



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, JR., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3165**, a bill that provides for the **DISQUALIFICATION FROM UNEMPLOYMENT COMPENSATION FOR FAILING TO PASS A PROSPECTIVE EMPLOYER'S DRUG SCREENING**. The legislation expands the criteria under which an individual is disqualified from receiving unemployment benefits for failure to seek work so that they include situations where an individual tests positive for illicit drugs in a screening required by a prospective employer as a condition of an offer of employment, refuses to take the drug test, or provides an adulterated specimen. The legislation disallows the use of blood, hair, or urine specimens collected for these screenings to be used to detect something other than illicit drug use, such as pregnancy or disease, by providing that it is unlawful for any biologic material obtained to be used for any other purpose than the specific testing required by these provisions. Misuse of this biologic material is a misdemeanor punished by a fine of \$10,000 for a first offense and \$50,000 for a second or subsequent offense. An employer may, but is not required to, disclose to the Department of Employment and Workforce when a pre-employment drug test is offered and refused or failed by a potential employee. An employer is not liable for any acts or omissions arising out of disclosure to the department of a pre-employment drug test that is offered and refused or failed by a potential employee, provided the employer complies with these requirements and any applicable law. The legislation provides that records received by the department must not be used for any purposes other than determining unemployment benefits; also, the department must destroy any records pertaining to a person not currently receiving unemployment benefits. Additionally, the legislation removes the word "criminal" from two of the provisions for disallowing jobless benefits for workers fired for cause, thereby lowering the burden of proof from a criminal burden to preponderance of the evidence burden. Also, the legislation revises provisions for disallowing jobless benefits for workers fired for insubordination and willful neglect so that the employee insubordination and willful neglect need not be limited to behavior specifically described in a written job description.

The House approved **S.417**, the "**MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT**", and enrolled the bill for ratification. The legislation authorizes a state-supported-post-secondary educational institution, including a technical and comprehensive educational institution, to award educational credit to a student honorably discharged from the Armed Forces of the United States for a course that is part of the military training or service of the student, provided: (1) the award must be made within three years after the enrollment of the student at the institution; (2) the course meets the standards of the American Council of Education or equivalent standards for awarding academic credit; and (3) the award is based upon the admissions standards, role, scope, and mission of the institution. The legislation provides an individual is exempt from completing continuing education requirements for his professional or occupational licensing while serving on active military duty. The legislation also allows military personnel who come to the state through duty assignment to avail themselves of the provisions for obtaining temporary professional and occupational licenses that have been established to assist military spouses to continue their careers following relocation. Professional and occupational boards and commissions are provided new authority to accept the education, training, and

experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply it in the manner most favorable toward satisfying the qualifications for issuance of a professional or occupational license or certification in this state.

The House amended, approved, and sent the Senate **H.3024**, a bill enhancing requirements for **REPORTING CHILD ABUSE AND NEGLECT**. This legislation expands the list of individuals who are required to report child abuse and neglect by adding school or college administrators, coaches, firefighters, camp counselors, scout leaders, and any other persons whose duties require direct contact or supervision of children. The legislation specifically provides that reporting suspected child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency does not relieve a mandatory reporter of his individual duty to report the suspected abuse or neglect to the county department of social services or to a law enforcement agency in the county where the child resides or is found. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency. Penalties are enhanced for those who fail to make required reports or those who intimidate witnesses. The legislation provides that the failure of a school or college administrator, who is considered a government employee, to make a required report of child abuse or neglect negates the limitations on legal liability provided to governmental entities under the Tort Claims Act.

The House approved **H.3236**, the “**CERVICAL CANCER PREVENTION ACT**”, and sent the bill to the Senate. Beginning with the 2013-2014 school year, the Department of Health and Environmental Control (DHEC) may offer the cervical cancer vaccination series for adolescent students enrolling in the seventh grade in any school, public or private, in this state. The cervical cancer vaccination series also means the human papillomavirus vaccination (HPV) series. No student is required to have the cervical cancer vaccination series before enrolling in or attending school. If funds are available, the department may develop and provide to each school whose grade levels include grade six informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series. The brochure specifically must state that the cervical cancer vaccination series is optional and shall encourage the parent or guardian to take the child to the child’s own health care provider to be vaccinated. This provision is contingent upon the appropriation of state and federal funding to DHEC to fully cover the costs of providing this vaccination series to eligible students as well as the availability of funds to produce an informational brochure to be developed by DHEC.

The House amended, approved, and sent the Senate **H.3592**, a bill revising **ENERGY EFFICIENT AND ENVIRONMENTALLY SUSTAINABLE BUILDING STANDARDS FOR STATE CONSTRUCTION**. The legislation revises the “Energy Independence and Sustainable Construction Act of 2007”, to provide that the Budget and Control Board may utilize the Green Globes Rating System or the LEED Silver standard in place as of January 1, 2013, as a building rating system standard. Any updates to these standards would require approval by the General Assembly in order to apply to state construction projects.

The House amended, approved, and sent the Senate **H.3369**, a bill **PROHIBITING LONGSHOREMEN FROM FILING DUAL CLAIMS UNDER BOTH STATE WORKERS' COMPENSATION LAWS AND PERTINENT FEDERAL LAWS**. This bill provides that

the state's workers' compensation laws do not apply to an employee who suffers an injury on or after July 1, 2013, for which there is jurisdiction under either the federal Longshore and Harbor Workers' Compensation Act, and its extensions, or the Merchant Marine Act. The legislation also specifies that the state's workers' compensation laws do not eliminate or diminish any rights under these federal laws.

The House approved **S.438**, legislation providing for a **PROHIBITION ON AWARDING PUBLIC BUILDING CONTRACTS AND GOVERNMENTAL INCENTIVES THAT ARE CONTINGENT UPON PROJECT LABOR AGREEMENTS**, and enrolled the bill for ratification. The legislation provides that state and local governmental entities are prohibited from making the award of a contract for the construction, repair, remodeling, or demolition of a public building conditional upon adherence to an agreement with one or more labor organizations in regard to that project or a related construction project. These governmental entities are prohibited from discriminating against a bidder, offeror, contractor, or subcontractor based upon project-related labor union agreements. The presence or absence of labor union agreements must not be a condition for the award of construction-related governmental grants, tax abatements, and tax credits.

The House approved **S.464**, legislation providing for an **INCREASE IN AUTOMOBILE INSURANCE REQUIRED MINIMUM COVERAGE**, and enrolled the bill for ratification. This legislation revises the mandatory uninsured motorist provision for automobile insurance policies, so as to increase the minimum coverage to twenty-five thousand dollars because of bodily injury to or death of one person in any one accident.

The House approved **S.191**, legislation establishing a **PROGRAM TO ENCOURAGE SCHOOLS TO SERVE LOCALLY GROWN, MINIMALLY PROCESSED FARM FOODS** and enrolled the bill for ratification. The legislation creates a program within the South Carolina Department of Agriculture to foster relationships between South Carolina farms, school districts, and other institutions and to provide them with fresh and minimally processed foods for consumption by students.

The House approved **S.221**, pertaining to **COMMERCIAL CODE FUNDS TRANSFERS**, and enrolled the bill for ratification. The legislation clarifies a legal uncertainty that has arisen as a result of the passage of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) and its amendment to the Electronic Funds Transfer Act (EFTA). The Dodd-Frank Act created remittance transfers, which are electronic transfers of funds requested by a sender located in any state to a designated recipient, usually in another state or country. The Uniform Commercial Code Article 4A usually governs only commercial electronic transfer transactions, and the EFTA usually governs only consumer transactions. However, some remittance transfers that begin as a consumer transaction may become a commercial transfer. This legislation clarifies which provisions apply to electronic transfers of funds, so all remittance transfers are covered by either the EFTA or the Uniform Commercial Code.

The House approved to **S.323**, legislation providing for **UNIFORM COMMERCIAL CODE REVISIONS PERTAINING TO SECURED TRANSACTIONS**, and enrolled the bill for ratification. Article 9 of the Uniform Commercial Code applies to transactions in which the parties intend to create a security interest in personal property. South Carolina last substantially amended these provisions in 2001, and since then several technical changes have been recognized as needed. This legislation updates Article 9 with amendments proposed by the Uniform Law Commission. This legislation responds

to filing issues and addresses other matters that have arisen including providing greater guidance as to the name of an individual debtor to be provided on a financing statement.

The House approved **S.382** and enrolled the bill for ratification. This legislation makes revisions pertaining to the regulation of **AUTOMOBILE MANUFACTURERS, DISTRIBUTORS AND DEALERS**. The legislation defines the terms 'due cause' and material breach' as these terms relate to the regulation of manufacturers, distributors, and dealers. The legislation provides additional unfair methods of competition by prohibiting manufacturers, distributors, and wholesalers from requiring or coercing a motor vehicle dealer (1) to sell an extended service or maintenance plan, financial product, or insurance product that is offered or sold or sponsored by the manufacturer, distributor, or wholesaler; or (2) to sell, assign, or transfer any retail installment contract or lease to a specified financial or leasing company, or any other specified person. In the event of dealer death or incapacity, the legislation prohibits a manufacturer from preventing a motor vehicle dealer from designating a successor to the dealership. The legislation makes revisions pertaining to approval of warranty claims by manufacturer; the legislation provides that any claim not specifically disapproved in writing within 30 days of receipt shall be construed as approved and payment must follow within 30 days. Any disapproval must be based on a material defect and a manufacturer may not disapprove a claim for which the motor vehicle dealer has received preauthorization or based on and incidental clerical or administrative error. The legislation makes revisions pertaining to termination of a franchise agreement; among other things, the legislation provides that a manufacturer may not terminate or cancel a franchise or selling agreement of a motor vehicle without due cause and provides that the nonrenewal of a franchise or selling agreement, without due cause, constitutes an unfair termination or cancellation regardless of the terms of the franchise or selling agreement. With regards to dealer performance standards, the legislation provides that a performance standard or other program for measuring dealership performance that may have a material effect on a motor vehicle dealer must be fair, reasonable, equitable, based on accurate information and uniformly applied; and dealer area of responsibility. If a motor vehicle dealer protests a new standard, the burden of proof is on the manufacturer to show that a new performance standard is reasonable under market conditions. The legislation prohibits a manufacturer or distributor from unreasonably altering a new motor vehicle dealer's area of responsibility.

The House concurred in Senate amendments to **H.3193**, legislation relating to the **COMPUTATION OF TIME SERVED BY A PRISONER**, and enrolled the bill for ratification. The legislation provides that any time spent under monitored house arrest by a prisoner may be used in computing time served.

The House approved **S.214**, legislation that restructures the **ADVISORY PANEL FOR MESSAGE AND BODYWORK THERAPY** under the Department of Labor, Licensing and Regulation, and enrolled the bill for ratification. The legislation merges the massage panel and the therapy panel and eliminates definitions relating to the advisory and disciplinary panels. The legislation revises qualifications for panel members and provides for compensation. The legislation also requires classroom study instead of supervised study and adds two national exams before being licensed by the department as a massage/bodywork therapist.

The House approved **S.96** and enrolled the bill for ratification. The legislation increases from six to eight the number of members on the **SOUTH CAROLINA COMMISSIONERS**

OF PILOTAGE FOR THE UPPER COASTAL AREA, providing for two additional members to be appointed by the Governor upon the recommendation of the Georgetown County Legislative Delegation.

The House approved on **S.465**, legislation relating to **SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT ELIGIBILITY**, and enrolled the bill for ratification. This legislation revises the definition of an “eligible employee” under the Small Employer Health Insurance Availability Act as it relates to someone who works on a full-time basis and has a normal workweek of thirty or more hours.

The House concurred in Senate amendments to **H.3554**, which relates to **SAMPLES OR SALES OF BEER FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH TOURS OF BREWERIES**, and enrolled the bill for ratification. The legislation: specifies that twelve percent alcohol by weight is the maximum that may be offered for on-premises consumption; allows for the sale of forty-eight ounces of beer to a consumer every twenty-four hours; requires a brewery to develop and use a system to monitor the amounts and types of beer sampled or sold to a consumer for on-premises consumption; requires a brewery to post information stating the alcoholic content by weight of the various types of beer available in the brewery and the penalties for convictions for driving under the influence and certain other alcohol-related crimes; requires a brewery to provide approved alcohol enforcement training for the employees who serve beer on the premises; requires a brewery to maintain certain amounts of liability insurance coverage; provides the beer must be sold at the approximate retail price; provides that appropriate taxes must be remitted. Penalties are enhanced for breweries that commit violations. A report on these brewery tour provisions compiled jointly by the Department of Revenue and the State Law Enforcement Division must be provided to pertinent legislative committees by March 15, 2016. Under current law, breweries may offer samples with or without cost; a sample cannot be more than two ounces per brand of beer with over eight percent alcohol by weight and no more than four ounces of beer with under eight percent alcohol by weight.

The House returned **S.460** to the Senate with amendments. The legislation revises provisions governing the **APPROVAL OF NONADMITTED INSURERS TO WRITE SURPLUS LINES INSURANCE** in the state, including a revision to the duty of due care requirements that a surplus lines insurance broker must exercise when placing business with nonadmitted insurers for an exempt commercial purchaser.

The House returned **S.143** to the Senate with amendments. The legislation makes **COMPREHENSIVE REVISIONS TO PROBATE AND TRUST CODE PROVISIONS** which have not been updated or revised in a systematic fashion in several decades. The legislation does not revise the statutes governing guardians, conservators, and powers of attorneys.

The House amended, approved, and sent the Senate **H.3563**, which makes **REVISIONS TO THE "SOUTH CAROLINA SELF-SERVICE STORAGE FACILITY ACT"**. This legislation defines 'electronic mail' and allows certain notices relating to self-service storage facilities to be provided by electronic mail. The legislation deletes the current requirement that an occupant must make a deposit equal to one month's rent. The legislation provides when rent or other charges are seven or more days past due the owner may deny the occupant access to the personal property located in the self-storage facility, and the occupant is considered in default. The legislation provides that

when rent or other charges are fourteen or more days past due the occupant must be notified. The legislation provides the process by which a defaulting occupant's personal property may be destroyed or sold. After the expiration of the fifty-day default period, the owner shall publish an advertisement of the public sale to the highest bidder once a week for two consecutive weeks in a newspaper of general circulation where the self-service storage facility is located. Additionally, the legislation clarifies that partial payment of rent or other charges does not satisfy the lien, stop or delay the owner's right to foreclose on the occupant's property unless the owner agrees to such an action in writing.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, May 23, 2013, and reported out several bills.

H.3987, a bill dealing with **TRUTH IN MARKETING FOR LOCAL SEAFOOD**, was given a favorable recommendation by the full committee. There has been a decline in American commercial fishing as a result of the competition with the imported market, this bill includes the terms and definitions of "seafood" and "local seafood" in the South Carolina Food and Cosmetic Act. As a result, the legislation requires restaurants and seafood dealers to tell the truth about the type of seafood being sold or what is on the menu. "Seafood" means all marine finfish and other forms of aquatic life intended for human consumption. Local seafood is considered seafood from SC, NC and GA waters.

S.559, legislation dealing with **CATCH LIMITS FOR FLOUNDER**, was given a favorable recommendation by the committee. It is unlawful for a person to take or possess more than fifteen flounder taken in any one day and not to exceed thirty flounder in any one day on any boat.

The committee gave a favorable with amendment report to **S.584**, legislation dealing with the timeframes of **HUNTING AND FISHING LICENSES**. Among many things, the bill allows the Department of Natural Resources to implement an annual wildlife fishing license for commercial and recreational purposes. If successful, DNR has the option to implement the annual licenses to other areas. The bill outlines that persons who are determined to be disabled must be receiving benefits under the various state and/or federal agencies and/or programs in order to obtain a three year disability fishing licenses at no cost. The bill also outlines that if an apprentice hunting license is obtained, the certificate of completion requirement may be waived for one license year. In addition, if an apprentice hunting license holder obtains a certificate of completion prior to the expiration date the apprentice hunting license will be used as a statewide hunting license, provided the certificate of completion in possession while hunting.

S.590, a bill dealing with **CATCH LIMITS FOR TARPON**, was given a favorable with amendment recommendation by the committee. Because of this growing population of this uneatable fish over the state, this bill outlines that it is unlawful to take or possess a tarpon less than seventy-seven inches in fork length. The bill also adds "fork length" to mean the length of a fish laid flat and measured from the tip of the closed mouth (snout) to the center of the fork of the tail. It is a straight line measure, not over the curvature of the body.

The committee gave a favorable report to **S.635**, legislation dealing with the **LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM USED IN CERTAIN STATE BUILDING STRUCTURES**. The Council only excepts one forest certification which is the Forest Stewardship Council. The legislation does not allow state agencies to use the point rating system to discriminate against the other two forest certifications which are Sustainable Forestry Initiative and the American Tree Farm, in certain state building projects.

The committee gave a favorable recommendation to **S.639**, legislation asking the United States Congress to allow **SOUTH CAROLINA TO MANAGE THE DOUBLE-CRESTED CORMORANTS**. Cormorants are fairly large family of fish eating birds that are the cause of a growing problem for the coast. The birds reside along freshwater and saltwater shores.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, May 21, and reported out three bills.

The full committee gave a favorable with amendment recommendation to **H.3365, LEGISLATION WHICH CREATES A SCHOOL SAFETY TASK FORCE**. This school safety task force must: examine the various funding streams for school based mental health services and determine how the streams may be best utilized in order to provide for more accessible and efficient delivery of mental health programs; examine school mental health staffing ratios and provide suggestions regarding delivery of services and effective school-community partnerships; develop standards for district-level policies to promote effective school discipline and mental health intervention; examine intra-and interagency collaboration and suggest ways to improve cooperation; and examine how to best support multitiered systems of support. The legislation includes provisions for membership on the task force by various stakeholders; further provides that task force members shall not receive compensation, mileage or per diem. The task force shall make a report of its recommendations to the General Assembly no later than December 31, 2013, at which time it must be dissolved. Task force recommendations must be revenue neutral.

H.3383 received a favorable with amendment recommendation from the House Education and Public Works Committee. This legislation relates to the **REAL ESTATE OWNERSHIP PROVISION ALLOWING STUDENTS TO ATTEND PUBLIC SCHOOLS**. Under current law, children are entitled to attend public schools free of charge within a school district if the following conditions are met: 1) The child resides with its parent or guardian; 2) The parent or guardian is a legal resident of the school district or the child

owns real estate within the district that has an assessed value of at least \$300; 3) The child as a satisfactory scholastic record, and 4) The child has not violated the district's rules of conduct. Beginning with the 2013-2014 school year, this legislation provides that the provision pertaining to a child that owns real estate within the district that has an assessed value of at least \$300 no longer applies; however, the legislation includes a grandfather clause for students enrolled in a school district pursuant to this provision.

[S.620](#) received a favorable report. This legislation relates to **RESEARCH AND DEVELOPMENT LICENSE PLATES**. Currently, the Department of Motor Vehicles may issue these plates in connection with research and development activities on tires in conjunction with manufacturing activities in this state; this legislation allows these plates to be issued for use in testing and evaluating transmissions on a motor vehicle.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Thursday, May 23, and reported out several bills.

The committee gave a report of favorable with amendments on [S.148](#), a bill establishing **IDENTITY THEFT SAFEGUARDS FOR PROTECTED CONSUMERS**, a special class of consumers composed of children as well as adults who are incapacitated or otherwise under another's guardianship. To help prevent the identities of these protected consumers from being stolen and used for such purposes as opening fraudulent credit accounts, the legislation establishes requirements for consumer reporting agencies to place security freezes on the records of those under the age of sixteen as well as incapacitated individuals and protected individuals for whom a guardian or conservator has been appointed upon the request of parents or other representatives who can produce sufficient proof of their authority to act on behalf of the protected consumers. A consumer reporting agency may charge a fee, not to exceed five dollars, to place a security freeze for a protected consumer only if the protected consumer does not already have a consumer credit file and the agency must create one in order to place the security freeze.

The committee gave a report of favorable with amendments on [S.463](#), a bill requiring **CRIMINAL BACKGROUND CHECKS FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER**. The legislation revises the licensure of professional surety bondsmen and runners at the Department of Insurance by establishing requirements for state and federal criminal background checks. The cost associated with these fingerprint-based criminal history record screenings must be borne by the applicant.

The committee gave report of favorable with amendments on [S.75](#), a bill relating to **REAL ESTATE COMMISSION OVERSIGHT**. The legislation revises provisions governing the membership of the South Carolina Real Estate Commission, so as to detail procedures for appointing the seven commissioners who represent the seven congressional districts. The legislation provides for the commission's next administrator to meet professional experience requirements and for the full-time administrator position to be designated by the director, with the advice and consent of the commission. The legislation provides for at least five full-time real estate commission inspector-investigators. The legislation establishes a timeline for prompt investigation of complaints and requires an annual posting of data on the number of complaints

received, the number of investigations initiated, and the duration of investigations. State and federal criminal background checks are required for licensure as a real estate salesman, broker, broker-in-charge, property manager, and property manager-in-charge. The legislation revises grounds for the Real Estate Commission to disallow licensure for certain criminal violations so that they apply to someone who is required to register under the sex offender registry or someone who has been convicted of a violent crime, or someone who has been convicted of, or pled no contest to, a felony within the prior five years directly related to the profession, or a felony within the prior seven years, an essential element of which is dishonesty, reasonably related to any aspect of the profession.

The committee gave a report of favorable with amendments on **S.310**, a bill relating to **MANUFACTURED HOUSING BOARD OVERSIGHT**. The legislation specifies financial responsibility guidelines that the Manufactured Housing Board is required to impose upon its licensees. Continuing requirements of at least six hours every two years are established for the renewal of licenses for manufactured home retail dealers, retail salesmen, installers, contractors, and repairers. The legislation establishes requirements for manufactured housing retail dealers to include their license numbers in advertising. Exemptions from manufactured home sales provisions are established for sales and transfers involving repossessed and foreclosed manufactured homes.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, May 21, 2013, and reported out several bills.

H.4009, a joint resolution relating to the creation of the "**FREE HEALTH CARE STUDY COMMITTEE**", was given a favorable report by the full committee. This 11-member committee will study medical professionals volunteerism in the state. The committee will study the extent to which medical professional volunteer at free medical clinics; the extent and scope of services provided by medical professionals at free clinics; the health care need free medical clinics are serving; the health care demands for medical services at free clinics; and ways to encourage medical professionals to volunteer at free medical clinic. The committee will also collect data about volunteer services provided at free medical. The committee will prepare a report for the Governor, the General Assembly and the Department of Health and Human Services.

The committee gave a favorable report to **S.117**, a bill dealing with the **DISCLOSURE OF MEDICAL INFORMATION**. This bill amends the Adult Health Care Consent Act. It requires a provider to include on the patient information form an opportunity for the patient to designate an individual with whom the provider may discuss the patient's medical condition and treatment. The bill allows, but does not require, the health care provider to discuss the patient's medical condition and treatment plan with the designated individual.

Patients must be asked, "Do you want to designate a family member or other individual with whom the provider may discuss your medical condition: If yes, whom?". The patient also must be informed that this authorization may be revoked or modified.

A health care provider who discloses information pursuant to a patient authorization is not subject to liability or disciplinary penalties. The bill further states that the legislation is not to be construed to require the provider to disclose information; limit or prevent a provider from disclosing information without this authorization if the disclosure is otherwise lawful or permissible; prohibit the provider from receiving and using information from family members relevant to the patient's treatment even if the patient has given no authorization; or conflict with the patient's health care power of attorney.

The bill exempts nursing homes, dentists, dental hygienists and dental technicians from the requirements of this bill.

The committee gave a favorable report to **S.127**, a bill creating the **SOUTH CAROLINA BRAIN INJURY LEADERSHIP COUNCIL (SCBILC)** within the Department of Disabilities and Special Needs (DSSN) to promote statewide coordination of support services to people who have brain injuries and their caregivers. The Council's responsibilities include, but are not limited to, making recommendations for improving service coordination; encouraging citizen participation; identifying emerging issues and resources to enhance services and serving as the statewide advisory board for implementing the federal Traumatic Brain Injury Act and applying for federal funds.

The 14-member council will be comprised of representatives appointed by the state agencies that serve people with brain injuries, the two medical universities, the SC Statewide Independent Living Council, the SC Developmental Disabilities Council; Protection and Advocacy for People with Disabilities, and the Brain Injury Alliance of SC. The Council is to include survivors of traumatic brain injury or their family members and should have statewide geographic and demographic representation. Members will not receive compensation.

The committee gave a favorable report to **S.341**, a bill directing DHEC to require every licensed birthing facility to perform a **PULSE OXIMETRY SCREENING ON EVERY NEWBORN** in its care when the baby is 24 to 48 hours old. If the baby is discharged before it is 24 hours old, the screening must be done as late as possible. Pulse oximetry is a non-invasive test that estimates the percentage of hemoglobin in blood that is saturated with oxygen. This screening is often more effective at detecting critical, life-threatening congenital heart defects which otherwise go undetected by current screening methods.

The bill also directs DHHS to work with birthing facilities and the SC Birth Outcomes Initiative to recommend policies for pulse oximetry screening. The Birth Outcomes Initiative is an effort by DHHS and its partners to improve the health of newborns in the Medicaid program.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.4179 UNLAWFUL FOR A "DRIVER OF THE PUBLIC" TO OPERATE A MOTOR VEHICLE WHILE USING A WIRELESS TELECOMMUNICATIONS DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE Rep. Atwater

This legislation defines a 'driver of the public' as a person who receives payment for transporting another person as a passenger in a motor vehicle along the state's highways. This term includes, but is not limited to, a person who drives a taxi cab, school activity bus, day care vehicle, city tour vehicle, limousine, or any other vehicle for hire. This legislation prohibits a driver of the public from operating a motor vehicle on a public highway in this state while using a wireless telecommunications device to write, send, or read a text message. A driver of the public who violates this section must be punished by: (1) a fine of \$100 for a first offense when no property damage or bodily injury results; (2) a fine of \$500 for a second or subsequent offense when no property damage or bodily injury results; (3) a fine of not less than \$5,000 and imprisonment of not more than five years when property damage and bodily injury results; or (4) a fine of \$10,000 and imprisonment of not more than ten years when death results. A company that employs a driver of the public is immune from liability under this provision if it can demonstrate that the driver of the public meets all federal and state imposed requirements to operate a vehicle.

H.4206 SUCCESSFUL COMPLETION OF THREE HIGH SCHOOL-LEVEL VIRTUAL LEARNING CREDIT UNITS DURING HIGH SCHOOL IS REQUIRED TO GRADUATE FROM AN ACCREDITED HIGH SCHOOL IN THIS STATE Rep. Atwater

Beginning with the 2016-2017 school year, this legislation provides that successful completion of three high school-level virtual learning credit units during high school is required to graduate from an accredited high school in this state, subject to the availability of coursework providing these virtual learning credit units from implementation of the South Carolina Virtual School Program upon the appropriation of funds by the General Assembly.

H.4207 DISABLED CHILDREN ENROLLMENT OPTIONS Rep. Atwater

Beginning with the 2015-2016 school year, this legislation provides, a parent residing in this state may enroll his disabled child in any school district or private school in this state that he considers best capable of meeting the unique needs of his child's disability. The child also must meet other admissions criteria of the school. A parent enrolling his disabled child in any public school in this state under these provisions must not be required to pay any tuition; provided, however, that the district in which the student enrolls shall receive one hundred percent of the base student cost from the state for the student. If a parent enrolls his disabled child in any private school in this state, the district in which the child resides shall upon request by the parent transmit to the private school an amount equal to the base student cost for the student to offset tuition charged

by the school for each academic year in which the school is enrolled in the private school, but the parent remains individually responsible for any unpaid tuition balance and related expenses. If a child moves outside of a school district that has transmitted funds to another district or private school for the child's education, the district that transmitted the money may seek pro rata reimbursement from the district into which the child moves, and the district shall provide this reimbursement. The Department of Education shall determine the pro rata amounts for which each district is responsible. Before January 1, 2015, the department shall develop by rule application procedures for a parent seeking to enroll his child in a public school other than the school that the child would ordinarily attend based on his residence or a private school under the provisions of this section.

JUDICIARY

S.495 REDUCED FEES FOR CRIMINAL RECORD SEARCHES FOR CHARITABLE ORGANIZATIONS Sen. Lourie

The legislation clarifies the definition of charitable organizations which pay a reduced fee includes local park and recreation volunteers through a commission, municipality, county, or the South Carolina Department of Parks, Recreation and Tourism. The legislation further provides that an organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than eight dollars or any additional fee that is not required by the State Law Enforcement Division. The legislation further provides that all criminal record searches conducted for charitable organizations must be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and must not be resold.

S.509 TAMPERING WITH THE OPERATION OF AN ELECTRONIC MONITORING DEVICE Sen. Thurmond

This legislation provides that it is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is: (1) complying with the Home Detention Act; (2) wearing an electronic monitoring device as a condition of bond or pretrial release; (3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or (4) wearing an electronic monitoring device as required by any other provision of law. The legislation provides that it shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device. Any person who violates these provisions shall be guilty of the misdemeanor offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than three years, or fined up to \$3,000, or both.

H.4177 ANIMAL CONTROL OFFICERS Rep. Long

This legislation provides that an animal control officer has the same powers and duties as a litter control officer.

H.4178 COURT SHALL INDICATE ON THE SENTENCING SHEET THAT THE CASE INVOLVED CHILD ABUSE OR NEGLECT Rep. Atwater

This legislation requires the court to indicate on the sentencing sheet that the act on which the conviction or plea of guilty or nolo contendere is based involves child abuse or neglect for certain offenses.

H.4180 ALIMONY AND THE EFFECT OF CONTINUED COHABITATION ON ALIMONY Rep. Govan

This legislation pertains to alimony and the effect of continued cohabitation on alimony. This legislation redefines the term "continued cohabitation" and includes factors which may be considered by the court when determining whether the supported spouse is maintaining a common household with another party.

H.4223 "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT" Rep. Nanney

This legislation enacts the "South Carolina Pain-Capable Unborn Child Protection Act". Among other things, the legislation provides findings of the General Assembly; provides necessary terms; provides a physician or allied health professional shall calculate the probable post-fertilization age of an embryo or fetus before performing or inducing an abortion; provides that an abortion may not be performed if the probable post-fertilization age of the embryo or fetus is twenty or more weeks; provides for exceptions; requires certain educational materials be produced and distributed; and provides the enacted legislation does not implicitly or otherwise repeal other provisions of law regulating or restricting abortion.

H.4224 CITY OF COLUMBIA GRANTED AUTHORITY TO APPOINT AND COMMISSION MEMBERS OF ITS FIRE DEPARTMENT AS CERTIFIED LAW ENFORCEMENT OFFICERS Rep. Rutherford

This legislation provides that the City of Columbia is granted authority to appoint and commission members of its fire department as certified law enforcement officers, who shall have the full powers of South Carolina certified law enforcement officers. The individuals appointed and commissioned by the City of Columbia shall meet the minimum qualifications for South Carolina certified law enforcement officers as established by law.

H.4226 UNLAWFUL FOR ANYONE TO INTENTIONALLY DISSEMINATE FOR PUBLICATION ANY INFORMATION CONTAINED IN AN APPLICATION FOR A CONCEALED WEAPON PERMIT OR ANY INFORMATION REGARDING THE IDENTITY OF A PERSON WHO HAS APPLIED FOR OR HAS BEEN ISSUED A CONCEALED WEAPON PERMIT
Rep. McCoy

Notwithstanding another provision of law, this legislation provides that it is unlawful for an employee of SLED, another law enforcement agency, or any other person to intentionally disseminate for publication any information contained in an application for a concealed weapon permit or any information regarding the identity of a person who has applied for or has been issued a concealed weapon permit absent a valid court order that requires the release of this information. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned not more than six months, or both.

LABOR, COMMERCE AND INDUSTRY

H.4151 CONSUMER REPORTING AGENCIES REQUIRED TO PROVIDE CONSUMERS WITH ONE FREE FILE DISCLOSURE COPY PER MONTH

Rep. Powers Norrell

This bill provides that each consumer reporting agency shall, upon request of a consumer, provide the consumer with one disclosure copy of his or her file per month at no charge. If the consumer requests more than one disclosure copy of his or her file per month, the consumer reporting agency may charge the consumer a reasonable fee for each additional disclosure copy.

H.4181 INSURERS PROHIBITED FROM USING CREDIT SCORES AND CREDIT REPORTS IN MAKING CERTAIN DETERMINATIONS
Rep. Gilliard

This bill provides that a property casualty insurance rate-making organization may not use a credit score or credit report to determine the rate for a homeowner's insurance policy. The legislation provides an insurer may not refuse to issue, refuse to renew, or cancel a homeowner's insurance policy based on a credit score or credit report.

H.4195 "PROMOTION OF ETHICAL STANDARDS AND PROFESSIONAL INTEGRITY IN PROPERTY AND CASUALTY INSURANCE SALES ACT"

Rep. McCoy

This bill enacts the "Promotion of Ethical Standards and Professional Integrity in Property and Casualty Insurance Sales Act". The legislation creates the Property and Casualty Insurance Licensee Executive Committee and charges the committee with establishing a code of ethics for property and casualty insurance sales and investigating violations.

H.4228 *PARITY FOR OCCUPATIONAL THERAPISTS AND PHYSICAL THERAPISTS IN HEALTH INSURER CHARGES* Rep. Gambrell

This bill prohibits a health insurer from imposing a copayment, coinsurance, or office visit deductible amount charged to an insured for service rendered on each date of service by an occupational therapist or physical therapist that exceeds the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician or primary care osteopathic physician.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**H.4225 *HOSPITAL COSTS DISPARITY STUDY COMMITTEE*
Rep. Jefferson**

This joint resolution creates the Hospital Costs Disparity Study Committee to study the extent to which hospitals in this state charge different amounts for the same medical procedures billed to Medicare; and to determine the extent to which hospitals in this state charge Medicare at an amount higher than the national average. The bill provides for the membership and duties of the committee. The bill also requires the committee to prepare a report with findings and recommendations for the Governor and General assembly.

WAYS AND MEANS

**H.4196 *DISABILITY RETIREMENT BENEFITS FOR MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS) AND THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS)*
Rep. Brannon**

This bill eliminates provisions otherwise taking effect January 1, 2014, that make eligibility for South Carolina Retirement System (SCRS) and South Carolina Police Officers Retirement System (SCPORS) disability retirement benefits contingent upon a member being eligible for Social Security disability. The legislation eliminates changes made in the calculation of SCRS and SCPORS disability benefits and review of eligibility otherwise scheduled to apply to persons applying for SCRS and SCPORS disability retirement after December 31, 2013.

**H.4227 COUNTY TRANSPORTATION COMMITTEES REQUIRED TO
PROVIDE AN ANNUAL ACCOUNTING OF FUNDING AND PROGRESS
Rep. Henderson**

This bill revises provisions relating to the distribution of the gasoline user fees among counties, so as to require a county transportation committee to provide an annual accounting of funds that it receives to its legislative delegation that contains: (1) the total funds that it received during the reporting period; (2) a list of projects that it has approved for funding and the status of each project; (3) a list of the remaining projects on the priority list; and (4) a list of projects requested and not approved.

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