**South Carolina General Assembly**

126th Session, 2025-2026

**S. 2**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Peeler, Alexander, Davis, Devine, Garrett, Turner, Jackson and Sutton

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Introduced in the Senate on January 14, 2025

Introduced in the House on March 5, 2025

Last Amended on February 26, 2025

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Department of Behavioral Health and Developmental Disabilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2024 Senate Prefiled

12/11/2024 Senate Referred to Committee on **Medical Affairs**

1/14/2025 Senate Introduced and read first time ([Senate Journal‑page 23](h:\sj\20250114.docx))

1/14/2025 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 23](h:\sj\20250114.docx))

1/15/2025 Scrivener's error corrected

1/21/2025 Scrivener's error corrected

2/20/2025 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 10](h:\sj\20250220.docx))

2/25/2025 Scrivener's error corrected

2/26/2025 Senate Committee Amendment Adopted ([Senate Journal‑page 28](h:\sj\20250226.docx))

2/26/2025 Senate Read second time ([Senate Journal‑page 28](h:\sj\20250226.docx))

2/26/2025 Senate Roll call Ayes-42 Nays-2 ([Senate Journal‑page 28](h:\sj\20250226.docx))

2/27/2025 Scrivener's error corrected

2/27/2025 Senate Read third time and sent to House ([Senate Journal‑page 11](h:\sj\20250227.docx))

3/5/2025 House Introduced and read first time ([House Journal‑page 5](h:\hj\20250305.docx))

3/5/2025 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 5](h:\hj\20250305.docx))

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20241211.docx)

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250115.docx)

[01/15/2025-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250115a.docx)

[01/21/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250121.docx)

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[02/27/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250227.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

February 26, 2025

S. 2

Introduced by Senators Peeler, Alexander, Davis, Devine, Garrett, Turner, Jackson and Sutton

S. Printed 2/26/25--S. [SEC 2/27/2025 11:21 AM]

Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING chapter 12 to title 44 SO AS TO ESTABLISH THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, TO PROVIDE FOR ITS POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THAT THE DEPARTMENT IS COMPRISED OF THE OFFICE OF INTELLECTUAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, AND THE OFFICE OF SUBSTANCE ABUSE SERVICES; BY AMENDING SECTION 1‑30‑10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, AND TO REMOVE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND THE DEPARTMENT OF MENTAL HEALTH; BY AMENDING SECTION 8‑17‑370, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, ALL EMPLOYEES WHO REPORT DIRECTLY TO THE DIRECTOR, AND THE DIRECTOR FOR EACH OF THE COMPONENT OFFICES ARE NOT SUBJECT TO THE STATE EMPLOYEE GRIEVANCE PROCEDURE; BY AMENDING SECTION 44‑20‑30, RELATING TO DEFINITIONS FOR THE INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, SO AS TO CONFORM THE DEFINITIONS TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, AND TO REDESIGNATE THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AS THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AS A COMPONENT OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44‑20‑210, RELATING TO CREATION OF the SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, MEMBERSHIp, TERMS OF OFFICE, REMOVAL, and VACANCIES, SO AS TO ELIMINATE THE COMMISSION AND CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44‑20‑220, RELATING TO DUTIES OF THE COMMISSION, SO AS TO TRANSFER THE DUTIES OF THE COMMISSION TO THE HEAD OF THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THE DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44‑20‑230, RELATING TO POWERS AND DUTIES OF the DIRECTOR, SO AS TO CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44‑20‑240, RELATING TO the CREATION OF the DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO ESTABLISH THE SCOPE OF AUTHORITY FOR THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44‑20‑255, RELATING TO OWNERSHIP OF PROPERTY CONFIRMED IN the DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO TRANSFER OWNERSHIP TO THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 44‑49‑10, RELATING TO the establishment of the DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO ELIMINATE THE DEPARTMENT AND CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES AND THE OFFICE OF SUBSTANCE ABUSE SERVICES; BY AMENDING SECTION 44‑49‑20, RELATING TO the DIRECTOR OF the DEPARTMENT, SO AS TO PROVIDE FOR THE OFFICE OF SUBSTANCE ABUSE SERVICES; BY AMENDING SECTION 44‑9‑10, RELATING TO the CREATION OF THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CONFORM TO THE CREATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES AND CREATE THE OFFICE OF MENTAL HEALTH, PROVIDE FOR THE HEAD OF THE OFFICE, AND PROVIDE QUALIFICATIONS FOR THE HEAD OF THE OFFICE; BY AMENDING SECTION 44‑9‑20, RELATING TO TRANSFER OF POWERS, DUTIES, RECORDS, AND FILES FROM THE FORMER MENTAL HEALTH COMMISSION, SO AS TO FURTHER TRANSFER THOSE POWERS, DUTIES, RECORDS, AND FILES TO THE OFFICE OF MENTAL HEALTH; BY AMENDING SECTION 44‑9‑30, RELATING TO the CREATION OF the SOUTH CAROLINA MENTAL HEALTH COMMISSION, SO AS TO PROVIDE FOR THE POWERS OF THE DIRECTOR OF THE OFFICE; BY AMENDING SECTION 1‑3‑420, RELATING TO PROCLAMATION OF EMERGENCY BY THE GOVERNOR, SO AS TO ESTABLISH A PROCESS THROUGH WHICH EMERGENCY PROCLAMATIONS MAY BE LIFTED; BY AMENDING SECTION 25‑1‑440, RELATING TO ADDITIONAL POWERS AND DUTIES OF the GOVERNOR DURING a DECLARED EMERGENCY, SO AS TO PROVIDE FOR A PROCESS THROUGH WHICH DECLARATIONS OF EMERGENCY MAY BE LIFTED; BY AMENDING SECTION 40‑43‑86, RELATING TO FACILITY REQUIREMENTS FOR PHARMACIES, SO AS TO PROVIDE FOR THE CIRCUMSTANCES in which A PHARMACIST MAY REFUSE TO FILL OR REFILL A PRESCRIPTION; BY AMENDING SECTION 44‑1‑100, RELATING TO ASSISTANCE FROM PEACE AND HEALTH OFFICERS IN A STATE OF EMERGENCY, SO AS TO GIVE SHERIFFS AND POLICE OFFICERS THE DISCRETION AS TO WHETHER TO AID AND ASSIST THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH IN CARRYING OUT HIS ORDERS DURING A STATE OF PUBLIC HEALTH EMERGENCY; BY AMENDING SECTION 44‑4‑130, RELATING TO DEFINITIONS CONCERNING EMERGENCY HEALTH POWERS, SO AS TO ADD NECESSARY DEFINITIONS AND AMEND CERTAIN DEFINITIONS TO REFLECT CHANGES IN AGENCY NAMES; BY AMENDING SECTION 44‑4‑510, RELATING TO PHYSICAL EXAMINATIONS OR TESTS, SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISOLATE OR QUARANTINE, PURSUANT TO THE SECTIONS OF THIS ACT AND ITS EXISTING POWERS UNDER SECTION 44‑1‑140, ANY SYMPTOMATIC PERSON OR PERSONS WHO HAVE BEEN EXPOSED TO THE CONTAGIOUS DISEASE FOR WHICH THE PUBLIC HEALTH EMERGENCY HAS BEEN DECLARED WHOSE REFUSAL OF PHYSICAL EXAMINATION OR TESTING RESULTS IN UNCERTAINTY REGARDING WHETHER HE IS INFECTED WITH THE CONTAGIOUS DISEASE; BY AMENDING SECTION 44‑4‑520, RELATING TO VACCINATIONS AND TREATMENT, SO AS TO PROVIDE THAT THE DEPARTMENT OF PUBLIC HEALTH MAY VACCINATE OR TREAT PEOPLE TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES, TO REQUIRE INFORMED CONSENT UNDER CERTAIN CIRCUMSTANCES, AND TO DEFINE INFORMED CONSENT; BY AMENDING SECTION 44‑4‑530, RELATING TO ISOLATION AND QUARANTINE OF INDIVIDUALS OR GROUPS, SO AS TO provide that, DURING A PUBLIC HEALTH EMERGENCY, THE DEPARTMENT OF PUBLIC HEALTH MAY ISOLATE OR QUARANTINE AN INDIVIDUAL OR GROUPS OF INDIVIDUALS WHO HAVE BEEN DIAGNOSED WITH OR EXPOSED TO THE CONTAGIOUS DISEASE FOR WHICH THE PUBLIC HEALTH EMERGENCY WAS DECLARED; BY AMENDING SECTION 44‑4‑540, RELATING TO ISOLATION AND QUARANTINE PROCEDURES, SO AS TO REQUIRE A HARD DEADLINE FOR A PETITION FOR AN ORDER AUTHORIZING THE ISOLATION OR QUARANTINE OF AN INDIVIDUAL OR GROUP OF INDIVIDUALS; BY AMENDING SECTION 44‑4‑570, RELATING TO EMERGENCY POWERS REGARDING LICENSING OF HEALTH PERSONNEL, SO AS TO REMOVE the REQUIREMENT THAT STATE HEALTH CARE PROVIDERS MAY BE COMPELLED TO ASSIST IN THE PERFORMANCE OF VACCINATION, TREATMENT, EXAMINATION, OR TESTING AS A CONDITION OF LICENSURE; AND BY REPEALING SECTION 44‑9‑40 RELATING TO THE STATE DIRECTOR OF MENTAL HEALTH, APPOINTMENT AND REMOVAL, POWERS AND DUTIES, and QUALIFICATIONS.

Amend Title To Conform

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

SECTION 1. Title 44 of the S.C. Code is amended by adding:

CHAPTER 12

Department of Behavioral Health and Developmental Disabilities

Section 44‑12‑10. For the purposes of this chapter:

(1) “Director” means the head of the Department of Behavioral Health and Developmental Disabilities.

(2) “Department” means the Department of Behavioral Health and Developmental Disabilities.

(3) “Office” means any one or more of the component offices that comprise the Department of Behavioral Health and Developmental Disabilities.

Section 44‑12‑20. There is created within the executive branch of the state government an agency to be known as the Department of Behavioral Health and Developmental Disabilities. The department shall be organized as provided in this chapter and shall have the duties, functions, and powers provided for in this chapter and other applicable provisions of law.

Section 44‑12‑30. The department shall be headed by a director who shall be appointed by the Governor with the advice and consent of the Senate. The director may be removed from office as provided in Section 1‑3‑240(B).

Section 44‑12‑40. In performing his duties as authorized by this chapter, the director:

(1) shall develop and execute a cohesive and comprehensive plan for services provided by the offices housed within the department;

(2) shall develop the budget for the department, including the component offices, to reflect the priorities of its comprehensive service plan;

(3) shall procure collaboration technology that enables coordination and accountability across the department and with local partners. At a minimum, the technology should have the capability for authorized users to:

(a) securely access relevant information regarding the needs and care journey of individuals served;

(b) securely access relevant information concerning the needs and care journey of individuals served;

(c) communicate bi-directionally with referring organizations using a secure chat feature; and

(d) send referrals on behalf of the individual, track and store the outcome of that referral, and track and store the outcome of services delivered within a single client record using an unique identifier;

(4) shall, subject to applicable federal law, require data sharing to the fullest extent possible among the component offices and other state agencies;

(5) shall, to the extent practicable, consolidate administrative services among the component offices that include, but are not limited to:

(a) financial and accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing, and financial reporting assistance;

(b) human resources administrative support, such as transaction processing and reporting, payroll processing, and human resources training;

(c) budget support, such as budget transaction processing and budget reporting assistance; and

(d) information technology;

(6) shall, with regard to information technology, ensure that the department and the component offices comply with all plans, policies, and directives of the Department of Administration;

(7) may employ such persons as he determines are necessary to carry out the department’s duties, functions, and powers; and

(8) may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals that the director determines would be beneficial to carrying out the department’s duties, functions, and powers.

Section 44‑12‑50. (A) The Department of Behavioral Health and Developmental Disabilities shall consist of the following component offices:

(1) the Office of Intellectual and Developmental Disabilities;

(2) the Office of Mental Health; and

(3) the Office of Substance Use Services.

(B)(1) Each component office shall be headed by an office director who shall be appointed by the department’s director. Office directors shall serve at the pleasure of the departmental director.

(2) The director may, to the extent authorized through the annual appropriations act or relevant permanent law, organize the administration of the department, including the assignment of personnel to the offices and among its component departments, as is necessary to carry out the department’s duties.

Section 44‑12‑60. The component offices shall carry out their duties, functions, and powers as provided in their respective enabling statutes and as otherwise provided by laws subject to the management decisions, policy development, and standards established of and by the director as provided in this chapter.

SECTION 2. Section 1‑30‑10(A) of the S.C. Code is amended to read:

(A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Administration

2. Department of Agriculture

3. Department of Alcohol and Other Drug Abuse ServicesDepartment of Behavioral Health and Developmental Disabilities

4. Department of Commerce

5. Department of Corrections

6. Department of Disabilities and Special Needs

7.6. Department of Education

8.7 Department of Public Health

9.8 Department of Health and Human Services

10.9 Department of Insurance

11.10 Department of Juvenile Justice

12.11. Department of Labor, Licensing and Regulation

13. Department of Mental Health

14.12. Department of Motor Vehicles

15.13. Department of Natural Resources

16.14. Department of Parks, Recreation and Tourism

17.15. Department of Probation, Parole and Pardon Services

18.16. Department of Public Safety

19.17. Department of Revenue

20.18. Department of Social Services

21.19 Department of Transportation

22.20. Department of Employment and Workforce

23.21. Department on Aging

24.22. Department of Veterans' Affairs.

25.23. Department of Environmental Services

SECTION 3. Section 8‑17‑370 of the S.C. Code is amended by adding:

(21) The Director of the Department of Behavioral Health and Developmental Disabilities and all the department’s employees who report directly to the director.

SECTION 4. Section 44‑20‑30 of the S.C. Code is amended to read:

Section 44‑20‑30. As used in this chapter:

(1) “Applicant” means a person who is believed to have an intellectual disability, one or more related disabilities, one or more head injuries, one or more spinal cord injuries, or an infant at high risk of a developmental disability who has applied for services of from the South Carolina Department of Disabilities and Special Needsoffice.

(2) “Client” is a person who is determined by the Department of Disabilities and Special Needsoffice to have an intellectual disability, a related disability, head injury, or spinal cord injury and is receiving services or is an infant at risk of having a developmental disability and is receiving services.

(3) “Commission” means the South Carolina Commission on Disabilities and Special Needs, the policy‑making and governing body of the Department of Disabilities and Special Needs.

(4)(3) “County disabilities and special needs boards” means the local public body administering, planning, coordinating, or providing services within a county or combination of counties for persons with an intellectual disability, related disabilities, head injuries, or spinal cord injuries and recognized by the department.

(5)(4) “Day programs” are programs provided to persons with an intellectual disability, related disabilities, head injuries, or spinal cord injuries outside of their residences affording development, training, employment, or recreational opportunities as prescribed by the Department of Disabilities and Special Needsoffice.

(6)(5) “Department” “Office” means the South Carolina Department of Disabilities and Special NeedsOffice of Intellectual and Developmental Disabilities, a component of the Department of Behavioral Health and Developmental Disabilities.

(7)(6) “Director” means the head of the South Carolina Director of the Department of Disabilities and Special NeedsOffice of Intellectual and Developmental Disabilities, the chief executive director appointed by the commissionDirector of the Department of Behavioral Health and Developmental Disabilities.

(8)(7) “Disabilities and special needs services” are activities designed to achieve the results specified in an individual client's plan.

(9)(8) “High risk infant” means a child less than thirty‑six months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.

(10)(9) “Least restrictive environment” means the surrounding circumstances that provide as little intrusion and disruption from the normal pattern of living as possible.

(11)(10) “Improvements” means the construction, reconstruction of buildings, and other permanent improvements for regional centers and other programs provided by the department directly or through contract with county boards of disabilities and special needs, including equipment and the cost of acquiring and improving lands for equipment.

(12)(11) “Intellectual disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(13)(12) “Obligations” means the obligations in the form of notes or bonds or contractual agreements issued or entered into by the commission pursuant to the authorization of this chapter and of Act 1377 of 1968 to provide funds with which to repay the proceeds of capital improvement bonds allocated by the State Fiscal Accountability Authority.

(14)(13) “Regional residential center” is a twenty‑four hourtwenty‑four‑hour residential facility serving a multicounty area and designated by the department.

(15)(14) “Related disability” is a severe, chronic condition found to be closely related to an intellectual disability or to require treatment similar to that required for persons with an intellectual disability and must meet the following conditions:

(a) It it is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness found to be closely related to an intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to those required for these persons.;

(b) It it is manifested before twenty‑two years of age.;

(c) It it is likely to continue indefinitely.; and

(d) It it results in substantial functional limitations in three or more of the following areas of major life activity: self‑care, understanding and use of language, learning, mobility, self‑direction, and capacity for independent living.

(16)(15) “Residential programs” are services providing dwelling places to clients for an extended period of time with assistance for activities of daily living ranging from constant to intermittent supervision as required by the individual client's needs.

(17)(16) “Revenues” or “its revenues” means revenue derived from paying clients at regional residential centers and community residences but does not include Medicaid, Medicare, or other federal funds received with the stipulation that they be used to provide services to clients.

(18)(17) “State capital improvement bonds” means bonds issued pursuant to Act 1377 of 1968.

(19) “Department” shall mean the State Department of Administration as constituted pursuant to Chapter 11, Title 1.

SECTION 5. Section 44‑20‑210 of the S.C. Code is amended to read:

Section 44‑20‑210. There is created the South Carolina Commission on Disabilities and Special Needs Office of Intellectual and Developmental Disabilities, a component of the Department of Behavioral Health and Developmental Disabilities. The commission consists of seven members. One member must be a resident of each congressional district appointed by the Governor upon the advice and consent of the Senate. They shall serve for four years and until their successors are appointed and qualify. Members of the commission are subject to removal by the Governor pursuant to the provisions of Section 1‑3‑240. A vacancy may be filled by the Governor for the unexpired portion of the term.office shall be headed by a director appointed by Director of the Department of Behavioral Health and Developmental Disabilities pursuant to Section 44‑12‑50(B)(1).

SECTION 6. Section 44‑20‑220 of the S.C. Code is amended to read:

Section 44‑20‑220. The commission Director of the Department of Behavioral Health and Developmental Disabilities shall determine the policy and promulgate regulations governing the operation of the department office and the employment of professional staff and personnel. The members of the commission shall receive subsistence, mileage, and per diem as may be provided by law for members of state boards, committees, and commissions. The commission shall appoint and in its discretion remove a South Carolina Director of Disabilities and Special Needs who is the chief executive officer of the department. Subject to the approval of the Director of the Department of Behavioral Health and Developmental Disabilities, the director The commission may appoint advisory committees it considers necessary to assist in the effective conduct of its the office’s responsibilities. The commission director may educate the public and state and local officials as to the need for the funding, development, and coordination of services for persons with an intellectual disability, related disabilities, head injuries, and spinal cord injuries and promote the best interest of persons with an intellectual disability, related disabilities, head injuries, and spinal cord injuries. The commission is authorized to promulgate regulations to carry out the provisions of this chapter and other laws related to intellectual disability, related disabilities, head injuries, or spinal cord injuries. In promulgating these regulations, the commission must consult with the advisory committee of the division for which the regulations shall apply.

SECTION 7. Section 44‑20‑230 of the S.C. Code is amended to read:

Section 44‑20‑230. Subject to the supervision, direction, and control of the Department of Behavioral Health and Developmental Disabilitiescommission, the director shall administer the policies and regulations established by the commissiondepartment’s director. The director may appoint and in his discretionand, in his discretion, remove all other officers and employees of the department office subject to the approval of the commissiondepartment’s director.

SECTION 8. Section 44‑20‑240 of the S.C. Code is amended to read:

Section 44‑20‑240. There is created the South Carolina Department of Disabilities and Special Needs whichThe office has authority over all of the state's services and programs for the treatment and training of persons with an intellectual disability, related disabilities, head injuries, and spinal cord injuries. This authority does not include services delivered by other agencies of the State as prescribed by statute. The department must be comprised of an Intellectual Disability Division, an Autism Division, and a Head and Spinal Cord Injuries Division. The department may be divided into additional divisions as may be determined by the director and approved and named by the commissiondepartment’s director. Responsibility for all autistic services is transferred from the Department of Mental Health to the Department of Disabilities and Special Needs.

SECTION 9. Section 44‑20‑255 of the S.C. Code is amended to read:

Section 44‑20‑255. (A) Upon execution of the deed as provided in subsection (B) of this section, ownership of the tract of real property in Richland County described in Section 1 of Act 1645 of 1972 is confirmed in the Department of Behavioral Health and Developmental Disabilities, as the successor agency to the South Carolina Department of Disabilities and Special Needs as the successor agency to the South Carolina Department of Mental Retardation.

(B) The State Department of Administration shall cause to be executed and recorded an appropriate deed conveying the tract to the Department of Behavioral Health and Developmental DisabilitiesSouth Carolina Department of Disabilities and Special Needs.

(C) Proceeds of a subsequent sale of the tract that is the subject of this section may be retained by the South Carolina Department of Disabilities and Special Needs.Department of Behavioral Health and Developmental Disabilities.

SECTION 10. Section 44‑49‑10 of the S.C. Code is amended to read:

Section 44‑49‑10. (A) There is established the Department of Alcohol and Other Drug Abuse Office of Substance Use Services. The department office shall be vested with all the functions, powers, and duties, of the Department of Alcohol and Other Drug Abuse Services, the successor to the South Carolina Commission on Alcoholism and the South Carolina Commission on Alcohol and Drug Abuse and shall have full authority for formulating, coordinating, and administering the state plans for controlling narcotics and controlled substances and alcohol abuse, subject to the approval of the Director of the Department of Behavioral Health and Developmental Disabilities.

(B) All functions, powers, and duties of the commissioner of the narcotics and controlled substances section of the State Planning and Grants Division (Division of Administration in the Office of the Governor) are herebythat were transferred to the Department of Alcohol and Other Drug Abuse Services are hereby transferred to the Office of Substance Use Services department, except those powers and duties related to the traffic of narcotics and controlled substances as defined in Section 44‑53‑130 which shall be vested in the State Law Enforcement Division.

(C) All rules and regulations promulgated by the commissioner of narcotics and controlled substancespredecessor agencies shall remain in effect until changed by the department.

(D) The department is authorized to establish a block grant mechanism to provide such monies as may be appropriated by the Legislature for this purpose to each of the agencies designated under Section 61‑12‑20(a). The distribution of these monies must be on a per capita basis according to the most recent United States Census. The agencies designated under Section 61‑12‑20(a) must expend any funds received through this mechanism in accordance with the county plans required under Section 61‑12‑20(b).

(E) Subject to the approval of the Director of the Department of Behavioral Health and Developmental Disabilities, the The department is authorized to develop such rules and regulations not inconsistent with the provisions of this chapter as it may find to be reasonably appropriate for the government of the county plans called for in Section 61‑12‑20(b), and the financial and programmatic accountability of funds provided under this section and all other funds provided by the department to agencies designated under Section 61‑12‑20(a).

SECTION 11. Section 44‑49‑20 of the S.C. Code is amended to read:

Section 44‑49‑20. The Department of Alcohol and Other Drug Abuse Servicesoffice shall be headed by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor pursuant to the provisions of Section 1‑3‑240Director of the Department of Behavioral Health and Developmental Disabilities pursuant to Section 44‑12‑50(B)(1).

SECTION 12. Section 44‑9‑10 of the S.C. Code is amended to read:

Section 44‑9‑10. There is hereby created the State DepartmentOffice of Mental Health, a component of the Department of Behavioral Health and Developmental Disabilities. The office which shall have jurisdiction over all of the state's mental hospitals, clinics and centers, joint state and community sponsored mental health clinics and centers and facilities for the treatment and care of alcohol and drug addicts, including the authority to name each facility. The office shall be headed by a director appointed by the Director of the Department of Behavioral Health and Developmental Disabilities pursuant to Section 44‑12‑50(B)(1). The director must be a person of proven executive and administrative ability with appropriate education and substantial experience in the field of mental illness treatment.

SECTION 13. Section 44‑9‑20 of the S.C. Code is amended to read:

Section 44‑9‑20. All the powers and duties vested in the South Carolina Mental Health Commission immediately prior to March 26, 1964 are hereby that were transferred to and vested in the Department of Mental Health are now transferred to and vested in the Office of Mental Health, a component of the Department of Behavioral Health and Developmental Disabilities. All records, files, and other papers belonging to the South Carolina Mental Health CommissionDepartment of Mental Health shall be continued as part of the records and files of the Department Office of Mental Health.

SECTION 14. Section 44‑9‑30 of the S.C. Code is amended to read:

Section 44‑9‑30. (A)(1) There is created the governing board for the State Department of Mental Health known as the South Carolina Mental Health Commission. The commission shall consist of seven members, one from each congressional district, appointed by the Governor, upon the advice and consent of the Senate.

(2) The Governor shall consider consumer and family representation when appointing members.

(B) The members serve for terms of five years and until their successors are appointed and qualify. The terms of no more than two members may expire in one year. The Governor may remove a member pursuant to the provisions of Section 1‑3‑240. A vacancy must be filled by the Governor for the unexpired portion of the term.

The commission The Director of the Department of Behavioral Health and Developmental Disabilities, the office’s director shall determine policies and promulgate regulations governing the operation of the department office and the employment of professional and staff personnel.

(D) The members shall receive the same subsistence, mileage, and per diem provided by law for members of state boards, committees, and commissions.

SECTION 15. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-150. The Departments of Health and Human Services, Veterans’ Affairs, Administration, Public Health, Social Services, and Behavioral Health and Developmental Disabilities shall collaboratively develop and execute a cohesive and comprehensive plan that addresses how to ensure that services and support for South Carolinians with disabilities are, to the greatest extent possible, provided in the community instead of in an institutional setting in accordance with the requirements of the Americans with Disabilities Act and the U.S. Supreme Court’s decision in Olmstead v. L.C., 527 U.S. 581. The Director of the Department of Public Health shall appoint a Director of Community Living Integration who will be responsible for providing oversight in the assessment of the current state of community integration in South Carolina and in the creation of the community integration goals and objectives to be included in the State Health Plan. The Director of Community Living will report to the Director of the Department of Public Health and shall select an Americans with Disabilities Coordinator. The Director of the Department of Public Health shall establish and appoint members to a health planning advisory committee, upon consultation with the other departments charged with participating in developing the plan, to provide advice in the development of the plan. Members of the advisory committee should include health care providers, representatives from the disabled community, disability advocacy agencies, consumers, payers, and public health professionals. When developing the community integration goals and objectives, the committee must seek input from people with disabilities of different types and varying levels of severity, family members of people with disabilities, and people currently providing services to the disabled community. The committee must identify objectives for the successful implementation of the community integration program. Members of the advisory committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions.

SECTION 16. Section 44-21-80 of the S.C. Code is amended to read:

Section 44-21-80. (A) The Medical University of South Carolina, the Prisma Health-University of South Carolina Medical Group-Midlands, and the Prisma Health-University Medical Group are each hereby authorized, as agents of the State of South Carolina, to fulfill the role of Regional Tertiary Level Developmental Evaluation Centers, hereinafter collectively referred to as “developmental evaluation centers.” providing comprehensive developmental assessment and treatment services for children with developmental disabilities, significant developmental delays, or behavioral or learning disorders.

(B) As developmental evaluation centers, the above named institutions shall provide neurodevelopmental evaluation and limited treatment services for individuals up to twenty-one years of age who have a suspected or diagnosed neurodevelopmental disorder or who are referred and accepted for services.a seamless continuum of developmental services, including medically necessary diagnostic and treatment services for the purpose of correcting or ameliorating physical or mental illnesses and conditions which, left untreated, would negatively impact the health and quality of life of South Carolina's children. Further, these centers shall work collectively with the teaching, training, and research entities of each institution, extending the state's efforts to prepare professionals to work in the field of developmental medicine, while lending expertise to the research efforts in this field.

(C) Contingent upon sufficient funding, The developmental evaluation centers shall work with institutions, state agencies, and other organizations to increase the number of neurodevelopmental professions, increase community provider neurodevelopmental services capacity through provider training programs, provide technical assistance to improve regionalized, community-based, and family centered systems of care for individuals with neurodevelopmental disorders, and participate in neurodevelopmental research. be involved in research, planning, and needs assessment of issues related to developmental disabilities and shall be committed to develop a regionalized system of community-based, family-centered care for children with developmental and behavioral disabilities. In so doing, the centers shall serve as primary points of entry for developmental evaluation services and as regional coordinators for the delivery of the services and are encouraged to affiliate with other providers thus enhancing the availability of high quality services for the children of South Carolina.

(D) For the purposes of this section, “neurodevelopmental disorders” are characterized by disruptions in the functioning neurological system and the brain, leading to difficulties in one or more of cognition, behavior, social interaction, communication, or motor function. Neurodevelopmental disorders primarily manifest early in development, typically during infancy, childhood, or adolescence.

SECTION 17. Section 44‑9‑40 of the S.C. Code and Section 44‑9‑50 of the S.C. Code are repealed.

SECTION 18. (A) The Code Commissioner is directed to change references in the S.C. Code from “State Department of Mental Health”, “South Carolina Mental Health Commission”, and “commission” in Chapter 9, Title 44 and otherwise in the S.C. Code where “commission” refers to the “South Carolina Mental Health Commission” to the “Office of Mental Health” or “office” as appropriate.

(B) The Code Commissioner is directed to change references in the S.C. Code from “department of Disabilities and Special Needs” or “department” in Chapter 20, Title 44 to “Office of Intellectual and Developmental Disabilities” or “office” as appropriate. The Code Commissioner is further directed to change references in the S.C. Code to the “Department of Disabilities and Special Needs Commission” or where “commission” refers to the “Department of Disabilities and Special Needs Commission” to “Director of the Office of Intellectual and Developmental Disabilities” or “director” as appropriate.

(C) The Code Commissioner is directed to change references in the S.C. Code from “Department of Alcohol and Other Drug Abuse Services” or “department” when referring to the “Department of Alcohol and Other Drug Abuse Services” to “Office of Substance Use Services” or “office” as appropriate.

SECTION 19. (A) Upon the effective date of this act the Director of the Department of Disabilities and Special Needs shall serve as the Interim Director of the Office of Intellectual and Developmental Disabilities, unless otherwise removed by the Director of the Department of Behavioral Health and Developmental Disabilities, until such time as a successor is appointed by the Director of the Department of Behavioral Health and Developmental Disabilities and assumes the position. In the case of a vacancy in the office director's position on or after the effective date of this act and prior to the appointment of a successor, the Director of the Department of Behavioral Health and Developmental Disabilities may assign an employee of the department to perform the duties required of the vacant position in the interim.

(B) Upon the effective date of this act, the Director of the Department of Mental Health shall serve as the Interim Director of the Office of Mental Health, unless otherwise removed by the Director of the Department of Behavioral Health and Developmental Disabilities, until such time as a successor is appointed by the Director of the Department of Behavioral Health and Developmental Disabilities and assumes the position. In the case of a vacancy in the office director's position on or after the effective date of this act and prior to the appointment of a successor, the Director of the Department of Behavioral Health and Developmental Disabilities may assign an employee of the department to perform the duties required of the vacant position in the interim.

(C) Upon the effective date of this act the Director of the Department of Alcohol and Other Drug Abuse Services shall serve as the Interim Director of the Office of Substance Use Services, unless otherwise removed by the Director of the Department of Behavioral Health and Developmental Disabilities, until such time as a successor is appointed by the Director of the Department of Behavioral Health and Developmental Disabilities and assumes the position. In the case of a vacancy in the office director's position on or after the effective date of this act and prior to the appointment of a successor, the Director of the Department of Behavioral Health and Developmental Disabilities may assign an employee of the department to perform the duties required of the vacant position in the interim.

(D) Nothing in this act prevents the Director of the Department of Behavioral Health and Developmental Disabilities from reappointing the directors of their respective departments serving in those roles as of the effective date of this act.

SECTION 20. (A) Except for personnel and funds transferred pursuant to subsection (B) of this section, the Office of Intellectual and Developmental Disabilities shall operate as a component department of the Department of Behavioral Health and Developmental Disabilities in the 2025‑2026 Fiscal Year using the authority and funds appropriated to the Department of Disabilities and Special Needs as a standalone agency in the Appropriations Act of 2025. Except for personnel and funds transferred pursuant to subsection (B) of this section, the Office of Mental Health shall operate as a component department of the Department of Behavioral Health and Developmental Disabilities in the 2025‑2026 Fiscal Year using the authority and funds appropriated to the Department of Mental Health as a standalone agency in the Appropriations Act of 2025. Except for personnel and funds transferred pursuant to subsection (B) of this section, the Office of Substance Use Services shall operate as a component department of the Department of Behavioral Health and Developmental Disabilities in the 2025‑2026 Fiscal Year using the authority and funds appropriated to the Department of Alcohol and Other Drug Abuse Services as a standalone agency in the Appropriations Act of 2025.

(B) Upon appointment and confirmation, the Director of the Department of Behavioral Health and Developmental Disabilities may cause the transfer to the Department of Behavioral Health and Developmental Disabilities such: (1) personnel and attendant funding included in the administrative areas of the 2025 Appropriations Act and (2) operating expenses included in the administrative areas of the 2025 Appropriations Act of one or more of the component departments of the Department of Behavioral Health and Developmental Disabilities as, in the determination of the director, is necessary to carry out the duties of the department. The Department of Administration shall cause all necessary actions to be taken to accomplish any such transfer and shall in consultation with the Director of the Department of Behavioral Health and Developmental Disabilities prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration's actions in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C) Except for those positions transferred pursuant to this section or otherwise specifically referenced in this act, employees of the Departments of Disabilities and Special Needs, Mental Health, or Alcohol and Other Drug Abuse Services shall maintain their same status with the appropriate component departments of the Department of Behavioral Health and Developmental Disabilities. Employees of the Department of Mental Health shall become employees of the Office of Mental Health within the Department of Behavioral Health and Developmental Disabilities. Employees of the Department of Disabilities and Special Needs shall become employees of the Office of Intellectual and Developmental Disabilities within the Department of Behavioral Health and Developmental Disabilities. Employees of the Department of Alcohol and Other Drug Abuse Services shall become employees of the Office of Substance Use within the Department of Behavioral Health and Developmental Disabilities.

(D) Nothing in this act affects bonded indebtedness, if applicable, real and personal property, assets, liabilities, contracts, regulations, or policies of the Departments of Disabilities and Special Needs, Mental Health, or Alcohol and Other Drug Abuse Services existing on the effective date of this act. All applicable bonded indebtedness, real and personal property, assets, liabilities, contracts, regulations, or policies shall continue in effect in the name of the Department of Behavioral Health and Developmental Disabilities or the appropriate component department.

SECTION 21. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of health care delivery as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 22. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 23. This act takes effect upon approval by the Governor.

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