**Vol. 39 August 4, 2022 No. 19**

**Contents**

[LEGISLATIVE OVERVIEW OF 2022 2](#_Toc110607543)

[Major Issues 2022 6](#_Toc110607544)

[Tax Reform and Savings 6](#_Toc110607545)

[Budget 9](#_Toc110607546)

[Business & Commerce 15](#_Toc110607547)

[Insurance and Banking 18](#_Toc110607548)

[Utilities 18](#_Toc110607549)

[Judicial & Court Matters 19](#_Toc110607550)

[Law & Civil Society 25](#_Toc110607551)

[Elections 27](#_Toc110607552)

[Public Safety 27](#_Toc110607553)

[Education 30](#_Toc110607554)

[Health 33](#_Toc110607555)

[Family, Children and Senior Issues 39](#_Toc110607556)

[Veterans 41](#_Toc110607557)

[Environment 41](#_Toc110607558)

[Wildlife & Natural Resources 43](#_Toc110607559)

## LEGISLATIVE OVERVIEW OF 2022

Changes to South Carolina’s tax laws were some of the most substantial legislative actions this year. **The Comprehensive Tax Cut Act** (Act 228) adjusted tax brackets to provide one billion dollars of **individual income tax relief**, authorized one billion dollars in **one-time income tax rebates**, allowed for the complete **deduction of all military retirement income**, and increased the tax exemption for manufacturing property (also see Act 156). The General Assembly expanded **real property tax exemption for surviving spouses** (Act 236**),** farmers received a **tax break for farm buildings and material** (Act 236), and **watercraft motors** (Act 237) may not be taxed more than the maximum sales tax rate. At a larger scale, the **County Green Space Sales Tax Act** (Act 166) allows a county to defray debt service on bonds for procuring green space for preservation and **South Carolina’s housing tax credits** (Act 202) were revised to encourage affordable housing.

**Absentee ballot and other comprehensive voting reforms** (Act 150) established elections or runoffs with early voting in South Carolina for the two weeks preceding any election. Additional reforms included state standards for all elections to be conducted in our state, absentee voting by mail, limiting candidates to only one party nomination and listing on any ballot, and the form of affidavits to be used in early vote ballots or to vote absentee. There was also legislation on **pooling city election precincts and elections** (Act 207).

Addressing several national controversies, the General Assembly passed the **Save Women's Sports Act** (Act 193), which holds that athletic teams and sports must adopt a sex-specific designation in order to maintain fairness for women's athletic opportunities; regarding **COVID-19 vaccine mandates** (Act 142) all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation based on the person’s vaccination; the **Constitutional Convention of the States** (Act 241) authorized making an application to the US Congress to call a convention for proposing constitutional amendments pursuant to the US Constitution, Article V; the **Religious Freedom Act** (Act 141) deemed religious services in houses of worship as essential services during declared states of emergency; and, the **Medical Ethics and Diversity Act** (Act 235) established a right of conscience for health care industry professionals.

The General Assembly provided clarification on what kinds of **improvements to residential property** (Act 186) can be undertaken by owners for their **homes** without becoming subject to requirements for obtaining building permits, inspections, and licensure.

The **Offshore Wind Energy Supply Chain Industries Economic Development Study** (Act 245) helps to create a roadmap for South Carolina to compete effectively in attracting offshore wind energy supply chain industries to the state.

Lawmakers approved a **proposed state constitutional amendment for** **increasing state financial reserve funds** (Act 240) that are used to cope with revenue shortfalls.

The total state government budget for Fiscal Year 2022-2023 is $11.2 billion (recurring budgetis $1.944 billion, with $4.7 billion in one-time nonrecurring funds). State financial **reserve accounts** gained half a billion dollars. State employees gained a **three percent salary increase and one-time bonus** of $1,500. There is $1 billion in additional **road funding** with federal ARPA funds set to accelerate major urban and rural road projects (Act 239, Act 242 and Act 244).

**K-12 schools** received over $12 billion in funding. A revised educational funding formula consolidated budget lines into the single **State Aid to Classrooms**, with $4,895 in average funding per pupil. The budget increased the state’s minimum starting salary from $36,000 to $40,000 per teacher and increased the salary schedule by $4,000 per step. Other funding included supplies, instructional materials, capital improvements for disadvantaged schools, and purchasing / leasing school buses.

The budget included a **higher education tuition mitigation** of $55 million (institutions must freeze in-state tuition and fees). LIFE, HOPE, and Palmetto Fellows scholarships received full funding. Need-based grants have tripled and tuition grants have doubled in the last two years. Critical needs and high demand job skills training and equipment for colleges were funded with $76 million. Higher education and TEC infrastructure received combined funding of $575 million. The Department of Commerce was allocated $200 million to recruit high-impact **economic development projects** and $100 million for strategic economic development infrastructure needed to attract and retain business and industry investments. **Land conservation** protection and preservation properties throughout the state gained $68 million.

In health care, **DHHS and DHEC** received over $300 million for Medicaid maintenance, rural health, and a new lab. The General Assembly enhanced mental health services across DMH, law enforcement and other agencies with new primary inmate care and mental health professional positions (and a facility to care for juveniles with severe mental health conditions). Act 145 provides **restoration treatment** for accused lawbreakers (**persons initially found unfit to stand trial**, but who are likely to become fit in the foreseeable future).

Agencies that employ **law enforcement and correctional officers** received $38 million for funding salary increases and retention programs, and $10 million was allocated for law enforcement professional development and training. For disaster and crisis preparation, the General Assembly enhanced regional Emergency Search and Rescue Task Force teams and the Urban Search and Rescue Divisions, with Emergency Medical Technician tuition assistance for 850 new EMTs. The **Election Commission** received recurring funds for the election integrity and compliance auditor program and recurring funds for election security funding.

The **American Rescue Plan Act of 2021 (ARPA)** (Act 244) allocated hundreds of millions to accelerate completion of projects included in the statewide **Transportation Improvement Program** and the ARPA Water and Sewer Infrastructure Account. The Office of Regulatory Staff received millions for **ARPA broadband** for households, businesses, and communities.

The legislature provided for **nonresidential solar energy credits** (Act 237); the handling of **outdated solar panels and batteries** (Act 119); the decommissioning of solar projects (Act 119); and, establishedthe **E-Waste Program** (Act 234) for televisions and computer monitor devices. They also updated **solid waste laws** to include the regulation of **advanced recycling** (Act 119)and included legislation giving DHEC another method to address **hazardous waste cleanup** (Act 199). Lawmakers authorized an expedited process for approving **competitive electric power pricing for potential economic development prospects** (Act 220) that the Department of Commerce can offer to encourage these businesses and industries to invest in South Carolina and bring jobs to the state**.** The General Assembly allowed **tax value adjustment for property damaged by flooding, hurricane, or wind events** (Act 236), while similar legislation permits an electric utility to petition to issue **storm recovery bonds** (Act 227) (that allow the costs from weather events to be financed in lieu of having ratepayers bear the full burden).

After protracted consideration, the General Assembly approved the **teacher preparation report card** (Act 185). This act improved the means for evaluating educator preparation programs to train new teachers. Also, the Legislature prohibited using debt collection agencies to collect outstanding debts on **student school food accounts** (Act 182); they established at least thirty minutes each day of **unencumbered time** for teachers (Act 176); and, struck obsolete language that granted the power of **removing local school board members** to county boards of education (Act 138). The law was revised so that a trustee who willfully commits or engages in acts of malfeasance and other asserted offenses are subject to removal by the Governor.

The **Heirs' Property Study Committee** (Act 246) will examine methods for addressing heirs' property issues and related costs in South Carolina. Act 236 addressed alocal government’s authority to impose **service or user fees**. The legislation specified how revenue generated from a service or user fee imposed by a local government must be used. Other legal changes related to civil life are **exceptions to name change residency laws** (Act 183)to protect anyone surviving dating violence, domestic violence, stalking, or similar victimization incidents; clarifications on release of information regarding **DSS unfounded report information** (Act 224);a relative or **fictive kin**, with whom a child has been placed, will have the same legal status as traditional foster parents and access to services as a licensed kinship foster care provider (Act 168); and, certain children still in SC Department of Social Services custody on their eighteenth birthday will now continue to receive these services and support until they turn twenty-one (Act 143). Another child protective measure is that Act 180 requires the State Department of Education to provide **inkless in-home fingerprint and DNA identification kits** to all school districts and open‑enrollment charter schools upon the request of a parent or legal custodian of any school student. Act 148 amends South Carolina’s law so that applicants can be issued a **REAL ID in their preferred name** if applicants can provide three approved documents that show their preferred full name has been the name used for at least the last fifteen years. On the subject of documents pertaining to identity, Act 212modifies authority to legal representatives who can obtain **birth certificates** and (Act 200) makes **original birth certificates available to all adult adoptees**.

Act 213 sets out eligible candidates to be elected a **Register of Deeds**. A candidate must be a citizen of the United States and of South Carolina; a qualified elector in the applicable county; possess a four-year bachelor's degree from an accredited post-secondary institution, or have at least four years' experience in the fields of law, real estate, or accounting, as an employee in a register of deeds office in South Carolina.

An assortment of acts involving health related interstate compacts were passed: **Pharmacy Access** (Act 210); **Occupational Therapy Licensure Compact** (Act 158); **Psychology Inter-jurisdictional Compact (PSYPACT)** (Act 159); **the** **Audiology and Speech-Language Interstate Compact Act** (Act 160); **the** **Sign Language Interpreters Act** (Act 188). Social workers and counselors may provide **behavioral telehealth** services (Act 155). All of these acts share the common goal of greater health care access and interstate competency standards.

Act 192 expanded the list of persons who can make **healthcare decisions** for those unable to do so, while Act 197 revised licensing and regulation of **continuing care retirement communities** by establishing a two-tiered system of licensure to greater protect our vulnerable seniors. In an effort to improve health access, the General Assembly set **county minimum ambulance service standards** (Act 164) (counties will need to have at least one licensed ambulance service operating within its county). In an intersection of health and public safety, motor vehicle operators wanting to have a **medical condition noted on their license** and motor vehicle record must provide medical certification to the South Carolina Department of Motor Vehicles (Act 217).

**Act 218 concerns noncertified law enforcement officer chaperones** and limits non-certified officers hired from performing any law enforcement duties unless a certified law enforcement officer accompanies them for one year after their hire date. The act limits the use of chokeholds and spells out modifications to the use-of-force continuum.

**Support for students and veterans can be seen in the** **South Carolina Workforce Industry Needs Scholarships (SCWINS)** (Act 204)and **business apprenticeship tax incentives** (Act 237).These address costs in pursuing degrees from the state’s technical colleges that equip students for a career and included tax incentives for **apprenticeship programs** employing veterans and individuals who have been incarcerated for nonviolent offenses.

The General Assembly established the **“Veterans Service Organization Burial Honor Guard Support Fund”** (Act 225) fund to help offset the costs paid by SC chapters of chartered veterans service organizations that provide honor guard burial details for the funerals of qualifying South Carolina veterans.

There are several acts in the realm of Wildlife and Natural Resources: no trap may be placed in the waters of the **General Trawl Zone** when these waters are open to trawling for shrimp (Act 198); it is lawful for an individual to **trap furbearing** animals on the individual's private land for a noncommercial purpose (Act 198); **Alabama bass** and **trout hybrids are included under** the freshwater game fish laws (Act 137); Act 147 established a **waterfowl advisory committee**; and, allowance is made to use controlled substances for the **capture and immobilization of wildlife** (Act 135). New laws outline declarations of a **wildlife disease emergency** (Act 136); limits **watercraft idle/wake distance** to one hundred feet of structures (Act 124); and, another restricts **the use of airboats during duck season** (Act 133). Other legislation allows for the catch of **Red Snapper** in state waters (Act 178). The **“purple paint” bill** provides for an additional method of posting **notice of trespassing** on a property (Act 219).

## Major Issues 2022

## Tax Reform and Savings

**Comprehensive Tax Cut Act, S. 1087 (Act 228)**

Over the last thirty years, the General Assembly has passed over $54 billion in tax cuts. In this year, tax savings to taxpayers totaled over $3 billion. The Comprehensive Tax Cut Act adjusted tax brackets to provide individual income tax relief, authorized one billion dollars in one-time income tax rebates, allowed for the complete deduction of all military retirement income, and increased the property tax exemption for manufacturing property.

The legislation *immediately* reduces the rate for the highest tax bracket from seven percent to six and a half percent in Tax Year 2022 and then gradually phases in (by one tenth of one percent each year) the tax relief in years when the state experiences sufficient revenue growth to a permanent top marginal rate of six percent:

Top marginal rate Tax Year 2022 Goal: permanent top marginal rate

7% 6.5% 6%

The legislation set the lowest individual income tax bracket that taxes at zero percent and collapses several tax brackets. Brackets currently subject to rates of three percent, four percent, five percent, and six percent, collapse into a single tax bracket so that incomes falling in this middle range are all taxed at three percent:

Current brackets Brackets collapsed to

3%:

4%:

3%

5%:

6%:

One billion dollars in nonrecurring funds was appropriated as a one‑time rebate for individual income taxpayers that filed a return for tax year 2021. Each return filed for 2021 shall receive a rebate equal to the amount of tax liability on the return up to a maximum of seven hundred dollars. However, if there are sufficient funds, the Department of Revenue is authorized to increase the maximum amount of the rebate. DOR must issue these refunds by December 31, 2022.

The legislation **allows the deduction of all military retirement income** from an individual’s South Carolina **taxable income**, regardless of the individual’s age. The property tax exemption for **manufacturing property** increased from 14.2 to 42.8 percent of the property’s **assessed value**. The state’s maximum annual reimbursement to local governments for revenue loss resulting from this property tax exemption increased from $85 million to $170 million. Effective June 17, 2022.

**Workforce Enhancement and Military Recognition Act, H. 3247 (Act 156**)

**Act 156**, the **Workforce Enhancement and Military Recognition Act**, allows all military retirement income to be deducted from an individual’s South Carolina taxable income, regardless of the individual’s age**. This deduction is identical to the military retirement income deduction enacted in Act 228, the Comprehensive Tax Cut Act.** Effective Date May 13, 2022.

**Real Property Tax Exemption for Surviving Spouses, S. 233 (Act 236)**

The General Assembly expandedreal property tax exemptionprovisions providing that a qualified surviving spouse may qualify for an exemption if the qualified surviving spouse owns the house. Act 236 also revised eligibility criteria to allow for an exemption when the county assessor certifies to the Department of Revenue that the house is located on heirs’ property and the person is the owner-occupied resident of the house. Effective date: June 22, 2022.

**Farm Building and Agricultural Structure Property Tax Exemption, S. 233 (Act 236)**

**Act 236** established a property tax exemption for all farm buildings and agricultural structures owned by a producer in this state used to house livestock, poultry, crops, farm equipment, or farm supplies. Effective June 22, 2022.

**Watercraft Motors, S. 901 (Act 237)**

**Act 237** included a provision limiting **the maximum sales tax** on watercraft motors to the maximum sales tax established for boats. Effective date: June 22, 2022.

**County Green Space Sales Tax Act, S. 152 (Act 166)**

**S. 152**, the **County Green Space Sales Tax Act**, expanded provisions for county local sales and use taxes. The act allowed a county to impose a sales and use tax of up to one percent with revenue collected used to defray debt service on bonds issued to pay for preservation procurements. Before a county may impose a green space sales tax by ordinance, it must first be approved by the county’s voters as a ballot referendum question. A county in which a referendum has passed must assemble an advisory committee to assist the Department of Revenue with directing the distribution of the taxes collected to ensure a transparent and equal distribution within the county. Effective May 16, 2022.

**South Carolina Housing Tax Credits, H. 5075 (Act 202)**

**Act 202** set an annual maximum of $20 million for all South Carolina housing tax credits and established allocation provisions to allow credits to be more evenly distributed across the state (for the development of affordable housing in rural areas). The State Housing Authority must establish uniform criteria for allocating the South Carolina housing tax credit to eligible projects under a competitive process that promotes highest value and greatest public benefit. The legislation revised the protocol for making allocations beneath the state ceiling set on the issuance of industrial and economic development bonds, single family housing bonds, Multi-family housing bonds, student loan bonds, and any other bonds eligible for tax exemption as a private activity bond. These revisions included measures to prevent particular categories of private activity bonds from dominating available bond capacity beneath the state ceiling. Effective date: May 16, 2022 and certain tax year applications.

**Tax Value Adjustment for Property Damaged by Weather Events, S. 233 (Act 236)**

**Act 236** included provisions providing for tax value adjustment for property damaged by flooding, hurricane, or wind events. The legislation expanded provisions for adjustments in valuation and assessment for purposes of ad valorem property taxation by requiring an **adjustment to real property for damages caused by flooding, hurricane, or wind events**, in addition to the adjustments already allowed for property damage caused by fire. Effective June 22, 2022.

**Tax Conformity, H. 5057 (Act 201)**

**H. 5057**, tax conformity, updates references to the federal Internal Revenue Code in state income tax law provisions to provide for coordination between state and federal income tax law provisions for taxable years beginning after 2021. H. 5057 also retroactively conforms South Carolina income tax law for the 2021 taxable year to federal tax law changes made by Congress in the American Rescue Plan of 2021 (to the income tax treatment for gross income otherwise taxable derived from targeted Economic Injury Disaster Loan advances received from the Small Business Administration (SBA) and grant amounts for restaurant revitalization received from the SBA). Effective date: May 16, 2022.

**South Carolina Opioid Recovery Act, H. 5182 (Act 222)**

The "**South Carolina Opioid Recovery Act (Act 222)** established the South Carolina Opioid Recovery Fund, the Discretionary Sub-Fund, a Guaranteed Political Subdivision Sub-fund, the Administrative Sub-fund, and the South Carolina Opioid Recovery Fund Board to ratify and implement the necessary terms of certain opioid-related settlements entered into by the State of South Carolina. These funds were required to meet the settlement agreement prerequisites for states to participate in receiving funds from the national opioid litigation settlement proceeds (funds which will be distributed to help address and remediate opioid-related issues). The act set out state fiscal accountability authorities that will be responsible for administrative operations over these funds. South Carolina expects to receive a total of $360 million over the course of the next eighteen years. Decisions by these entities are final and non-appealable. Effective May 23, 2022.

**State Financial Reserve Funds Increase, S. 1106 (Act 240)**

Lawmakers approved **(Act 240)** a **proposed state constitutional amendment for** **increasing state financial reserve funds** that are used to cope with revenue shortfalls. The proposed amendment provides for the state’s General Reserve Fund, currently set at five percent of General Fund revenue of the latest completed fiscal year, to be increased each year by half of one percent until it equals seven percent of General Fund revenue of the latest completed fiscal year. The proposed amendment increases the state’s Capital Reserve Fund from two percent of General Fund revenue of the latest completed fiscal year to three percent of such revenues. The Capital Reserve Fund must be used to offset midyear budget reductions. These proposals for amending the South Carolina Constitution are to be placed before the state’s voters as ballot questions at the November 2022 general election. Note: joint resolutions proposing a constitutional amendment are not within the purview of the Governor to approve nor disapprove.

**Statutory Provisions for Increasing the General Reserve Fund and the Capital Reserve Fund, H. 3346 (****Act 238)**

The statutory provisions for increasing the General Reserve Fund and the Capital Reserve Fund were in **Act 238.** Effective: The provisions of Section 1 and 2 of this act take effect upon the ratification of the pertinent amendments to Section 36(A) or Section 36(B), Article III of the Constitution.

## Budget

**State Government Budget - 2022-2023**

**General Appropriations (Act 239, H. 5150) Effective July 1, 2022; Capital Reserve Fund (Act 242, H. 5151) Effective July 30, 2022; American Rescue Plan Act of 2021” ARPA (Act 244, H. 4408) Effective May 13, 2022**

The FY 22 – 23 recurring budget is $1.944 billion, with $4.7 billion in one-time nonrecurring funds. (Both numbers reflect revenues prior to the tax cuts in both recurring and non-recurring amounts). The total state government budget for Fiscal Year 2022-2023 is $11.2 billion.

Individual income tax relief, rebates, and other measures approved in the Comprehensive Tax Cut Act totaled $2 billion.

State financial reserve accounts, used to cope with revenue shortfalls, gained $590 million (bringing total reserves to over $1.2 billion).

The budget appropriated $1 billion in additional state road funding.

Federal ARPA funds of $453 million were appropriated for the acceleration of major transportation projects. This one-time infusion of additional funding is expected to allow the widening of seventy miles of I-26 scheduled to be completed six years ahead of schedule and the widening of thirty-three miles of I-95 three years ahead of schedule. The Department of Transportation received $120 million in recurring funds for the state’s match in the Federal Infrastructure Investment and Jobs Act to maximize federal funds that can be drawn down for discretionary grants. Rural interstate funding gained $133 million to accelerate significant projects, with $250 million in nonrecurring funds to the County Transportation Committees to accelerate projects on the state’s lower volume and secondary roads.

The General Assembly appropriated the following:

* A three percent **state employee salary increase** ($72 million in recurring funds)
* **State employee one-time bonus** of $1,500 ($45 million in nonrecurring funds)
* The increased costs of operating the state's **health and dental insurance plans and coverage** for adult well visits with no additional monthly premium costs for employees totaled $101 million

**K-12: K-12 schools received over $12 billion in funding**

2022-23 **Per Pupil Funding Totals** (the average total K-12 funding is projected to be)

$7,694 state\*

$1,274 federal

$7,859 local

$16,827 Total

\*The average state funding per pupil ($7,694) includes additional state funding sources and only includes pupils in the traditional school districts.

**State Aid to Classrooms** -- A revised educational funding formula consolidated several budget lines into the single State Aid to Classrooms.

The budget provides $4,895 average per pupil funding in State Aid to Classrooms. State Aid to Classrooms Per Pupil ($4,895) includes only line items pertaining to State Aid to Classrooms and includes pupils in the traditional school districts, charter school districts, and the special school districts. The average state funding per pupil ($7,694) includes additional state funding sources and only includes pupils in the traditional school districts.

With the simplified funding stream, new weightings emphasize more funding for students in poverty and students with disabilities. Under the revised formula, the state’s share of funding increases from seventy percent to seventy-five percent. After satisfying fundamental requirements, local school districts gained flexibility in spending State Aid to Classrooms. Districts are subject to new accountability and transparency requirements for publishing their expenditures of federal, state, and local funds online.

**Teachers** - The budget provided for a $4,000 teacher pay increase across all salary levels. This allows the state’s starting salary for teachers to increase from $36,000 to $40,000.

This increased **minimum starting teacher salary** by thirty-two percent over five years. In the same five-year period, South Carolina’s average teacher salary based on the minimum salary schedule would increase by $7,284 ($45,320 to $52,604).

**Supplies funding** increased from $275 to $300 ($2.3 million recurring)

Instructional materials ($100 million nonrecurring Education Improvement Act funds)

Capital improvements for disadvantaged school districts ($140 million)

Expanded VirtualSC ($5.4 million in recurring funds).

Five percent salary increase for school bus drivers ($4.3 million in recurring)

Purchasing and leasing school buses ($12 million nonrecurring)

**Higher education** -- Tuition mitigation -- The budget included a higher education tuition mitigation initiative of $55 million in additional recurring funds (distributed among the state’s institutions of higher learning). In order to retain these appropriations, the institutions must comply with provisions for freezing in-state tuition and mandatory fees during the 2022-2023 academic year for all in-state undergraduate students at all public four-year and two-year University of South Carolina campuses. Tuition mitigation at the state’s technical colleges: $7 million.

LIFE, HOPE, and Palmetto Fellows higher education scholarship programs received full funding. Over seven years more than $2.45 billion was awarded to students.

Need-based grants have tripled in the last two years ($70 million in 22-23), with the yearly maximum $3,500.

Tuition grants for students most in need of financial assistance has doubled in the last two years ($20 million in 22-23), with the yearly maximum $4,390.

The Commission on Higher Education received $4.1 million in lottery funds for college transition program scholarships for students with disabilities.

SC Institute on the Prevention of Sexual Violence on College Campuses ($400,000)

**Higher education** infrastructure and maintenance --For higher education infrastructure, $328 million funded maintenance, renovation and capital needs across the public 4 year and 2 year USC campuses and $247 million funded maintenance, renovation and capital needs across the technical colleges (of these funds, $184 million came from the Capital Reserve Fund – most of which was devoted to capital needs at the state’s colleges, universities, and technical schools).

Board of Technical and Comprehensive Education -- Board of Technical and Comprehensive Education: $20.8 million for high demand job skill-training equipment.

Critical need workforce training at the state’s technical colleges ($56 million).

Ready SC Program which provides worker training at the state’s technical colleges customized to the needs of new and expanding business and industry ($2 million in capital reserve funds).

**Commerce** -- The Department of Commerce was allocated $200 million to recruit high-impact economic development projects and $100 million for strategic economic development infrastructure needed to attract and retain business and industry investments.

The Rural Infrastructure Authority was allocated $1.5 million in recurring funds for planning and technical assistance for small and rural water and sewer utilities.

The SC Ports Authority received $350 million to complete the Navy Base Intermodal Facility and inner harbor container barge infrastructure project.

The Division of Aeronautics was provided $53 million for statewide airport growth response.

The Department of Motor Vehicles established nine additional Commercial Drivers’ License testing sites ($3.2 million) across the state and received $1.9 million to implement the Motor Carrier Service State Program one-stop-shop approach to handle all trucking needs.

**Agribusiness and Natural resources** -- The Department of Agriculture received $3 million for such initiatives as farmers’ market enhancements and capitalizing on growing demand for Certified SC Grown.

Clemson PSA received $2 million to enhance and expand health and nutrition programs, with $12 million for poultry livestock health facilities and general research.

SC State PSA received $2.6 million for expansion of emerging agribusiness programs and $2 million for cabins at Camp Daniels.

Land conservation protection and preservation properties throughout the state ($68 million. This includes $3 million recurring and $25 million nonrecurring for conservation grant funding through the Conservation Bank and $40 million in nonrecurring funds for land conservation initiatives at the Department of Natural Resources.

Forestry Commission for wildfire prevention initiatives ($1.75 million) and $4.5 for park access.

The Department of Parks, Recreation and Tourism received $20.7 million for programs to advertise and promote the state as a tourism destination and $21.5 million for state park enhancements and acquisitions.

**Health care** -- The Department of Health and Human Services received $200 million in recurring funds for Medicaid program maintenance of effort, nearly $30 million for waiver services, cost-of-living increases, rate increases, a $575,000 recurring increase for SC Center for Rural and Primary Healthcare’s iCARE program, and $6 million in nonrecurring funds for rural health network revitalization.

The Department of Health and Environmental Control received $104 million in ARPA funds for a new public health laboratory, $5 million for the completion of the e-permitting project, and $3 million for Emergency Medical Services Association recruitment and retention.

**Mental and behavioral health care services** obtained $61.5 million for enhancements. The legislature funded the creation of a secondary statewide suicide crisis hotline that will be linked into the nationwide 9-8-8 call center system ($1.3 million).

The Department of Social Services acquired $39 million for staffing shortages and other needs.

The Medical University of South Carolina Hospital received $10 million for the Children’s Hospital Infrastructure Fund to assist the state’s not-for-profit hospitals, and $8 million for MUSC’s Hollings Cancer Center to become designated as a Comprehensive Cancer Center.

**Law enforcement** -- Agencies that employ **law enforcement and correctional officers** received $38 million for funding salary increases and retention programs, and $10 million was allocated for law enforcement professional development and training..

Grant programs to equip local law enforcement officers with body cameras, bulletproof vests, and other protective gear ($20 million in nonrecurring funds).

“Man Down” Electronic Alert System at correctional facilities, security cameras, and ballistic/multi-threat vests for emergency response teams and correctional officers ($25 million).

Department of Corrections and the Department of Probation, Parole, and Pardon Services new primary inmate care and mental health professional positions ($7.5 million) and $20 million provided for a facility to care for juveniles with severe mental health conditions.

The Department of Labor, Licensing and Regulation received $22 million to replace all equipment for the state and regional Emergency Search and Rescue Task Force teams and the Urban Search and Rescue Division, $5.7 million for the Urban Search and Rescue headquarters renovation, and $850,000 in Emergency Medical Technician tuition assistance to allow two years of free tuition for 850 new EMTs.

Office of Resiliency for disaster relief assistance, hazard mitigation, infrastructure improvements, and statewide resilience planning ($100 million in ARPA funds) and for the Disaster Trust Fund used to offset FEMA matches: $10 million.

Other items -- The Adjutant General’s Office received $4.5 million for revitalizing, maintaining, and operating the state’s armories.

The Department of Veterans’ Affairs obtained $10 million for veteran transition homes and $10 million in nonrecurring funds for the Military Enhancement Fund to better position the state’s military bases under federal base-reduction initiatives.

The Election Commission received $2.8 million in recurring funds for the election integrity and compliance auditor program and $1.2 million in recurring funds for election security funding.

The Department of Archives and History received $7.4 million for the commemoration of the 250th anniversary of the American Revolution in South Carolina.

The Arts Commission received $5.5 million to support community arts organizations.

A budget provision establishes conditions under which retirees in the South Carolina Retirement System and the Police Officers Retirement System can return to covered employment without being subject to earnings limitations. Provisos 108.18 and 108.19 have the same effect as H. 4918.

Another proviso taken from a bill: 34.64 Immunity Passport, it was H. 4560.

The budget allocated funding for the state’s retirement systems that is in keeping with the schedule established in Act 13 of 2017 for addressing the unfunded liability facing the state’s pensions.

The budget provided full funding of the Local Government Fund consistent with the revised approach for sending revenue to political subdivisions established in Act 84 of 2019. A rural stabilization fund was established to aid those local governments that will be negatively impacted, due to the 2020 Census, under the local government funding formula.

**American Rescue Plan Act of 2021 (ARPA), H. 4408 (Act 244)**

**Act 244,** was a joint resolution that authorized the expenditure of federal funds available to South Carolina under the **American Rescue Plan Act of 2021**.

The act allocated approximately $453 million to the South Carolina Department of Transportation to be placed in a separate **Transportation Infrastructure Acceleration Account** and used to accelerate completion of projects included in the Statewide Transportation Improvement Program. The total allocated to SCDOT represents reimbursement for general fund and Education Improvement Act revenue not collected and motor fuel user fee revenue not collected due to the COVID-19 pandemic as calculated by the

Allocations to the **Rural Infrastructure Authority** of over $800 million will be placed in a separate **ARPA Water and Sewer Infrastructure Account** which must be used to administer and operate three grant programs designed to provide for improvements in water, wastewater, and stormwater infrastructure throughout the state. In each of the three grant programs, units of local government, special purpose districts, commissions of public works, and joint municipal organizations may apply for grants. A unit of local government may apply for a grant on behalf of nonprofit water and sewer systems. The amounts of required local matching funds are based upon the size of the population served by the system.

The **Office of Regulatory Staff** received $400 million to be placed in a separate ARPA **Broadband Account** for households, businesses, and communities which must be used to expand broadband infrastructure to households, businesses, and communities in the state that are unserved or underserved by the broadband services which allow for high-speed Internet connections.

The **Department of Health and Environmental Control** was allocated $104 million for the construction of a public health laboratory. The **Office of Resilience** received $100 million to complete storm water infrastructure projects and acquisitions of property in the floodplain throughout the state to lessen the impacts of future flood events. The Department of Administration received $8 million for contracting professional grant management services of ARPA funds and other federal COVID-19 relief funds. Effective May 13, 2022.

## Business & Commerce

**Home Based Food Production Operations, S. 506 (Act 208)**

**Act 208** allows home based food production operations to sell online and mail order or to retail stores (including grocery stores). The act expanded the types of non-potentially hazardous foods that may be sold to include non-potentially hazardous foods. A home-based food production operation does not include preparing, processing, packaging, storing, or distributing low-acid canned goods or charcuterie boards. Any retail stores, including grocery stores that sell or offer to sell home-based food products must post clearly visible signage indicating that home-based food products are not subject to commercial food regulations. Effective Date: May 23, 2022

**Licensed Barber to Practice in Cosmetology Salon, H. 4519 (Act 162)**

**Act 162** authorized a licensed barber to practice within the scope authorized by the person's license in a cosmetology salon. Effective May 13, 2022.

**Solar Energy Property Income Tax Credit, S. 901 (Act 237)**

**Act 237** provided for a revised and extended nonresidential solar energy property income tax credit of up to $5 million for facilities located on Environmental Protection Agency National Priority List properties and other environmental clean-up sites. These tax credit provisions are repealed on December 31, 2024. A taxpayer is allowed an income tax credit equal to twenty-five percent of the cost, including the cost of installation, of a solar energy property if he constructs, purchases, or leases a solar energy property located in South Carolina. The effective dates are variable, please see **Act 237**.

**Competitive Electric Power Pricing for Economic Development Prospects, H. 4062 (Act 220)**

**Act 220** authorized an expedited process for approving **competitive electric power pricing** for potential economic development prospects that the Department of Commerce can offer to encourage these businesses and industries to invest in South Carolina and bring jobs to the state. The legislation authorized the Public Service Commission to consider quantifiable net benefits to utility customers due to economic development in deciding whether to approve the competitive rates proposed by an electric utility. These economic development rates must not be below the marginal cost of energy production. The provisions expire on July 1, 2026.

The legislation also provided that the construction of a proposed renewable energy facility by or on behalf of a qualifying customer to support electric power generation at its economic development location or expansion must comply with federal, state, and local laws and ordinances. In compliance with federal, state, and local laws and ordinances, the utility may expedite interconnection of a proposed renewable energy facility to be constructed by a qualifying customer to support electric power generation at its economic development location or expansion where high quality and reliable electric service are not adversely impacted. Effective May 23, 2022. The provisions of SECTION 3 expire on July 1, 2026.

**Public Service Commission Enhancements, H. 4062 (Act 220)**

**Act 220** provides enhancements for the **Public Service Commission** charged with oversight of the state’s public utilities. Conditions are established that allow members of the Public Service Commission to meet together to receive technical and legal advice from the commission’s staff on matters pending on the commission’s docket. Such briefings do not constitute a ‘public meeting’ for purposes of the Freedom of Information Act. The legislation includes provisions for Public Service Commissioners to receive subsistence and mileage when conducting official business with the amounts of these allowances adjusted according to how far a commissioner must travel for a meeting. The legislation eliminates a provision that allows the Public Utilities Review Committee, which screens PSC candidates, to find someone qualified as a commissioner with a supermajority vote of the committee even though the candidate does not meet the criteria for expertise in pertinent fields. Effective May 23, 2022.

**Alarm System Business False Alarms, H. 4889 (Act 196)**

**Act 196** addressed **alarm system business false alarms**. The legislationrevises the South Carolina Alarm System Business Act to provide that an alarm business or contractor, or an alarm business call center, must not be fined or assessed a penalty by a local government for false alarms which are not attributed to improper installation, defective equipment, or operational error by the alarm business contractor. Effective May 16, 2022.

**Pipeline Company Exemption Extension, H. 3524 (Act 144)**

**Act 144** provided for the extension of a **pipeline company exemption**. The legislation revised a provision granting pipeline companies the rights, powers, and privileges conferred upon telegraph and telephone companies, by extending until June 30, 2024, the sunset provision on an exemption, so that, during this extended period, the provisions of “The South Carolina Eminent Domain Procedure Act” and a provision addressing condemnation powers will continue not to apply to private, for-profit pipeline companies, including publicly traded for-profit companies, that are not defined as a public utility. Effective on April 25, 2022.

**Merges the Education and Economic Development Act (EEDA) Coordinating Council with the Coordinating Council for Workforce Development (CCWD), H. 4766 (Act 194)**

**Act 194** merges the Education and Economic Development Act (EEDA) Coordinating Council with the Coordinating Council for Workforce Development (CCWD). Members who previously served on the EEDA Coordinating Council, and will now serve on the CCWD, include the following:

* A school district superintendent (appointed by the State Superintendent of Education);
* A school counselor (appointed by the State Superintendent of Education); and,
* A career and technology education director (appointed by the State Superintendent of Education).

The Chairs of the House Education and Public Works Committee and the Senate Education Committee, along with the leaders of each chamber’s minority party, will each have one appointment to the CCWD.

The Governor must appoint two representatives from the business community who have professional expertise in economic development and workforce issues. Language requiring the President of the South Carolina Chamber of Commerce to make an appointment is removed.

CCWD is given the additional requirement of facilitating and coordinating a unified statewide workforce plan that includes the participation of education and workforce boards, councils, and partner representatives. CCWD must also take on the EEDA Coordinating Council role of ensuring that the EEDA is properly implemented.

In addition to the Department of Commerce, CHE, SBTCE, the Department of Education must also assist in staffing the CCWD. Language limiting CCWD’s focus to persons age 21 and over is removed. Effective May 16, 2022.

**Motor Vehicle Common Carriers, S. 1045 (Act 214)**

**Act 214** revised provisions governing the certification of motor vehicle common carriers by the Transportation Division of the Office of Regulatory Staff, including provisions for the establishment of a maximum rate schedule governing the charges of carriers of household goods and hazardous waste for disposal carriers. Effective May 23, 2022.

**Special Purpose District Dissolution, S. 1045 (Act 214)**

**Act 214** revised provisions governing the dissolution of special purpose districts to allow a hospital district that is undergoing dissolution to transfer its assets to a tax-exempt affiliated organization. Effective May 23, 2022.

**South Carolina Electronic Notary Public Act, H. 5338** **(Act 268)**

The Act established regulations for **electronic notaries.**

**Department of Employment and Workforce’s Authority to Set Unemployment Benefits, S. 1090 (Act 229)**

**Act 229** explicitly reaffirmed the Department of Employment and Workforce’s authority to set a weekly maximum amount of unemployment benefits that an individual may receive in a week for the legitimate legislative purpose of ensuring that the unemployment insurance trust fund remains solvent and that there are adequate funds to pay unemployment insurance benefits to individuals unemployed through no fault of their own. The maximum weekly benefit amount set each year by DEW within the range established in statute must be published on the department’s website. The legislation identifies the statutory procedure for reconsideration of benefit determinations as the sole and exclusive procedure and remedy for disputing the department’s determination of an insured worker’s weekly benefit amount. Effective June 17, 2022.

## Insurance and Banking

**Mutual Rescission of a Life Insurance Policy, H. 4220 (Act 191)**

**Act 191** established a protocol for the mutual rescission of a life insurance policy which could, otherwise, only be obtained through a court proceeding. The legislation detailed how mutual rescission of a life insurance policy may be accomplished through an agreement entered into by the involved parties that rescinds and voids a policy in instances when false statements were made in the application for insurance. Effective May 16, 2022.

**Mortgage Lending, S. 637 (Act 173)**

**Act 173** revised the application of mortgage lending provisions to retailers of manufactured and modular homes in order to bring state law into compliance with the latest updates that Congress has approved to the federal Dodd-Frank Act. Effective May 16, 2022.

**Insurance Law Revisions, H. 4832 (Act 195)**

**Act 195** provided for numerous insurance law revisions, clarifications, and updates, including provisions for aligning state law with recommendations of the National Association of Insurance Commissioners and authorized South Carolina’s withdrawal from the Interstate Insurance Product Regulation Compact. Effective May 16, 2022.

## Utilities

**Rural Telephone Service Property Tax Exemption, H. 5144 (Act 203)**

*Act 203* addressed the inclusion of mixed-use property under the rural telephone service property tax exemption. The legislation addressed a tax exemption for the property of telephone companies and rural telephone cooperatives operating in this state that is used in providing rural telephone service by clarifying that this existing exemption applies to mixed-use property, without regard to: (1) the extent to which such property is used in providing services in addition to telephone service in rural areas; and (2) the technology used, such as the provision of broadband over a high-speed Internet connection that allows the customer to access basic voice grade local service from the voice provider of the customer’s choice. Effective May 16, 2022.

**Electric Cooperative Employee Driver Training, S. 947 (Act 126)**

**Act 126** exempts the Electric Cooperatives of South Carolina from being regulated as a driving school by exempting to the extent that they train member cooperative employees. Effective April 4, 2022.

**Utilities Infrastructure Project License Tax Credits, H. 3340 (Act 184)**

**Act 184** enhanced utilities infrastructure project license tax credits for contributions to qualifying infrastructure and economic development projects. The legislation increased the maximum aggregate credit that may be claimed in any tax year by a single company from four hundred thousand dollars to six hundred thousand dollars. Provisions were included that allow for additional credits above the cap for companies making investments in economically disadvantaged counties. Effective May 16, 2022. Section 2 applies for credits first claimed for taxable years beginning after 2021.

**Electric Utility Storm Recovery Bonds, S. 1077 (Act 227)**

**Act 227** authorized the issuance of electric utility storm recovery bonds. The legislation established a protocol that allows an electric utility to petition the Public Service Commission for authority to issue bonds that allow the costs of recovering from hurricanes, tornadoes, floods, ice storms, and other natural disasters to be financed at a favorable interest rate over the course of several years rather than having ratepayers bear the full financial burden immediately through sizable increases in their electric bills. Effective June 17, 2022.

## Judicial & Court Matters

**Judges, H. 3696 (Act 232)**

**Act 232** added **Circuit Court judges** in the 2nd, 9th, 14th, and 15th Judicial Circuits and Family Court judges in the 1st, 7th, and 16th circuits. Effective June 17, 2022.

**Accused Lawbreakers Restoration Treatment, H. 3773 (Act 145)**

**(Act 145)** applies to those after **being found unfit to stand trial**, but who are likely to become fit in the foreseeable future. In the past, if an individual was found to be unfit to stand trial but was likely to be fit in the foreseeable future, the individual was hospitalized for up to sixty days. In an effort to address some of the Department of Mental Health's concerns for limited resources, this act allows these individuals to undergo restoration treatment provided by the **Department of Mental Health** for up to 180 days. The Department of Mental Health also has the discretion to provide restoration treatment at a hospital or detention facility if an individual is detained or in a hospital, or outpatient basis if the individual is out on bond. This legislation implements a recommendation from the House Legislative Oversight Committee’s 2020 Study of the Department of Mental Health. Effective April 25, 2022.

**Name Change Residency Prerequisites, H. 3271 (Act 183)**

**Act 183** prohibited filing name change petitions until a petitioner has resided in South Carolina for at least six months, with exceptions. These exceptions included anyone surviving dating violence, domestic violence, stalking, or similar victimization incidents. These name change petitions can be sealed by the court if these survivors can show they are in reasonable fear for their safety. Effective May 16, 2022.

**Legal Defense and Indemnification for State Officials and Employees, H. 4048 (Act 161)**

**Act 161** addressed when South Carolina must defend a state agency, department, or instrumentality, and their governing board members, against an uninsured claim or suit relating to the performance of official duties. It requires the State to indemnify them for any uninsured loss or judgment, without regard to whether the claim or suit is brought against them in their individual or their official capacities, or both. It also established provisions under which the state must provide this legal defense and indemnification for directors, officers, and employees of their state agencies or other entities, and for legislative employees, in the performance of their official duties, unless they act in bad faith, such as acting outside the scope of their official duties, or in instances that constitute actual fraud, actual malice, intent to harm, or a crime involving moral turpitude. This new law did not waive any defense, immunity, limitation, or jurisdictional bar, including any existing under the Tort Claims Act, and did not affect the terms or conditions of any applicable policy of insurance. This legislation implements recommendations from the House Legislative Oversight Committee’s 2020 study of the Department of Corrections. Effective May 23, 2022.

**Local Government Service or User Fees, S. 233 (Act 236)**

**Act 236** addressed alocal government’s authority to impose service or user fees. The legislation specified that revenue generated from a service or user fee imposed by a local government must: (a) be used to the benefit of the payers, even if the general public also benefits; (b) only be used for the specific improvement contemplated; (c) not exceed the cost of the improvement; and (d) be uniformly imposed on all payers. The legislation included a provision that a local governing body that repealed a road maintenance fee after June 30, 2021, and subsequently approved a millage increase for road maintenance, must repeal the millage imposed to replace the previous road maintenance fee before reimposing the road maintenance fee. The provisions apply retroactively to any service or fee imposed after December 31, 1996. Effective June 22, 2022.

**Heirs' Property Study Committee, S. 560 (Act 246)**

The **Heirs' Property Study Committee (Act 246)** will examine current and prospective methods for addressing heirs' property issues and related costs in South Carolina. This legislation sets out its membership, the report it will submit to the General Assembly, and the timing of its dissolution.

**South Carolina Uniform Transfers to Minors Act, H. 3821 (Act 128)**

**Act 128** updated existing law and establishes a more modern method for, and a uniform manner of making, transfers of custodial property for the benefit of minors. It repealed existing, outmoded law covering these transfers. Effective April 4, 2022.

**REAL ID in a Preferred Name, H. 4319 (Act 148)**

**Act 148** amends South Carolina’s **REAL ID** law so that applicants can be issued a **REAL ID in their preferred name** if applicants can provide three approved documents that show their preferred full name has been the name used for at least the last fifteen years. The act resolves an impasse created when a person’s name does not match up exactly with their birth documents. The act further codifies that SCDMV can require documentation (consistent with the Federal REAL ID Act) to establish the following for the applicant:

**Death Certificates, H. 3325 (Act 157)**

The General Assembly removed the exemption for certain individuals from the mandatory electronically filing of death certificates. The act removed physicians who certify fewer than twelve deaths per year and funeral homes that perform fewer than twelve funerals per year from the mandatory electronically filing exemption list, requiring all physicians and funeral homes to file electronically. As a result, only those who act, without compensation, as a funeral director on behalf of a deceased family member or friend remain covered by the exemption from electronic filing. In addition, the Bureau of Vital Statistics shall notify the State Election Commission of the decedent's death who shall subsequently notify the County Board of Voter Registration and Elections in which the decedent was a resident of the decedent's death for purposes of removing the decedent from the voter roll. Effective Date: May 13, 2022

**Minimum Qualifications to Hold the Public Office of Register of Deeds, S. 1031 (Act 213)**

**Act 213** sets out eligible candidates to be elected a Register of Deeds as citizens of the United States and of South Carolina; qualified electors in the applicable county; those who possess a four-year bachelor's degree from an accredited post-secondary institution, or who have at least four years' experience in the fields of law, real estate, or accounting, as an employee in a register of deeds office in South Carolina, or as a register of deeds in South Carolina. It also amended existing law to require Registers of Deeds to process recorded documents within thirty days of this paperwork being filed. Effective June 22, 2022.

**Legal Representatives Who Can Obtain Birth Certificates, S. 1025 (Act 212)**

**Act 212** now includes any persons or agencies—including SCDSS—with court-ordered temporary or permanent custody of the child, as well as legal custodians, caregivers or kinship caregivers, attorneys, other state agencies, or school district liaisons to the homeless. It also modifies existing procedures to obtain these certified birth certificate duplicates. Effective May 23, 2022.

**Original Birth Certificates Available for Adult Adoptees, H. 5000 (Act 200)**

Original birth certificates are now available to all adult adoptees **(Act 200)**. Adult adoptees can now obtain their birth parents’ information by submitting a written request to the records registrar. After doing so, they would be given access to their original birth certificate, contingent upon first obtaining the permission from their biological parent, a notarized statement from this parent consenting to the certificate being issued, or appropriate certification that their biological parent has died. Information about living, nonconsenting biological parents must be redacted prior to issuing birth certificates under this legislation. **This act becomes effective May 16, 2023.**

**State Employee Paid Parental Leave, S. 11 (Act 149)**

**Act 149** addressed **paid parental leave for state employees**. The legislation made provisions for paid parental leave for state employees due to the birth, adoption, or foster care of a child. Eligible state employees who give birth to a child or those who are primarily responsible for furnishing the care and nurture of the child are entitled to six weeks of paid parental leave. Eligible state employee parents who did not give birth to the child or those who are not primarily responsible for the child’s care and nurture are entitled to two weeks of paid parental leave. Effective May 13, 2022.

**Improvements to Residential Property, H. 3606 (Act 186)**

**Act 186**provided clarification on what sort of decks homeowners can build and what other kinds of improvements to residential property can be undertaken by owners for their homes without becoming subject to requirements for obtaining building permits, inspections, and licensure. The legislation also revised residential specialty contractor provisions including: increasing the minimum value threshold for repairs, improvements, and other undertakings from two hundred to five hundred dollars; adding solar panel installers to the listed areas of contracting; and, establishing provisions prohibiting residential specialty contractors from undertaking work outside the scope of their licenses or registrations, including employing, hiring, and contracting or subcontracting with others to perform such work on their behalf. Effective May 16, 2022.

**Certified Public Accountants, S. 812 (Act 174)**

**Act 174** revised various provisions governing the practice of certified public accountants. The membership of the South Carolina Board of Accountancy was revised to provide for the inclusion of one resident licensed certified public accountant from the public at large. The legislation made revisions that align the state’s practice act with national CPA organization rules and regulations as a means of ensuring that South Carolina is not placed at a competitive disadvantage. Effective May 16, 2022.

**South Carolina Research Authority, S. 635 (Act 172)**

**Act 172** made revisions to the South Carolina Research Authority that include adding the President of South Carolina State University, or his designee, to the SCRA Board of Trustees and affording university presidents greater flexibility in allowing designees to serve on the board. The act authorized the Research Authority to invest in corporate bonds; and, increased the amount of time that a startup company is allowed to remain in an innovation center. Effective May 16, 2022.

**Online Sales of Self-Service Storage Facility Property, S. 1178 (Act 154)**

**Act 154** allowed online sales of self-service storage facility property, rather thanon-premises sales exclusively (in instances when no one has purchased the property at the required public sale). All sales must be conducted by auctioneers who are licensed in South Carolina. Effective

**South Carolina Building Codes Council, S. 934 (Act 205)**

**Act 205** revised the membership of the **South Carolina Building Codes Council**. The legislation requires each member of the council to be a South Carolina resident and provides that the member who is an architect licensed in South Carolina must be selected from a list of qualified candidates submitted to the Governor by the South Carolina Chapter of the American Institute of Architects. Effective May 18, 2022.

**South Carolina State Employee Health Insurance Program and the South Carolina Retiree Health Insurance Trust Fund, H. 4815 (Act 243)**

For Fiscal Year 2021-2022, the General Assembly suspended the statutorily mandated sweep of any unused South Carolina Retiree Health Insurance Trust Fund **insurance claim funds** (**Act 243).** The suspension allows PEBA to retain these funds in the state’s employee health insurance program and continue to use them to address the increase in claims that PEBA is experiencing caused by COVID-19 shutdowns.  Effective February 1, 2022.

**REAL ID in a preferred name, H. 4319 (Act 148)** (See “Note” below)

**Act 148** amends South Carolina’s **REAL ID** law so that applicants can be issued a **REAL ID in their preferred name** if applicants can provide three approved documents that show their preferred full name has been the name used for at least the last fifteen years. The act resolves an impasse created when a person’s name does not match up exactly with their birth documents. The act further codifies that SCDMV can require documentation (consistent with the Federal REAL ID Act) to establish the following for the applicant:

* date of birth;
* place of birth;
* gender;
* Social Security number;
* principal residential address;
* full legal name;
* when applicable, legal name change; and,
* when applicable, authorized length of stay in the United States.

The act codifies what types of documents, such as a marriage license, can be used to change a legal name. Any time someone attempts to change their name with the SCDMV, the person’s social security number must validate with the Social Security Administration. Other changes pertaining to the license itself allow the SC DMV greater flexibility to secure South Carolina credentials. Effective April 25, 2022.

Note: from the SC DMV website (<https://scdmvonline.com/Driver-Services/Drivers-License/REAL-ID>):

“Beginning **May 3, 2023**, your South Carolina driver's license or identification card must have a gold star to show it's a REAL ID in order to use it as your identification to board a domestic, commercial flight, enter a secure federal building, or visit a military installation.\* Purchase yours today and avoid longer lines in the future.”

\*(different conditions may apply at military installations)

**Storage of Towed Vehicles, H. 3729 (Act 233)**

**Act 233** addressed charges for storing towed vehicles. The legislation established notification requirements that must be followed before a towing company, storage facility, garage, or repair shop may collect storage costs from vehicle owners or lienholders. Effective June 17, 2022.

**Special License Plates, S. 1237 (Act 216)**

**Section 1** amended Section 56-3-14210, which created a special license plate to commemorate the University of South Carolina 2017 **Women’s Basketball National Championship**. The new plate commemorates both the **2017 and 2022 Women’s Basketball National Champions**. The remaining sections resolve issues and incorporate items into the previously passed comprehensive **Military Special Plates Act** adopted in Act 38 of 2021.

**Section 2** amended Section 56-3-14970(A) to add the United States Space Force to the list of special license plates reflective of military service for private passenger vehicles and motorcycles to active or prior service members.

**Section 3** amended Section 56-3-14940(B) by reinserting that disabled veterans are exempt from the regular motor vehicle registration fee. Disabled veterans were erroneously charged a fee in the Military Plate Act that became effective May 6, 2021. A sentence is added to cover any Disabled Veteran who is charged a fee between the effective day of the previous law and passage of this act, so that they can be reimbursed.

**Section 4** amended Section 56-3-14960(A) to add the Meritorious Service Medal to the list of special licenses plates reflective of meritorious service for private passenger vehicles and motorcycles to active or prior service members.

**Section 5** amended Section 56-3-14980(A) to reinsert the Support Our Troops special license plate to the list of special license plates showing support for military-related private organizations for private passenger vehicles and motorcycles. The Support Our Troops plate was erroneously deleted last year.

**Section 6** amended Section 56-3-14990 to edit the references to the Code sections in order to match the correct numbers of the law.

**Section 7** amended Section 56-3-15000 to update the language from “award criteria” to “requirements” and provides that licenses plates first issued to registrants under previous requirements are not subject to the revised requirements for applying for a plate.

**Section 8** repealed state law regarding the Members of Foreign Consulates special license plate. The United States Department of State requested all states to repeal these plates due to misuse. There are currently no consulate license plates issued in South Carolina.

**Section 9** clarified that issuance of the USC Women’s Basketball National Championship plate may begin immediately upon signature of the Governor. The remaining provisions of the act take effect on May 6, 2022. Effective May 23, 2022.

## Law & Civil Society

**Constitutional Convention of the States, H. 3205 (Act 241)**

Legislation calling for a **Constitutional Convention of the States (Act 241)** authorized making an application to the US Congress to call a convention for proposing constitutional amendments pursuant to the US Constitution, Article V. The scope of this convention is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Congressional members.

**South Carolina Religious Freedom Act, H. 3105 (Act 141)**

**Act 141** deemed religious services in houses of worship to be essential services during declared states of emergency. As such, these services will be allowed to continue throughout the duration of the declared emergency, absent the presence of a compelling state interest that can be protected in the least possible restrictive way. Any houses of worship denied their right to worship during these declared emergencies could seek declaratory and injunctive relief as well as compensatory damages for their pecuniary and nonpecuniary losses. These religious organizations will still have to comply with all applicable federal and state health, safety, and occupancy requirements. Effective April 25, 2022.

**Medical Ethics and Diversity Act, H. 4776 (Act 235)**

**Act 235** established a right of conscience for health care industry professionals, medical students, and health care insurance payers. The **Medical Ethics and Diversity Act** included, but is not limited to, doctors, nurse practitioners, physician's assistants, nurses, nurses' aides, allied health professionals, medical assistants, pharmacists, pharmacy technicians, medical school faculty and students, nursing school faculty and students, psychology and counseling faculty and students, medical researchers, laboratory technicians, counselors, or social workers. With impunity, they can elect to not to participate in health care services, or pay for them, when to do so would violate their conscience. In addition, this legislation protects them from civil, criminal, or administrative actions. They also cannot be discriminated against for exercising their rights under this proposed legislation. Effective June 17, 2022.

**Posting Notice of Trespassing, H. 3291 (Act 219)**

**Act 219** allowed purple paint as an **additional method of posting notice of trespassing** on a property. As an alternative to the posting of “No Trespassing” signs, this enactment establishes a procedure that allows trespassing notice to be posted on tracts of land by marking immovable, permanent objects along its boundary lines with purple paint.

**Sex Offender Registration, H. 4075 (Act 221)**

Following a South Carolina Supreme Court opinion, Act 221 set up procedures for sex offenders to petition the court, based on the tier of crime committed. The bill established three tiers of sex offenders or sex offenses in our state. Tier I includes criminal sexual conduct in the third degree, incest, buggery, voyeurism, sex with a patient or trainee, so-called 'date rape drug' use, and any offense falling under the federal Adam Walsh Act. Tier II includes criminal sexual conduct in the second degree, facilitating sexual performances by children, sex trafficking, criminal sexual conduct with minors, and solicitations for sex. Tier III includes criminal sexual conduct in the 1st degree, criminal sexual conduct with a minor, assault with intent to commit criminal sexual conduct, kidnapping, and other related offenses. Offenders in different tiers can petition to be delisted or to be relieved from the annual sex offender registration renewal requirements. Tier II offenders can do so twenty-five years after completing their sentences, and Tier III offenders may attempt to do so thirty years after completing their sentences. Listed sex offender information is mandated to be made available via an internet website. All sex offender registrants are prohibited from working in child related businesses, as defined in this act, and include day care centers, child recreation facilities, and child education venues. Effective May 23, 2022.

**Electronic Dissemination of Third-Party Commercial Recordings or Audiovisual Works, H. 3859 (Act 146)**

**Act 146** addressed the **electronic dissemination of third-party commercial recordings or audiovisual works**. The legislation required someone who owns or operates a website or online service dealing in the electronic dissemination of third-party commercial recordings or audiovisual works, directly or indirectly, and who electronically disseminates the works to consumers in this state to disclose clearly and conspicuously his correct name, physical address, telephone number, and e-mail address on his website or online service. The legislation established a private cause of action for violations, and provides that a violation constitutes an unfair trade practice. The legislation is supplemental to state and federal criminal and civil law. Effective April 25, 2022.

**Manufacturing Gaming Machines for Out-of-State Use, H. 4161 (Act 190)**

**Act 190** revised provisions relating to prohibited gaming machines to allow manufacturers to produce gaming machines and equipment designated for out-of-state use. The legislation allowed for the development, manufacture, processing, selling, possessing, provision of technical aid, or transporting of any printed materials, gaming equipment, devices, or other materials, software, or hardware used or designated for use in out-of-state jurisdictions by a gaming device manufacturer. In order to make use of this authority, a gaming device manufacturer must be in good standing with the South Carolina Secretary of State’s Office, registered with the United States Department of Justice Gambling Device Registration Unit, authorized to do business in the State of South Carolina, and have all appropriate local business licensure and zoning authorization. Effective May 16, 2022.

**Name, Image, and Likeness (NIL) Act 35 2021**

**Act 35 of 2021** allowed third parties to compensate collegiate athletes for use of their “Name, Image, and Likeness” (NIL), and hire regulated agents registered in South Carolina. The act provided guidelines and safeguards to protect both athletes and institutions from misuse or abuse of NIL contracts. **Act 35 2021 was suspended in a 2022 budget proviso.**

## Elections

**Pooling City Election Precincts, S. 236 (Act 207)**

**Act 207** modified **pooling city election precincts and elections**. City election precincts are pooled under this proposal, with limits. City election precincts can be pooled under this proposal, so long as the new, pooled precincts do not exceed three thousand voters. This increased amount raises the former one thousand five hundred voters limit. In addition, these pooled municipal polling places could not be more than five miles, up from three miles, from the nearest part of any pooled precinct. Effective May 23, 2022.

**Absentee Ballot and Other Comprehensive Voting Reforms, S. 108 (Act 150)**

**Act 150** became effective, for the most part, on May 13th, 2022. This act, among other things, established Monday through Saturday from 8:30 a.m. to 6:00 p.m. early voting (8:30 a.m. to 5:00 p.m. for non-statewide elections or runoffs early voting) in South Carolina for the two weeks preceding an election. Additional reforms included state standards for all elections to be conducted in our state: in early 2023 limiting candidates to only one party nomination and listing on any ballot and, the form to vote absentee. These voters will also have to provide the last four digits of their social security number for identification purposes. Voting systems and verification protocols, enhanced penalties for violating election laws, and witness requirements for absentee ballots are some additional features of this comprehensive act. Effective May 13, 2022 except that SECTION 2 shall take effect on January 1, 2023. SECTIONS 3 and 6 shall take effect on July 1, 2022. The requirement that the printed name of the witness be examined on return-addressed envelopes takes effect on July 1, 2022.

## Public Safety

**Medical Condition Noted on License, H. 3037 (Act 217)**

Motor vehicle operators wanting to have a medical condition noted on their license and motor vehicle record must provide medical certification to the South Carolina Department of Motor Vehicles (**Act 217)**. The Department must operationalize the laws for notating Autism and other disorders on drivers’ licenses and motor vehicle records by July 1, 2022. Conditions that may be designated on the back of the license include the following: neurological disorders, brain injury, neuro-immune conditions, mental illness, disorders that may cause seizures, and other conditions such as allergies, diabetes or heart disease. A driver’s motor vehicle record may not contain more than three permanent medical conditions unless the applicant voluntarily discloses that he is also autistic. If the driver voluntarily discloses that condition, it must be indicated by a symbol designated by the department on the driver’s license and contained in his record. Applicants must provide documentation from a physician licensed in this State that they are autistic.

The information contained on a driver’s license and in the driver’s department records pertaining to a person’s medical condition must be made available, upon request, only to:

* law enforcement, emergency medical services, and hospital personnel;
* the medical advisory board pursuant to Section 56-1-221;
* permitted entities pursuant to the Driver Privacy Protection Act, 18 U.S.C. 2721; and,
* the person to whom the records of the permanent medical condition applies.

Information contained on a driver’s license and in the driver’s Department records pertaining to their organ and tissue donor must be made available, upon request, only to law enforcement, emergency medical services, hospital personnel, and the South Carolina Donor Referral network.

The information contained on a driver's license and in the driver's Department records pertaining to a person's permanent medical condition and organ and tissue donor may not be sold and is exempt from disclosure pursuant the South Carolina Freedom of Information Act. Effective May 23, 2022. The effective date for some elements of the special identification card are May 23, 2023.

**Do Not Resuscitate Orders, S. 508 (Act 122)**

**Act 122** addressed changes to do not resuscitate for emergency services orders for a child with a terminal illness to clarify the law for emergency services (EMS) personnel. Effective March 14, 2022.

**Minimum Age for Corrections Officers, S. 1092 (Act 215)**

The Criminal Justice Academy, and the Law Enforcement Training Council, must ensure that detention and correctional officer candidates in South Carolina are at least eighteen years old, rather than the former minimum age of twenty-one years. This legislation implements a recommendation from the House Legislative Oversight Committee’s 2020 study of the Department of Corrections. Effective May 23, 2022.

**Noncertified Law Enforcement Officer Chaperones, H. 3050 (Act 218)**

**Act 218** prohibits **noncertified law enforcement officer chaperones** hired after July 1, 2022 from performing any law enforcement duties unless they are accompanied by a certified law enforcement officer for one year after their hire date. In addition, this act establishes minimum law enforcement standards about limited use of chokeholds, and spells out additions to the use-of-force continuum, vehicle pursuit standards, officers' duties to intervene in abuse of anyone by other officers and subjecting them to misconduct prosecutions for failing to intervene in these situations, use of no-knock warrants, and use of body cameras. In addition, law enforcement agencies must fully cooperate in any investigations performed by the Law Enforcement Academy or its Law Enforcement Training Council, or face penalties for failing to do so. Compliance Division will become operational to enforce standards for training and exercising law enforcement authority. Effective May 23, 2022. Certain sections of the act will be effective January 1, 2023.

**Railroad Grade Crossing, H. 3730 (Act 132)**

**Act 132** provided the additional circumstance of "other on-track equipment" (e.g., maintenance equipment) that would require a driver of a motor vehicle to stop a vehicle approaching a **railroad grade crossing** in order to obey a signal that indicates an approaching train. Effective **April 11, 2022.**

**Bus Definitions and Stopping Requirements at Railroad Tracks, H. 4618** (**Act 134)**

**Act 134** regarded **bus definitions and stopping requirements at railroad tracks.** The act amended Section 56-5-2720 in order to comply with federal law governing vehicles required to stop at railroad grade crossings. The act revised the types of vehicles and railroad crossings subject to this provision and defines “business district” and “bus.” The act also ensured that the changes are not interpreted to alter the law requiring school buses to stop at railroad crossing as provided in Section 59-67-230. Effective April 11, 2022.

**Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program Enhancements, S. 460 (Act 170)**

**Act 170** included enhancements to the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program which awards grants to volunteer fire departments for purchasing protective gear, vehicles, and other firefighting equipment and for funding such initiatives as firefighter training and upgrades to fire stations. The V-SAFE Program revisions included changes that allow for increased funding that is awarded in grants each year, rather than every three years, to volunteer fire departments and combination departments, which employ some firefighters but are mostly composed of volunteers.

The legislation also revised numerous provisions to consolidate and simplify the statutory authority of the State Fire Marshal. The legislation’s revisions are not to supersede or impair the authority granted to the State Board of Pyrotechnic Safety relating to the manufacture, sale and storage of fireworks. This legislation implements recommendations from the House Legislative Oversight Committee’s 2019 study of the Department of Labor, Licensing and Regulation. This legislation implements recommendations from the House Legislative Oversight Committee’s 2018 study of the Department of Natural Resources. Effective May 16, 2022.

**Continuing Education Exemption for Experienced Real Estate Professionals and Financial Advisors, S. 158 (Act 167)**

**Act 167** exempted experienced real estate professionals and financial advisors from continuing education requirements for experienced real estate professionals and financial advisors. The legislationallows a licensed real estate broker or salesperson who is at least sixty-five years old and has a minimum of twenty-five years of licensure in South Carolina to apply for a full exemption from continuing education requirements. A financial advisor subject to securities registration is also eligible for this full continuing education waiver based on age and experience. Effective May 16, 2022.

## Education

**Removing Local School Board Members, S. 203 (Act 138)**

**Act 138** struck obsolete language that grants the power of **removing local school board members** to county boards of education. Only two counties retain county boards. Instead, Section 59-19-60, was revised so that a trustee who willfully commits or engages in an act of malfeasance, misfeasance, chronic unexcused absenteeism, conflicts of interest, misconduct in office, or persistent neglect of duty in office, or is deemed medically incompetent or medically incapacitated is subject to removal by the Governor. Prior to removal, the Governor must inform the trustee in writing of the specific charges being brought and provide an opportunity to be heard. Effective April 25, 2022.

**Unencumbered Time for Teachers, S. 946 (Act 176)**

**Act 176** required the State Board of Education to adopt and periodically revise a policy that local boards must use when developing their own plans for schools to provide at least **thirty minutes of unencumbered time each day to all full-time teachers** in grades kindergarten through five and special education teachers in elementary through high school.

“Unencumbered time” may be withheld or reduced if “reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff.” District policies may not allow teachers to have extra compensation in lieu of not using unencumbered time unless those “extreme and unavoidable circumstances” are present. The State Board policy must include penalties for failure to comply with the section. Local boards must adopt an unencumbered time policy within three months after the State Board adopts its policy. Effective May 16, 2022.

**Displaying Mottos and Flags, S. 969 (Act 177)**

**Act 177** required the State Board of Education to promulgate regulations for displaying the United States and South Carolina **mottos and flags** (In God We Trust (United States) and South Carolina’s *Dum spiro spero* (“While I breathe, I hope”) and *Animis opibusque parati* ("Prepared in Mind and Resources").

School districts must observe Patriotism Week and two additional patriotic occasions--Patriot Day (September 11) and Constitution Day (September 17). If a request is properly submitted, schools must allow youth patriotic societies to address students at an event scheduled during the week of these occasions. For a limited period during the observance, society representatives may inform students of how involvement in the society can benefit their schools, communities, and themselves.

The act allows the following societies to participate:

* + Big Brothers-Big Sisters,
  + Boy Scouts and Girl Scouts,
  + Boys and Girls Clubs; and,
  + Future Farmers of America.

Effective May 16, 2022.

**In-Home Fingerprint and DNA Identification Kits, S. 1103 (Act 180)**

**Act 180** requires the State Department of Education to provide **inkless in-home fingerprint** and DNA identification kits to all school districts and open‑enrollment charter schools upon the request of a parent or legal custodian of any kindergarten, elementary, middle, or high school student. Parents or legal custodians who receive a kit may submit it to federal, state, tribal, or local law enforcement to help locate and return a missing or trafficked child. Effective May 16, 2022.

**Prohibition of Debt Collection for School Food Debt, H. 3006 (Act 182)**

**Act 182** prohibits public schools and districts from using a debt collection service to collect, or attempt to collect, student debts owed for school lunch or breakfast. Schools and districts are also prohibited from assessing or collecting any “interest, fees, or other such monetary penalties” for school lunch or breakfast debts. Effective May 16, 2022.

**Historically Black Colleges and Universities Day, H. 4576 (Act 120)**

**Act 120** designated the third Tuesday in February of each year as “**Historically Black Colleges and Universities Day**” in South Carolina. Effective February 15, 2022.

**Coastal Carolina University Board of Trustees , H. 4944 (Act 130)**

**Act 130** the Coastal Carolina University Board of Trustees to provide notice of the time and place of all meetings of the board either electronically or through United States mail. Previously, the Board could provide notice only via mail. Effective April 4, 2022 *(Act 130).*

**Save Women’s Sports Act, H. 4608 (Act 193)**

**Act 193** is known as the Save Women’s Sports Act. The act expresses that the intent of General Assembly is “to maintain opportunities for female athletes...and to provide them with… numerous other long-term benefits that result from participating and competing in athletic endeavors.”

According to the bill, athletic teams and sports must adopt a sex-specific designation in order to “maintain fairness for women’s athletic opportunities.” The bill covers the following activities: interscholastic, intercollegiate, intramural, and club athletic teams sponsored by a public elementary school, public secondary school, or public postsecondary institution. The act also applies to private institutions that compete against their public counterparts.

Teams or sports must be expressly designated as one of the following:

* Males, men, or boys;
* Females, women, or girls; or,
* Coed or mixed (both males and females).

Male sports or teams may allow female participation only if there is no compatible team or sport at the school; however, in no event are female sports or teams open to males.

Biological sex is determined at a team or sport member’s birth. A birth certificate is considered to correctly state an athlete’s biological sex if it is created at, or near, the time of their birth.

Students subjected to retaliation or other adverse actions by a school, public postsecondary institution, or athletic organization for reporting a violation of the law may initiate a legal cause of action. Schools or public postsecondary institutions that suffer direct or indirect harm because of a violation of this section may bring a cause of action against the governmental entity, licensing or accrediting organization, or athletic association. Lawsuits brought under this section are subject to the South Carolina Tort Claims Act. Effective *May 16, 2022.*

**South Carolina Teacher Preparation Report Card, H. 3591 (Act 185)**

**Act 185** required the Commission on Higher Education, with assistance from the State Board of Education, the State Department of Education, and the Revenue and Fiscal Affairs Office, to create and publish online the “South Carolina Teacher Preparation Report Card.” The report will evaluate the ability of educator preparation programs, including alternative programs, to train new teachers for success.

SDE must provide educator preparation programs with information regarding their graduates in order for the programs to improve their offerings and comply with accreditation requirements. Teacher data must be protected by creating a unique system for identifying each graduate. Strict confidentially of identifying information must be maintained, and information may not be shared without consent. Educator information is exempt from FOIA. Effective May 16, 2022.

**South Carolina Workforce Industry Needs Scholarship (SCWINS), H. 3144 (Act 204)**

**Act 204** established the South Carolina Workforce Industry Needs Scholarship (SCWINS) to address costs of South Carolinians who are pursuing professional certificates; industry recognized credentials (IRC), diplomas, or degrees from public South Carolina technical colleges that equip students for a career, with priority given to industry sectors experiencing a high demand for qualified employees. The SCWINS scholarship is equal to the cost of tuition, fees, or expenses for required course-related materials after applying all other federal or state scholarships or grants, not to exceed five thousand dollars each year for no more than three years of instruction, if the student is enrolled in an associate degree program, or no more than two years of instruction, if enrolled in an IRC, diploma, or professional certificate program. The legislation establishes eligibility criteria including a requirement that a student must be employed, take a financial literacy course offered at the public technical college, or complete one hundred hours of voluntary time contributing to a nonprofit or public service organization approved by the State Board of Technical and Comprehensive Education. Credit-seeking recipients of SCWINS shall maintain their scholarship eligibility by showing substantial progress on their coursework and maintaining a grade point average of 2.0 or better on a 4.0 grading scale. The SBTCE and the South Carolina Department of Employment and Workforce shall collaborate to inform individuals who are receiving unemployment insurance about short-term training programs available at their local technical college through the SCWINS Program. Effective May 16, 2022.

**Contractors, S. 888 (Act 175)**

**Act 175** related to **contractors** providing for a voluntary contribution made upon application for a contractor's license to be applied to accredited public institutions of higher learning offering courses in building **science or civil engineering**. Effective July 15, 2022.

**Authority of the Inspector General, S. 202 (Act 223)**

Regarding interscholastic sports competition for public secondary schools in South Carolina, the **authority of the Inspector General** is expanded (**Act 223)** to include public schools, public school districts, public charter schools, public charter school authorizers, and any voluntary association or nonprofit that establishes and enforces bylaws or rules for sports. Effective June 17, 2022.

## Health

**South Carolina Opioid Recovery Act, H. 5182** **(Act 222)**

**Act 222** established funds to meet the settlement agreement prerequisites for states to participate in receiving funds from the national opioid litigation settlement proceeds. South Carolina expects to receive a total of $360 million over the course of the next eighteen years.

**Anatomical Gifts, H. 4597 (Act 163)**

**Act 163** assertedthat a person in need of an **anatomical gift** shall not be deemed ineligible to receive an anatomical gift solely because of the individual’s physical or mental disability. Effective May 13, 2022

**Audiology and Speech-Language Interstate Compact Act, H. 3840 (Act 160)**

The General Assembly established the Audiology and Speech-Language Interstate Compact Act **(Act 160**). The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to the services. Among many things, this act set minimum education and training requirements for audiologists and speech language pathologists in member states. In addition, a participating licensee must have a current unrestricted license to practice in home state and must have no history of disciplinary actions or criminal records that violates the rules of the compact. The act added a national criminal records check, supported by fingerprints, by the FBI. Effective May 13, 2022.

**Do Not Resuscitate Orders, S. 508 (Act 122)**

**S. 508** addressed changes to do not resuscitate for emergency services orders for a child with a terminal illness to clarify the law for emergency services (EMS) personnel. Effective March 14, 2022.

**Health care Decision Priority List, H. 4600 (Act 192)**

**Act 192** revised the priority list of persons who can make health care decisions for persons who are unable to do so. This act modernized the list of persons authorized to make health care (“electro-convulsive therapy or major medical treatment“) decisions for a DMH patient unable to consent (so as to be consistent with 2019 legislative changes to a statute governing care for all adults unable to provide consent for treatment). This legislation implemented a recommendation from the House Legislative Oversight Committee’s 2020 study of the Department of Mental Health. Effective May 16, 2022.

**Massage Therapy Practice Act, S. 227 (Act 151)**

The Massage Therapy Practice Act (**Act 151)** updated and strengthened the licensure requirements for massage therapists. The act added an option of a completed, approved program in place of a high school diploma or GED. “Massage therapy” means the application of a system of structured touch to the soft tissues of the human body with the hand, foot, knee, arm, or elbow, whether or not the structured touch is aided by hydrotherapy, thermal therapy, a massage therapy device, or application to the human body of an herbal preparation. Massage therapy includes, but is not limited to, bodywork modalities as approved by the Board. The legislation increased the required educational hours and required passing the Federation of State Massage Therapy Board (FSMTB) or any other board-approved examination. No person shall use the words “massage therapy,” “bodywork therapy,” “massage-bodywork therapist,” “massage therapist (MT),” “bodywork therapist,” “massage or licensed massage therapist (LMT),” or any other words identified by the Board in regulation unless the person is licensed. The act required a state criminal history records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The legislation outlined disciplinary actions if a licensee is not in compliance. In addition, the act replaced the Panel for Massage/Bodywork with the Board of Massage Therapy under the South Carolina Department of Labor, Licensing and Regulation. Effective May 13, **2023**.

**Occupational Therapy Licensure Compact, H. 3599 (Act 158)**

The General Assembly created the **Occupational Therapy Licensure Compact** (**Act 158)** to allow South Carolina to enter a multistate licensure compact to provide for the reciprocal practice of occupational therapy. The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The legislation includes requirements for fingerprinting and criminal SLED background checks.Effective May 13, 2022

**Pharmacy Access Act, S. 628 (Act 210)**

**Act 210** allows a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable **hormonal contraceptive** in accordance with a standing prescription drug order by a prescriber to a patient who is eighteen years of age or older or someone under eighteen year old who has evidence of a previous contraceptive prescription. “Injectable hormonal contraceptive” means a drug composed of a hormone or a combination of hormones that is approved by the US Food and Drug Administration to prevent pregnancy and that a practitioner administers to a patient by injection. “Injectable hormonal contraceptive” does not include any drug intended to terminate a pregnancy.

The act outlined that the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense a self-administered hormonal contraceptive and the act reduced the pharmacist hormonal contraceptive continuing education requirement from three hours to one hour. It also provides limited liability protection from civil or criminal liability if pharmacist acts in accordance with these provisions.

This act stated that an originating pharmacy may outsource a prescription drug order filling to a central fill pharmacy under certain conditions. The act provided guidelines for a **central fill pharmacy** (“central fill pharmacy”means a permitted pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient's agent). Effective May 23, 2022 or “except as otherwise specifically provided, this Act takes effect upon the issuance of a **written joint protocol** pursuant to this Act.”

**Psychology Inter-jurisdictional Compact (PSYPACT), H. 3833 (Act 159)**

The General Assembly passed legislation that allows for the South Carolina Board of Examiners in Psychology to enter into the Psychology Inter-jurisdictional Compact (PSYPACT). **Act 159** permits eligible psychologists to practice telepsychology and temporary in-person psychology to increase the deliverability of behavioral services to the citizens across South Carolina. The legislation includes language requirements for fingerprinting and criminal SLED background checks. Effective May 13, 2022

**Rena Nicole Grant Sickle Cell Disease Voluntary Patient Registry Act, H. 3166 (Act 206)**

**Act 206**, the “Rena Nicole Grant Sickle Cell Disease Voluntary Patient Registry Act,” directs DHEC to develop and maintain the Sickle Cell Disease Voluntary Patient Registry for individuals who have been diagnosed with sickle cell disease. The purpose of the registry is to provide a means for health care practitioners providing care, including pain management to a sickle cell patient, to confirm whether the individual has been diagnosed with sickle cell. The registry also would be a means to collect and study data on the incidence and nature of sickle cell disease in order to improve patient care and access to services. If a physician diagnoses a patient with sickle cell disease, the physician shall notify the patient of the Sickle Cell Disease Voluntary Patient Registry and his or her right to register as a person having sickle cell disease. DHEC may provide a copy of the registration to a physician or other health care practitioner who is treating a patient and who requests the information after certifying that the patient, or the patient’s parent or caregiver if the patient is a minor or is incapacitated, has indicated that the patient has submitted a registration and would like the physician or other health care practitioner to verify the registration. Effective June 23, 2022

**Parkinson’s Disease Research Collection Act, S. 1011 (Act 211)**

The General Assembly established the **South Carolina Parkinson’s Disease Research Collection Act (Act 211)**.” In an effort to address the growing concern of Parkinson ’s disease, this Act directed MUSC to establish a database for the collection and dissemination of information on the incidence of Parkinson’s disease and related Parkinson’s disorders. It requires all Parkinson’s disease diagnosed or treated to be reported to MUSC. The database must include information regarding medical and nonmedical treatments and that the database may be shared with other states, Parkinson’s disease registries, or Federal disease control agencies. Effective Date: May 23, 2023

**Stage Four Advanced Metastatic Cancer, H. 3775 (Act 187)**

The General Assembly passed legislation dealing with health benefit plans forstage four advanced, metastatic cancer. The act outlined that no health benefit plan that directly or indirectly covers the treatment of stage four advanced, metastatic cancer may limit or exclude coverage for diagnostic imaging services for the diagnosis and treatment of the patient’s stage four advanced, metastatic cancer (**Act 187)** (if the National Comprehensive Cancer Network Clinical Practice Guidelines in Oncology provide a consensus that the diagnostic imaging service in question is appropriate and is supported by peer‑reviewed literature). Effective May 16, 2022. The act “applies to health benefit plans issued, renewed, delivered, or entered into on or after the effective date of this act.”

**Unlicensed Assistive Personnel (UAP), S. 613 (Act 171)**

The General Assembly updated the requirements for delegating certain nursing tasks to **unlicensed assistive personnel (UAP) (Act 171).** A physician’s assistant may delegate these tasks to a UAP. Among many things, the legislation defined a category of unlicensed medical staff - the Certified Medical Assistant (CMA). The legislation also outlined that the unlicensed assistive personnel must not administer medications except as provided by law (providing that medical assistants employed at the time of the passage of this act may continue to work but must become certified within two years of the act’s effective date to continue to work in the role of a CMA. The limitation on specific tasks that may be delegated to a CMA applies when the delegation is done by a PA or an advanced practice registered nurses (APRN). Effective: July 14, 2022.

**COVID-19 Vaccine Mandates, H. 3126 (Act 142)**

Act 142 declared the practice of discrimination against an individual because the individual has chosen not to receive a COVID-19 vaccination or booster is a matter of state concern and is in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual’s own ability. The General Assembly held that a federal vaccine mandate is unconstitutional and shall not be enforced by this state unless, after legal challenge, courts of this state or of the United States of America hold the federal vaccine mandate to be enforceable.

The legislation prohibits South Carolina’s state and local governments, including school districts, from imposing a COVID-19 vaccine mandate for any employee, independent contractor, nonemployee vendor, or student as a condition of employment or attendance. In situations where federal requirements would cause state or local governments, including school districts, to forfeit federal funds, employers may require unvaccinated employees, contractors, and vendors to undergo weekly COVID-19 testing where federal requirements allow for testing as an alternative to vaccination. Employees who are terminated due to federal vaccine mandates are eligible for unemployment benefits.

The legislation prohibits state and local government vaccine mandates for first responders by providing that neither the state, nor any of its political subdivisions, may terminate, suspend, or otherwise reduce the compensation of someone employed with public funds as a law enforcement officer, firefighter, emergency medical technician, or paramedic if the first responder does not undergo a COVID-19 vaccination.

If a private employer terminates, suspends, or otherwise reduces the compensation of an employee because the employee does not receive a COVID-19 vaccination or booster, that employee is eligible for unemployment benefits.

The legislation does not prevent an employer from encouraging, promoting, or administering vaccinations, and nothing in this act shall prevent an employer from offering incentives to employees who elect to be vaccinated.

A private employer’s vaccine mandate may not extend to independent contractors, nonemployee vendors, or other third parties that provide goods or services to the employer, nor may they be used to coerce third parties that provide goods or services to the employer into implementing a vaccine mandate to maintain the business relationship. These restrictions do not apply to federal government contracting.

The legislation provides that a religious exemption or medical exemption must be honored regarding any COVID-19 vaccine or booster requirement. A medical exemption may include the presence of antibodies, a prior positive COVID-19 test, or pregnancy. To claim a religious

exemption, a person must provide his employer with a short, plain statement attesting to the fact that a tenet of his deeply held religious convictions would be violated by receiving the COVID-19 vaccine and booster. These provisions do not apply to federal government contracting.

The legislation provides that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the basis of the person’s vaccination status. These provisions prohibiting discrimination or segregation apply in establishments serving the general public such as hotels, motels, hospitals, restaurants, theaters, sports arenas, and retail or wholesale establishments. The provisions of the South Carolina COVID-19 Liability Immunity Act of 2021 are reenacted. **The legislation is repealed on December 31, 2023, unless reauthorized by the General Assembly.** Effective May 25, 2022.

**Sign Language Interpreters Act, H. 3795 (Act 188)**

The Sign Language Interpreters Act (**Act 188)** applies to all defined agencies and hospital systems regulated by DHEC and states that a person may provide interpreting services for a state agency or hospital only if they have a certification recognized by the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters of the Deaf, or the National Registry of Interpreters of the Deaf. The prohibitions contained in the act do not apply in cases of emergency where a certified interpreter is not available. SDE, in consultation with the South Carolina Association of the Deaf and the South Carolina Registry of Interpreters of the Deaf, must develop regulations regarding credentials for sign language interpreters in public schools and special schools. Effective January 1, 2024.

**Continuing Care Retirement Communities, H. 4983 (Act 197)**

**Act 197** revised provisions for the licensing and regulation of **continuing care retirement communities**. The legislation establishes a two-tiered system of licensure with the Department of Consumer Affairs involving the issuance of preliminary and final licenses. Other requirements include provisions pertaining to contracts and agreements, financial responsibility determination and reservation deposits. Effective May 16, 2022.

**County Minimum Ambulance Service Standards, H. 4601 (Act 164)**

In an effort to improve health access, the General Assembly set **county minimum ambulance service standards (Act 164).** County councils would need to have at least one licensed ambulance service operating within its county. Effective May 13, 2024.

**Joint Citizens and Legislative Committee on Children, H. 3211** **(Act 123)**

The Legislature extended the authority of the **Joint Citizens and Legislative Committee on Children** **(Act 123)** through December 31, 2030. *Ex officio* members will now include the directors of the departments of Alcohol and Other Drug Abuse Services, Health and Environmental Control, Health and Human Services, as well as the director of the Office of South Carolina First Steps to School Readiness. Effective March 14, 2022.

**Behavioral Telehealth, S. 1179 (Act 155)**

Social workers and counselors may provide **behavioral telehealth** services **(Act 155).** A person who is licensed in another state to provide clinical practice social work, professional counseling, addiction counseling, marriage and family therapy, or licensed psycho educational specialist services must register with the appropriate SC board.Effective June 13, 2022.

**Optometry Mobile Units, H. 4837 (Act 165)**

**Act 165** established requirements and authorization that allows not-for-profit programs to operate optometry mobile units to visit Title I public schools and provide services onsite to their students. A mobile unit that provides preventive treatment to a patient, including a screening, eye examination, or prescription for corrective lenses, must make appropriate arrangements for treatment services within the patient’s geographic area on a follow-up basis. Effective May 13, 2022.

**Provision of Medications, S. 1059 (Act 179)**

**Act 179** added intermediate care facilities for persons with intellectual disability and nursing homes to the list of facilities authorized to allow unlicensed persons with documented medication training and skill competency evaluation. The bill also added that for nursing homes only, the Department of Health and Human Services (DHHS) shall develop a Medication Technician Certification Program. The program should include standards not limited to curriculum, training and competence and testing certification requirements. As a result, DHHS is to create and maintain a Medication Technician Registry. Effective May 16, 2022.

## Family, Children and Senior Issues

**Uniform Transfers to Minors Act, H. 3821 (Act 128)**

The **Uniform Transfers to Minors Act (Act 128)** updated existing law and established a more modern method for, and a uniform manner of making, transfers of custodial property for the benefit of minors. It repealed existing, outmoded law covering these transfers. It became effective when the Governor signed it on April 4, 2025.

**In-Home Fingerprint and DNA Identification Kits, S. 1103 (Act 180)**

**Act 180** required the State Department of Education to provide **inkless in-home fingerprint** and DNA identification kits to all school districts and open‑enrollment charter schools upon the request of a parent or legal custodian of any kindergarten, elementary, middle, or high school student. Parents or legal custodians who receive a kit may submit it to federal, state, tribal, or local law enforcement to help locate and return a missing or trafficked child. Effective May 16, 2022.

**DSS unfounded report information, S. 243 (Act 224)**

**Act 224** set out in this legislation parameters as to the release of **DSS unfounded report information** about child fatalities or near fatalities, in child removal or intervention actions, can be released under the Releasable information is limited to causes and circumstances of fatalities or near-fatalities contained in unfounded abuse reports, the age and gender of the child, any prior reports related to the fatalities or near fatalities, prior investigation reports, and lists of any state-provided resources.

**Employment First Initiative Act, S. 533 (Act 209)**

**Act 209** included the **Employment First Initiative Act** under which all state agencies and South Carolina’s political subdivisions are encouraged to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities. The legislation creates the South Carolina Employment First Oversight Commission and charges the volunteer commission with making annual progress reports and identifying barriers to achieving the outcomes and effective strategies and policies that can help realize the employment first initiative.

The legislation also includes provisions prohibiting the payment of subminimum wages to individuals with disabilities. The resolution provides that employers, community rehabilitation programs, and hospital patient care workers at regional centers shall not use a provision of the Fair Labor Standards Act of 1938 to pay disabled employees a subminimum wage. No individual with a disability may be paid less than the federal minimum wage. The Department of Disabilities and Special Needs is required to submit an annual report to the General Assembly concerning the payment of a subminimum wage in South Carolina. The legislation establishes a South Carolina Task Force on Eliminating the Subminimum Wage charged with identifying and developing protections for disabled subminimum wage employees to maintain competitive employment while phasing out the use of the **subminimum wage** by August 1, 2024. Effective May 23, 2022.

**Extending Foster Care Placements Past Age Eighteen, H. 3509 (Act 143**)

Certain children still in SC Department of Social Services custody on their eighteenth birthday will now continue to receive these services and support until they turn twenty-one (**Act 143)**. They include students still pursuing secondary, post-secondary or vocational education. Also included are alternately abled children, those in vocational rehabilitation, or those working at least eighty hours per month. It also expands the definition of what will be considered a "foster family home." Effective April 25, 2022.

**Fictive Kin to be Eligible to Become Foster Parents, S. 222 (Act 168)**

**Act 168** defined "**fictive kin”** as individuals who are not related by birth, adoption, or marriage to, but who have emotionally significant relationships with, a child or the child's family. It states that a relative or fictive kin, with whom a child with has been placed, will have the same legal status as traditional foster parents and access to services as a licensed kinship foster care provider, including any payments and other services provided during the licensure process. Effective May 16, 2022.

## Veterans

**Veterans Service Organization Burial Honor Guard Support Fund, S. 968 (Act 225)**

The General Assembly passed legislation that established the “Veterans Service Organization Burial Honor Guard Support Fund.” The fund helps to offset the costs paid by South Carolina chapters of congressionally chartered veterans service organizations that provide well-equipped and properly trained honor guard burial details at the funerals of qualifying South Carolina veterans. The legislation outlined that the Secretary of the S.C. Department of Veteran Affairs to authorize a disbursement from the fund, not less than fifty dollars, but not exceeding the per funeral cap established annually. The fund may accept gifts, grants, federal funds, or donations from any source, as well as appropriated funds by the General Assembly. Effective Date: June 17, 2022.

**Business Apprenticeship Tax Incentives, S. 901 (Act 237)**

**Act 237** included tax incentives for apprenticeship programs employing veterans and individuals who have been incarcerated for nonviolent offenses. The legislation made provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly hired veteran of the U.S. Armed Forces who was honorably discharged or released from such service due to a service‑connected disability. The legislation made provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly hired individual who was formerly incarcerated for nonviolent offenses. These apprenticeship tax credits may be claimed for no more than three years. The amount of the credit is set at $3,000 for each eligible employee for the first year it is earned and is reduced to $2,500 for second year, and $1,000 for a third year. The legislation also provides for Enterprise Zone Act enhancements including revisions that allow affiliated businesses to claim job development credits for creating new jobs in the state. Effective June 22, 2022.

## Environment

**Advanced Recycling Regulations, S. 525 (Act 119)**

**Act 119** updated the solid waste laws to include the regulation of **advanced recycling**. The act outlined that “advanced recycling,” means manufacturing processes that convert post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes and other products. The act included that DHEC require new companies to the state, prior to being issued a permit, to provide financial responsibility in the form of a surety bond for five years. This requirement will expire five years from the effective date of January 27, 2022.

The act stated that DHEC must provide a report every year to the General Assembly regarding DHEC’s analysis of the advanced recycling facility industry and its recommendation as to the industry's record in this state or elsewhere. The report must also include, but not be limited to, the industry’s costs of clean up, environmental remediation, firefighting, ground water or surface water contamination, private property contamination, public health impacts, and displacement and relocation of affected persons, and any other reasonably foreseeable costs associated with the operation, management, or abandonment of any pyrolysis and gasification facilities. Effective Dates: January 27, 2022 and July 1, 2022.

**Hazardous Waste Cleanup, H. 4999 (Act 199)**

**Act 199** gaveDHEC another method to address **hazardous waste cleanup.** The act introduced the option of doing a site specific cleanup approach by using a risk-based methodology, which means that each site would be viewed individually and evaluated with respect to its specific circumstances and risks posed to that site, its neighbors, air, land, surface, and groundwater. Current and future planned uses would also be taken into account. Current hazardous waste cleanup laws have not been really updated in the last forty years, and this legislation recognized that incidents might need different solutions. This may accomplish a quicker cleanup. Effective Date: May 16, 2022.

**Manufacturer Electronic Waste Recovery Program (E-Waste), H. 4775 (Act 234)**

**Act 234** established a new statewide **Manufacturer Electronic Waste Recovery Program (E-Waste)** for covered televisions and computer monitor devices, etc., beginning year **2023**. Due to a decrease in the market for these devices, counties currently face large financial burdens to recycle these items. Under the old program, manufacturers recycled eighty percent of what was sold, leaving counties with the cost of recycling any devices that remained at county recycling centers. The new program would require that all covered television and computer monitor devices must be picked up from counties by a manufacturer. The act provided language that protects counties from financial liability once these devices leave a recycling facility. The act required all stakeholders to reconvene on June 1, 2026, to assess how the program is working and whether there needs to be changes or updates to the program by January 15, 2027. There is also a 2029 sunset provision on the program. Act 234 was signed into law by the Governor on June 17, 2022; however, there are several dates of which to be aware.

**Outdated Solar Panels and Batteries, S. 525 (Act 119)**

**Act 119** provided DHEC regulations for the handling of outdated **solar panels and batteries** and the decommissioning of solar projects in excess of thirteen acres. The Department must require, as part of a new application or on pending applications, local approval of a site plan for a solar farm in excess of thirteen acres, that an owner, lessee, or developer of real property upon which the site is situated must submit to the department a nonbinding plan to manage and dispose of end-of-life photovoltaic modules and energy storage system batteries and decommission solar energy equipment, facilities, or devices. Effective Dates: January 27, 2022 and July 1, 2022.

**Topographic Mapping Using Light Detection and Ranging (LiDAR), H. 3055 (Act 230)**

**Act 230** outlined that the State Geological Survey Unitin the Department of Natural Resources shall conduct topographic mapping using light detection and ranging (LiDAR) data collections by

December 31, 2022, and at least every seven years thereafter. The unit is authorized to work with local, state, and federal governmental entities in South Carolina to complete the topographic mapping and share the results of the topographic mapping with these agencies. Date: June 17, 2022

**Water Supply, S. 1010 (Act 139)**

**Act 139** outlined that an entity that has contracted for the right to store **water in a reservoir** owned by the US Army Corps of Engineers has exclusive rights to any return flows generated to that reservoir under the “**Water Resources Planning and Coordination Act**.” The act further outlined that the “return flow” means water that is discharged directly or indirectly to a reservoir from a water recovery facility. Effective April 25, 2022.

**Fish and Game Clubs, H. 3056 (Act 231)**

**Act 231** deleted outdated Department of Natural Resources’ **commissions** and **fish and game clubs** that are no longer part of the laws and practices of the Department. The act deleted language regarding Legislative Delegations appointing game warden for counties.Effective June 17, 2022.

**Offshore Wind Energy Supply Chain Industries Economic Development Study, H. 4831 (Act 245)**

**Act 245** directed the Department of Commerce to conduct an Offshore Wind Energy Supply Chain Industries Economic Development Studyto evaluate the state’s business advantages, economic climate, workforce readiness, and any other relevant state assets to create a roadmap for South Carolina to effectively compete in attracting offshore wind energy supply chain industries to the state.The Department of Commerce was directed to coordinate with the Office of Regulatory Staff, Clemson University, or other pertinent state agencies, and must submit the reports, roadmap, and any legislative recommendations to the Speaker of the House, Chairman of the House Ways and Means Committee, Chairman of the House Labor, Commerce and Industry Committee, the President of the Senate, Chairman of the Senate Finance Committee, and Chairman of the Senate Labor, Commerce and Industry Committee one year from the date of funding by the General Assembly. These provisions are repealed on June 30, 2024. Effective June 17, 2022.

## Wildlife & Natural Resources

**Airboats and Duck Season, H. 3889 (Act 133)**

The General Assembly passed legislation restricting the use of airboats during duck season. This act reflects current law; however, it changes use of airboat restriction during waterfowl season or duck season in the Pee Dee basin and Georgetown and Horry counties. Effective April 11, 2022.

**Alabama Bass, H. 4907 (Act 137)**

The General Assembly passed legislation updating the freshwater game fish laws to include other specifies of bass, such as the **Alabama bass**, and trout hybrids. The legislation outlined that it is illegal to sale game fish in this state. Effective Date: April 11, 2022.

**Capture and Immobilization of Wildlife, H. 4904 (Act 135)**

**Act 135** allowed the Department of Natural Resources to obtain and utilize Schedule III Nonnarcotic and Schedule IV Controlled Substances for the capture and immobilization of wildlife.Only trained and certified department employees can provide the administration of tranquilizing agents. Effective Date: April 11, 2022.

**Cotton, S. 1117 (Act 181)**

The General Assembly passed legislation that adds **cotton** (**Act 181)** to the definition of the state’s agricultural commodities list to provide self-assessment insurance against unforeseen issues. It sets an assessment at fifty cents per bale of cotton when delivered to a gin. It increases the Guaranty Fund from four million dollars to twenty-five million dollars. The act also creates the SC Agricultural Commodities Advisory Commission to assist the Department of Agriculture in the duties and administration of the Grain and Cotton Producers Guaranty Fund. Effective Date: May 16, 2022

**Posting Notice of Trespassing, H. 3291 (Act 219)**

Act 219 allowed purple paint as an **additional method of posting notice of trespassing** on a property. As an alternative to the posting of “No Trespassing” signs, this enactment establishes a procedure that allows trespassing notice to be posted on tracts of land by marking immovable, permanent objects along its boundary lines with purple paint.

**Red Snapper, S. 980 (Act 178)**

**Act 178** allowed for the catch of **Red Snapper** in state waters only. There is still a ban on catching Red Snapper in Federal waters. The catch limit is two fish per person per day, with a minimum size of twenty inches in total length. There is no closed season. Effective *May 16, 2022.*

**Trawling for Shrimp and Trapping Furbearing Animals, H. 4986 (Act 198)**

**Act 198** outlined no trap may be placed in the waters of the General Trawling Zone when these waters are open to trawling for shrimp. Effective Date: July 15, 2022. The act also outlined that it is lawful for individual or an individual’s agent to trap furbearing animals **(Act 198)** on the individual's private land for a noncommercial purposewith only a valid statewide hunting license during the established open hunting season or with only a valid statewide hunting license year round. Effective July 15, 2022.

**Watercraft Wake Distance, H. 3308 (Act 124)**

**Act 124** increased the **watercraft idle speed/wake distance** to one hundred feet of a wharf, dock, bulkhead or pier on certain lakes. Provisions do not apply to Lake Moultrie. In addition, the provisions do not apply to a person behind a vessel or watercraft who is on water skis or a floating device with the permission of the operator of the vessel or watercraft. The act also set the limit for wake surf to two hundred feet from a moored vessel, dock, pier, bulkhead, wharf, or person in the water. “Wake surf” is define as to operate a vessel that is ballasted in the stern so as to create a wake that is or is intended to be surfed by another person. Effective Date: March 14, 2022.

**Waterfowl Advisory Committee, H. 4177 (Act 147)**

Due to a decline in the state’s waterfowl due to destructive storms and financial management issues, the General Assembly passed legislation (**Act 147)** that creates the waterfowl advisory committee to help direct the manager of the waterfowl program within the Department of Natural Resources. This committee would assist in the management of waterfowl habitats; assist in the development, protection, and propagation of waterfowl, assisting in prioritizing the expenditures of monies. The legislation provides for the membership and terms of this six-member committee.

The act increased the cost of migratory **waterfowl permits** (duck stamps) from five to fifteen dollars for five years. The additional revenue from duck stamps will be used to repair the state’s impoundments that have not been addressed over the years. It is noted that none of these funds will be used for operating the program. The committee shall make a report of its findings, activities, and long term plans to the General Assembly by December 31 of each year. Effective Date: July 1, 2022

**Wildlife Disease Control, H. 4906 (Act 136)**

In an effort to prevent the introduction or **circulation of a disease**, in particular the chronic waste disease that affects the deer population, the General Assembly passed legislation to address the issue (**Act 136)**. The legislation outlines that upon declaration of a wildlife disease emergency by the Director of the Department of Natural Resources, after consulting with the Director of the Livestock Poultry Health Division (Clemson University), may promulgate regulations to delineate disease management zones at any geographic scale; and declare temporary emergency open seasons. Effective April 11, 2022.

The House Research Office uses the 17th edition of the Chicago Manual of Style (with practical modifications, esp. regarding budget numbers).

8/5/2022

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 of 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 different stages and dates in the process).