**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3367**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Fry, Huggins, Dillard, Hewitt, Pendarvis, Trantham, Alexander, Pope, B. Newton, Wooten, McGarry and Bryant

Document Path: l:\council\bills\cc\15885vr21.docx

Companion/Similar bill(s): 458

Introduced in the House on January 12, 2021

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

Summary: Controlled substances, trafficking offenses

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 172](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 172](file:///h:\hj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3367_20201209.docx)

**A** **BILL**

TO AMEND SECTIONS 44-53-190 AND 44‑53‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD A DEFINITION FOR “FENTANYL-RELATED SUBSTANCES” AND TO ADD AN OFFENSE FOR “TRAFFICKING IN FENTANYL”.

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

SECTION 1. Section 44‑53‑190(B) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“\_\_. Fentanyl‑related substances. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

a. replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

b. substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

c. substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

d. replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

e. replacement of the N‑propionyl group by another acyl group.

This definition includes, but is not limited to, the following substances: Methylacetyl fentanyl, Alpha‑methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta‑hydroxyfentanyl, Beta‑hydroxy‑3‑methylfentanyl, 3‑Methylfentanyl, Methylthiofentanyl, Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta‑Hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanoyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl Fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fenantyl.”

SECTION 2. Section 44‑53‑370(e) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) four grams or more of any fentanyl or fentanyl‑related substance, as described in Section 44‑53‑190 or 44‑53‑210, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as ‘trafficking in fentanyl’ and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not more than twenty years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars;

(b) for a second or subsequent offense, a term of imprisonment of not more than thirty years, no part of which may be suspended or probation granted, and a fine of one hundred thousand dollars;

(c) for an offense that results in a fatal overdose, the term of imprisonment must be increased by an additional sentence of up to twenty years to run consecutively.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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