statewide to patients and caregivers applying for registry identification cards and to prospective dispensaries applying for a certificate.

Section 44‑53‑2210. Not later than one year from the date of enactment of this article, the department shall develop and make available to residents of this State an application and other forms required to apply to be listed on the confidential registry of registered patients and registered caregivers and to apply to operate a dispensary.

Section 44‑53‑2220. Not later than one year from the date of enactment of this article, the department shall develop and make available to physicians of this State the medical verification form required by Section 44‑53‑1820 and information regarding the provisions of this article.

Section 44‑53‑2230. The department may promulgate and enforce regulations to implement this article.

Section 44‑53‑2240. Not later than one year from the date of enactment of this article, the department shall promulgate regulations that address at a minimum:

(1) establishment and maintenance of a confidential registry of patients and caregivers who have applied for and who are issued or denied a registry identification card;

(2) verification of medical information for patients submitting applications for issuance or renewal of a registry identification card;

(3) communications with law enforcement officials about suspended registry identification cards when a patient is no longer diagnosed as having a debilitating medical condition or when a registry card is expired or has been fraudulently obtained or altered as prohibited by Section 44‑53‑1800;

(4) receipt and review of applications for registration of a patient or caregiver on the confidential registry;

(5) determining whether to include a disease or medical condition as a debilitating medical condition;

(6) acceptable physician written documentation of a disease or medical condition to qualify as a debilitating medical condition;

(7) the extent of assistance provided by a caregiver to be considered as managing the well‑being of a registered patient, entitling the caregiver to serve as a registered caregiver;

(8) receipt and review of applications for registration as a dispensary;

(9) requirements to operate a dispensary including, but not limited to, security and record keeping; and

(10) consumer protection requirements addressing, at a minimum, potency and purity of marijuana cultivated and harvested, packaging and labeling of marijuana, and transporting marijuana and marijuana paraphernalia.

Section 44‑53‑2250. Not later than one year from the date of enactment of this article, the department shall develop the process for receipt and review of a physician’s and patient’s petition for inclusion of a disease or medical condition as a debilitating medical condition, as defined in Section 44‑53‑1720, and for, after a hearing as the department deems appropriate, approval or denial of a petition within one hundred eighty days of submission.

Section 44‑53‑2260. No public, private, or other health insurance provider is liable for a reimbursement claim for the medical use of marijuana.

Section 44‑53‑2270. Nothing in this article requires an employer to accommodate the medical use of marijuana in the work place.”

SECTION 2. Article 4, Chapter 53, Title 44 of the 1976 Code is repealed.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this article is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this article, the General Assembly hereby declaring that it would have passed this article, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. Except as otherwise provided in this article, the act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. LOFTIS requested debate on the Bill.

The question then recurred to the adoption of the amendment.

Rep. HORNE moved to table the amendment, which was agreed to.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 90; Nays 24

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bannister | Bernstein |
| Bingham | Bowers | Branham |
| Brannon | G. A. Brown | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hardwick |
| Harrell | Hart | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Long |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Neal | Newton | Norman |
| Norrell | R. L. Ott | Parks |
| Patrick | Pitts | Pope |
| Quinn | Ridgeway | Rivers |
| Robinson-Simpson | Rutherford | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bedingfield | Burns | Chumley |
| Clemmons | H. A. Crawford | Forrester |
| Hamilton | Hayes | Hiott |
| Kennedy | Loftis | Nanney |
| Owens | Putnam | Riley |
| Ryhal | G. R. Smith | Southard |
| Tallon | Willis | Wood |

**Total--24**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber, attending the Fallen Firefighter Ceremony at the S. C. Fire Academy and missed the vote on H. 4803. If I had been present, I would have voted in favor of the Bill.

Rep. Kevin Hardee

**H. 4803--MOTION TO RECONSIDER TABLED**

Rep. HORNE moved to reconsider the vote whereby the following Bill was read second time:

H. 4803 -- Reps. Horne, Erickson, Gilliard, Whipper, D. C. Moss, McCoy, K. R. Crawford, Weeks, Cobb-Hunter and Knight: A BILL TO AMEND ARTICLE 4, CHAPTER 53, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT OF 1980, SO AS TO ENACT THE "MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH ACT", TO ESTABLISH THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH PROGRAM AT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR PATIENTS ELIGIBLE TO PARTICIPATE IN THE PROGRAM, TO PROVIDE WHO AND UNDER WHAT CIRCUMSTANCES MEDICAL CANNABIS CAN BE ADMINISTERED TO A PATIENT, TO PROVIDE FOR NOTICE TO A PARTICIPATING PATIENT THAT THE PATIENT WILL BE PARTICIPATING IN A RESEARCH STUDY AND OF THE EXPERIMENTAL NATURE OF THE MEDICAL CANNABIS PROGRAM, TO PROVIDE FOR THE PROTECTION OF A PARTICIPATING PATIENT'S PERSONAL INFORMATION, TO PROVIDE FOR THE OPERATION OF THE PROGRAM BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE REPORTING REQUIREMENTS BY ACADEMIC MEDICAL CENTERS THAT SUPERVISE OR ADMINISTER MEDICAL CANNABIS TREATMENTS, TO PROVIDE CRIMINAL AND CIVIL IMMUNITY FROM STATE ACTIONS OR SUITS ARISING FROM THE PROPER IMPLEMENTATION OF THIS ACT, TO PROVIDE THAT THE STATE SHALL DEFEND STATE EMPLOYEES WHO, IN GOOD FAITH, CARRY OUT THE PROVISIONS OF THIS ACT, AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COLLABORATE WITH ACADEMIC MEDICAL CENTERS TO ASSIST INTERESTED PATIENTS WITH THE APPLICATION PROCESS TO PARTICIPATE IN EXISTING UNITED STATES FOOD AND DRUG ADMINISTRATION-APPROVED INVESTIGATIONAL NEW DRUG STUDIES CONCERNING MEDICAL CANNABIS.

Rep. HORNE moved to table the motion to reconsider, which was agreed to.

**H. 4371--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4371 -- Rep. Finlay: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-75-70 SO AS TO PROVIDE THAT NO PERSON IN THIS STATE, IN REGARD TO PATENT OWNERSHIP AND POTENTIAL PATENT INFRINGEMENT, MAY INTENTIONALLY INTERFERE WITH THE EXISTING CONTRACTUAL RELATIONS OF ANOTHER PERSON OR INTENTIONALLY INTERFERE WITH THE PROSPECTIVE CONTRACTUAL RELATIONS OF ANOTHER PERSON, TO PROVIDE THAT A PERSON AGGRIEVED BY ANOTHER PERSON'S INTENTIONAL INTERFERENCE WITH HIS EXISTING CONTRACTUAL RELATIONS OR WITH HIS PROSPECTIVE CONTRACTUAL RELATIONS HAS A CAUSE OF ACTION IN BOTH INSTANCES AGAINST THAT PERSON, AND TO PROVIDE FOR THE ELEMENTS OF EACH CAUSE OF ACTION AND THE DAMAGES WHICH MAY ENSUE.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4371 (COUNCIL\BBM\4371C001.BBM.HTC14), which was adopted:

Amend the bill, and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 75, Title 15 of the 1976 Code is amended by adding:

“Section 15‑75‑70. (A) No person in this State, in regard to patent ownership and potential patent infringement, may intentionally interfere with the existing contractual relations of another person or intentionally interfere with the prospective contractual relations of another person. A person aggrieved by another person’s intentional interference with his existing contractual relations or with his prospective contractual relations has a cause of action in both instances against that person and is entitled to compensatory damages and injunctive relief, and additionally punitive damages as provided by law.

(B) To successfully maintain a cause of action for intentional interference with existing contractual relations, it must be established that:

(1) a contract existed that was subject to interference;

(2) the act of interference was wilful and intentional;

(3) the act itself was the person’s disingenuous claim of ownership of intellectual property;

(4) the intentional act was the proximate cause of the injured party’s damage; and

(5) actual damage or loss occurred.

(C) To successfully maintain a cause of action for intentional interference with prospective contractual relations, which is a separate cause of action from that specified in subsection (B), it must be established that:

(1) a valid expectancy of a business relationship existed;

(2) the person committing the act of interference intentionally prevented a business relationship from occurring with the purpose of harming the injured party; and

(3) the act itself was the person’s disingenuous claim of ownership of intellectual property.”

SECTION 2. Article 1, Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39‑5‑190. (A) For purposes of this section:

(1) ‘Demand letter’ means a letter, email, or other communication asserting or claiming that the target has engaged in patent infringement.

(2) ‘Target’ means a South Carolina person or entity:

(a) who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(b) who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(c) whose customers have received a demand letter asserting that the person’s product, service, or technology has infringed a patent.

(B) It is an unlawful trade practice for a person or entity to make a bad faith assertion of patent infringement. This offense is a violation of Section 39‑5‑20.

(C) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(1) the demand letter does not contain the following information:

(a) the patent number;

(b) the name and address of the patent owner or owners and assignee or assignees, if any; and

(c) factual allegations concerning the specific areas in which the target’s products, services, and technology infringe the patent or are covered by the claims in the patent;

(2) prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target’s products, services, and technology, or the analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent;

(3) the demand letter lacks the information described in item (1), the target requests the information, and the person fails to provide the information within a reasonable period of time;

(4) the demand letter demands payment of a license fee or response within an unreasonably short period of time;

(5) the person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license;

(6) the claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless;

(7) the claim or assertion of patent infringement is deceptive;

(8) the person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

(a) those threats or lawsuits lacked the information described in item (1); or

(b) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless; and

(9) any other factor the court finds relevant.

(D) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) the demand letter contains the information described in subsection (C)(1);

(2) where the demand letter lacks the information described in subsection (C)(1) and the target requests the information, the person provides the information within a reasonable period of time;

(3) the person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy;

(4) the person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent;

(5) the person is:

(a) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(b) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education;

(6) the person has:

(a) demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(b) successfully enforced the patent, or a substantially similar patent, through litigation; and

(7) any other factor the court finds relevant.

(E) Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this section, the court shall require the person to post a bond in an amount equal to amounts reasonably likely to be recovered pursuant to Section 39‑5‑140, conditioned upon payment of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. A bond ordered pursuant to this section shall not exceed two hundred fifty thousand dollars. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

(F)(1) The Attorney General has the same authority to act on a violation of this section as is provided in this chapter.

(2) This section shall not be construed to limit rights and remedies available to the State or to any person under any other law and shall not alter or restrict the Attorney General’s authority with regard to conduct involving assertions of patent infringement.

(G) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter may bring an action for relief. A court may award remedies to a target who prevails in an action brought pursuant to this chapter.

(H) A demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. Section 271(e)(2) or 42 U.S.C. Section 262 shall not be subject to the provisions of this chapter.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COLE explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bernstein |
| Bingham | Bowers | Branham |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Long |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Norrell |  |  |

**Total--1**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber, attending the Fallen Firefighter Ceremony at the S. C. Fire Academy and missed the vote on H. 4371. If I had been present, I would have voted in favor of the Bill.

Rep. Kevin Hardee

**H. 4386--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4386 -- Reps. Bowen, Gilliard, Felder, Southard, Kennedy, W. J. McLeod and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-5-3890 AND 56-5-3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE A COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 56-1-720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON'S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF TEXTING WHILE DRIVING; AND TO AMEND SECTION 56-5-2920, RELATING TO RECKLESS DRIVING, SO AS TO PROVIDE THAT RECKLESS DRIVING INCLUDES TEXTING WHILE DRIVING WHEN BODILY INJURY OCCURS.

Reps. DANING, OWENS, HIOTT, WOOD, LOFTIS, BRANNON, FORRESTER, WEEKS, ANTHONY, SABB, RIVERS, WHITMIRE, SANDIFER, PUTNAM, GAGNON, PITTS, HART, WILLIAMS, MCEACHERN, DOUGLAS, WHIPPER, WELLS, G. R. SMITH and HAMILTON requested debate on the Bill.

**H. 3994--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3994 -- Reps. Patrick, Owens and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA READ TO SUCCEED ACT" BY ADDING CHAPTER 155 TO TITLE 59, TO ESTABLISH WITHIN THE DEPARTMENT OF EDUCATION THE SOUTH CAROLINA READ TO SUCCEED OFFICE TO IMPLEMENT A COMPREHENSIVE, SYSTEMIC APPROACH TO READING WITH SPECIFIC OBJECTIVES, TO PROVIDE OBLIGATIONS AND REQUIREMENTS OF THE PROGRAM, AND TO PROVIDE NECESSARY DEFINITIONS, AMONG OTHER THINGS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3994 (COUNCIL\AGM\3994C001. AGM.AB14):

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 155

South Carolina Read to Succeed Act

Section 59‑155‑110. There is established within the Department of Education the South Carolina Read to Succeed Office to implement a comprehensive, systemic approach to reading which will ensure that:

(1) classroom teachers, use evidence‑based reading instruction in prekindergarten through grade twelve to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide evidence‑based interventions as needed so that all students develop proficiency with literacy skills and comprehension;

(2) classroom teachers periodically reassess their curriculum and instruction to determine if they are helping each student progress as a proficient reader and make modifications as appropriate;

(3) each student who cannot yet comprehend grade‑level texts identified and served as early as possible and at all stages of his or her educational process;

(4) each student receives targeted, effective comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;

(5) each student and his parent or guardian is continuously informed in writing of:

(a) the student’s reading proficiency needs, progress, and ability to comprehend and write grade‑level text;

(b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend and write grade‑level texts; and

(c) specific actions that the parent or guardian can take to help the student comprehend grade‑level texts by providing access to books, assuring time for the student to read independently, reading to students, and talking with the student about books;

(6) classroom teachers receive preservice and in‑service coursework which prepares them to help all students comprehend grade‑level text;

(7) all students develop reading and writing proficiency to prepare them to graduate and to succeed in career and post‑secondary education; and

(8) each school district and each school develops and publishes annually a comprehensive research based reading plan that includes intervention options available to students and funding for these services.

Section 59‑155‑120. As used in this chapter:

(1) ‘Department’ means the State Department of Education.

(2) ‘Board’ means the State Board of Education.

(3) ‘Readiness assessment’ means assessments used to analyze students’ literacy, mathematical, physical, social, and emotional behavioral competencies in prekindergarten or kindergarten.

(4) ‘Research based formative assessment’ means assessments used within the school year to analyze the strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet individual student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

(5) ‘Summative assessment’ means state approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade level or content standards.

(6) ‘Discipline specific literacy’ means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English/language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education.

(7) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education.

(8) ‘Reading proficiency’ means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative or summative assessments.

(9) ‘Reading proficiency skills’ means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade appropriate texts.

(10) ‘Third grade reading proficiency’ means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by the results of state approved assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

(11) ‘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 at the lowest achievement level on the statewide summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS).

(12) ‘Summer reading camp’ means an educational program offered in the summer by each local school district for students who are unable to comprehend grade‑level text.

(13) ‘Reading portfolio’ means an organized collection of evidence and assessments documenting that the student has demonstrated mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment.

(14) ‘Writing proficiency skills’ means the ability to communicate information, analysis, and persuasive points of view effectively in writing.

Section 59‑155‑130. The Read to Succeed Office must guide and support districts and collaborate with university teacher training programs to increase reading proficiency through the following functions including, but not limited to:

(1) providing professional development to teachers, school principals, and other administrative staff on reading and writing instruction and reading assessment that informs instruction;

(2) providing professional development to teachers, school principals, and other administrative staff on reading and writing in content areas;

(3) working collaboratively with institutions of higher learning offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading‑literacy to design coursework leading to a literacy teacher add‑on endorsement by the State;

(4) providing professional development in reading coaching for already certified literacy coaches and literacy teachers;

(5) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers and writers;

(6) assisting school districts in the development and implementation of their district reading proficiency plans for research‑based reading instruction programs and to assist each of their schools to develop its own implementation plan aligned with the district and state plans;

(7) annually designing content and questions for and review and approve the reading proficiency plan of each district;

(8) monitor and report to the State Board of Education the yearly success rate of summer reading camps. Districts must provide statistical data to include the:

(a) number of students enrolled in camps;

(b) number of students by grade level who successfully complete the camps;

(c) number of third‑graders promoted to fourth grade;

(d) number of third‑graders retained; and

(e) total expenditure made on operating the camps by source of funds to include in‑kind donations; and

(9) provide an annual report to the General Assembly regarding the implementation of the South Carolina Read to Succeed Act and the State’s and districts’ progress toward ensuring that ninety‑five percent of all students are reading at grade level.

Section 59‑155‑140. (A)(1) The department, with approval by the State Board of Education, will develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board by February 1, 2015, and must include, but not be limited to, sections addressing the following components:

(a) reading process;

(b) professional development to increase teacher reading expertise;

(c) professional development to increase reading expertise and literacy leadership of principals and assistant principals;

(d) reading instruction;

(e) reading assessment;

(f) discipline specific literacy;

(g) writing proficiency skills;

(h) support for struggling readers;

(i) early childhood interventions;

(j) family support of literacy development;

(k) district guidance and support for reading proficiency;

(l) state guidance and support for reading proficiency;

(m) accountability; and

(n) urgency to improve reading proficiency.

(2) The plan must be based on reading research and proven effective practices, applied to the conditions prevailing in reading‑literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies that can be remedied through faithful implementation of research‑based practices. The plan must provide standards, format, and guidance for districts to use to develop and annually update their plans as well as to present and explain the research based rationale for state level actions to be taken. The plan must be updated annually and must incorporate a state reading proficiency progress report.

(3) The plan must include specific details and explanations for all substantial uses of state, local, and federal funds promoting reading literacy and best judgment estimates of the cost of research supported, thoroughly analyzed proposals for initiation, expansion, or modification of major funding programs addressing reading and writing. Analyses of funding requirements must be prepared by the department for incorporation into the plan.

(B)(1) Beginning in Fiscal Year 2015‑2016, each district must prepare a comprehensive annual reading proficiency plan for prekindergarten through twelfth grade consistent with the plan by responding to questions and presenting specific information and data in a format specified by the Read to Succeed Office. Each district’s PK‑12 reading proficiency plan must present the rationale and details of its blueprint for action and support at the district, school, and classroom levels. Each district should develop a comprehensive plan for supporting the progress of students as readers and writers, monitoring the impact of its plan, and using data to make improvements and to inform its plan for the subsequent years. The model district plan piloted in school districts in 2013‑2014 and revised based on the input of districts will be used as the initial district reading plan template implemented in Fiscal Year 2015‑2016.

(2) Each district PK‑12 reading proficiency plan shall:

(a) document the reading and writing assessment and instruction planned for all prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade‑level texts. Supplemental instruction should be provided by teachers who have a literacy teacher add‑on endorsement or by reading/literacy coaches and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or both;

(b) include a system for helping parents understand how they can support the student as a reader at home;

(c) provide for the monitoring of reading achievement and growth at the classroom, school and district levels with decisions about intervention based on all available data.

(d) ensure that students are provided with wide selections of texts over a wide range of genres and written on a wide range of reading levels to match the reading levels of students;

(e) provide teacher training in reading and writing instruction; and

(f) include strategically planned and developed partnerships with county libraries, state and local arts organizations, volunteers, social organizations and school media specialists to promote reading.

(3)(a) The Read to Succeed Office shall develop the format for the plan and the deadline for districts to submit their plans to the office for approval. A school district that does not submit a plan or whose plan is not approved will receive no state funds for reading until it submits a plan that is approved. All district reading plans must be reviewed and approved by the Read to Succeed Office. The office will provide written comments to each district on its plan and to all districts on common issues raised in prior or newly submitted district reading plans.

(b) The Read to Succeed Office will monitor the district and school plans and use their findings to inform the training and support the office provides to districts and schools.

(c) The Read to Succeed Office may direct a district that is persistently unable to prepare an acceptable PK‑12 reading proficiency plan or to help all students comprehend grade‑level texts to enter into a multi district or contractual arrangement to develop an effective intervention plan.

(C) Each school must prepare an implementation plan aligned with the plan of its district to enable the district to monitor and support implementation at the school level. The school plan should be a component of the school’s strategic plan required by Section 59‑18‑1310. A school plan should be sufficiently detailed to provide practical guidance for classroom teachers. Proposed strategies for assessment, instruction, and other activities specified in the school plan must be sufficient to provide to classroom teachers and other instructional staff helpful guidance that can be related to the critical reading and writing needs of students in the school. In consultation with the School Improvement Council, each school must include in its plan the training and support that will be provided to parents as needed to maximize their promotion of reading and writing by students at home and in the community.

Section 59‑155‑150. (A) The State Board of Education shall ensure that every student entering the public schools for the first time in prekindergarten and kindergarten will be administered a readiness assessment by the forty‑fifth day of the school year. The assessment must assess each child’s early language and literacy development, mathematical thinking, physical wellbeing, and social emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, and health problems, and concerning appropriate instruction and support for each child. The results of the assessments and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm for their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office through an electronic information system.

(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in‑class and supplemental reading intervention and immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write grade‑level text independently. In addition, the parent or guardian of the student must be notified in writing of the child’s inability to read grade‑level texts during and at the end of the planned interventions. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office for individually identified students.

(C) Programs that focus on early childhood literacy development in the State are required to promote:

(1) parent training and support for parent involvement in developing children’s literacy; and

(2) development of oral language, print awareness, and emergent writing; and are encouraged to promote community literacy including, but not limited to, primary health care providers, faith based organizations, county libraries, and service organizations.

(3) Districts that fail to provide reports on summer reading camps pursuant to Section 59‑15‑130(8) are ineligible to receive state funding for summer reading camps for the following fiscal year; however, districts must continue to operate summer reading camps as defined in this act.

Section 59‑155‑160. (A) Beginning with the 2017‑2018 school year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS). A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individualized education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose individual education plan or Section 504 plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading and after a student’s participation in a summer reading camp;

(4) who have received two years of reading intervention and were previously retained; and

(5) who through a reading portfolio document the student’s mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the State’s English/language arts standards that are assessed by the Grade Three state reading assessment. The student portfolio must meet the following criteria:

(a) be selected by the student’s English/language arts teacher or summer reading camp instructor;

(b) be an accurate picture of the student’s ability and include only student work that has been independently produced in the classroom;

(c) include evidence that the benchmarks assessed by the Grade Three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district’s or school’s adopted core reading curriculum that are aligned with the State English/language arts standards or teacher‑prepared assessments;

(d) be an organized collection of evidence of the student’s mastery of the English/language arts state standards that are assessed by the Grade Three state reading assessment. For each benchmark, there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate. This evidence must be limited to the individual education program, alternative assessments or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(C) Students scoring at the lowest achievement level on the statewide summative reading assessment may enroll in a summer camp prior to being retained the following school year. Summer camps must be six to eight weeks long for four or five days each week and include at least four hours of instructional time daily. The camps must be taught by compensated teachers who have at least a Literacy Endorsement add‑on and who have demonstrated substantial success in helping students comprehend grade‑level texts. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer camp. A district may offer summer reading camps for students who are not exhibiting reading proficiency in prekindergarten through second grade. The district may charge fees based on a sliding scale pursuant to Section 59‑19‑90. Students who demonstrate third grade reading proficiency through an alternative assessment or student reading portfolio after completing the summer reading camp qualify for good cause exemptions specified in Section 59‑155‑160 and promotion to the fourth grade.

(D) Retained students must be provided intensive instructional services and supports including a minimum of ninety minutes of daily reading and writing instruction, supplemental instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The school must report to the Read to Succeed Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third‑grade reading proficiency by the end of third grade, his parent or guardian must be notified in a timely manner and in writing, that the student will be retained unless exempted from mandatory retention for good cause. The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The written notification must include a description of the proposed reading interventions that will be provided to help the student comprehend grade‑level texts. The parent, guardian, or other education advocate must receive written reports at least monthly on the student’s progress towards being able to read grade‑level texts based upon the student’s classroom work, observations, tests, assessment, and other information. The parent, guardian, or other education advocate also must be provided with a plan for promoting reading at home, including participation in shared or guided reading workshops for the parent, guardian, or other family members. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions will be provided in the classroom and supplementally by teachers with a Literacy Teacher add‑on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school in book clubs or through a summer reading camp.

Section 59‑155‑170. (A) To help students develop and apply their reading and writing skills across the school day in all the academic disciplines, including, but not limited to, English/language arts, mathematics, science, social studies, art, career and technology education, and physical and health education, teachers of these content areas at all grade levels must focus on helping students comprehend print and non‑print texts authentic to the content area. The Read to Succeed Program is intended to institutionalize in public schools a comprehensive system to promote high achievement in the content areas described in this chapter through extensive reading and writing. Research‑based practices must be employed to promote comprehension skills through, but not limited to:

(1) vocabulary;

(2) connotation of words;

(3) connotations of words in context with adjoining or prior text;

(4) concepts from prior text;

(5) personal background knowledge;

(6) ability to interpret meaning through sentence structure features;

(7) questioning;

(8) visualization; and

(9) discussion of text with peers.

(B) These practices must be mastered by teachers through high quality training and addressed through well‑designed and effectively executed assessment and instruction implemented with fidelity to research‑based instructional practices presented in the state, district, and school reading plans. All teachers, administrators, and support staff must be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing.

(C) During the 2014‑2015 school year, the Read to Succeed Office will establish a set of essential competencies that describe what certified teachers at the early childhood, elementary, middle, or secondary levels must know and be able to do so that all students can comprehend grade‑level texts. These competencies, developed collaboratively with faculty of higher education institutions and based on research and national standards, must then be incorporated into the coursework required by Section 59‑155‑180. The Read to Succeed Office, in collaboration with South Carolina Educational Television, shall provide professional development courses to ensure that educators have access to multiple avenues of receiving endorsements.

Section 59‑155‑180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English/language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in prekindergarten through twelfth grade, the State will strengthen its preservice and inservice teacher education programs.

(B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs including Master of Arts in Teaching degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve‑credit hour sequence in literacy that includes a school‑based practicum and ensures that candidates grasp the theory, research and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre‑service teacher education programs prioritize its mission and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(2) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs, including Master of Arts in Teaching degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six‑credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content‑area reading. All middle and secondary teacher preparation programs are to be approved by the Read to Succeed Office to ensure that all teacher candidates possess the necessary knowledge and skills to assist effectively all adolescents in becoming proficient readers.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways are needed for developing this capacity.

(2)(a) Reading/literacy coaches employed in schools will serve as job‑embedded, stable resources for professional development through a school to foster improving in reading instruction and student reading achievement. Beginning in 2015‑2016 reading/literacy coaches are required to earn the add‑on certification within six years by taking the courses as required by the department for the add‑on endorsement. Reading/literacy coaches will support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading/literacy coach will:

(i) model effective instructional strategies for teachers;

(ii) facilitate study groups;

(iii) train teachers in data analysis and using data to differentiate instruction; coaching and mentoring colleagues;

(iv) work with teachers to ensure that research‑based reading programs are implemented with fidelity; and

(v) help lead and support reading leadership teams.

(b) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the role of improving reading instruction and reading performance of students.

(3) Beginning in 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their low reading and writing proficiency skills are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. The courses leading to the endorsement must be approved by the State Board of Education and must include classes in foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑alone practicum. Whenever possible, these courses must be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on reading teacher certification can take a content area reading course to obtain their literacy teacher add‑on endorsement. Teachers who have earned a masters degree or doctorate degree in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery or another program that are approved by the State Board of Education in regulation are exempt from this requirement.

(4) Beginning in 2015‑2016, middle and secondary certified classroom teachers are required to take at least two courses or six credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses must be approved by the State Board of Education and include courses leading to the literacy teacher add‑on endorsement. Coursework in reading must include a course in reading in the content areas. Whenever possible, these courses will be offered at a professional development rate which is lower than the certified teacher rate. Only certified teachers who have earned a masters degree or doctorate degree in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery or another program as approved by the State Board of Education in regulation are exempt from this requirement.

(5) Beginning in 2015‑2016, principals and administrators who are responsible for reading instruction or intervention and school psychologists in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office. The course or professional development must include information about reading processes, instruction, and assessment or content area literacy and must be approved by the Read to Succeed Office.

(6) Beginning in 2015‑2016, reading/literacy coaches are required to earn the add‑on certification within six years by taking the courses as required by the department for the add‑on.

Section 59‑155‑190. Local school districts are encouraged to create family school community partnerships that focus on increasing the volume of reading, in school and at home, during the year and at home and in the community over the summer. Schools and districts should partner with county libraries, community organizations, local arts organizations, faith‑based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports, services, and books that enhance reading development and proficiency. A district shall include specific actions taken to accomplish the requirements of this section in its reading proficiency plan.

Section 59‑155‑200. The Read to Succeed Office and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading and writing habits and skills of their children. With support from the Read to Succeed Office, districts and individual schools shall provide families with helpful information about how they can support this progress. This family support must include providing time for their child to read as well as reading to the child. To ensure that all families have access to a considerable number and diverse range of books appealing to their children, schools should develop plans for enhancing home libraries and for accessing books from county libraries and school libraries and to inform families about their child’s ability to comprehend grade‑level texts and how to interpret information about reading that is sent home. The districts and schools shall help families learn about reading and writing through home visits, open houses, South Carolina ETV, video and audio tapes, websites, and school‑family events and collaborations that help link home and school. The information should enable family members to understand the reading and writing skills required for graduation and essential for success in a career.

Section 59‑155‑210. The board and department shall translate the statutory requirements for reading and writing specified in this act into standards, practices, and procedures for school districts, boards, and their employees and for other organizations as appropriate. In this effort they will solicit the advice of education stakeholders who have a deep understanding of reading as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.”

SECTION 2. This act takes effect upon approval by the Governor and is subject to the availability of state funding. /

Renumber sections to conform.

Amend title to conform.

Rep. PATRICK explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of amendments.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ATWATER a temporary leave of absence.

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The President Pro Tempore of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 914 -- Senators Peeler, Alexander, Hayes and McGill: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 2, 2014, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, UNIVERSITY OF SOUTH CAROLINA, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2014, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

**ELECTION OF STATE COLLEGE AND UNIVERSITY BOARD OF TRUSTEES AND THE WIL LOU GRAY OPPORTUNITY SCHOOL**

The President *Pro Tempore* of the Senate recognized Sen. Peeler, on behalf of the Screening Committee for State Colleges and Universities Boards of Trustees.

**THE CITADEL**

TWO AT-LARGE SEATS

The President *Pro Tempore* announced that nominations were in order for two at-large seats.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Stanley L. Myers, Douglas A. Snyder, and Fred L. Price had been screened and found qualified.

Sen. Peeler stated that Douglas A. Snyder had withdrawn from the race and placed the names of Stanley L. Myers and Fred L. Price in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, the President *Pro Tempore* announced that Stanley L. Myers and Fred L. Price were duly elected for the term prescribed by law.

**CLEMSON UNIVERSITY**

THREE AT-LARGE SEATS

The President *Pro Tempore* announced that nominations were in order for three at-large seats.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Patricia H. McAbee, John N. McCarter, Jr., and Joseph D. Swann had been screened and found qualified.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, the President *Pro Tempore* announced that Patricia H. McAbee, John N. McCarter, Jr., and Joseph D. Swann were duly elected for the term prescribed by law.

**COASTAL CAROLINA UNIVERSITY**

SECOND CONGRESSIONAL DISTRICT, SEAT 2

The President *Pro Tempore* announced that nominations were in order for the Second Congressional District, Seat 2.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Oran P. Smith had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Oran P. Smith was duly elected for the term prescribed by law.

FOURTH CONGRESSIONAL DISTRICT, SEAT 4

The President *Pro Tempore* announced that nominations were in order for the Fourth Congressional District, Seat 4.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that D. Wyatt Henderson and Rebecca C. Faulkner had been screened and found qualified.

Sen. Peeler stated that Rebecca C. Faulkner had withdrawn from the race and placed the name of remaining candidate, D. Wyatt Henderson, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that D. Wyatt Henderson was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 8

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 8.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Fred F. DuBard had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Fred F. DuBard was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 10

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 10.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Samuel J. Swad had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Samuel J. Swad was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 14

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 14.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Daniel W. R. Moore, Sr., had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Daniel W. R. Moore, Sr., was duly elected for the term prescribed by law.

**COLLEGE OF CHARLESTON**

FIRST CONGRESSIONAL DISTRICT, SEAT 1

The President *Pro Tempore* announced that nominations were in order for the First Congressional District, Seat 1.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Joseph F. Thompson and R. Scott Woods had been screened and found qualified.

Sen. Peeler stated that R. Scott Woods had withdrawn from the race and placed the name of remaining candidate, Joseph F. Thompson, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Joseph F. Thompson was duly elected for the term prescribed by law.

SECOND CONGRESSIONAL DISTRICT, SEAT 3

The President *Pro Tempore* announced that nominations were in order for the Second Congressional District, Seat 3.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that John H. Busch and Randolph R. Lowell had been screened and found qualified.

Sen. Peeler stated that Randolph R. Lowell had withdrawn from the race and placed the name of remaining candidate, John H. Busch, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that John H. Busch was duly elected for the term prescribed by law.

THIRD CONGRESSIONAL DISTRICT, SEAT 5

The President *Pro Tempore* announced that nominations were in order for the Third Congressional District, Seat 5.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Annaliza O. Moorhead had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Annaliza O. Moorhead was duly elected for the term prescribed by law.

FOURTH CONGRESSIONAL DISTRICT, SEAT 7

The President *Pro Tempore* announced that nominations were in order for the Fourth Congressional District, Seat 7.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that John B. Wood, Jr., had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that John B. Wood, Jr., was duly elected for the term prescribed by law.

FIFTH CONGRESSIONAL DISTRICT, SEAT 9

The President *Pro Tempore* announced that nominations were in order for the Fifth Congressional District, Seat 9.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Frank M. Gadsden had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Frank M. Gadsden was duly elected for the term prescribed by law.

SIXTH CONGRESSIONAL DISTRICT, SEAT 11

The President *Pro Tempore* announced that nominations were in order for the Sixth Congressional District, Seat 11.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Demetria N. Clemons had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Demetria N. Clemons was duly elected for the term prescribed by law.

SEVENTH CONGRESSIONAL DISTRICT, SEAT 13

The President *Pro Tempore* announced that nominations were in order for the Seventh Congressional District, Seat 13.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Henrietta U. Golding had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Henrietta U. Golding was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 15

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 15.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Daniel Ravenel had been screened and found qualified and placed his name in nomination.

Sen. Grooms objected to unanimous consent to the vote being taken by acclamation.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Mr. Daniel Ravenel:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bennett |
| Bright | Campbell | Campsen |
| Courson | Cromer | Fair |
| Hayes | Hembree | Hutto |
| Johnson | Kimpson | Lourie |
| Malloy | Martin, Larry | Massey |
| Matthews | McElveen | McGill |
| Nicholson | Peeler | Pinckney |
| Reese | Scott | Setzler |
| Thurmond | Turner | Williams |
| Young |  |  |

**Total--31**

The following named Senators voted in the negative:

Grooms

**Total--1**

The following named Senators voted present:

Cleary Corbin Leatherman

O'Dell

**Total--4**

Rep. HIXON requested unanimous consent that the House vote by electronic roll call. The yeas and nays which were taken, resulting as follows:

Yeas 25; Nays 80

The following named Representatives voted for Mr. Daniel Ravenel:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Bernstein | Brannon | Finlay |
| Goldfinch | Henderson | Horne |
| Huggins | Limehouse | Mack |
| McCoy | W. J. McLeod | V. S. Moss |
| Munnerlyn | Murphy | Norman |
| Ridgeway | G. R. Smith | J. E. Smith |
| Sottile | Taylor | Wells |
| Whipper |  |  |

**Total--25**

Those who voted in the negative for Mr. Daniel Ravenel:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atwater |
| Bales | Barfield | Bedingfield |
| Bingham | Bowers | Branham |
| G. A. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Forrester | Gagnon | George |
| Gilliard | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Herbkersman | Hiott | Hixon |
| Hosey | Howard | Jefferson |
| Kennedy | King | Knight |
| Loftis | McEachern | M. S. McLeod |
| Merrill | Mitchell | D. C. Moss |
| Nanney | Neal | Newton |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Putnam | Quinn | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| J. R. Smith | Southard | Spires |
| Stringer | Tallon | Thayer |
| Toole | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--80**

Whereupon, the President *Pro Tempore* announced that Daniel Ravenel was not elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 17

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 17.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Donald H. Belk had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Donald H. Belk was duly elected for the term prescribed by law.

**FRANCIS MARION UNIVERSITY**

FIRST CONGRESSIONAL DISTRICT, SEAT 1

The President *Pro Tempore* announced that nominations were in order for the First Congressional District, Seat 1.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Mark S. Moore had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Mark S. Moore was duly elected for the term prescribed by law.

FIFTH CONGRESSIONAL DISTRICT, SEAT 5

The President *Pro Tempore* announced that nominations were in order for the Fifth Congressional District, Seat 5.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that J. Mark Bunch had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that J. Mark Bunch was duly elected for the term prescribed by law.

SIXTH CONGRESSIONAL DISTRICT, SEAT 6

The President *Pro Tempore* announced that nominations were in order for the Sixth Congressional District, Seat 6.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Floyd L. Keels had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Floyd L. Keels was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 8

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 8.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Robert E. Lee had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Robert E. Lee was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 10

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 10.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Kenneth W. Jackson had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Kenneth W. Jackson was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 12

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 12.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that William E. Gunn had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that William E. Gunn was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 13

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 13.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that R. Tracy Freeman and Deborah Adams had been screened and found qualified.

Sen. Peeler stated that Deborah Adams had withdrawn from the race and placed the name of remaining candidate, R. Tracy Freeman, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, the President *Pro Tempore* announced that R. Tracy Freeman was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 14

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 14.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that L. Franklin Elmore had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that L. Franklin Elmore was duly elected for the term prescribed by law.

**LANDER UNIVERSITY**

AT-LARGE DISTRICT, SEAT 8

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 8.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Robert A. Barber, Jr., had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Robert A. Barber, Jr., was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 9

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 9.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Maurice Holloway had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Maurice Holloway was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 10

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 10.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Mamie W. Nicholson had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Mamie W. Nicholson was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 11

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 11.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Claude C. Robinson had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Claude C. Robinson was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 12

The President *Pro Tempore* announced that nominations were in order for At-Large District, Seat 12.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that John V. Nicholson, Jr., Donald H. Scott, and DeWitt Boyd Stone, Jr., had been screened and found qualified.

Sen. Peeler stated that John V. Nicholson and Donald H. Scott had withdrawn from the race and placed the name of DeWitt Boyd Stone, Jr., in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that DeWitt Boyd Stone, Jr., was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 13

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 13.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Ray D. Hunt had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Ray D. Hunt was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 14

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 14.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Marcia Thrift Hydrick and Rosemary K. Wicker had been screened and found qualified.

Sen. Peeler stated that Rosemary K. Wicker had withdrawn from the race and placed the name of remaining candidate, Marcia Thrift Hydrick, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Marcia Thrift Hydrick was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 15

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 15.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Bobby M. Bowers had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Bobby M. Bowers was duly elected for the term prescribed by law.

**MEDICAL UNIVERSITY OF SOUTH CAROLINA**

FIRST CONGRESSIONAL DISTRICT, MEDICAL SEAT

The President *Pro Tempore* announced that nominations were in order for the First Congressional District, Medical Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Donald R. Johnson II had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Donald R. Johnson II was duly elected for the term prescribed by law.

SECOND CONGRESSIONAL DISTRICT, MEDICAL SEAT

The President *Pro Tempore* announced that nominations were in order for the Second Congressional District, Medical Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that C. Guy Castles III and James Lemmon had been screened and found qualified.

Sen. Peeler stated that C. Guy Castles III had withdrawn from the race and placed the name of remaining candidate, James Lemmon, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that James Lemmon was duly elected for the term prescribed by law.

THIRD CONGRESSIONAL DISTRICT, MEDICAL SEAT

The President *Pro Tempore* announced that nominations were in order for the Third Congressional District, Medical Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Stanley C. Baker and Richard M. Christian, Jr., had been screened and found qualified.

Sen. Peeler stated that Richard M. Christian, Jr., had withdrawn from the race and placed the name of remaining candidate, Stanley C. Baker, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Stanley C. Baker was duly elected for the term prescribed by law.

FOURTH CONGRESSIONAL DISTRICT, LAY SEAT

The President *Pro Tempore* announced that nominations were in order for the Fourth Congressional District, Lay Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Thomas L. Stephenson had been screened and found qualified and placed his name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Thomas L. Stephenson was duly elected for the term prescribed by law.

FIFTH CONGRESSIONAL DISTRICT, LAY SEAT

The President *Pro Tempore* announced that nominations were in order for the Fifth Congressional District, Lay Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Terri R. Barnes had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Terri R. Barnes was duly elected for the term prescribed by law.

SIXTH CONGRESSIONAL DISTRICT, MEDICAL SEAT

The President *Pro Tempore* announced that nominations were in order for the Sixth Congressional District, Medical Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Ragin C. Monteith had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Ragin C. Monteith was duly elected for the term prescribed by law.

SEVENTH CONGRESSIONAL DISTRICT, LAY SEAT

The President *Pro Tempore* announced that nominations were in order for the Seventh Congressional District, Lay Seat.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that James A. Battle, Jr., and Robin Tallon had been screened and found qualified.

Sen. Peeler stated that Robin Tallon had withdrawn from the race and placed the name of remaining candidate, James A. Battle, Jr., in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that James A. Battle, Jr., was duly elected for the term prescribed by law.

**SOUTH CAROLINA STATE UNIVERSITY**

THIRD CONGRESSIONAL DISTRICT, SEAT 3

The President *Pro Tempore* announced that nominations were in order for the Third Congressional District, Seat 3.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Erika A. Abraham had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Erika A. Abraham was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 8

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 8.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Sidney J. Evering II and Robert Porcher, Jr., had been screened and found qualified.

Sen. Peeler stated that Robert Porcher, Jr., had withdrawn from the race and placed the name of remaining candidate, Sidney J. Evering II, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Sidney J. Evering II was duly elected for the term prescribed by law.

**UNIVERSITY OF SOUTH CAROLINA**

FIRST JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the First Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Charles H. Williams had been screened and found qualified and placed his name in nomination.

Sen. Bright objected to unanimous consent of the vote being taken by acclamation.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Mr. Charles H. Williams:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bennett |
| Campsen | Coleman | Courson |
| Cromer | Hayes | Jackson |
| Johnson | Kimpson | Lourie |
| Malloy | Martin, Larry | Matthews |
| McElveen | McGill | Nicholson |
| O'Dell | Peeler | Pinckney |
| Reese | Scott | Setzler |
| Thurmond | Turner | Williams |
| Young |  |  |

**Total--28**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

The following named Senators abstained:

Hutto

**Total--1**

Rep. HIXON requested unanimous consent that the House vote by electronic roll call.

The yeas and nays were taken, resulting as follows

Yeas 92; Nays 17

The following named Representatives voted for Mr. Charles H. Williams:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bernstein | Bingham |
| Bowers | Branham | Brannon |
| G. A. Brown | Clyburn | Cobb-Hunter |
| Cole | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hardee |
| Hardwick | Harrell | Hayes |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | V. S. Moss | Munnerlyn |
| Murphy | Neal | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Vick |
| Weeks | Wells | Whipper |
| Whitmire | Williams |  |

**Total--92**

Those who voted in the negative for Mr. Charles H. Williams:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Burns |
| Chumley | Forrester | Hamilton |
| Henderson | Loftis | D. C. Moss |
| Nanney | Putnam | G. R. Smith |
| Stringer | Thayer | Toole |
| Willis | Wood |  |

**Total--17**

Whereupon, the President *Pro Tempore* announced that Charles H. Williams was duly elected for the term prescribed by law.

THIRD JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Third Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that C. Dorn Smith III had been screened and found qualified and placed his name in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Third Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that C. Dorn Smith III was duly elected for the term prescribed by law.

FIFTH JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Fifth Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that William C. Hubbard and J. Preston Strom, Jr., had been screened and found qualified.

Sen. Peeler stated that J. Preston Strom, Jr., had withdrawn from the race and placed the name of remaining candidate, William C. Hubbard, in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Fifth Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that William C. Hubbard was duly elected for the term prescribed by law.

SEVENTH JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Seventh Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Toney J. Lister had been screened and found qualified and placed his name in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Seventh Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that Toney J. Lister was duly elected for the term prescribed by law.

NINTH JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Ninth Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that John C. von Lehe, Jr., had been screened and found qualified and placed his name in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Ninth Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that John C. von Lehe, Jr., was duly elected for the term prescribed by law.

ELEVENTH JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Eleventh Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Thad H. Westbrook had been screened and found qualified and placed his name in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Eleventh Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that Thad H. Westbrook was duly elected for the term prescribed by law.

TWELFTH JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Twelfth Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that C. Edward Floyd had been screened and found qualified and placed his name in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Twelfth Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that C. Edward Floyd was duly elected for the term prescribed by law.

THIRTEENTH JUDICIAL CIRCUIT

The President *Pro Tempore* announced that nominations were in order for the Thirteenth Judicial Circuit.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Mack I. Whittle, Jr., had been screened and found qualified and placed his name in nomination.

Sen. Campbell requested unanimous consent that the roll call vote cast in the First Judicial Circuit Election be reflected as the roll call vote for the Thirteenth Judicial Circuit.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander Allen Bennett

Campsen Coleman Courson

Cromer Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy Martin, Larry

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Thurmond Turner

Williams Young

**Total--29**

The following named Senators voted in the negative:

Bright Corbin Fair

Grooms

**Total--4**

Whereupon, the President *Pro Tempore* announced that Mack I. Whittle, Jr., was duly elected for the term prescribed by law.

RECORD FOR VOTING

I was unaware when the recorded vote was taken on the USC Board of Trustees, that I was voting “nay” on all USC Trustees. I would like the record to reflect that I would have voted “aye” for Mr. Mack Whittle, from the 13th Judicial Circuit, if given the opportunity.

Rep. Phyllis Henderson

RECORD FOR VOTING

On the vote for the University of South Carolina Board of Trustees, I would like to state for the record that I would have voted for the following candidates:

3rd Judicial Circuit C. Dorn Smith

5th Judicial Circuit William C. Hubbard

7th Judicial Circuit Toney Lister

9th Judicial Circuit John C. von Lehe, Jr.

11th Judicial Circuit Thad H. Westbrook

12th Judicial Circuit E. Edward Floyd

13th Judicial Circuit Mack I. Whittle, Jr.

I originally voted “nay” for the slate of candidates unintentionally.

Rep. Daniel P. Hamilton

**WINTHROP UNIVERSITY**

SECOND CONGRESSIONAL DISTRICT, SEAT 2

The President *Pro Tempore* announced that nominations were in order for the Second Congressional District, Seat 2.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Donna Tinsley Holley and Brian J. Prahl had been screened and found qualified.

Sen. Peeler stated that Brian J. Prahl had withdrawn from the race and placed the name of remaining candidate, Donna Tinsley Holley, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Donna Tinsley Holley was duly elected for the term prescribed by law.

SIXTH CONGRESSIONAL DISTRICT, SEAT 6

The President *Pro Tempore* announced that nominations were in order for the Sixth Congressional District, Seat 6.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Ashlye Wilkerson had been screened and found qualified and placed her name in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Ashlye Wilkerson was duly elected for the term prescribed by law.

AT-LARGE DISTRICT, SEAT 9

The President *Pro Tempore* announced that nominations were in order for the At-Large District, Seat 9.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Randy Imler and Ouida K. Page had been screened and found qualified.

Sen. Peeler stated that Ouida K. Page had withdrawn from the race and placed the name of remaining candidate, Randy Imler, in nomination.

On the motion of Sen. Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Randy Imler was duly elected for the term prescribed by law.

**WIL LOU GRAY OPPORTUNITY SCHOOL**

TWO AT-LARGE SEATS

The President *Pro Tempore* announced that nominations were in order for the two At-Large Seats.

Sen. Peeler, on behalf of the Joint Screening Committee, stated that Robert N. Collar, Marilyn Edwards-Taylor, and Thomas Hamilton had been screened and found qualified and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Mr. Robert N. Collar:

**Total--0**

The following named Senators voted for Ms. Marilyn Edwards-Taylor:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bright |
| Campsen | Cleary | Coleman |
| Corbin | Cromer | Fair |
| Grooms | Hayes | Hutto |
| Jackson | Johnson | Kimpson |
| Lourie | Malloy | Martin, Larry |
| Matthews | McElveen | McGill |
| Nicholson | O'Dell | Peeler |
| Pinckney | Reese | Scott |
| Setzler | Turner | Williams |
| Young |  |  |

**Total--31**

The following named Senators voted for Mr. Thomas Hamilton:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bright |
| Campsen | Cleary | Coleman |
| Corbin | Cromer | Fair |
| Grooms | Hayes | Hutto |
| Jackson | Johnson | Kimpson |
| Lourie | Malloy | Martin, Larry |
| Matthews | McElveen | McGill |
| Nicholson | O'Dell | Peeler |
| Pinckney | Reese | Scott |
| Setzler | Turner | Williams |
| Young |  |  |

**Total--31**

Rep. HIXON requested unanimous consent that the House vote by electronic roll call.

The following named Representatives voted for Mr. Robert N. Collar:

**Total--0**

The following named Representatives voted for Ms. Marilyn Edwards-Taylor:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowers |
| Branham | Brannon | G. A. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hodges | Hosey |
| Huggins | King | Knight |
| Limehouse | Lucas | Mack |
| McCoy | McEachern | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Neal |
| Newton | Norman | Norrell |
| R. L. Ott | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| Whitmire | Willis | Wood |

**Total--93**

The following named Representatives voted for Mr. Thomas Hamilton:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowers |
| Branham | Brannon | Chumley |
| Clemmons | Cobb-Hunter | Cole |
| H. A. Crawford | Crosby | Delleney |
| Dillard | Felder | Finlay |
| Forrester | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Henderson | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| King | Knight | Loftis |
| Lucas | Mack | McCoy |
| McEachern | W. J. McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| Neal | Norman | Norrell |
| R. L. Ott | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Toole | Wells | Whipper |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--82**

**RECAPITULATION**

Total number of Senators voting 31

Total number of Representatives voting 98

Grand Total 129

Necessary to a choice 63  
Of which Mr. Robert N. Collar received 0

Of which Ms. Marilyn Edwards-Taylor received 93

Of which Mr. Thomas Hamilton received 82

Whereupon, the President *Pro Tempore* announced that Ms. Marilyn Edwards-Taylor and Mr. Thomas Hamilton were duly elected for the term prescribed by law.

**ELECTION OF COMMISSIONER OF THE SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS**

The Reading Clerk of the Senate read the following Concurrent Resolution adopted by both Houses:

S. 914 -- Senators Peeler, Alexander, Hayes and McGill: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 2, 2014, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, UNIVERSITY OF SOUTH CAROLINA, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2014, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

The President *Pro Tempore* announced that nominations were in order for Commissioner of the South Carolina Department of Consumer Affairs.

Sen. O’Dell, on behalf of the Joint Screening Committee, stated that Caroline B. Ballington had been screened and found qualified and placed her name in nomination.

On the motion of Sen. O’Dell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President *Pro Tempore* announced that Caroline B. Ballington was duly elected for the term prescribed by law.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the President *Pro Tempore* announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 1:15 p.m. the House resumed, the SPEAKER in the Chair.

Rep. SKELTON moved that the House recede until 2:45 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:45 p.m. the House resumed, ACTING SPEAKER WOOD in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LONG a leave of absence for the remainder of the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BARFIELD a leave of absence for the remainder of the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BERNSTEIN a temporary leave of absence.

**OBJECTION TO RECALL**

Rep. SANDIFER asked unanimous consent to recall H. 4979 from the Committee on Labor, Commerce and Industry.

Rep. HOWARD objected.

**S. 1035--RECALLED AND REFERRED TO**

**COMMITTEE ON JUDICIARY**

On motion of Rep. HORNE, with unanimous consent, the following Bill was ordered recalled from the Committee on Medical, Military, Public and Municipal Affairs and was referred to the Committee on Judiciary:

S. 1035 -- Senators Davis, Rankin, Shealy, Cleary, L. Martin, Grooms, Bright, Pinckney, Coleman, Bryant, Verdin and Campbell: A BILL TO AMEND ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO THE CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT OF 1980, TO ENACT THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH ACT; TO ESTABLISH THE MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH PROGRAM AT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE FOR PATIENTS ELIGIBLE TO PARTICIPATE IN THE PROGRAM; TO PROVIDE WHO AND UNDER WHAT CIRCUMSTANCES MEDICAL CANNABIS CAN BE ADMINISTERED TO A PATIENT; TO PROVIDE FOR NOTICE TO A PARTICIPATING PATIENT THAT THE PATIENT WILL BE PARTICIPATING IN A RESEARCH STUDY AND OF THE EXPERIMENTAL NATURE OF THE MEDICAL CANNABIS PROGRAM; TO PROVIDE FOR THE PROTECTION OF A PARTICIPATING PATIENT'S PERSONAL INFORMATION; TO PROVIDE FOR THE OPERATION OF THE PROGRAM BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE REPORTING REQUIREMENTS BY ACADEMIC MEDICAL CENTERS THAT SUPERVISE OR ADMINISTER MEDICAL CANNABIS TREATMENTS; AND TO PROVIDE CRIMINAL AND CIVIL IMMUNITY FROM STATE ACTIONS OR SUITS ARISING FROM THE PROPER IMPLEMENTATION OF THIS ACT; AND TO PROVIDE THAT THE STATE SHALL DEFEND STATE EMPLOYEES WHO, IN GOOD FAITH, CARRY OUT THE PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COLLABORATE WITH ACADEMIC MEDICAL CENTERS TO ASSIST INTERESTED PATIENTS WITH THE APPLICATION PROCESS TO PARTICIPATE IN EXISTING UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED INVESTIGATIONAL NEW DRUG STUDIES CONCERNING MEDICAL CANNABIS.

**H. 4802--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. BURNS, with unanimous consent, the following Concurrent Resolution was ordered recalled from the Committee on Education and Public Works:

H. 4802 -- Reps. Burns, Loftis, G. R. Smith and Willis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT INDIVIDUAL SIGNS AT TWO MILE INTERVALS ALONG INTERSTATE HIGHWAY 385 FROM MILE MARKER 22 TO MILE MARKER 34 THAT CONTAIN THE WORDS "WORLD WAR I 1917-1918", "WORLD WAR II 1941-1945", "THE KOREAN WAR 1950-1953", "THE VIETNAM WAR 1956-1975", "SECOND PERSIAN GULF WAR 'OPERATION DESERT STORM' 1991", "AFGHANISTAN WAR OCTOBER 7, 2001 TO PRESENT", AND "THIRD PERSIAN GULF WAR MARCH 19, 2003 TO PRESENT".

**H. 3592--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3592 -- Reps. Sandifer and Loftis: A BILL TO AMEND ARTICLE 8, CHAPTER 52, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "ENERGY INDEPENDENCE AND SUSTAINABLE CONSTRUCTION ACT OF 2007", SO AS TO DELETE CERTAIN DEFINITIONS, TO CHANGE CERTIFICATION STANDARDS WITH WHICH MAJOR FACILITY PROJECTS MUST COMPLY, TO ELIMINATE REFERENCE TO THE LEED AND GREEN GLOBES CERTIFICATION RATING SYSTEMS, AND TO MAKE TECHNICAL CORRECTIONS.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Branham |
| G. A. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| H. A. Crawford | Crosby | Daning |
| Delleney | Douglas | Edge |
| Felder | Finlay | Forrester |
| Gagnon | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Lucas | Mack | McCoy |
| McEachern | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--96**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**H. 4998--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4998 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF 24TH AVENUE BETWEEN CALHOUN AND DARGAN STREETS IN THE CITY OF DILLON "RUBY WOODS CARTER ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF ROADWAY THAT CONTAIN THE WORDS "RUBY WOODS CARTER ROAD".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 5001--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5001 -- Reps. Erickson, Newton, Herbkersman, McCoy, Patrick, Stavrinakis and Hodges: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT A POINT 0.34 MILES WEST OF THE INTERSECTION OF THE JUNCTION OF UNITED STATES HIGHWAYS 17 AND 21 AND OLD SHELDON CHURCH ROAD IN BEAUFORT COUNTY ALONG UNITED STATES HIGHWAYS 17 AND 21, AND AT A POINT THREE MILES SOUTH OF THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND SOUTH CAROLINA HIGHWAY 165 IN CHARLESTON COUNTY ALONG UNITED STATES HIGHWAY 17 THAT CONTAIN THE WORDS: "ACE BASIN YOU ARE NOW ENTERING THE ACE BASIN. ONE OF THE LAST GREAT PLACES. PLEASE HELP PROTECT YOUR NATURAL RESOURCES".

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

Rep. HIXON moved that the House recur to the morning hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 4348 -- Reps. Lucas, Clemmons, Southard, Douglas, Allison, Taylor and Felder: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS OF MINOR CHILDREN, SO AS TO ELIMINATE CERTAIN PREREQUISITES TO ORDERING VISITATION.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4791 -- Reps. G. R. Smith, Rutherford, Bedingfield, Atwater, Putnam, Southard, Knight, Jefferson, Bowers, J. R. Smith, Hamilton, Bingham, McCoy, Willis, Quinn, Newton, Norrell, Bannister, Burns, Chumley, Delleney, Forrester, Harrell, Henderson, Hixon, Kennedy, Loftis, Lowe, Lucas, V. S. Moss, Owens, Pitts, Sandifer, Simrill, G. M. Smith, Stringer, White, Whitmire, Williams and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ELECTRONIC DATA PRIVACY PROTECTION ACT" BY ADDING CHAPTER 53 TO TITLE 23, SO AS TO PROVIDE THAT AN ENTITY MAY NOT SEARCH AN ELECTRONIC DEVICE WITHOUT A SEARCH WARRANT, TO

PROVIDE EXCEPTIONS, AND TO PROVIDE CERTAIN NOTICE REQUIREMENTS.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

S. 1034 -- Senator L. Martin: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 5 AND 8 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2014.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4354 -- Reps. Harrell, Cobb-Hunter, G. M. Smith, Long, Douglas, Felder, R. L. Brown and Goldfinch: A BILL TO AMEND SECTION 44-115-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT OF A PATIENT TO RECEIVE A COPY OF HIS MEDICAL RECORD OR HAVE IT TRANSFERRED TO ANOTHER PHYSICIAN, SO AS TO PROVIDE THE PATIENT MAY CHOOSE TO RECEIVE THE RECORD EITHER AS A PHOTOCOPY REPRODUCTION OR IN AN ELECTRONIC FORMAT STORED ON DIGITAL MEDIA; AND TO AMEND SECTION 44-115-80, RELATING TO FEES PHYSICIANS MAY CHARGE TO SEARCH AND DUPLICATE A MEDICAL RECORD, SO AS TO SPECIFY WHAT FEES MAY BE CHARGED FOR A PHOTOCOPY REPRODUCTION AND FOR AN ELECTRONIC REPRODUCTION, AND TO PROVIDE AN EXEMPTION FROM FEES FOR REPRODUCTIONS REQUESTED TO SATISFY A REQUIREMENT OF AN INSURER OR GOVERNMENTAL ENTITY THAT PROVIDES BENEFITS RELATED TO THE MEDICAL NEEDS OF THE PATIENT.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3722 -- Reps. Wells, Clemmons, Felder, Gagnon, Goldfinch, Hixon, Kennedy, Ridgeway, Robinson-Simpson, Ryhal, G. R. Smith, J. R. Smith, Taylor and Wood: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO DEFINE TERMS, TO MAKE GRAMMATICAL CORRECTIONS, TO PROVIDE THAT TO BE QUALIFIED FOR A NOTARIAL COMMISSION, A PERSON MUST BE REGISTERED TO VOTE AND READ AND WRITE IN THE ENGLISH LANGUAGE, TO AUTHORIZE AND PROHIBIT CERTAIN ACTS OF A NOTARY PUBLIC, TO PROVIDE MAXIMUM FEE A NOTARY MAY CHARGE, TO PROVIDE THE PROCESS FOR GIVING A NOTARIAL CERTIFICATE, TO SPECIFY CHANGES FOR WHICH A NOTARY MUST NOTIFY THE SECRETARY OF STATE, TO PROVIDE THE ELEMENTS AND PENALTIES OF CERTAIN CRIMES RELATING TO NOTARIAL ACTS, AND TO PROVIDE THE FORM FOR A NOTARIZED DOCUMENT SENT TO ANOTHER STATE, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4673 -- Reps. Simrill, Limehouse, Sottile and Gagnon: A BILL TO AMEND SECTION 27-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING THE LIMITATION ON LIABILITY OF LANDOWNERS, SO AS TO INCLUDE RECREATIONAL NONCOMMERCIAL AIRSTRIPS AND ASSOCIATED AIRCRAFT OPERATIONS WITHIN THE DEFINITION OF "RECREATIONAL PURPOSE".

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3995 -- Reps. G. M. Smith, Quinn, King, Edge, Finlay, Herbkersman and Pope: A BILL TO AMEND SECTION 57-1-370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, SO AS TO REVISE THE CRITERIA AND THE MANDATORY PRIORITY LIST FOR SELECTING CERTAIN TRANSPORTATION IMPROVEMENT PROJECTS AND NONMETROPOLITAN AREA PROJECTS.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 4383 -- Reps. Clemmons and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 136 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AMERICANS STAND WITH ISRAEL" SPECIAL LICENSE PLATES.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3905 -- Reps. Loftis, H. A. Crawford, Brannon, Daning, Crosby, Munnerlyn, J. R. Smith, Burns, Dillard, V. S. Moss, Pope, Norrell, Ridgeway, Rivers, Simrill, Toole, Wood, W. J. McLeod and Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "BACK TO BASICS IN EDUCATION ACT OF 2013" BY ADDING SECTION 59-29-15 SO AS TO ADD CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES TO THE REQUIRED SUBJECTS OF INSTRUCTION IN PUBLIC SCHOOLS, TO REQUIRE STUDENTS DEMONSTRATE COMPETENCE IN EACH SUBJECT BEFORE COMPLETION OF THE FIFTH GRADE, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION TO ASSIST THE SCHOOL DISTRICTS IN IDENTIFYING THE MOST APPROPRIATE MEANS FOR INTEGRATING THIS REQUIREMENT INTO THEIR EXISTING CURRICULUMS, AND TO MAKE THE PROVISIONS OF THIS ACT APPLICABLE BEGINNING WITH THE 2013-2014 SCHOOL YEAR.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5033 -- Reps. Mitchell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, UPON THE PASSING OF DELORIS HAM OLIVER OF SPARTANBURG COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5034 -- Reps. King and Mitchell: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF CERICA DAVITTA FELDER OF ROWESVILLE AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5032 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF OAKLAND AVENUE FROM ITS INTERSECTION WITH NORFOLK STREET TO ITS INTERSECTION WITH WILSON ROAD IN THE CITY OF FLORENCE "REVEREND DR. VANDROTH BACKUS WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF ROADWAY THAT CONTAIN THE WORDS "REVEREND DR. VANDROTH BACKUS WAY".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

S. 900 -- Senator Allen: A JOINT RESOLUTION TO CREATE THE "STUDY COMMITTEE ON EXPUNGEMENT OF CRIMINAL OFFENSES" TO REVIEW THE CRIMINAL LAWS OF THE STATE AND DETERMINE CRIMINAL OFFENSES APPROPRIATE FOR EXPUNGEMENT, TO PROVIDE FOR THE MEMBERSHIP AND STAFFING OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE'S TERMINATION.

Referred to Committee on Judiciary

H. 5035 -- Reps. Newton, Hiott, Southard, Bowers, McCoy, Clemmons, Loftis, Crosby, Allison, J. E. Smith, Horne, Cobb-Hunter, Patrick, Tallon, Merrill, Hamilton, Erickson, Govan, Quinn, Bedingfield, Bernstein, Kennedy, Bowen, Brannon, Anthony, Sabb, Murphy, Long, Atwater, Stavrinakis, Whipper, Bannister, Bingham, Cole, Daning, Delleney, Forrester, Funderburk, Goldfinch, Harrell, Henderson, Herbkersman, Lucas, W. J. McLeod, Norrell, Pitts, Pope, Riley, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. R. Smith, Taylor, Thayer, Weeks and White: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSES OF PROPERTY AND ASSESSMENT INTEREST APPLICABLE TO THESE CLASSES FOR PURPOSES OF THE IMPOSITION OF PROPERTY TAX, SO AS TO PROVIDE THAT AFTER A PARCEL OF REAL PROPERTY HAS UNDERGONE AN ASSESSABLE TRANSFER OF INTEREST DELINQUENT PROPERTY TAX AND PENALTIES ASSESSED BECAUSE THE PROPERTY WAS IMPROPERLY CLASSIFIED AS OWNER-OCCUPIED RESIDENTIAL PROPERTY WHILE OWNED BY THE TRANSFEROR ARE SOLELY A PERSONAL LIABILITY OF THE TRANSFEROR AND DO NOT CONSTITUTE A LIEN ON THE PROPERTY ARE NOT ENFORCEABLE AGAINST THE PROPERTY AFTER THE ASSESSABLE TRANSFER OF INTEREST IF THE TRANSFEREE IS A BONA FIDE PURCHASER FOR VALUE WITHOUT NOTICE AND TO GIVE THIS PROVISION BOTH PROSPECTIVE AND RETROACTIVE EFFECT.

Referred to Committee on Ways and Means

H. 5036 -- Rep. Bedingfield: A BILL TO AMEND SECTION 13-1-1710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO ADD THE CHAIRMAN OF THE STATE COMMISSION OF FORESTRY.

Referred to Committee on Labor, Commerce and Industry

H. 5037 -- Rep. Quinn: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS OF MINOR CHILDREN, SO AS TO ELIMINATE CERTAIN PREREQUISITES TO ORDERING VISITATION AND TO ADD REQUIREMENTS, INCLUDING A PROHIBITION OF VISITATION BY A GRANDPARENT WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN CRIMINAL OFFENSES OR WHO HAS ABUSED OR NEGLECTED A CHILD.

Referred to Committee on Judiciary

H. 5038 -- Reps. Finlay and Bannister: A BILL TO AMEND SECTION 8-13-1120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, INCLUDING PROVISIONS TO FURTHER IDENTIFY SOURCES OF CERTAIN INCOME, THE AMOUNTS AND SOURCES OF CERTAIN OTHER INCOME, AND THE IDENTITY OF A GOVERNMENTAL ENTITY FROM WHICH A STATE OR LOCAL PUBLIC OFFICIAL DERIVES INCOME IN SPECIFIC SITUATIONS.

Referred to Committee on Judiciary

**H. 3994--DEBATE ADJOURNED**

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

H. 3994 -- Reps. Patrick, Owens and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA READ TO SUCCEED ACT" BY ADDING CHAPTER 155 TO TITLE 59, TO ESTABLISH WITHIN THE DEPARTMENT OF EDUCATION THE SOUTH CAROLINA READ TO SUCCEED OFFICE TO IMPLEMENT A COMPREHENSIVE, SYSTEMIC APPROACH TO READING WITH SPECIFIC OBJECTIVES, TO PROVIDE OBLIGATIONS AND REQUIREMENTS OF THE PROGRAM, AND TO PROVIDE NECESSARY DEFINITIONS, AMONG OTHER THINGS.

Rep. PATRICK moved to adjourn debate on the Bill, which was agreed to.

**H. 3949--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3949 -- Reps. Felder, Spires, Southard, Allison, Erickson, Gagnon, George, Hayes, Horne, Norman, Norrell, Simrill and Wells: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-15-93 SO AS TO DEFINE THE TERM "TOOTH WHITENING"; TO AMEND SECTION 40-15-70, RELATING TO THE PRACTICE OF DENTISTRY, SO AS TO INCLUDE TOOTH WHITENING WITHIN THE PRACTICE OF DENTISTRY; AND TO AMEND SECTION 40-15-102, RELATING TO THE FUNCTIONS A DENTAL HYGIENIST MAY PERFORM

IN A PRIVATE DENTAL OFFICE, SO AS TO INCLUDE TOOTH WHITENING.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**H. 4527--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4527 -- Reps. Felder, D. C. Moss, Brannon, Allison, Daning, Crosby, V. S. Moss, Hosey, Sottile, Clyburn, Kennedy, Spires, Quinn, R. L. Brown, Cole, Forrester, Pope, Rivers, Wood and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-195 SO AS TO ESTABLISH "A DAY OF RECOGNITION FOR VETERANS' SPOUSES AND FAMILIES" ON THE DAY AFTER THANKSGIVING DAY EACH YEAR.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**H. 4665--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4665 -- Reps. H. A. Crawford, Erickson, Atwater, Allison, Clemmons, Gagnon, Goldfinch, Hardee, Hardwick, Harrell, Henderson, Horne, Nanney, Putnam, Quinn, Ryhal and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-185 SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A MINOR CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, TO REQUIRE CHILDCARE FACILITIES TO MAINTAIN RECORDS THAT DOCUMENT RECEIPT OF PARENTAL PERMISSION, AND TO PROVIDE CRIMINAL PENALTIES.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**S. 842--DEBATE ADJOURNED**

The following Bill was taken up:

S. 842 -- Senator Cleary: A BILL TO AMEND CHAPTER 12, TITLE 25 OF THE 1976 CODE, RELATING TO VETERAN'S UNCLAIMED CREMATED REMAINS, TO PROVIDE THAT A CORONER MAY WORK WITH A VETERANS SERVICE ORGANIZATION TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN PURSUANT TO THE PROVISIONS CONTAINED IN THIS CHAPTER.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**S. 714--DEBATE ADJOURNED**

The following Bill was taken up:

S. 714 -- Senator Hutto: A BILL TO AMEND CHAPTER 15, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NONGAME AND ENDANGERED SPECIES CONSERVATION ACT, SO AS TO RENAME THIS CHAPTER "NONGAME AND ENDANGERED SPECIES", TO DESIGNATE THE CHAPTER'S EXISTING SECTIONS AS "ARTICLE 1 NONGAME AND ENDANGERED WILDLIFE SPECIES", TO DELETE THE SECTION THAT REGULATES ALLIGATOR HUNTING, CONTROL, AND MANAGEMENT, AND TO ADD ARTICLE 3 TO THIS CHAPTER WHICH IS ENTITLED THE "SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT" WHICH ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO REGULATE THE BUSINESS OF PROPAGATING ALLIGATORS FOR COMMERCIAL PURPOSES AND THE HUNTING, CONTROL, AND MANAGEMENT OF ALLIGATORS.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**S. 839--DEBATE ADJOURNED**

The following Bill was taken up:

S. 839 -- Senators Bryant, Bright and Davis: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 55 CONCERNING INDUSTRIAL HEMP; TO PROVIDE THAT IT IS LAWFUL TO GROW INDUSTRIAL HEMP IN THIS STATE; TO CLARIFY THAT INDUSTRIAL HEMP IS EXCLUDED FROM THE DEFINITION OF MARIJUANA; TO PROHIBIT GROWING INDUSTRIAL HEMP AND MARIJUANA ON THE SAME PROPERTY OR OTHERWISE GROWING MARIJUANA IN CLOSE PROXIMITY TO INDUSTRIAL HEMP TO DISGUISE THE MARIJUANA GROWTH; AND TO DEFINE NECESSARY TERMS.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**S. 986--DEBATE ADJOURNED**

The following Bill was taken up:

S. 986 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LAND OF OTHERS, TO INCREASE THE PENALTIES FOR THESE OFFENSES.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**S. 1010--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1010 -- Senators McGill, Cleary and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 3, TITLE 50 SO AS TO CREATE THE TOM YAWKEY CENTER TRUST FUND.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**S. 1028--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1028 -- Senator Alexander: A BILL TO AMEND SECTION 50-25-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT ON TUGALO LAKE, SO AS TO INCREASE THE AMOUNT OF HORSEPOWER A WATERCRAFT MOTOR MAY USE ON TUGALO LAKE FROM TWENTY TO TWENTY-FIVE HORSEPOWER.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**H. 4864--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4864 -- Rep. Gambrell: A BILL TO AMEND SECTION 46-21-215, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRED LABELS AND TAGS FOR CONTAINERS OF AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS, SO AS TO REVISE CERTAIN OF THESE LABELING AND TAGGING REQUIREMENTS.

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**H. 4993--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4993 -- Rep. Barfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-125 SO AS TO DESIGNATE THE THIRD SATURDAY IN SEPTEMBER AS "AYNOR HARVEST HOE-DOWN FESTIVAL WEEKEND".

Rep. DELLENEY moved to adjourn debate on the Bill, which was adopted.

**H. 4994--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 4994 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CRITICAL CONGENITAL HEART DEFECTS SCREENING ON NEWBORNS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4429, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. DELLENEY moved to adjourn debate on the Joint Resolution, which was adopted.

**H. 4995--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 4995 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF NURSING, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4447, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. DELLENEY moved to adjourn debate on the Joint Resolution, which was adopted.

**S. 137--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 137 -- Senators Lourie, L. Martin, Hayes, Fair, Davis, Ford, Cromer, Grooms and Alexander: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OF A PERSON UNDER THE AGE OF TWENTY-ONE FOR HAVING AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO REVISE THE PENALTIES TO INCLUDE REQUIRING AN OFFENDER WHO OPERATES A VEHICLE TO HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON THE VEHICLE; TO AMEND SECTION 56-1-400, AS AMENDED, RELATING TO THE SUSPENSION OF A LICENSE, A LICENSE RENEWAL OR ITS RETURN, AND ISSUANCE OF A LICENSE THAT RESTRICTS THE DRIVER TO ONLY OPERATING A VEHICLE WITH AN IGNITION INTERLOCK DEVICE INSTALLED, SO AS TO PROVIDE FOR THE ISSUANCE OF AN INTERLOCK RESTRICTED LICENSE AND ITS CONTENTS, TO PROVIDE FOR THE CONTENTS OF A DRIVER'S LICENSE ISSUED TO A PERSON WHOSE VEHICLE IS INSTALLED WITH AN IGNITION INTERLOCK DEVICE AND TO PROVIDE ADDITIONAL OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK RESTRICTED DEVICE AS A PENALTY, TO REVISE THE DRIVER'S LICENSE SUSPENSION PERIOD FOR A PERSON WHO CHOOSES TO OR NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON HIS VEHICLE, AND TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS WHO CHOOSE NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON THEIR VEHICLES AFTER BEING CONVICTED OF CERTAIN DRIVING OFFENSES; TO AMEND SECTION 56-1-748, RELATING TO THE ISSUANCE OF A RESTRICTED DRIVER'S LICENSE TO PERSON'S WHO ARE INELIGIBLE TO OBTAIN A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-1-1320, RELATING TO THE ISSUANCE OF A PROVISIONAL DRIVER'S LICENSE, SO AS TO MAKE TECHNICAL CHANGES, AND TO DELETE THE PROVISION THAT GIVES CERTAIN PERSONS AUTHORITY TO ISSUE A PROVISIONAL DRIVER'S LICENSE AND REVIEW CANCELLATIONS AND SUSPENSION OF DRIVER'S LICENSES; TO AMEND SECTION 56-5-2941, RELATING TO PENALTIES THAT MAY BE IMPOSED FOR DRIVING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO PROVIDE DURING THE OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE AS A PENALTY, TO PROVIDE A PENALTY FOR A PERSON WHO IS INCAPABLE OF OPERATING AN IGNITION INTERLOCK DEVICE, TO REVISE CERTAIN PENALTIES CONTAINED IN THIS SECTION; THE LENGTH OF TIME AN INTERLOCK DEVICE MUST BE AFFIXED TO A VEHICLE, TO REVISE THE PENALTY FOR AN OFFENDER WHO HAS ACCUMULATED FOUR POINTS UNDER THE INTERLOCK DEVICE POINT SYSTEM, TO PROVIDE FOR THE USE OF FUNDS REMITTED TO THE INTERLOCK DEVICE FUND, TO REVISE THE FEES THAT MUST BE COLLECTED AND REMITTED TO THE INTERLOCK DEVICE FUND, AND TO PROVIDE THAT AN INTERLOCK DEVICE MUST CAPTURE A PHOTOGRAPHIC IMAGE OF A DRIVER AS HE OPERATES THE DEVICE; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO THE IMMOBILIZATION OF A PERSON'S VEHICLE UPON HIS CONVICTION OF AN ALCOHOL-RELATED DRIVING OFFENSE, SO AS TO PROVIDE THAT AS LONG AS A PERSON HOLDS A VALID IGNITION INTERLOCK LICENSE, HE IS NOT REQUIRED TO SURRENDER HIS LICENSE PLATES AND VEHICLE REGISTRATIONS; TO AMEND SECTION 56-5-2945, RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AND GREAT BODILY INJURY OR DEATH OCCURS, SO AS TO PROVIDE THAT A PERSON CONVICTED PURSUANT TO THIS SECTION MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A PERSON WHO OPERATES A MOTOR VEHICLE GIVING IMPLIED CONSENT TO CHEMICAL TESTS TO DETERMINE THE PRESENCE OF ALCOHOL OR DRUGS, SO AS TO REVISE THE PENALTY IMPOSED UPON A PERSON WHO REFUSES TO BE SUBJECTED TO A CHEMICAL TEST, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE WHO REFUSES TO SUBMIT TO BE TESTED TO DETERMINE HIS ALCOHOL CONCENTRATION, SO AS TO REVISE THE OFFENSES THAT ARE AFFECTED BY THIS SECTION, TO PROVIDE THAT A PERSON MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AS A ALTERNATE IN LIEU OF OTHER PENALTIES PROVIDED IN THIS SECTION; AND TO AMEND SECTION 56-5-2990, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR A VIOLATION OF CERTAIN ALCOHOL AND DRUG RELATED DRIVING OFFENSES, SO AS TO REVISE THE PENALTIES, AND TO INCLUDE REQUIRING CERTAIN PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICES PROGRAM.

The Committee on Judiciary proposed the following Amendment No. 1 to S. 137 (COUNCIL\SWB\137C001.SWB.CM14), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited as “Emma’s Law”.

SECTION 2. Section 56‑1‑286 of the 1976 Code, as last amended by Act 264 of 2012, is further amended to read:

“Section 56‑1‑286. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver’s license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty‑one who drives a motor vehicle and has an alcohol concentration of two one‑hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63‑19‑2440, 63‑19‑2450, 56‑5‑2930, or 56‑5‑2933, arising from the same incident.

(B) A person under the age of twenty‑one who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath or blood for the purpose of determining the presence of alcohol.

(C) A law enforcement officer who has arrested a person under the age of twenty‑one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty‑one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person’s alcohol concentration.

A law enforcement officer may detain and order the testing of a person to determine the person’s alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty‑one who has consumed alcoholic beverages.

(D) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer’s direction ~~of the officer~~, the person first must be offered a breath test to determine the person’s alcohol concentration. If the person physically is unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to ~~SLED~~ the State Law Enforcement Division’s policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out ~~its~~ the subsection’s provisions. The costs of the tests administered at the officer’s direction ~~of the officer~~ must be paid from the State’s general fund ~~of the State~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s choice conduct additional tests at the person’s expense and must be notified in writing of that right. A person’s request or failure to request additional blood tests is not admissible against the person in any proceeding. The person’s failure or inability ~~of the person tested~~ to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer’s direction ~~of the officer~~. The officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person’s alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person’s alcohol concentration, ~~SLED must~~ the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

(E) A qualified person and ~~his~~ the person’s employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the ~~direction of the~~ primary investigating ~~officer~~ officer’s direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) if a person refuses upon the ~~request of the~~ primary investigating ~~officer~~ officer’s request to submit to chemical tests as provided in subsection (C), the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) six months; or

(2) one year, if the person, within the ~~five~~ three years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56‑5‑2990.

(G) If a person submits to a chemical test and the test result indicates an alcohol concentration of two one‑hundredths of one percent or more, the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) three months; or

(2) six months, if the person, within the ~~five~~ three years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56‑5‑2990.

(H) A person’s driver’s license, permit, or nonresident operating privilege must be restored when the person’s period of suspension ~~under~~ pursuant to subsection (F) or (G)has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. After the person’s driving privilege is restored, ~~he must~~ the person shall continue to participate in the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person’s license must be suspended until ~~he~~ the person completes the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege ~~can~~ may be restored at the conclusion of the suspension period.

(I) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months if ~~he~~ the person refuses to submit to the tests, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least three months if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of two one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the ~~administrative~~ contested case hearing.

The primary investigating officer ~~must notify promptly~~ shall promptly notify the department of ~~the~~ a person’s refusal ~~of a person~~ to submit to a test requested pursuant to this section as well as the test result of ~~any~~ a person who submits to a test pursuant to this section and registers an alcohol concentration of two one‑hundredths of one percent or more. The notification must be in a manner prescribed by the department.

(J) If the test registers an alcohol concentration of two one‑hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer ~~must~~ shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 if ~~he~~ the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while ~~his~~ the person’s license is suspended pursuant to Section 56‑1‑460.

(K) Within thirty days of the issuance of the notice of suspension the person may:

(1) obtain a temporary alcohol license by filing with the Department of Motor Vehicles a form for this purpose. A one‑hundred‑dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program and ~~his~~ the person’s driver’s license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

(b) the suspension is overturned, the ~~person must have his~~ person’s driver’s license, permit, or nonresident operating privilege must be reinstated.

(L) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

(M) If a person does not request a contested case hearing, ~~he shall have~~ the person has waived ~~his~~ the person’s right to the hearing and ~~his~~ the person’s suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

(N) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of ~~his~~ the person’s right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program, and ~~he~~ the person waives ~~his~~ the person’s right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

(O) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in subsection (I);

(3) refused to submit to a test pursuant to this section; or

(4) consented to taking a test pursuant to this section, and the:

(a) reported alcohol concentration at the time of testing was two one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to this section;

(c) test administered and samples taken were conducted pursuant to this section; and

(d) the machine was operating properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person’s license, permit, or nonresident’s operating privilege regardless of whether the person requesting the contested case hearing or the person’s attorney appears at the contested case hearing.

A written order must be issued to all parties either reversing or upholding the suspension of the person’s license, permit, or nonresident’s operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the contested case hearing.

(P) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

(Q) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

(R) When a nonresident’s privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person’s residence and of any state in which he has a license or permit.

(S) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(T) A person whose driver’s license or permit is suspended under this section is not required to file proof of financial responsibility.

(U) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

(V) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time ~~he~~ the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one‑hundredths of one percent.”

SECTION 3. Section 56‑1‑400 of the 1976 Code, as last amended by Act 285 of 2008, is further amended to read:

“Section 56‑1‑400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that ~~such~~ the license ~~shall~~ be surrendered to the ~~Department of Motor Vehicles~~ department. At the end of the suspension period ~~of suspension~~, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system ~~such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles~~, the department shall issue a new license ~~issued~~ to ~~him~~ the person. ~~The Department of Motor Vehicles~~ If the person has not held a license within the previous nine months, the department shall not ~~return nor~~ issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and ~~has~~ satisfied the ~~Department of Motor Vehicles~~ department, after an investigation of the person’s ~~character, habits, and~~ driving ability ~~of the person~~, that it would be safe to grant ~~him~~ the person the privilege of driving a motor vehicle on the public highways. ~~Provided, the Department of Motor Vehicles~~ The department, in ~~its~~ the department’s discretion, where the suspension is for a violation under the point system, may waive ~~such~~ the examination, application, and investigation. A record of the suspension ~~shall~~ must be endorsed on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, showing the grounds of ~~such~~ the suspension. ~~In the case of a license suspended for driving under the influence of intoxicants~~ If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56‑5‑2941, the restriction on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person~~,~~ must conspicuously identify the ~~licensee~~ person as a person who ~~may only~~ only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section ~~56‑5‑2941~~ 56‑1‑286, 56‑5‑2945, 56‑5‑2947 except if the conviction was for section 56‑5‑750, 56‑5‑2951, or 56‑5‑2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray the department’s expenses. Unless the person establishes that ~~he~~ the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license ~~containing an ignition interlock device restriction shall~~ may be issued by the ~~Department of Motor Vehicles~~ department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended ~~for three years from the date the suspension for driving under the influence of intoxicants ends~~ indefinitely. If ~~during this three‑year period~~ the person subsequently decides to have the ignition interlock device installed, the device must be installed for the ~~full suspension period or until the end of the three‑year period, whichever comes first~~ length of time set forth in Section 56‑1‑286, 56‑5‑2945, 56‑5‑2947 except if the conviction was for section 56‑5‑750, 56‑5‑2951, or 56‑5‑2990. This provision ~~shall~~ does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23 ~~of~~, Chapter 5 of this title.

(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles’ records, and who certifies that ~~he~~ the person:

(a) cannot obtain a vehicle owner’s permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving ~~any~~ a vehicle other than ~~the one~~ a vehicle owned by ~~his~~ the person’s employer; and

(c) ~~that he~~ will not own a vehicle during the interlock period, may petition the ~~Department of Motor Vehicles~~ department, on a form provided by ~~it~~ the department, for issuance of ~~a~~ an ignition interlock restricted license ~~containing an ignition interlock device restriction,~~ that permits the person to operate a vehicle specified by the employee according to the employer’s needs as contained in the employer’s statement during the days and hours specified in the employer’s statement without having to show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer’s noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer’s vehicles; and

(c) the notarized signature of the person’s employer.

(3) This subsection does not apply to a person who is self‑employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle’s ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(4) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for ~~this~~ the waiver is subject to periodic review at the discretion of the ~~Department of Motor Vehicles~~ department. The ~~Department of Motor Vehicles must~~ department shall revoke a ~~license~~ waiver issued pursuant to this exemption if ~~it~~ the department determines that the person has been driving a vehicle other than the ~~one~~ vehicle owned by ~~his~~ the person’s employer or has been operating the person’s employer’s vehicle outside the locations, days, or hours specified by the employer in the department’s records. The person may seek relief from the ~~Department of Motor Vehicle’s~~ department’s determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(C) ~~Any~~ A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the ~~Department of Motor Vehicles~~ department with proof that the fine owed by the person has been paid before the ~~Department of Motor Vehicles~~ department may ~~return or~~ issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.”

SECTION 4. Section 56‑1‑460 of the 1976 Code, as last amended by Act 273 of 2012, is further amended to read:

“Section 56‑1‑460. (A)(1) Except as provided in item (2), a person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; and

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars, and imprisoned for up to ninety days or confined to a person’s place of residence pursuant to the Home Detention Act for ~~not less than~~ up to ninety days ~~nor more than six months~~. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement.

(d) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court.

(e)(i) A person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while ~~his~~ the person’s driver’s license is suspended pursuant to this item, may apply for a route restricted driver’s license permitting ~~him~~ the person to drive only to and from work or ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The department may issue the route restricted driver’s license only upon a showing by the person that ~~he~~ the person is employed or enrolled in a college or university and that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment or place of education.

(ii) When the department issues a route restricted driver’s license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver’s license pursuant to this item ~~must~~ shall report to the department immediately any change in ~~his~~ the person’s employment hours, place of employment, status as a student, or residence.

(iii) The fee for a route restricted driver’s license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.

(iv) The operation of a motor vehicle outside the time limits and route imposed by a route restricted license ~~by the person issued that license~~ is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56‑5‑2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years~~;~~ .

~~(d)~~ ~~no~~No portion of the minimum sentence imposed ~~under~~ pursuant to this item may be suspended.

(B) The Department of Motor Vehicles, upon receiving a record of ~~the conviction of any person under~~ a person’s conviction pursuant to this section upon a charge of driving a vehicle while ~~his~~ the person’s license was suspended for a definite period of time, shall extend the suspension period ~~of the suspension~~ for an additional like period. If the original period of suspension has expired or terminated before trial and conviction, the department shall again suspend the person’s license ~~of the person~~ for an additional like period of time. If the suspension is not for a definite period of time, the suspension must be for an additional three months. If the license of a person cited for a violation of this section is suspended solely pursuant to the provisions of Section 56‑25‑20, the additional period of suspension pursuant to this section is thirty days, and the person does not have to offer proof of financial responsibility as required ~~under~~ pursuant to Section 56‑9‑500 prior to ~~his~~ the person’s license being reinstated. If the conviction was for a charge of driving while a license was revoked, the department shall not issue a new license for an additional period of one year from the date the person could otherwise have applied for a new license. Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(C) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.”

SECTION 5. Section 56‑1‑748 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 56‑1‑748. (A) No person issued a restricted driver’s license under the provisions of Section ~~56‑1‑170(B)~~ 56‑1‑170, ~~Section 56‑1‑320(A)~~ 56‑1‑320, ~~Section 56‑1‑740(B)~~ 56‑1‑740, 56‑1‑745, ~~Section 56‑1‑746 (D)~~ 56‑1‑746, ~~Section 56‑5‑750(G)~~ 56‑5‑750, ~~Section 56‑9‑430(B)~~ 56‑9‑430, ~~Section 56‑10‑260(B)~~ 56‑10‑260, ~~Section 56‑10‑270(C)~~ 56‑10‑270, or ~~Section 56‑5‑2951(H)~~ 56‑5‑2951 shall subsequently be eligible for issuance of a restricted driver’s license under these provisions.

(B) A person who obtains a route restricted driver’s license and who is required to attend an Alcohol and Drug Safety Action Program or a court ordered drug program as a condition of reinstatement of the person’s driving privileges may use the route restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court ordered drug program in addition to the other permitted uses of the route restricted driver’s license.”

SECTION 6. Section 56‑1‑1310 of the 1976 Code is repealed.

SECTION 7. Section 56‑1‑1320 of the 1976 Code is amended to read:

“Section 56‑1‑1320. (A) A person with a South Carolina driver’s license, a person who had a South Carolina driver’s license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56‑1‑30, who is or has been convicted of a first offense violation of ~~an ordinance of~~ a ~~municipality, or~~ a law of this State~~,~~ that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including ~~Section~~ Sections 56‑5‑2930 and ~~Section~~ 56‑5‑2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver’s license of a design to be determined by the department to operate a motor vehicle. The person shall enter an Alcohol and Drug Safety Action Program ~~as provided for in~~ pursuant to Section 56‑1‑1330, ~~shall furnish proof of responsibility as provided for in Section 56‑1‑1350,~~ and shall pay to the department a fee of one hundred dollars for the provisional driver’s license. The provisional driver’s license is not valid for more than six months from the date of issue shown on the license. The determination of whether or not a provisional driver’s license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56‑1‑370 and 56‑1‑820 must be made by the director of the department or his designee.

(B) Ninety‑five dollars of the collected fee must be credited to the State’s General Fund ~~of the State~~ for use of the Department of Public Safety in the hiring, training, and equipping of members of the South Carolina Highway Patrol and Transportation Police and in the operations of the South Carolina Highway Patrol and Transportation Police.”

SECTION 8. Section 56‑1‑1350 of the 1976 Code is repealed.

SECTION 9. Section 56‑5‑2941 of the 1976 Code, as last amended by Act 285 of 2008, is further amended to read:

“Section 56‑5‑2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs,the~~ The Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who is convicted of violating the provisions of Section 56‑5‑2930, 56‑5‑2933, 56‑5‑2945, 56‑5‑2947 except if the conviction was for section 56‑5‑750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56‑5‑2930 or 56‑5‑2933, unless the person submitted to a breath test pursuant to Section 56‑5‑2950 and had an alcohol concentration of fifteen one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender’s person’s life for a fourth or subsequent offense~~ as set forth in Sections 56‑1‑286, 56‑5‑2945, 56‑5‑2947 except if the conviction was for section 56‑5‑750, 56‑5‑2951, and 56‑5‑2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle’s records for offenses pursuant to Section 56‑1‑286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56‑5‑2947 except if the conviction was for section 56‑5‑750, 56‑5‑2950, or 56‑5‑2951.

~~(B)~~(C) If a ~~person who is a subsequent offender and a~~ resident of this State is convicted of violating ~~the provisions of~~ a law of ~~any other~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(C)~~(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person may only obtain a South Carolina driver’s license if the person enrolls in the South Carolina ~~ignition interlock device program~~ Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(D)~~(E) The ~~offender shall~~ person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. ~~An offender receiving~~ A person accumulating a total of:

(1) two points or more, but less than three points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by two months~~.~~;

(2) ~~An offender receiving a total of~~ three points or more, but less than four points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by four months, ~~and must~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the ~~individual~~ person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles ~~must~~ shall suspend the ~~individual’s driver’s~~ person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan~~.~~;

(3) ~~An offender receiving a total of~~ four points or more ~~shall~~ must have ~~their~~ the person’s ignition interlock restricted license suspended for a period of ~~one year~~ six months, ~~and~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. ~~Completion of the plan is mandatory as a condition of reinstatement of the person’s driving privileges~~ Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person’s ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six‑month suspension, shall resuspend the person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of ~~an individual’s~~ a person’s completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six‑month suspension, the Department of Probation, Parole and Pardon Services shall reset the person’s point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

~~(E)~~(F) The cost of the ~~interlock~~ device must be borne by the ~~offender~~ person. However, if the ~~offender believes he~~ person is indigent and cannot afford the cost of the ~~ignition interlock~~ device, the ~~offender~~ person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the ~~ignition interlock~~ device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services’ Internet web site. If the Department of Probation, Parole and Pardon Services determines that the ~~offender~~ person is indigent as it pertains to the ~~ignition interlock~~ device, ~~it~~ the Department of Probation, Parole and Pardon Services may authorize ~~an interlock~~ a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the ~~ignition interlock~~ device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person’s financial conditions should be considered including, but not limited to, income, debts, assets, number of ~~dependants~~ dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person’s net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. ‘Net income’ means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

~~(F)~~(G) The ignition interlock service provider ~~must~~ shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed ~~three hundred sixty~~ thirty dollars per ~~year~~ month for each ~~year~~ month the person is required to drive a vehicle with ~~an ignition interlock~~ a device. ~~Any~~ A ~~ignition~~ service provider ~~failing~~ who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as ~~an ignition interlock~~ a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of ~~an ignition interlock~~ a device must be borne by the service provider.

~~(G)~~(H)(1) The ~~offender must~~ person shall have the ~~interlock~~ device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the ~~offender’s~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately ~~must~~ shall report ~~any~~ devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person’s name ~~of the offender~~, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection~~, and~~.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) The inspection report must indicate the ~~offender’s~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. ~~Failure of the offender to have the interlock device inspected every sixty days will result in one ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the offender attempted to start the motor vehicle with an alcohol concentration of two one‑hundredths of one percent or more, the offender is assessed one‑half interlock device point. Upon review of the interlock device inspection report, if~~ If the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration of:

(a) ~~between~~ two one‑hundredths of one percent or more ~~and~~ but less than four one‑hundredths of one percent, the ~~offender is~~ person must be assessed one‑half ignition interlock device point~~.~~;

(b) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration between~~ four one‑hundredths of one percent or more ~~and~~ but less than fifteen one‑hundredths of one percent, the ~~offender is~~ person must be assessed one ignition interlock device point~~.~~; or

(c) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration above~~ fifteen one‑hundredths of one percent or more, the ~~offender is~~ person must be assessed two ignition interlock device points.

(5) ~~An individual~~ A person may appeal ~~any~~ less than four ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer’s decision on appeal ~~shall be~~ is final and no appeal from such decision ~~shall be~~ is allowed.

~~(H)~~(I)(1) If a person’s license is suspended due to the accumulation of four or more ignition interlock device points, the Department of Probation, Parole and Pardon Services must provide a notice of assessment of ignition interlock points which must advise the person of his right to request a contested case hearing before the Office of Motor Vehicle Hearings. The notice of assessment of ignition interlock points also must advise the person that, if he does not request a contested case hearing within thirty days of the issuance of the notice of assessment of ignition interlock points, he waives his right to the administrative hearing and the person’s driver’s license is suspended pursuant to Section 56‑5‑2941(E).

(2) The person may seek relief from the Department of Probation, Parole and Pardon Services determination that a person’s license is suspended due to the accumulation of four or more ignition interlock device points by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act. The filing of the request for a contested case hearing will stay the driver’s license suspension pending the outcome of the hearing. However, the filing of the request for a contested case hearing will not stay the requirements of the person having the ignition interlock device.

(3) At the contested case hearing:

(a) the assessment of driver’s license suspension can be upheld;

(b) the driver’s license suspension can be overturned, or any or all of the contested ignition interlock points included in the device inspection report that results in the contested suspension can be overturned, and the penalties as specified pursuant to Section 56‑5‑2941(E) will then be imposed accordingly.

(4) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the ignition interlock device. However, if the ignition interlock device is found to not be in working order due to failure of regular maintenance and upkeep by the person challenging the accumulation of ignition interlock points pursuant to the requirement of the ignition interlock program, such allegation cannot serve as a basis to overturn point accumulations.

(5) A written order must be issued by the Office of Motor Vehicle Hearings to all parties either reversing or upholding the assessment of ignition interlock points.

(6) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal does not stay the ignition interlock requirement.

(J) ~~Ten~~ Five years from the date of the person’s ~~last conviction~~ driver’s license reinstatement and every five years thereafter a fourth or subsequent offender whose license has been reinstated pursuant to Section 56‑1‑385 may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from ~~his~~ the person’s driver’s license. The Department of Probation, Parole and Pardon Services may, for good cause shown, ~~remove the device and remove the restriction~~ notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the ~~offender’s~~ person’s license.

~~(I)~~(K)(1) Except as otherwise provided in this section, it is unlawful for a person ~~issued a driver’s license with an ignition interlock restriction~~ who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this ~~section must be punished in the manner provided by law~~ subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

~~(J)~~(L)(1) ~~An offender that~~ A person who is required in the course and scope of ~~his~~ the person’s employment to drive a motor vehicle owned by the ~~offender’s~~ person’s employer may drive ~~his~~ the employer’s motor vehicle without installation of an ignition interlock device, provided that the ~~offender’s~~ person’s use of the employer’s motor vehicle is solely for the employer’s business purposes. This subsection does not apply to ~~an offender~~ a person who is self‑employed or to ~~an offender~~ a person who is employed by a business owned in whole or in part by the ~~offender~~ person or a member of the ~~offender’s~~ person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle’s ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(2) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicle’s form specified by Section 56‑1‑400(B).

(3) This subsection will be construed in parallel with the requirements of subsection 56‑1‑400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in subsection 56‑1‑400(B).

~~(K)~~(M) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(L)~~(N) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person’s arrest for a first offense violation of Section 56‑5‑2930 or Section 56‑5‑2933. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(M)~~(O) It is unlawful for ~~an offender~~ a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of ~~an offender~~ a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(N)~~(P) It is unlawful for another person to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(O)~~(Q) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services ~~must~~ shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one‑hundredths of one percent or more is measured and all running ~~re‑tests~~ retests must record violations of an alcohol concentration of two one‑hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services’ management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services’ employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

(2) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and ~~their~~ manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(3) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

~~(P)~~(R) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon ~~Service’s~~ Services’ Internet web site. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person’s participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person’s family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department’s discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers may retain information regarding a person’s participation in the Ignition Interlock Device Program for a period not to exceed eighteen months from the date of the person’s completion of the Ignition Interlock Device Program.

~~(Q)~~(S) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.”

SECTION 10. Section 56‑5‑2942 of the 1976 Code, as last amended by Act 212 of 2012, is further amended to read:

“Section 56‑5‑2942. (A) A person who is convicted of or pleads guilty or nolo contendere to a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 must have all motor vehicles owned by or registered to ~~him~~ the person immobilized if the person is a resident of this State, unless the vehicle has been confiscated pursuant to Section 56‑5‑6240 or the person is a holder of a valid ignition interlock restricted license.

(B) For purposes of this section, ‘immobilized’ and ‘immobilization’ mean suspension and surrender of the registration and motor vehicle license plate.

(C) Upon receipt of a conviction by the department from the court for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall determine all vehicles registered to the ~~convicted~~ person, both solely and jointly, and suspend all vehicles registered to the person, unless the person is a holder of a valid ignition interlock restricted license.

(D) Upon notification by a court in this State or ~~by any other~~ another state of a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall require the person, unless the person is a holder of a valid ignition interlock restricted license, ~~convicted~~ to surrender all license plates and vehicle registrations subject to immobilization pursuant to this section. The immobilization is for a period of thirty days to take place during the driver’s license suspension pursuant to a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945. The department ~~must~~ shall maintain a record of all vehicles immobilized pursuant to this section.

(E) An immobilized motor vehicle must be released to the holder of a bona fide lien on the motor vehicle when possession of the motor vehicle is requested, as provided by law, by the lienholder for the purpose of foreclosing on and satisfying the lien.

(F) An immobilized motor vehicle may be released by the department without legal or physical restraints to a person who has not been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, if that person is a registered owner of the motor vehicle or a member of the household of a registered owner. The vehicle must be released if an affidavit is submitted by that person to the department stating that:

(1) ~~he~~ the person regularly drives the motor vehicle subject to immobilization;

(2) the immobilized motor vehicle is necessary to ~~his~~ the person’s employment, transportation to an educational facility, or for the performance of essential household duties;

(3) no other motor vehicle is available for the person’s use;

(4) the person will not authorize the use of the motor vehicle by any other person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945; or

(5) the person will report immediately to a local law enforcement agency any unauthorized use of the motor vehicle by a person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(G) The department may issue a determination permitting or denying the release of the vehicle based on the affidavit submitted pursuant to subsection (F). A person may seek relief from a department determination immobilizing a motor vehicle or denying the release of the motor vehicle by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(H) A person who drives an immobilized motor vehicle except as provided in subsections (E) and (F) is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(I) A person who fails to surrender registrations and license plates pursuant to this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(J) A fee of fifty dollars must be paid to the department for each motor vehicle that was suspended before any of the suspended registrations and license plates may be registered or before the motor vehicle may be released pursuant to subsection (F). This fee must be placed by the Comptroller General into a special restricted interest bearing account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses.

(K) For purposes of this article, a conviction of or plea of nolo contendere to Section 56‑5‑2933 is considered a prior offense of Section 56‑5‑2930.”

SECTION 11. Section 56‑5‑2945 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 56‑5‑2945. (A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to ~~a~~ another person ~~other than himself~~, is guilty of the offense of felony driving under the influence, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty‑five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.

(B) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(C)(1) The Department of Motor Vehicles ~~must~~ shall suspend the driver’s license of a person who is convicted ~~or who receives sentence upon a plea of guilty or nolo contendere~~ pursuant to this section ~~for a period to include a period of incarceration plus three years for a conviction of Section 56‑5‑2945 when ‘great bodily injury’ occurs and five years when a death occurs. This period of incarceration shall must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision.~~ For suspension purposes of this section, convictions arising out of a single incident ~~shall~~ must run concurrently.

(2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three years when ‘great bodily injury’ results and five years when a death occurs.

~~(C)~~(D) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.”

SECTION 12. Section 56‑5‑2947 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 56‑5‑2947. (A) A person eighteen years of age or ~~over~~ older is guilty of child endangerment when:

(1) the person ~~is in violation of~~ violates:

(a) Section 56‑5‑750;

(b) Section 56‑5‑2930;

(c) Section 56‑5‑2933; or

(d) Section 56‑5‑2945; and

(2) the person has one or more passengers ~~under~~ younger than sixteen years of age in the motor vehicle when the violation occurs.

If more than one passenger ~~under~~ younger than sixteen years of age is in the vehicle when a violation ~~of subsection (A)(1)~~ occurs, the person may be charged with only one violation of this section.

(B) Upon conviction, the person must be ~~punished by~~:

(1) ~~a fine of~~ fined not more than one‑half of the maximum fine allowed for committing the violation ~~enumerated~~ in subsection (A)(1), when the person is fined for that offense;

(2) ~~a term of imprisonment of~~ imprisoned not more than one‑half of the maximum term of imprisonment allowed for committing the violation ~~enumerated~~ listed in subsection (A)(1), when the person is imprisoned for the offense; or

(3) ~~both a fine and imprisonment~~ fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.

(C) No portion of the penalty assessed ~~under~~ pursuant to subsection (B) may be suspended or revoked and probation may not be awarded.

(D)(1) In addition to imposing the penalties for offenses ~~enumerated~~ listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles ~~must~~ shall suspend the person’s driver’s license for sixty days upon conviction under subsection (A)(1)(a). Upon conviction under subsection (A)(1)(b) through (d), the Department of Motor Vehicles shall suspend the person’s driver’s license.

(2) Upon conviction under subsection (A)(1)(b) through (d), the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56‑1‑1320 and 56‑5‑2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver’s license will not be effective until the ~~sixty‑day suspension~~ ignition interlock restricted license period is completed.

(E) A person may be convicted ~~under~~ pursuant to this section for child endangerment in addition to being convicted for an offense ~~enumerated~~ listed in subsection (A)(1).

(F) The court that has jurisdiction over an offense ~~enumerated~~ listed in subsection (A)(1) has jurisdiction over the offense of child endangerment.

(G) A first offense charge for a violation of this section may not be used as the only evidence for taking a child into protective custody pursuant to Sections 63‑7‑620(A) and 63‑7‑660.”

SECTION 13. Section 56‑5‑2950 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 56‑5‑2950. (A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath, blood, or urine for the purpose of determining the presence of alcohol, ~~or~~ drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs. At the direction of the arresting officer, the person first must be offered a breath test to determine the person’s alcohol concentration. If the person is physically unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one‑hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED.

(B) No tests may be administered or samples obtained unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples, but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person refuses to submit to the test, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least one month with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or if ~~his~~ the person’s suspension is upheld at the ~~administrative~~ contested case hearing, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program.

(C) A hospital, physician, qualified technician, chemist, or registered nurse who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or obtains the samples.

(D) The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s own choosing conduct additional tests at ~~his~~ the person’s expense and must be notified in writing of that right. A person’s request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples obtained at the direction of the law enforcement officer.

(E) The arresting officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which performs blood tests to determine a person’s alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood sample to determine the person’s alcohol concentration, SLED ~~must~~ shall test the blood sample and provide the result to the person and to the arresting officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

SLED ~~must~~ shall administer the provisions of this subsection and ~~must~~ shall make regulations necessary to carry out ~~its~~ this subsection’s provisions. The costs of the tests administered at the direction of the law enforcement officer must be paid from the State’s general fund ~~of the state~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(F) A qualified person who obtains samples or administers the tests or assists in obtaining samples or the administration of tests at the direction of a law enforcement officer is released from civil and criminal liability unless the obtaining of samples or tests is performed in a negligent, reckless, or fraudulent manner. No person may be required by the arresting officer, or by another law enforcement officer, to obtain or take any sample of blood or urine.

(G) In the criminal prosecution for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person’s breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time five one‑hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of five one‑hundredths of one percent but less than eight one‑hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) if the alcohol concentration was at that time eight one‑hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of ~~them~~ alcohol and drugs.

(H) A person who is unconscious or otherwise in a condition rendering ~~him~~ the person incapable of refusal is considered to be informed and not to have withdrawn the consent provided by subsection (A) of this section.

(I) A person required to submit to tests by the arresting law enforcement officer must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any trial or other proceeding in which the results of the tests are used as evidence. A person who obtains additional tests ~~must~~ shall furnish a copy of the time, method, and results of ~~any tests~~ such tests to the officer before ~~any~~ a trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(J) Policies, procedures, and regulations promulgated by SLED may be reviewed by the trial judge or hearing officer on motion of either party. The failure to follow ~~any of these~~ policies, procedures, and regulations, or the provisions of this section, shall result in the exclusion from evidence of any test results, if the trial judge or hearing officer finds that this failure materially affected the accuracy or reliability of the test results or the fairness of the testing procedure and the court trial judge or hearing officer rules specifically as to the manner in which the failure materially affected the accuracy or reliability of the test results or the fairness of the procedure.

(K) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at ~~an administrative~~ a contested case hearing or court proceeding, the entity employing the witness may charge a reasonable fee to the defendant for ~~these~~ such services.”

SECTION 14. Section 56‑5‑2951 of the 1976 Code, as last amended by Act 264 of 2012, is further amended to read:

“Section 56‑5‑2951. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver’s license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56‑5‑2950 or has an alcohol concentration of fifteen one‑hundredths of one percent or more. The arresting officer ~~must~~ shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(B) Within thirty days of the issuance of the notice of suspension, the person may:

(1) obtain a temporary alcohol license ~~by filing with~~ from the Department of Motor Vehicles ~~a form for this purpose~~. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer’s decision and the Department of Motor Vehicles sends notice to the person that ~~he~~ the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with ~~its~~ the Office of Motor Vehicle Hearings’ rules of procedure.

At the contested case hearing, if:

(a) the suspension is upheld, the person’s driver’s license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990;

(b) the suspension is overturned, the person must have ~~his~~ the person’s driver’s license, permit, or nonresident operating privilege reinstated.

The provisions of this subsection do not affect the trial for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, ~~he~~ the person waives ~~his~~ the person’s right to the hearing, and ~~his~~ the person’s suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of ~~his~~ the person’s right to obtain a temporary alcohol driver’s license and to request a contested case hearing before the Office of Motor Vehicle Hearings~~.~~;

(2) The notice of suspension also must advise the person that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he~~ the person waives ~~his~~ the person’s right to the ~~administrative~~ contested case hearing, and the suspension continues for the period provided for in subsection (I)~~.~~; and

(3) The notice of suspension also must advise the person that, if the suspension is upheld at the contested case hearing or ~~if he~~ the person does not request a contested case hearing, ~~he~~ the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program.

(F) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in Section 56‑5‑2950;

(3) refused to submit to a test pursuant to Section 56‑5‑2950; or

(4) consented to taking a test pursuant to Section 56‑5‑2950, and the:

(a) reported alcohol concentration at the time of testing was fifteen one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to Section 56‑5‑2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56‑5‑2950; and

(d) machine was working properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

A written order must be issued to all parties either reversing or upholding the suspension of the person’s license, permit, or nonresident’s operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the contested case hearing.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person’s license, permit, or nonresident’s operating privilege regardless of whether the person requesting the contested case hearing or the person’s attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with ~~its~~ the Administrative Law Court’s appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

(H)(1) If the person did not request a contested case hearing or the suspension is upheld at the contested case hearing, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990, and may apply for a restricted license if ~~he~~ the person is employed or enrolled in a college or university. The restricted license permits ~~him~~ the person to drive only to and from work and ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The restricted license also permits ~~him~~ the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court‑ordered drug program. The department may issue the restricted license only upon showing by the ~~individual~~ person that ~~he~~ the person is employed or enrolled in a college or university, that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment, place of education, or location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program, and that there is no adequate public transportation between ~~his~~ the person’s residence and ~~his~~ the person’s place of employment, ~~his~~ the person’s place of education, the location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program.

(2) If the department issues a restricted license pursuant to this subsection, ~~it must~~ the department shall designate reasonable restrictions on the times during which and routes on which the ~~individual~~ person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of ~~his~~ the person’s court‑ordered drug program, or residence must be reported immediately to the department by the ~~licensee~~ person.

(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the ~~state~~ state’s general fund, and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~the expenses of~~ the Department of Motor ~~Vehicles~~ Vehicle’s expenses.

(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license ~~by the person issued that license~~ is a violation of Section 56‑1‑460.

(I)(1) ~~The~~ Except as provided in subsection (I)(3), the period of a driver’s license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56‑1‑286, ~~or~~ 56‑5‑2951, or 56‑5‑2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56‑5‑2950; or

(b) one month for a person who takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(2) The period of a driver’s license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, ~~an arrested~~ a person who has been convicted previously for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56‑1‑286, ~~or~~ 56‑5‑2951, or 56‑5‑2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or two months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(b) for a third offense, twelve months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or three months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or four months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(3) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56‑5‑2941 and cannot subsequently choose to serve the suspension.

(J) A person’s driver’s license, permit, or nonresident operating privilege must be restored when the person’s period of suspension or ignition interlock restricted license requirement ~~under~~ pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. After the person’s driving privilege is restored, ~~he must~~ the person shall continue the services of the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person’s license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident’s privilege to drive a motor vehicle in this State has been suspended ~~under~~ pursuant to the provisions of this section, the department ~~must~~ shall give written notice of the action taken to the motor vehicle administrator of the state of the person’s residence and of any state in which ~~he~~ the person has a license or permit.

(L) The department ~~must~~ shall not suspend the privilege to drive of a person under the age of twenty‑one pursuant to Section 56‑1‑286, if the person’s privilege to drive has been suspended ~~under~~ pursuant to this section arising from the same incident.

(M) A person whose driver’s license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer ~~may~~ shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56‑1‑286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~another~~ a law of ~~this State~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs based solely on the violation unless ~~he~~ the person is convicted of the violation.

(O) The department ~~must~~ shall administer the provisions of this section ~~and must promulgate regulations necessary to carry out its provisions~~.

(P) If a person does not request a contested case hearing within the thirty‑day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court‑ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program. The department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court‑ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program.”

SECTION 15. Section 56‑5‑2990 of the 1976 Code is amended to read:

“Section 56‑5‑2990. (A)(1) The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted~~, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted~~ for a violation of Section 56‑5‑2930, 56‑5‑2933, or ~~for the violation of another law or ordinance of this State or of a municipality of this State~~ a law of another state that prohibits a person from driving a motor vehicle while under the influence of ~~intoxicating liquor, drugs, or narcotics for six months for the first conviction, plea of guilty or nolo contendre, or forfeiture of bail; one year for the a second conviction, plea of guilty or of nolo contendere, or forfeiture of bail; two years for the a third conviction, plea of guilty or of nolo contendere, or forfeiture of bail; and a permanent revocation of the driver’s license for the a fourth or subsequent conviction, plea of guilty or of nolo contendere, or forfeiture of bail. Only those violations which occurred within ten years including and immediately preceding the date of the last violation shall constitute prior violations within the meaning of this section. However, if the third conviction occurs within five years from the date of the first offense, then the department shall suspend the driver’s license for four years. A person whose license is revoked following conviction for a fourth offense as provided in this section is forever barred from being issued any license by the Department of Motor Vehicles to operate a motor vehicle except as provided in Section 56‑1‑385~~ alcohol or other drugs.

(2) For a first offense:

(a) If a person is found to have refused to submit to a breath test pursuant to Section 56‑5‑2950 and is convicted of 56‑5‑2930 or 56‑5‑2933, the person’s driver’s license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56‑5‑2941 and cannot subsequently choose to serve the suspension.

(b) If a person submitted to a breath test pursuant to Section 56‑5‑2950 and is convicted of having an alcohol concentration of less than fifteen one hundredths of one percent, the person’s driver’s license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56‑5‑2941 and cannot subsequently choose to serve the suspension.

(c) If a person submitted to a breath test pursuant to Section 56‑5‑2950 and is convicted of having an alcohol concentration of fifteen one hundredths of one percent or more, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

(B) A person whose license is suspended ~~under the provisions~~ pursuant to this section, Section 56‑1‑286, Section 56‑5‑2945, or Section 56‑5‑2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a court‑ordered drug program may use the route restricted or special restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court‑ordered drug program in addition to the other permitted uses of a route restricted driver’s license or a special restricted driver’s license. An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the ~~applicant~~ person must be prepared and a plan of education or treatment, or both, must be developed for the ~~applicant~~ person. Entry into and successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the ~~applicant~~ person is a mandatory requirement of the issuance of an ignition interlock restricted license and restoration of driving privileges to the ~~applicant~~ person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the ~~applicant~~ person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended ~~must~~ shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each ~~applicant~~ person shall bear the cost of services recommended in the ~~applicant’s~~ person’s plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No ~~applicant~~ person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the ~~applicant~~ person has successfully completed services. ~~An applicant~~ A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the ~~applicant~~ person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services ~~will~~ shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the ~~applicant~~ person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the ~~applicant~~ person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may ~~restore the privilege to drive a motor vehicle~~ waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the ~~department~~ Department of Motor Vehicles, if ~~it~~ the Medical Advisory Board determines public safety and welfare of the ~~petitioner~~ person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If ~~the drivers~~ a person’s driver’s license ~~of any a person~~ is suspended ~~by authority of~~ pursuant to this section, ~~no~~ an insurance company ~~may~~ shall not refuse to issue insurance to cover the remaining members of ~~his~~ the person’s family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned ~~his~~ the person’s license in to the Department of Motor Vehicles.

(F) Except as provided for in Section 56‑1‑365(D) and (E), the driver’s license suspension periods under this section begin on the date the person is convicted, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for the a violation of Section 56‑5‑2930, 56‑5‑2933, or for the violation of any other a law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56‑1‑365(F).”

SECTION 16. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 17. This act takes effect on October 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

Rep. QUINN spoke in favor of the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Knight | Loftis |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

STATEMENT FOR THE JOURNAL

Prior to becoming a State Representative, I served as the Executive Director of the Spartanburg County Bible Education in School Time organization. Ramona Longstreet Eubanks also served and still serves on the SCBEST Board. She is the Aunt of little Emma. We all prayed for Emma.

I think this is a good Bill and I fully support S. 137.

Rep. Donna Wood

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 137. If I had been present, I would have voted in favor of the Bill.

Rep. Chris Hart

**S. 137--MOTION TO RECONSIDER TABLED**

Rep. QUINN moved to reconsider the vote whereby the following Bill was given second reading:

S. 137 -- Senators Lourie, L. Martin, Hayes, Fair, Davis, Ford, Cromer, Grooms and Alexander: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OF A PERSON UNDER THE AGE OF TWENTY-ONE FOR HAVING AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO REVISE THE PENALTIES TO INCLUDE REQUIRING AN OFFENDER WHO OPERATES A VEHICLE TO HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON THE VEHICLE; TO AMEND SECTION 56-1-400, AS AMENDED, RELATING TO THE SUSPENSION OF A LICENSE, A LICENSE RENEWAL OR ITS RETURN, AND ISSUANCE OF A LICENSE THAT RESTRICTS THE DRIVER TO ONLY OPERATING A VEHICLE WITH AN IGNITION INTERLOCK DEVICE INSTALLED, SO AS TO PROVIDE FOR THE ISSUANCE OF AN INTERLOCK RESTRICTED LICENSE AND ITS CONTENTS, TO PROVIDE FOR THE CONTENTS OF A DRIVER'S LICENSE ISSUED TO A PERSON WHOSE VEHICLE IS INSTALLED WITH AN IGNITION INTERLOCK DEVICE AND TO PROVIDE ADDITIONAL OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK RESTRICTED DEVICE AS A PENALTY, TO REVISE THE DRIVER'S LICENSE SUSPENSION PERIOD FOR A PERSON WHO CHOOSES TO OR NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON HIS VEHICLE, AND TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS WHO CHOOSE NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON THEIR VEHICLES AFTER BEING CONVICTED OF CERTAIN DRIVING OFFENSES; TO AMEND SECTION 56-1-748, RELATING TO THE ISSUANCE OF A RESTRICTED DRIVER'S LICENSE TO PERSON'S WHO ARE INELIGIBLE TO OBTAIN A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-1-1320, RELATING TO THE ISSUANCE OF A PROVISIONAL DRIVER'S LICENSE, SO AS TO MAKE TECHNICAL CHANGES, AND TO DELETE THE PROVISION THAT GIVES CERTAIN PERSONS AUTHORITY TO ISSUE A PROVISIONAL DRIVER'S LICENSE AND REVIEW CANCELLATIONS AND SUSPENSION OF DRIVER'S LICENSES; TO AMEND SECTION 56-5-2941, RELATING TO PENALTIES THAT MAY BE IMPOSED FOR DRIVING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO PROVIDE DURING THE OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE AS A PENALTY, TO PROVIDE A PENALTY FOR A PERSON WHO IS INCAPABLE OF OPERATING AN IGNITION INTERLOCK DEVICE, TO REVISE CERTAIN PENALTIES CONTAINED IN THIS SECTION; THE LENGTH OF TIME AN INTERLOCK DEVICE MUST BE AFFIXED TO A VEHICLE, TO REVISE THE PENALTY FOR AN OFFENDER WHO HAS ACCUMULATED FOUR POINTS UNDER THE INTERLOCK DEVICE POINT SYSTEM, TO PROVIDE FOR THE USE OF FUNDS REMITTED TO THE INTERLOCK DEVICE FUND, TO REVISE THE FEES THAT MUST BE COLLECTED AND REMITTED TO THE INTERLOCK DEVICE FUND, AND TO PROVIDE THAT AN INTERLOCK DEVICE MUST CAPTURE A PHOTOGRAPHIC IMAGE OF A DRIVER AS HE OPERATES THE DEVICE; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO THE IMMOBILIZATION OF A PERSON'S VEHICLE UPON HIS CONVICTION OF AN ALCOHOL-RELATED DRIVING OFFENSE, SO AS TO PROVIDE THAT AS LONG AS A PERSON HOLDS A VALID IGNITION INTERLOCK LICENSE, HE IS NOT REQUIRED TO SURRENDER HIS LICENSE PLATES AND VEHICLE REGISTRATIONS; TO AMEND SECTION 56-5-2945, RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AND GREAT BODILY INJURY OR DEATH OCCURS, SO AS TO PROVIDE THAT A PERSON CONVICTED PURSUANT TO THIS SECTION MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A PERSON WHO OPERATES A MOTOR VEHICLE GIVING IMPLIED CONSENT TO CHEMICAL TESTS TO DETERMINE THE PRESENCE OF ALCOHOL OR DRUGS, SO AS TO REVISE THE PENALTY IMPOSED UPON A PERSON WHO REFUSES TO BE SUBJECTED TO A CHEMICAL TEST, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE WHO REFUSES TO SUBMIT TO BE TESTED TO DETERMINE HIS ALCOHOL CONCENTRATION, SO AS TO REVISE THE OFFENSES THAT ARE AFFECTED BY THIS SECTION, TO PROVIDE THAT A PERSON MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AS A ALTERNATE IN LIEU OF OTHER PENALTIES PROVIDED IN THIS SECTION; AND TO AMEND SECTION 56-5-2990, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR A VIOLATION OF CERTAIN ALCOHOL AND DRUG RELATED DRIVING OFFENSES, SO AS TO REVISE THE PENALTIES, AND TO INCLUDE REQUIRING CERTAIN PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICES PROGRAM.

Rep. QUINN moved to table the motion to reconsider, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

Rep. PATRICK moved that the House recur to the morning hour, which was agreed to.

**H. 3994--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3994 -- Reps. Patrick, Owens and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA READ TO SUCCEED ACT" BY ADDING CHAPTER 155 TO TITLE 59, TO ESTABLISH WITHIN THE DEPARTMENT OF EDUCATION THE SOUTH CAROLINA READ TO SUCCEED OFFICE TO IMPLEMENT A COMPREHENSIVE, SYSTEMIC APPROACH TO READING WITH SPECIFIC OBJECTIVES, TO PROVIDE OBLIGATIONS AND REQUIREMENTS OF THE PROGRAM, AND TO PROVIDE NECESSARY DEFINITIONS, AMONG OTHER THINGS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3994 (COUNCIL\AGM\3994C001. AGM.AB14):

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 155

South Carolina Read to Succeed Act

Section 59‑155‑110. There is established within the Department of Education the South Carolina Read to Succeed Office to implement a comprehensive, systemic approach to reading which will ensure that:

(1) classroom teachers, use evidence‑based reading instruction in prekindergarten through grade twelve to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide evidence‑based interventions as needed so that all students develop proficiency with literacy skills and comprehension;

(2) classroom teachers periodically reassess their curriculum and instruction to determine if they are helping each student progress as a proficient reader and make modifications as appropriate;

(3) each student who cannot yet comprehend grade‑level texts identified and served as early as possible and at all stages of his or her educational process;

(4) each student receives targeted, effective comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;

(5) each student and his parent or guardian is continuously informed in writing of:

(a) the student’s reading proficiency needs, progress, and ability to comprehend and write grade‑level text;

(b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend and write grade‑level texts; and

(c) specific actions that the parent or guardian can take to help the student comprehend grade‑level texts by providing access to books, assuring time for the student to read independently, reading to students, and talking with the student about books;

(6) classroom teachers receive preservice and in‑service coursework which prepares them to help all students comprehend grade‑level text;

(7) all students develop reading and writing proficiency to prepare them to graduate and to succeed in career and post‑secondary education; and

(8) each school district and each school develops and publishes annually a comprehensive research based reading plan that includes intervention options available to students and funding for these services.

Section 59‑155‑120. As used in this chapter:

(1) ‘Department’ means the State Department of Education.

(2) ‘Board’ means the State Board of Education.

(3) ‘Readiness assessment’ means assessments used to analyze students’ literacy, mathematical, physical, social, and emotional behavioral competencies in prekindergarten or kindergarten.

(4) ‘Research based formative assessment’ means assessments used within the school year to analyze the strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet individual student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

(5) ‘Summative assessment’ means state approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade level or content standards.

(6) ‘Discipline specific literacy’ means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English/language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education.

(7) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education.

(8) ‘Reading proficiency’ means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative or summative assessments.

(9) ‘Reading proficiency skills’ means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade appropriate texts.

(10) ‘Third grade reading proficiency’ means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by the results of state approved assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

(11) ‘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 at the lowest achievement level on the statewide summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS).

(12) ‘Summer reading camp’ means an educational program offered in the summer by each local school district for students who are unable to comprehend grade‑level text.

(13) ‘Reading portfolio’ means an organized collection of evidence and assessments documenting that the student has demonstrated mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment.

(14) ‘Writing proficiency skills’ means the ability to communicate information, analysis, and persuasive points of view effectively in writing.

Section 59‑155‑130. The Read to Succeed Office must guide and support districts and collaborate with university teacher training programs to increase reading proficiency through the following functions including, but not limited to:

(1) providing professional development to teachers, school principals, and other administrative staff on reading and writing instruction and reading assessment that informs instruction;

(2) providing professional development to teachers, school principals, and other administrative staff on reading and writing in content areas;

(3) working collaboratively with institutions of higher learning offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading‑literacy to design coursework leading to a literacy teacher add‑on endorsement by the State;

(4) providing professional development in reading coaching for already certified literacy coaches and literacy teachers;

(5) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers and writers;

(6) assisting school districts in the development and implementation of their district reading proficiency plans for research‑based reading instruction programs and to assist each of their schools to develop its own implementation plan aligned with the district and state plans;

(7) annually designing content and questions for and review and approve the reading proficiency plan of each district;

(8) monitor and report to the State Board of Education the yearly success rate of summer reading camps. Districts must provide statistical data to include the:

(a) number of students enrolled in camps;

(b) number of students by grade level who successfully complete the camps;

(c) number of third‑graders promoted to fourth grade;

(d) number of third‑graders retained; and

(e) total expenditure made on operating the camps by source of funds to include in‑kind donations; and

(9) provide an annual report to the General Assembly regarding the implementation of the South Carolina Read to Succeed Act and the State’s and districts’ progress toward ensuring that ninety‑five percent of all students are reading at grade level.

Section 59‑155‑140. (A)(1) The department, with approval by the State Board of Education, will develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board by February 1, 2015, and must include, but not be limited to, sections addressing the following components:

(a) reading process;

(b) professional development to increase teacher reading expertise;

(c) professional development to increase reading expertise and literacy leadership of principals and assistant principals;

(d) reading instruction;

(e) reading assessment;

(f) discipline specific literacy;

(g) writing proficiency skills;

(h) support for struggling readers;

(i) early childhood interventions;

(j) family support of literacy development;

(k) district guidance and support for reading proficiency;

(l) state guidance and support for reading proficiency;

(m) accountability; and

(n) urgency to improve reading proficiency.

(2) The plan must be based on reading research and proven effective practices, applied to the conditions prevailing in reading‑literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies that can be remedied through faithful implementation of research‑based practices. The plan must provide standards, format, and guidance for districts to use to develop and annually update their plans as well as to present and explain the research based rationale for state level actions to be taken. The plan must be updated annually and must incorporate a state reading proficiency progress report.

(3) The plan must include specific details and explanations for all substantial uses of state, local, and federal funds promoting reading literacy and best judgment estimates of the cost of research supported, thoroughly analyzed proposals for initiation, expansion, or modification of major funding programs addressing reading and writing. Analyses of funding requirements must be prepared by the department for incorporation into the plan.

(B)(1) Beginning in Fiscal Year 2015‑2016, each district must prepare a comprehensive annual reading proficiency plan for prekindergarten through twelfth grade consistent with the plan by responding to questions and presenting specific information and data in a format specified by the Read to Succeed Office. Each district’s PK‑12 reading proficiency plan must present the rationale and details of its blueprint for action and support at the district, school, and classroom levels. Each district should develop a comprehensive plan for supporting the progress of students as readers and writers, monitoring the impact of its plan, and using data to make improvements and to inform its plan for the subsequent years. The model district plan piloted in school districts in 2013‑2014 and revised based on the input of districts will be used as the initial district reading plan template implemented in Fiscal Year 2015‑2016.

(2) Each district PK‑12 reading proficiency plan shall:

(a) document the reading and writing assessment and instruction planned for all prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade‑level texts. Supplemental instruction should be provided by teachers who have a literacy teacher add‑on endorsement or by reading/literacy coaches and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or both;

(b) include a system for helping parents understand how they can support the student as a reader at home;

(c) provide for the monitoring of reading achievement and growth at the classroom, school and district levels with decisions about intervention based on all available data.

(d) ensure that students are provided with wide selections of texts over a wide range of genres and written on a wide range of reading levels to match the reading levels of students;

(e) provide teacher training in reading and writing instruction; and

(f) include strategically planned and developed partnerships with county libraries, state and local arts organizations, volunteers, social organizations and school media specialists to promote reading.

(3)(a) The Read to Succeed Office shall develop the format for the plan and the deadline for districts to submit their plans to the office for approval. A school district that does not submit a plan or whose plan is not approved will receive no state funds for reading until it submits a plan that is approved. All district reading plans must be reviewed and approved by the Read to Succeed Office. The office will provide written comments to each district on its plan and to all districts on common issues raised in prior or newly submitted district reading plans.

(b) The Read to Succeed Office will monitor the district and school plans and use their findings to inform the training and support the office provides to districts and schools.

(c) The Read to Succeed Office may direct a district that is persistently unable to prepare an acceptable PK‑12 reading proficiency plan or to help all students comprehend grade‑level texts to enter into a multi district or contractual arrangement to develop an effective intervention plan.

(C) Each school must prepare an implementation plan aligned with the plan of its district to enable the district to monitor and support implementation at the school level. The school plan should be a component of the school’s strategic plan required by Section 59‑18‑1310. A school plan should be sufficiently detailed to provide practical guidance for classroom teachers. Proposed strategies for assessment, instruction, and other activities specified in the school plan must be sufficient to provide to classroom teachers and other instructional staff helpful guidance that can be related to the critical reading and writing needs of students in the school. In consultation with the School Improvement Council, each school must include in its plan the training and support that will be provided to parents as needed to maximize their promotion of reading and writing by students at home and in the community.

Section 59‑155‑150. (A) The State Board of Education shall ensure that every student entering the public schools for the first time in prekindergarten and kindergarten will be administered a readiness assessment by the forty‑fifth day of the school year. The assessment must assess each child’s early language and literacy development, mathematical thinking, physical wellbeing, and social emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, and health problems, and concerning appropriate instruction and support for each child. The results of the assessments and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm for their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office through an electronic information system.

(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in‑class and supplemental reading intervention and immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write grade‑level text independently. In addition, the parent or guardian of the student must be notified in writing of the child’s inability to read grade‑level texts during and at the end of the planned interventions. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office for individually identified students.

(C) Programs that focus on early childhood literacy development in the State are required to promote:

(1) parent training and support for parent involvement in developing children’s literacy; and

(2) development of oral language, print awareness, and emergent writing; and are encouraged to promote community literacy including, but not limited to, primary health care providers, faith based organizations, county libraries, and service organizations.

(3) Districts that fail to provide reports on summer reading camps pursuant to Section 59‑15‑130(8) are ineligible to receive state funding for summer reading camps for the following fiscal year; however, districts must continue to operate summer reading camps as defined in this act.

Section 59‑155‑160. (A) Beginning with the 2017‑2018 school year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS). A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individualized education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose individual education plan or Section 504 plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading and after a student’s participation in a summer reading camp;

(4) who have received two years of reading intervention and were previously retained; and

(5) who through a reading portfolio document the student’s mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the State’s English/language arts standards that are assessed by the Grade Three state reading assessment. The student portfolio must meet the following criteria:

(a) be selected by the student’s English/language arts teacher or summer reading camp instructor;

(b) be an accurate picture of the student’s ability and include only student work that has been independently produced in the classroom;

(c) include evidence that the benchmarks assessed by the Grade Three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district’s or school’s adopted core reading curriculum that are aligned with the State English/language arts standards or teacher‑prepared assessments;

(d) be an organized collection of evidence of the student’s mastery of the English/language arts state standards that are assessed by the Grade Three state reading assessment. For each benchmark, there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate. This evidence must be limited to the individual education program, alternative assessments or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(C) Students scoring at the lowest achievement level on the statewide summative reading assessment may enroll in a summer camp prior to being retained the following school year. Summer camps must be six to eight weeks long for four or five days each week and include at least four hours of instructional time daily. The camps must be taught by compensated teachers who have at least a Literacy Endorsement add‑on and who have demonstrated substantial success in helping students comprehend grade‑level texts. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer camp. A district may offer summer reading camps for students who are not exhibiting reading proficiency in prekindergarten through second grade. The district may charge fees based on a sliding scale pursuant to Section 59‑19‑90. Students who demonstrate third grade reading proficiency through an alternative assessment or student reading portfolio after completing the summer reading camp qualify for good cause exemptions specified in Section 59‑155‑160 and promotion to the fourth grade.

(D) Retained students must be provided intensive instructional services and supports including a minimum of ninety minutes of daily reading and writing instruction, supplemental instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The school must report to the Read to Succeed Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third‑grade reading proficiency by the end of third grade, his parent or guardian must be notified in a timely manner and in writing, that the student will be retained unless exempted from mandatory retention for good cause. The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The written notification must include a description of the proposed reading interventions that will be provided to help the student comprehend grade‑level texts. The parent, guardian, or other education advocate must receive written reports at least monthly on the student’s progress towards being able to read grade‑level texts based upon the student’s classroom work, observations, tests, assessment, and other information. The parent, guardian, or other education advocate also must be provided with a plan for promoting reading at home, including participation in shared or guided reading workshops for the parent, guardian, or other family members. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions will be provided in the classroom and supplementally by teachers with a Literacy Teacher add‑on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school in book clubs or through a summer reading camp.

Section 59‑155‑170. (A) To help students develop and apply their reading and writing skills across the school day in all the academic disciplines, including, but not limited to, English/language arts, mathematics, science, social studies, art, career and technology education, and physical and health education, teachers of these content areas at all grade levels must focus on helping students comprehend print and non‑print texts authentic to the content area. The Read to Succeed Program is intended to institutionalize in public schools a comprehensive system to promote high achievement in the content areas described in this chapter through extensive reading and writing. Research‑based practices must be employed to promote comprehension skills through, but not limited to:

(1) vocabulary;

(2) connotation of words;

(3) connotations of words in context with adjoining or prior text;

(4) concepts from prior text;

(5) personal background knowledge;

(6) ability to interpret meaning through sentence structure features;

(7) questioning;

(8) visualization; and

(9) discussion of text with peers.

(B) These practices must be mastered by teachers through high quality training and addressed through well‑designed and effectively executed assessment and instruction implemented with fidelity to research‑based instructional practices presented in the state, district, and school reading plans. All teachers, administrators, and support staff must be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing.

(C) During the 2014‑2015 school year, the Read to Succeed Office will establish a set of essential competencies that describe what certified teachers at the early childhood, elementary, middle, or secondary levels must know and be able to do so that all students can comprehend grade‑level texts. These competencies, developed collaboratively with faculty of higher education institutions and based on research and national standards, must then be incorporated into the coursework required by Section 59‑155‑180. The Read to Succeed Office, in collaboration with South Carolina Educational Television, shall provide professional development courses to ensure that educators have access to multiple avenues of receiving endorsements.

Section 59‑155‑180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English/language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in prekindergarten through twelfth grade, the State will strengthen its preservice and inservice teacher education programs.

(B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs including Master of Arts in Teaching degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve‑credit hour sequence in literacy that includes a school‑based practicum and ensures that candidates grasp the theory, research and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre‑service teacher education programs prioritize its mission and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(2) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs, including Master of Arts in Teaching degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six‑credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content‑area reading. All middle and secondary teacher preparation programs are to be approved by the Read to Succeed Office to ensure that all teacher candidates possess the necessary knowledge and skills to assist effectively all adolescents in becoming proficient readers.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways are needed for developing this capacity.

(2)(a) Reading/literacy coaches employed in schools will serve as job‑embedded, stable resources for professional development through a school to foster improving in reading instruction and student reading achievement. Beginning in 2015‑2016 reading/literacy coaches are required to earn the add‑on certification within six years by taking the courses as required by the department for the add‑on endorsement. Reading/literacy coaches will support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading/literacy coach will:

(i) model effective instructional strategies for teachers;

(ii) facilitate study groups;

(iii) train teachers in data analysis and using data to differentiate instruction; coaching and mentoring colleagues;

(iv) work with teachers to ensure that research‑based reading programs are implemented with fidelity; and

(v) help lead and support reading leadership teams.

(b) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the role of improving reading instruction and reading performance of students.

(3) Beginning in 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their low reading and writing proficiency skills are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. The courses leading to the endorsement must be approved by the State Board of Education and must include classes in foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑alone practicum. Whenever possible, these courses must be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on reading teacher certification can take a content area reading course to obtain their literacy teacher add‑on endorsement. Teachers who have earned a masters degree or doctorate degree in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery or another program that are approved by the State Board of Education in regulation are exempt from this requirement.

(4) Beginning in 2015‑2016, middle and secondary certified classroom teachers are required to take at least two courses or six credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses must be approved by the State Board of Education and include courses leading to the literacy teacher add‑on endorsement. Coursework in reading must include a course in reading in the content areas. Whenever possible, these courses will be offered at a professional development rate which is lower than the certified teacher rate. Only certified teachers who have earned a masters degree or doctorate degree in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery or another program as approved by the State Board of Education in regulation are exempt from this requirement.

(5) Beginning in 2015‑2016, principals and administrators who are responsible for reading instruction or intervention and school psychologists in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office. The course or professional development must include information about reading processes, instruction, and assessment or content area literacy and must be approved by the Read to Succeed Office.

(6) Beginning in 2015‑2016, reading/literacy coaches are required to earn the add‑on certification within six years by taking the courses as required by the department for the add‑on.

Section 59‑155‑190. Local school districts are encouraged to create family school community partnerships that focus on increasing the volume of reading, in school and at home, during the year and at home and in the community over the summer. Schools and districts should partner with county libraries, community organizations, local arts organizations, faith‑based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports, services, and books that enhance reading development and proficiency. A district shall include specific actions taken to accomplish the requirements of this section in its reading proficiency plan.

Section 59‑155‑200. The Read to Succeed Office and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading and writing habits and skills of their children. With support from the Read to Succeed Office, districts and individual schools shall provide families with helpful information about how they can support this progress. This family support must include providing time for their child to read as well as reading to the child. To ensure that all families have access to a considerable number and diverse range of books appealing to their children, schools should develop plans for enhancing home libraries and for accessing books from county libraries and school libraries and to inform families about their child’s ability to comprehend grade‑level texts and how to interpret information about reading that is sent home. The districts and schools shall help families learn about reading and writing through home visits, open houses, South Carolina ETV, video and audio tapes, websites, and school‑family events and collaborations that help link home and school. The information should enable family members to understand the reading and writing skills required for graduation and essential for success in a career.

Section 59‑155‑210. The board and department shall translate the statutory requirements for reading and writing specified in this act into standards, practices, and procedures for school districts, boards, and their employees and for other organizations as appropriate. In this effort they will solicit the advice of education stakeholders who have a deep understanding of reading as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.”

SECTION 2. This act takes effect upon approval by the Governor and is subject to the availability of state funding. /

Renumber sections to conform.

Amend title to conform.

Rep. PATRICK spoke in favor of the amendment.

Reps. J. E. SMITH, SOUTHARD, JEFFERSON, WILLIAMS, KING, R. L. OTT, PUTNAM, THAYER, WHITMIRE, SANDIFER, WHITE, GOVAN, NEAL, PATRICK, KNIGHT, COBB-HUNTER, DOUGLAS, HIOTT, HOSEY, CLYBURN, ANDERSON, WOOD, GILLIARD, OWENS, TAYLOR, J. R. SMITH, ROBINSON-SIMPSON, DILLARD, HUGGINS, BALLENTINE, HIXON, NORRELL and ANTHONY requested debate on the Bill.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KING a leave of absence for the remainder of the day.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3949--RECOMMITTED**

The following Bill was taken up:

H. 3949 -- Reps. Felder, Spires, Southard, Allison, Erickson, Gagnon, George, Hayes, Horne, Norman, Norrell, Simrill and Wells: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-15-93 SO AS TO DEFINE THE TERM "TOOTH WHITENING"; TO AMEND SECTION 40-15-70, RELATING TO THE PRACTICE OF DENTISTRY, SO AS TO INCLUDE TOOTH WHITENING WITHIN THE PRACTICE OF DENTISTRY; AND TO AMEND SECTION 40-15-102, RELATING TO THE FUNCTIONS A DENTAL HYGIENIST MAY PERFORM IN A PRIVATE DENTAL OFFICE, SO AS TO INCLUDE TOOTH WHITENING.

Rep. PARKS explained the Bill.

Rep. K. R. CRAWFORD moved to recommit the Bill to the Committee on Medical, Military, Public and Municipal Affairs.

Rep. PARKS moved to table the motion.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 44; Nays 62

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bowen | Bowers |
| Clyburn | Cobb-Hunter | Dillard |
| Douglas | Erickson | Felder |
| Funderburk | Gilliard | Govan |
| Hardee | Harrell | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Knight | Mack |
| McEachern | M. S. McLeod | W. J. McLeod |
| Munnerlyn | Neal | Norrell |
| R. L. Ott | Parks | Pope |
| Ridgeway | Robinson-Simpson | Sabb |
| Southard | Spires | Stavrinakis |
| Vick | Weeks | Whipper |
| White | Williams |  |

**Total--44**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Bedingfield | Bingham |
| Branham | Brannon | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Edge |
| Finlay | Forrester | Gagnon |
| Goldfinch | Hamilton | Hardwick |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Newton | Norman |
| Owens | Patrick | Pitts |
| Putnam | Riley | Rivers |
| Ryhal | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Wells | Whitmire |
| Willis | Wood |  |

**Total--62**

So, the House refused to table the motion to recommit.

The question then recurred to the motion to recommit the Bill.

Rep. BEDINGFIELD demanded the yeas and nays which were taken, resulting as follows:

Yeas 58; Nays 52

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Bedingfield | Bingham |
| Bowen | Brannon | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Erickson |
| Finlay | Forrester | Gagnon |
| Goldfinch | Hamilton | Hardwick |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | McCoy | Merrill |
| V. S. Moss | Murphy | Nanney |
| Newton | Norman | Owens |
| Patrick | Putnam | Rivers |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Wells | Whitmire | Willis |
| Wood |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bowers | Branham |
| G. A. Brown | Clyburn | Cobb-Hunter |
| Dillard | Douglas | Edge |
| Felder | Funderburk | George |
| Gilliard | Govan | Hardee |
| Harrell | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Knight | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| Munnerlyn | Neal | Norrell |
| R. L. Ott | Parks | Pitts |
| Pope | Ridgeway | Riley |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | J. E. Smith | Southard |
| Spires | Stavrinakis | Vick |
| Weeks | Whipper | White |
| Williams |  |  |

**Total--52**

So, the motion to recommit the Bill was agreed to.

**H. 4527--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4527 -- Reps. Felder, D. C. Moss, Brannon, Allison, Daning, Crosby, V. S. Moss, Hosey, Sottile, Clyburn, Kennedy, Spires, Quinn, R. L. Brown, Cole, Forrester, Pope, Rivers, Wood and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-195 SO AS TO ESTABLISH "A DAY OF RECOGNITION FOR VETERANS' SPOUSES AND FAMILIES" ON THE DAY AFTER THANKSGIVING DAY EACH YEAR.

Rep. WILLIAMS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| Burns | Chumley | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Knight |
| Limehouse | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Neal |
| Newton | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**H. 4665--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4665 -- Reps. H. A. Crawford, Erickson, Atwater, Allison, Clemmons, Gagnon, Goldfinch, Hardee, Hardwick, Harrell, Henderson, Horne, Nanney, Putnam, Quinn, Ryhal and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-185 SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A MINOR CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, TO REQUIRE CHILDCARE FACILITIES TO MAINTAIN RECORDS THAT DOCUMENT RECEIPT OF PARENTAL PERMISSION, AND TO PROVIDE CRIMINAL PENALTIES.

Rep. WHITE moved to adjourn debate on the Bill until Thursday, April 3, which was agreed to.

**S. 842--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 842 -- Senator Cleary: A BILL TO AMEND CHAPTER 12, TITLE 25 OF THE 1976 CODE, RELATING TO VETERAN'S UNCLAIMED CREMATED REMAINS, TO PROVIDE THAT A CORONER MAY WORK WITH A VETERANS SERVICE ORGANIZATION TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN PURSUANT TO THE PROVISIONS CONTAINED IN THIS CHAPTER.

Rep. WILLIAMS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**S. 714--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 714 -- Senator Hutto: A BILL TO AMEND CHAPTER 15, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NONGAME AND ENDANGERED SPECIES CONSERVATION ACT, SO AS TO RENAME THIS CHAPTER "NONGAME AND ENDANGERED SPECIES", TO DESIGNATE THE CHAPTER'S EXISTING SECTIONS AS "ARTICLE 1 NONGAME AND ENDANGERED WILDLIFE SPECIES", TO DELETE THE SECTION THAT REGULATES ALLIGATOR HUNTING, CONTROL, AND MANAGEMENT, AND TO ADD ARTICLE 3 TO THIS CHAPTER WHICH IS ENTITLED THE "SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT" WHICH ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO REGULATE THE BUSINESS OF PROPAGATING ALLIGATORS FOR COMMERCIAL PURPOSES AND THE HUNTING, CONTROL, AND MANAGEMENT OF ALLIGATORS.

Rep. V. S. MOSS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Finlay | Forrester |
| Funderburk | Gagnon | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Hosey | Howard | Huggins |
| Jefferson | Knight | Limehouse |
| Loftis | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Sellers | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--105**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**S. 839--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 839 -- Senators Bryant, Bright and Davis: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 55 CONCERNING INDUSTRIAL HEMP; TO PROVIDE THAT IT IS LAWFUL TO GROW INDUSTRIAL HEMP IN THIS STATE; TO CLARIFY THAT INDUSTRIAL HEMP IS EXCLUDED FROM THE DEFINITION OF MARIJUANA; TO PROHIBIT GROWING INDUSTRIAL HEMP AND MARIJUANA ON THE SAME PROPERTY OR OTHERWISE GROWING MARIJUANA IN CLOSE PROXIMITY TO INDUSTRIAL HEMP TO DISGUISE THE MARIJUANA GROWTH; AND TO DEFINE NECESSARY TERMS.

Rep. HODGES explained the Bill.

Reps. BEDINGFIELD, SANDIFER, WHITMIRE, DANING, RIVERS, SOUTHARD, RILEY, FORRESTER, ALLISON, WOOD, CHUMLEY, BRANNON, HIOTT, WELLS, HARDWICK, J. R. SMITH, HIXON, RYHAL, NANNEY, G. R. SMITH, H. A. CRAWFORD, G. A. BROWN, ANDERSON and GEORGE requested debate on the Bill.

**S. 986--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 986 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LAND OF OTHERS, TO INCREASE THE PENALTIES FOR THESE OFFENSES.

Rep. VICK explained the Bill.

Reps. THAYER, GAGNON, PUTNAM, WHITE, SANDIFER, MURPHY, WHITMIRE, BOWEN, JEFFERSON, R. L. OTT, SABB, GEORGE, ERICKSON, VICK, ANTHONY, TALLON, FORRESTER, ANDERSON, HOSEY, HIOTT, G. A. BROWN, HARDWICK, RYHAL, WOOD, HIXON, J. R. SMITH, H. A. CRAWFORD, G. R. SMITH, BEDINGFIELD and EDGE requested debate on the Bill.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

Rep. HARDWICK moved that the House recur to the morning hour, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 2, 2014

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. HARDWICK the invitation was accepted.

**S. 1010--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1010 -- Senators McGill, Cleary and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 3, TITLE 50 SO AS TO CREATE THE TOM YAWKEY CENTER TRUST FUND.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, April 8, which was agreed to.

**S. 1028--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1028 -- Senator Alexander: A BILL TO AMEND SECTION 50-25-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT ON TUGALO LAKE, SO AS TO INCREASE THE AMOUNT OF HORSEPOWER A WATERCRAFT

MOTOR MAY USE ON TUGALO LAKE FROM TWENTY TO TWENTY-FIVE HORSEPOWER.

Rep. VICK explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**H. 4864--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4864 -- Rep. Gambrell: A BILL TO AMEND SECTION 46-21-215, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRED LABELS AND TAGS FOR CONTAINERS OF AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS, SO AS TO REVISE CERTAIN OF THESE LABELING AND TAGGING REQUIREMENTS.

Rep. HODGES explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. FINLAY a leave of absence for the remainder of the day.

**H. 4993--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4993 -- Rep. Barfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-125 SO AS TO DESIGNATE THE THIRD SATURDAY IN SEPTEMBER AS "AYNOR HARVEST HOE-DOWN FESTIVAL WEEKEND".

Rep. CLEMMONS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Knight | Limehouse |
| Loftis | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Ridgeway | Riley |
| Rivers | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--99**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**H. 4994--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4994 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CRITICAL CONGENITAL HEART DEFECTS SCREENING ON NEWBORNS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4429, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. RYHAL explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 4995--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4995 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF NURSING, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4447, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. PARKS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Knight | Limehouse |
| Loftis | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 4476--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4476 -- Rep. Weeks: A BILL TO AMEND SECTION 56-5-2953, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECORDING OF AN INCIDENT SITE AND BREATH TEST SITE WHEN A PERSON IS CHARGED WITH A TRAFFIC OFFENSE RELATED TO THE UNLAWFUL USE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO PROVIDE THAT THE VIDEO RECORDING TAKEN AT THE BREATH TEST SITE ALSO MUST INCLUDE AN AUDIBLE RECORDING.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4476 (COUNCIL\GGS\4476C001.GGS.AHB14):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56‑5‑2953 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

Section 56‑5‑2953. (A) A person who violates Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 must have his conduct at the incident site and the breath test site video recorded.

(1)(a) The video recording at the incident site must:

(i) not begin later than the activation of the officer’s blue lights;

(ii) include an audio recording;

(iii) include any field sobriety tests administered; and

~~(iii)~~(iv) include the arrest of a person for a violation of Section 56‑5‑2930 or Section 56‑5‑2933, or a probable cause determination in that the person violated Section 56‑5‑2945, and show the person being advised of his Miranda rights.

(b) A refusal to take a field sobriety test does not constitute disobeying a police command.

(2) The video recording at the breath test site must:

(a) include the entire breath test procedure, the person being informed that he is being video recorded, and that he has the right to refuse the test;

(b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and

(c) also include the person’s conduct during the required twenty‑minute pretest waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period.

(3) The video recordings of the incident site and of the breath test site are admissible pursuant to the South Carolina Rules of Evidence in a criminal, administrative, or civil proceeding by any party to the action.

(B) Nothing in this section may be construed as prohibiting the introduction of other relevant evidence in the trial of a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945. Failure by the arresting officer to produce the video or audio recording required by this section is not alone a ground for dismissal of any charge made pursuant to Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 if the arresting officer submits a sworn affidavit certifying that the video or audio recording equipment at the time of the arrest or probable cause determination, or video equipment at the breath test facility was in an inoperable condition, stating which reasonable efforts have been made to maintain the equipment in an operable condition, and certifying that there was no other operable breath test facility available in the county or, in the alternative, submits a sworn affidavit certifying that it was physically impossible to produce the video or audio recording because the person needed emergency medical treatment, or exigent circumstances existed. In circumstances including, but not limited to, road blocks, traffic accident investigations, and citizens’ arrests, where an arrest has been made and the video and audio recording equipment ~~has~~have not been activated by blue lights, the failure by the arresting officer to produce the video or audio recordings required by this section is not alone a ground for dismissal. However, as soon as video and audio recording is practicable in these circumstances, video and audio recording must begin and conform with the provisions of this section. Nothing in this section prohibits the court from considering any other valid reason for the failure to produce the video or audio recording based upon the totality of the circumstances; nor do the provisions of this section prohibit the person from offering evidence relating to the arresting law enforcement officer’s failure to produce the video or audio recording.

(C) A video or audio recording must not be disposed of in any manner except for its transfer to a master recording for consolidation purposes until the results of any legal proceeding in which it may be involved are finally determined.

(D) SLED is responsible for purchasing, maintaining, and supplying all necessary video recording equipment for use at the breath test sites. SLED also is responsible for monitoring all breath test sites to ensure the proper maintenance of video recording equipment. The Department of Public Safety is responsible for purchasing, maintaining, and supplying all videotaping and audio equipment for use in all law enforcement vehicles used for traffic enforcement. The Department of Public Safety also is responsible for monitoring all law enforcement vehicles used for traffic enforcement to ensure proper maintenance of video and audio recording equipment.

(E) Beginning one month from the effective date of this section, all of the funds received in accordance with Section 14‑1‑208(C)(9) must be expended by SLED to equip all breath test sites with video recording devices and supplies. Once all breath test sites have been equipped fully with video recording devices and supplies, eighty‑seven and one‑half percent of the funds received in accordance with Section 14‑1‑208(C)(9) must be expended by the Department of Public Safety to purchase, maintain, and supply video recording equipment for vehicles used for traffic enforcement. The remaining twelve and one‑half percent of the funds received in accordance with Section 14‑1‑208(C)(9) must be expended by SLED to purchase, maintain, and supply video recording equipment for the breath test sites. Funds must be distributed by the State Treasurer to the Department of Public Safety and SLED on a monthly basis. The Department of Public Safety and SLED are authorized to carry forward any unexpended funds received in accordance with Section 14‑1‑208(C)(9) as of June thirtieth of each year and to expend these carried forward funds for the purchase, maintenance, and supply of video recording equipment. The Department of Public Safety and SLED must report the revenue received under this section and the expenditures for which the revenue was used as required in the department’s and SLED’s annual appropriation request to the General Assembly.

(F) The Department of Public Safety and SLED must promulgate regulations necessary to implement the provisions of this section.

(G) The provisions contained in Section 56‑5‑2953(A), (B), and (C) take effect for each law enforcement vehicle used for traffic enforcement once the law enforcement vehicle is equipped with a video recording device. The provisions contained in Section 56‑5‑2953(A), (B), and (C) take effect for a breath test site once the breath test site is equipped with a video recording device.”

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

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

Rep. ATWATER moved to adjourn debate on the Bill until Tuesday, April 8, which was agreed to.

**H. 3959--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3959 -- Reps. Kennedy, Quinn, Spires, Huggins, Atwater, Bingham, Delleney, Felder, Finlay, D. C. Moss, Norman, Pope, Sellers, Simrill, Tallon, Weeks, Wood and Whipper: A BILL TO AMEND SECTION 16-15-395, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE; TO AMEND SECTION 16-15-405, AS AMENDED, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE AND INCREASE THE MAXIMUM PENALTY FROM TEN TO FIFTEEN YEARS; AND TO AMEND SECTION 16-15-410, AS AMENDED, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE.

Rep. WEEKS moved to adjourn debate on the Bill until Thursday, April 3, which was agreed to.

Rep. CLEMMONS moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5019 -- Reps. Pitts, Willis, Anthony, Alexander, Allison, Anderson, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR HUNTER BOND OF LAURENS COUNTY FOR HIS SUCCESS AND SKILL AS A BASS FISHERMAN AND TO CONGRATULATE HIM FOR WINNING THE 2014 SOUTH CAROLINA STATE CHAMPIONSHIP OF THE BASS FEDERATION/FORREST L. WOOD HIGH SCHOOL OPEN.

H. 5020 -- Reps. Hardwick, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND FORESTBROOK MIDDLE SCHOOL IN MYRTLE BEACH FOR OUTSTANDING WORK IN EDUCATING STUDENTS AND TO CONGRATULATE THE ADMINISTRATION, FACULTY, STAFF, STUDENTS, AND PARENTS FOR BEING HONORED AS A 2014 PALMETTO'S FINEST AWARD WINNER.

H. 5021 -- Reps. Hardwick, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND MIDLAND ELEMENTARY SCHOOL IN GALIVANTS FERRY FOR OUTSTANDING WORK IN EDUCATING STUDENTS AND TO CONGRATULATE THE ADMINISTRATION, FACULTY, STAFF, STUDENTS, AND PARENTS FOR BEING HONORED AS A 2014 PALMETTO'S FINEST AWARD WINNER.

H. 5025 -- Reps. Pitts, Willis, Anthony, Alexander, Allison, Anderson, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GEORGE LEWIS COMPTON OF LAURENS COUNTY FOR HIS SUCCESS AND SKILL AS A BASS FISHERMAN AND TO CONGRATULATE HIM FOR WINNING THE 2014 SOUTH CAROLINA STATE CHAMPIONSHIP OF THE BASS FEDERATION/FORREST L. WOOD HIGH SCHOOL OPEN.

H. 5029 -- Rep. Funderburk: A CONCURRENT RESOLUTION TO CONGRATULATE JACK BRANTLEY OF KERSHAW COUNTY ON RECEIVING THE NATIONAL SOCIETY DAR COMMUNITY SERVICE AWARD, PRESENTED BY THE HOBKIRK HILL CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

**ADJOURNMENT**

At 4:52 p.m. the House, in accordance with the motion of Rep. BERNSTEIN, adjourned in memory of Shepard Roy "Shep" Cutler of Columbia, to meet at 10:00 a.m. tomorrow.

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