



South Carolina House of Representatives

Legislative Update

G. Murrell Smith, Speaker of the House

Vol. 41

January 15, 2024

No. 2

LEGISLATIVE UPDATE

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House Floor Actions

H. 4617 Xylazine

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

H. 4720 Continuing Resolution

The House of Representatives approved and sent the Senate Joint Resolution H. 4720, a continuing resolution for funding state government. Should the 2024-2025 state fiscal year begin without an annual general appropriations act in effect, the legislation provides authority for paying recurring state government expenses at the levels set out in the general appropriations act for Fiscal Year 2023-2024, Act 84 of 2023. This protocol for funding state government in the absence of budget legislation also makes provisions for the payments that are needed for timely debt service on state obligations and for the fulfilment of constitutionally required funding, such as appropriations for the Capital Reserve Fund.

Committees

Agriculture, Natural Resources, and Environmental Affairs

The Agriculture, Natural Resources, and Environmental Affairs Committee held a special meeting on Wednesday, January 10, 2024, to hear a presentation on the status of the wild turkey program by the South Carolina Department of Natural Resources. The presentation included a review of an evident decline in the population of wild turkey in the state and throughout the southeast. As a result, the Department provided the committee with recommendations to address the decline.

In addition, the committee also heard a presentation by the department on the current regulation of captive wildlife program. The Department is seeking authority to regulate all wildlife possessions outside of normal hunting, trapping and research.

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Medical, Military, Public and Municipal Affairs

The Medical, Military, Public and Municipal Affairs Committee met on Wednesday, January 10, 2024, to address two bills.

H. 4617 Xylazine

The committee gave a favorable report to H. 4617, a bill that would add Xylazine, a legal tranquilizing drug used on large animals by veterinarians, on the list of Scheduled II Drugs. Xylazine is being mixed with other illegal “street” drugs placing users at a higher risk of fatal drug poisoning. As a result, adding Xylazine to the Scheduled II list allows for law enforcement to respond accordingly. The bill outlines that it is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute xylazine for a use other than a nonhuman use. The provision does not apply to the production, manufacturing, distribution or possession of it when used in legitimate veterinary practice. The bill also outlines that a person who violates the provision is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than fifteen thousand dollars, or both.

H. 4624 Gender Reassignment Procedures

The Committee gave a favorable, with amendment, recommendation to H. 4624, a bill prohibiting any health care professional from engaging in gender transition procedures to a person under the age of 18 years old. The bill outlines that “gender transition procedures” means puberty-blocking drugs, cross-sex hormones, or genital or nongenital gender reassignment surgery, provided or performed for the purpose of assisting an individual with a physical gender transition.

The bill does exempt mental health providers offering mental health services. A physician or other health care professional may provide to a patient who is under 18 years of age appropriate medical services to a person who was born with a medically verifiable disorder of sexual development. The bill prohibits the use of public funds for gender transition procedures. Additionally, the bill prohibits the South Carolina Medicaid Program from reimbursing or providing coverage for practices prohibited under the provisions of the bill for individuals under twenty-six years of age. The bill provides penalties for violations of the provisions of the bill and grants enforcement authority to the appropriate licensing entity.

Introductions

Agriculture, Natural Resources, and Environmental Affairs

H. 4820 Hunting and Taking of Male Wild Turkey Rep. Forrest

The bill would change the current wild turkey hunting season to a statewide hunting season to be set from April 10 through May 10. The bill would also reduce the bag limit for statewide residents from three to two. In addition, the bill outlines that these provisions will expire five years after the approval of the Governor.

H. 4834 Certain Land Disturbing Activities on Agricultural Land Exempt from the "Stormwater Management and Sediment Reduction Act" Rep. McCabe

This bill proposes to add to the list of exemptions under the "Stormwater Management and Sediment Reduction Act" to agricultural structures used to house livestock, poultry, crops, or other agricultural products, materials, or equipment, as well as other types of agricultural structures of one or more acres under certain circumstances.

Education and Public Works

H. 4818 Water Bottles to School Rep. Felder

H. 4818 would allow public school students and employees to bring water bottles to school.

H. 4819 Photographs and Handicapped Parking Placards Rep. Felder

H. 4819 would allow applicants for handicapped parking placards to provide a photograph for the placard subject to the Department of Motor Vehicle's approval.

H. 4821 Midlands Technical College Commission Rep. May

H. 4821, relating to the composition of the Midlands Technical College Commission, would increase the number of members representing Lexington county by one member and to correspondingly reduce the number of members representing Richland county by one member.

H. 4822 Alternate Satisfaction of Physical Education Coursework Requirements Rep. May

H. 4822 relates to public school physical education requirements for high school graduation and alternate equivalent instruction. The bill would provide that participation for one full season on high school sports teams, local recreational department teams, or teams sponsored by nonprofit youth sports organizations must satisfy the physical education coursework requirement for high school graduation.

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Judiciary

H. 4809 Hot Motor Vehicle Rescues Rep. May

After trying to locate the owner, anyone entering any motor vehicle to remove a minor, a vulnerable adult, or an animal --that is not livestock or poultry-- experiencing a life, or health, threatening crisis would be immune from criminal prosecution or civil liability under this proposal. Extreme hot or cold weather, lack of proper ventilation, or lacking any other protections against the elements for these occupants would trigger application of this immunity.

H. 4813 Training Certification Background Checks Rep. Wooten

Law enforcement officers, and others, trained by the South Carolina Law Enforcement Training Council, who want certificates of their training compliance would have to undergo criminal background checks. The South Carolina Law Enforcement Division (SLED) and the FBI could retain these applicants' fingerprints. Applicants would pay for these records checks.

H. 4815 No Pre-Rental Credit Checks Rep. Gilliard

Landlords would be prohibited from requiring credit checks from potential tenants before allowing them to rent a unit, if this bill becomes law.

H. 4816 Personal Property Removed from Public Housing Units Rep. Gilliard

Personal property owned by public housing tenants, which is removed as part of any eviction by their landlords, would have to be stored for six months after their eviction. Public housing landlords would also have to give notice to these evicted tenants that uncollected property left over six months would be disposed. Landlords would have to pay all storage costs.

H. 4825 Luring a Child Rep. Hewitt

Unlawfully luring a child would be added as a serious crime under our criminal attempted kidnapping statutes should this bill be enacted. A maximum penalty of five years in jail is proposed for these offenders. A minor under this bill would be considered to be anyone under the age of 18.

Labor, Commerce, and Industry

H. 4754 Real Estate Brokers, Brokers-In-Charge, Associates, and Property Managers Rep. Sandifer

This bill makes revisions to the provisions governing the licensing and regulation of real estate brokers, brokers-in-charge, associates, and property managers.

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H. 4814 Licensure or Certification Required for Public Housing Authority Maintenance Personnel Rep. Gilliard

This bill provides that any part-time or full-time maintenance personnel hired to work for a public housing authority in this state must have a valid license or certification in the area in which they are hired to perform work for the public housing authority.

H. 4823 Expedited Review for Business and Occupational Licenses and Permits Rep. Blackwell

This bill requires expedited review options for certain licenses and permits required for businesses and occupations. the legislation establishes provisions requiring timely approval of professional and occupational licenses. state agencies are prohibited from implementing or enforcing policies, guidelines, or other interpretive statements that have not been promulgated as regulations through the Administrative Procedures Act.

H. 4832 “Paid Family Leave Insurance Act” Rep. Hardee

This bill enacts the “Paid Family Leave Insurance Act” to establish family leave benefits and outline requirements of family leave insurance policies.

H. 4835 Exemptions from Contractor Licensing Requirements for Owners Constructing Farm Buildings or Portable Storage Buildings Rep. McCabe

This bill revises exemption provisions from contractor licensing requirements for owners constructing farm buildings or portable storage buildings so that the exemption applies to an owner constructing a farm building or portable storage building with less than 50,000 square feet, rather than 5,000 square feet, and provides that the building may be used not only for livestock or storage, but also for poultry.

Medical, Military, Public and Municipal Affairs

H. 4817 Sale or Purchase of Alternative Nicotine Products to Minors Rep. West

The bill outlines that it is unlawful to sell alternative nicotine products to a minor.

Ways and Means

H. 4808 Sales Tax Exemption for those who are at Least Eighty-Five Years Old Rep. White

This bill establishes a state sales tax exemption for sales made to individuals eighty-five years of age or older.

H. 4810 Sales Tax Exemption for Clothing Required in Perishable Prepared Food Manufacturing Facilities Rep. Bannister

This bill establishes a sales tax exemption for clothing, such as outer garments, gloves, hairnets, headbands, beard covers, and caps, required for persons working in direct contact with food, food contact services, and food packaging materials to protect against contamination of food in perishable prepared food manufacturing facilities.

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H. 4811 Tax Exemption for Overtime Income Rep. Beach

This bill provides that all overtime income of an individual taxpayer is exempt from state income taxes and may not be included in South Carolina taxable income.

H. 4812 Funding Increases for High Poverty and High Achievement Charter Schools Rep. Ballentine

This bill establishes provisions that allow a charter school that qualifies as a high poverty (Pupils in Poverty Index) charter school and a high achievement charter school to receive the lesser of: (1) an increase of three thousand dollars for each student enrolled in the school in the year in which it qualified for the increase in funding; or (2) an amount determined by the General Assembly in the annual general appropriations act divided by the total number of students enrolled in qualifying charter schools.

H. 4824 Study on State Employees with Incomes Low Enough to Qualify Them to Receive Public Assistance Rep. McDaniel

This joint resolution directs the Department of Administration to conduct a study to determine the number of state employees whose income level qualifies the state employee to receive public assistance funds from the state. The Department may seek assistance from the Department of Health and Human Services, the Department of Social Services, any other agency the department considers necessary to make its determination, and is required to make a report to the General Assembly within 180 days.

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Tuesday, January 16, 2024

The House Research Office uses the 17th edition of the Chicago Manual of Style, with practical modifications [i.e., regarding numbers].

These summaries are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) nor the House of Representatives. They are for the use of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent. These Legislative Updates are on the South Carolina General Assembly home page (<http://www.scstatehouse.gov>). Go to Publications, then Legislative Updates. This lists all the Legislative Updates by date as a Word document and a document with hypertext links to the bills. Also available under Publications is a Bill Summary Index to the Legislative Updates (bills are listed in numeric order and provide the different summary versions at the various stages and dates in the process).