



AGENDA

OCONEE COUNTY COUNCIL MEETING

April 4, 2017

6:00 PM

Council Chambers, Oconee County Administrative Offices
415 South Pine Street, Walhalla, SC

Call to Order

Public Comment Session *(Limited to a total of forty (40) minutes, four (4) minutes per person.)*

Council Member Comments

Moment of Silence

Invocation by County Council Chaplain

Pledge of Allegiance to the Flag of the United States of America

Approval of Minutes

- March 21, 2017 Regular Meeting

Presentations to Council

- Appalachian Council of Governments / *Mr. Steve Peterson, Executive Director*
- FY2018 TCTC Budget / *Dr. South / Ms. Hamilton*

Administrator Report & Agenda Summary

Proclamation 2017-03

PROCLAMATION 2017-03 TO PREVENT CHILD ABUSE / NEGLECT

Public Hearings for the Following Ordinances

Ordinance 2016-41 "AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ADDITION OF AGRICULTURAL ZONING DISTRICTS, AMENDING AN EXISTING ZONING DISTRICT, AND AMENDING THE CONDITIONAL USES PROVISIONS CONTAINED IN CHAPTER 38; AND OTHER MATTERS RELATED THERETO."

Third Reading of the Following Ordinances

Second Reading of the Following Ordinances

Ordinance 2016-41 "AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ADDITION OF AGRICULTURAL ZONING DISTRICTS, AMENDING AN EXISTING ZONING DISTRICT, AND AMENDING THE CONDITIONAL USES PROVISIONS CONTAINED IN CHAPTER 38; AND OTHER MATTERS RELATED THERETO."

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Bylaws and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be reflective of all items which Council may bring to its attention at the meeting. Items are listed on Council's agenda in the public nature of the information items to be discussed, read, acted upon, received or information received in respect of issues for meeting. Items listed on Council's agenda may be over-looked, added, postponed, discontinued, amended or otherwise disposed of as allowed for under Council's Bylaws and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. Items omitted are not intended to be included on Council's agenda.

Ordinance 2017-07 "AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO THE SCHOOL DISTRICT OF OCONEE COUNTY FOR OPERATION OF A SEWER SERVICE LINE AT THE FORMER OAKWAY INTERMEDIATE SCHOOL; AND OTHER MATTERS RELATED THERETO."

Ordinance 2016-37 "AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO BLUE RIDGE ELECTRIC COOPERATIVE NEAR THE OCONEE REGIONAL AIRPORT FOR THE PURPOSE OF RELOCATING EXISTING ABOVE-GROUND ELECTRICAL LINES TO UNDERGROUND LINES; AND OTHER MATTERS RELATED THERETO."

First Reading of the Following Ordinances

First & Final Reading for the Following Resolutions

Resolution 2017-03 "A RESOLUTION TO EXPRESS OCONEE COUNTY COUNCIL'S OPPOSITION TO HOUSE BILL H. 3521 AND SENATE BILL S. 0212, COLLECTIVELY IDENTIFIED AS THE SOUTH CAROLINA COMPASSIONATE CARE BILL."

Discussion Regarding Action Items

Board & Commission Appointments *(If Any)* [Seats listed are all ex-terminis seats]
Board of Zoning Appeals.....Districts II
Building Codes Appeal Board.....District IV and 1 At Large Seat

Unfinished Business *[to include: Vote and/or Action on matters brought up for discussion, if required]* *[None scheduled]*

New Business *[may include: items which may be scheduled for final action at a future meeting, if required]* *[None scheduled]*

Council Committee Reports *[None scheduled]*

Executive Session

[Open] (Where the Council may take a Closed Executive Session on matters brought up for discussion in Executive Session, if required)
For the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws:

- (1) discussion regarding an Economic Development matter, Project Entry;*
- (2) receive legal advice relating to potential claim(s) regarding Pioneer Rural Water District's water treatment facilities.*

Adjourn

Approved: Council Members: All Present and Minutes of this meeting shall be read and approved by the Council Chairman.
All requests for the Public to be heard or to speak at this meeting shall be made prior to the meeting date.
Council Calendar: Wednesday, April 6, 2017, 6:00pm. Council meeting schedules are published on the Council Website. Administrative Working Hours available on the Council Website.

Council meetings shall be conducted pursuant to the South Carolina Code of Ordinances Act, Council Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, Direct Cities. The clerk shall make the minutes of all items which Council may bring up for discussion at this meeting. Items are filed on Council's agenda to give public notice of the subjects and dates to be discussed, which upon receipt of information are for the benefit of public hearing. Items listed on Council's agenda may be taken up, added, postponed, discussed, amended, considered, considered, approved or disapproved provided for under Council's Rules and Model Rules of Parliamentary Procedure for South Carolina Counties, Direct Cities. For additional information, please contact the Council Clerk.

STATE OF SOUTH CAROLINA
OCONEE COUNTY
PROCLAMATION P2017-03

A PROCLAMATION TO PREVENT CHILD ABUSE / NEGLECT

WHEREAS, every child deserves to grow up in a safe, loving and stable family free from physical, sexual, emotional and verbal abuse, neglect, and exploitation;

WHEREAS, child maltreatment is a national tragedy that crosses racial, ethnic and socio-economic boundaries and endangers the most precious resource of children, who will shape the future of South Carolina;

WHEREAS, child abuse can have lifelong psychological, emotional, and physical consequences for victims;

WHEREAS, children have the right to be provided every opportunity to learn, grow, and thrive in nurturing environments that don't violate their safety, dignity, and humanity;

WHEREAS, effective child abuse prevention activities work because of meaningful partnerships between individuals, child-serving organizations, and government agencies that bring about community-based solutions;

WHEREAS, preventing child abuse in our state can only occur with programs that strengthen families, educate parents and caregivers, and provide positive development of children that allows them to succeed;

WHEREAS, in fiscal year 2016, 18,398 cases of child maltreatment were investigated in South Carolina;

WHEREAS, prevention remains the best defense for our children and families;

THEREFORE, Oconee County Council designates the month of April as Child Abuse Prevention Month while urging all citizens to dedicate themselves to protect quality of life for every child.

APPROVED AND ADOPTED this 4th day of April, 2017.

OCONEE COUNTY, SOUTH CAROLINA

Edda Cammick, Chairwoman
Oconee County, South Carolina

ATTEST:

Katie D. Smith, Clerk to Council
Oconee County, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE NO. 2016-41

AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ADDITION OF AGRICULTURAL ZONING DISTRICTS, AMENDING AN EXISTING ZONING DISTRICT, AND AMENDING THE CONDITIONAL USE PROVISIONS CONTAINED IN CHAPTER 38; AND OTHER MATTERS RELATED THERETO.

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30 Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (the “County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein; and,

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the “Code of Ordinances”), as amended; and,

WHEREAS, the County is authorized by Section 4-9-30(9) and Chapter 29 of Title 6 of the South Carolina Code of Laws, among other sources, to impose land use restrictions and development standards in the unincorporated areas of the County; and,

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, the Agricultural District sections of Chapter 38 of the Code of Ordinances, as to the creation of two additional Agricultural Districts (AD-5 and AD-50) and the revision of Agriculture District (AD) and the requirements thereof; and

WHEREAS, County Council has therefore determined to modify Chapter 38 of the Code of Ordinances, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Section 38-10.6 (AD) of the Code of Ordinances is restated as Section 38-10.6.1.

2. Section 38-10.6.2 and Section 38-10.6.3 of the Code of Ordinances, entitled *Agriculture District 5 (AD-5) and Agriculture District 50 (AD-50)*, including *Definition* and *Intent*, are hereby created to read as set forth in Attachment A, which is attached hereto and incorporated herein by reference.

3. Section 38-5.18 through Section 38-5.24 of the Code of Ordinances are hereby created to read as set forth in Attachment C, in order to add Conditional uses to the Zoning Use Matrix and add additional conditions to land uses to be found within the *Agriculture District (AD), Agriculture District 5 (AD-5) and Agriculture District 50*.

4. The Zoning Use Matrix found in Section 38 is hereby amended to read as set forth in Attachment B, which is attached hereto and incorporated herein by reference.

5. The "Official Zoning Map, Oconee County, South Carolina" will be updated as necessary and appropriate. *See O.C. Code 38-3.1*.

6. County Council hereby declares and establishes its legislative intent that Attachments A, B, and C, hereto, as may be amended from time to time, become the applicable zoning provisions of the County, or part thereof, with regard to the sections amended by Attachments A, B, and C, from and after their adoption; states its intent to so adopt Attachments A, B, and C; and, directs that a public hearing thereon be undertaken by County Council or the Oconee County Planning Commission, in accord with and as required by Section 6-29-760 and Section 4-9-130, South Carolina Code, 1976, as amended.

7. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

8. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. However, nothing contained herein, or in the Attachments hereto, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking, *ex post facto*, in any regard any prior zoning or rezoning acts, actions, or decisions of the County or County Council based thereon, which were valid and legal at the time in effect and undertaken pursuant thereto, in any regard.

9. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force and effect.

10. This Ordinance shall take effect and be in full force and effect from and after third (3rd) reading and enactment by County Council, and will apply to all zoning processes initiated after first (1st) reading hereof. All processes actually initiated by submitting a properly and legally completed petition to the County, at a minimum, prior to first (1st) reading of this ordinance and the establishment of the pending ordinance doctrine thereby, shall be completed under the zoning rules and regulations of Chapter 38 of the Code of Ordinances, as in effect prior to final adoption of this ordinance.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2017.

ATTEST:

Katie Smith,
Clerk to Oconee County Council

Edda Cammick, Chair
Oconee County Council

First Reading: December 20, 2016
Second Reading: March 21, 2017 – Tabled / April 4, 2017
Public Hearing: _____
Third Reading: _____

ATTACHMENT A
To Ordinance 2016-41
Creation of Section 38-10.6.2 and Section 38-10.6.3
Of the Oconee County Code of Ordinances

Sec. 38-10.6.2 - Agriculture district 5 (AD-5).

Title: Agriculture district 5.

Definition: Those areas that have traditionally been and continue to be significantly intertwined with agricultural activity and production.

Intent: To facilitate the protection of farm land while allowing sufficient latitude for reasonable development opportunities that enhance the welfare of area residents without imposing negative impacts on agricultural activities.

Dimensional requirements:*

	Density and Lot Size			Minimum Yard Requirements			Maximum Non-Agricultural Building Area
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	
Agricultural and Residential Uses	5 acres (217,800 sf)	1 dwelling per 5 acres*	100	35	10	20	10% of Total Lot Area
Non-Agricultural and Non-residential Uses	Minimum Lot Size		Min. Width (ft.)	Minimum Yard Requirements			Maximum Non-Agricultural and Non-Residential Building Area
	Min. Lot Size			Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	
	5 acres (217,800 sf)		100	35	10	20	50% of Total Lot Area

*Dwellings dedicated to housing farm employees shall be excluded in calculating maximum density.

Sec. 38-10.6.3 - Agriculture district (AD-50).

Title: Agriculture district 50.

Definition: Those areas in which agriculture has traditionally, and continues to, be a dominant factor in both the economic prosperity and lifestyle of residents.

Intent: To protect and promote the sustainability of agriculture in Oconee County by limiting the negative impacts resulting from non-agricultural activities on the remaining concentration of prime farm lands.

Dimensional requirements:*

Agricultural and Residential Uses	Density and Lot Size			Minimum Yard Requirements			Maximum Non-Agricultural Building Area
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	10% of Total Lot Area
	50 acres (2,178,000 sf)	1 dwelling per 25 acres*	100	100	250	250	
Non-Agricultural and Non-residential Uses	Minimum Lot Size		Minimum Yard Requirements				Maximum Non-Agricultural and Non-Residential Building Area
	Min. Lot Size		Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	50% of Total Lot Area
	50 Acres (2,178,000 sf)		100	100	250	250	

*Dwellings dedicated to housing farm employees shall be excluded in calculating maximum density.

All parcels of record duly recorded in the Oconee County Register of Deeds office on or before [enter date of adoption of this amendment] may be subdivided to create one non-conforming lot, provided resulting parcels conform with all minimum width and setback standards. The Planning Commission may for good cause approve additional subdivisions for bona fide family transfers.

ATTACHMENT B
To Ordinance 2016-41

Zoning Use Matrix

Uses	TRD	AD	AD 5	AD 50	ARD	CD	RRD	PR LD	RD	LRD	CCD	HCD	ID	MUD
	Zoning Use Matrix													
Agricultural production, crops, livestock, and poultry	P	P	P	P	X	P	P	X	X	X	X	X	X	X
Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots)	P	P	P	X	P	P	P	X	P	X	P	P	P	X
Agricultural support services- veterinarians, kennels, feed/seeds, supply stores, implements, etc.	P	P	C	C	P	X	P	X	X	X	P	P	P	X
Air strips	S	S	X	X	X	X	S	X	X	X	X	S	S	X
Auction houses	P	P	C	X	S	X	P	X	X	X	P	P	X	C
Auditorium/Indoor Public Assembly	P	S	X	X	X	X	X	X	X	X	P	P	X	X
Bed and Breakfast Inns	P	C	C	X	P	S	P	X	S	S	C	P	X	X
Building and Trade Contractors, including materials and supply uses	P	P	X	X	S	X	X	X	X	X	P	P	P	P
Cemeteries and accessory uses	P	P	P	X	P	P	P	X	P	X	C	P	P	P

Civic, fraternal, professional, and political organizations	P	P	X	X	P	X	P	X	S	X	P	P	X	P
Commercial Fishing, Hunting and Trapping	P	P	P	P	S	S	S	S	X	X	X	X	X	X
Communications towers	S	S	S	S	S	S	S	S	X	X	S	S	S	S
Conservation subdivisions	C	C	X	X	C	S	C	X	C	C	X	C	X	C
Convenience stores (excluding motor vehicle services)	P	S	X	X	S	X	S	X	X	X	P	P	P	P
Correctional facilities and half-way houses	X	X	X	X	X	X	X	X	X	X	X	X	S	X
Day Care Facilities (all ages)	P	X	X	X	S	X	S	X	S	S	P	P	X	S
Distribution and other Warehouses	P	C	C	C	X	X	X	X	X	X	S	P	P	S
Educational buildings, and Research Facilities (all types)	S	S	S	S	X	S	S	P	S	X	P	P	P	S
Emergency services	P	P	P	P	P	X	P	X	P	P	P	P	P	P
Farm and roadside markets	P	P	P	P	P	P	P	P	X	X	P	P	X	X
Financial Services	P	X	X	X	X	X	X	X	X	X	P	P	X	P
Forestry/Silviculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fuel supply services	X	P	X	X	X	X	X	X	X	X	S	P	P	S
Funeral homes and services	X	X	X	X	X	X	X	X	X	X	P	P	X	P
Golf courses, country clubs, driving ranges	S	X	S	X	S	X	X	X	P	P	X	P	X	X

Government buildings (excluding correctional facilities)	P	S	S	X	X	S	P	P	P	X	P	P	P	P
Group Homes	S	X	X	X	S	X	S	S	S	X	X	X	X	S
Greenhouses, nurseries, and landscape commercial services	P	P	P	P	P	S	P	X	X	X	P	P	P	P
Gun and Archery clubs and shooting ranges	S	P	S	P	X	S	S	X	X	X	X	S	X	X
Health care services, service retail, and emergency short-term shelters	P	S	S	S	S	X	P	X	X	X	P	P	X	P
Home occupations and businesses	C	P	P	P	C	C	C	X	C	C	C	C	X	C
Hotels, Motels, and Inns	S	X	X	X	X	X	X	X	X	X	P	P	X	X
Laundry Mats	P	X	X	X	P	X	X	X	X	X	P	P	X	P
Laundry and dry cleaning services	P	P	X	X	X	X	X	X	X	X	P	P	X	S
Light Manufacturing	P	C	C	C	X	X	X	X	X	X	S	P	P	S
Liquor stores and bars	X	X	X	X	X	X	X	X	X	X	S	S	X	S
Lumber and saw mills (permanent)	P	P	X	S	X	X	X	X	X	X	X	X	P	X
Lumber and saw mills (portable)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Manufactured Home Dealer	X	X	X	X	X	X	X	X	X	X	X	P	P	X
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	X	X	S	P	X

Marinas	S	S	X	X	S	X	S	S	S	S	P	P	P	X
Mini storage or mini warehouses	X	X	X	X	X	X	X	X	X	X	P	P	P	X
Mining	S	S	X	X	X	X	X	X	X	X	X	X	X	X
Mixed Use Buildings and parcels	P	C	C	C	X	X	P	X	S	X	P	P	X	P
Motor vehicle parking and garages (as a principal business use)	X	X	X	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle sales and rental	S	X	X	X	X	X	X	X	X	X	P	P	P	X
Motor vehicle services and repair	P	P	X	X	P	X	X	X	X	X	C	P	P	C
Motor vehicle services and gas stations (excluding truck stops)	P	C	C	C	X	X	P	X	X	X	P	P	P	P
Movie theater	P	X	X	X	X	X	X	X	X	X	S	P	X	X
Multi-family residential development (structures containing 5 or more residential units)	P	X	X	X	S	X	X	X	S	S	S	P	X	S
Multi-family residential development (structures containing no more than 4 residential units)	P	X	X	X	S	X	X	X	P	S	S	S	X	P
Museums, cultural centers, historical sites, sightseeing, and similar institutions	P	P	C	C	P	S	P	P	P	X	P	P	X	P

Office uses, general	P	X	X	X	X	X	X	X	S	X	P	P	X	P
Outdoor Retail	P	P	P	X	P	X	P	X	X	X	P	P	X	C
Places of worship	P	P	P	P	P	P	P	P	P	P	P	P	S	P
Public, Private, and Commercial parks and recreation, camping or social facilities	P	P	C	X	P	S	P	P	P	S	P	P	X	X
Public and private utilities	P	P	P	P	P	P	P	P	X	X	P	P	P	P
Railroad stations	P	X	X	X	X	X	X	X	X	X	P	P	P	X
Residential care facilities	S	X	X	X	X	X	S	X	S	X	P	P	X	S
Restaurants (up to 2,500 square feet)	C	P	C	C	S	X	C	X	X	X	P	P	S	P
Restaurants (greater than 2,500 square feet)	S	S	S	X	X	X	S	X	X	X	P	P	S	S
Retail uses (up to 5,000 square feet)	P	S	S	X	S	X	P	X	X	X	P	P	P	P
Retail uses (5,000—50,000 square feet)	S	X	X	X	X	X	S	X	X	X	X	P	P	S
Retail uses (greater than 50,000 square feet)	X	X	X	X	X	X	X	X	X	X	X	P	S	X
Roadside Stands	P	P	P	P	P	P	P	X	P	P	P	P	P	P
Salvage yard, Junkyard, and Recycling Operations	S	S	S	X	X	X	X	X	X	X	X	X	P	X
Single-family detached residential	P	P	P	P	P	P	P	X	P	P	P	P	X	P

Single-family subdivisions (10 units or less)	P	S	X	X	P	X	P	X	P	P	P	X	X	P
Single-family subdivisions (more than 10 units)	S	X	X	X	X	X	X	X	P	P	S	X	X	S
Solid waste landfill and Waste Management Services, (excluding hazardous waste)	S	X	X	X	X	X	X	X	X	X	X	X	S	X
Taxidermy, slaughter houses and wild game processing	P	P	P	P	S	S	P	X	X	X	S	S	X	X
Waste management services (excluding hazardous waste)	S	X	X	X	X	X	X	X	X	X	X	X	P	X

X—Not permitted

P—Permitted

C—Conditional use - permitted if conditions are met

S—Special exception - approved by Board of Zoning Appeals

(Ord. No. 2012-14, § 1, 5-15-2012)

ATTACHMENT C
To Ordinance 2016-41

ARTICLE 5. - CONDITIONAL USES

Sec. 38-5.0. - [Use.]

The standards listed in this section shall be applied in addition to any and all zoning district requirements applicable for the use specified. The zoning official may require site plans, technical specifications, and/or any other reasonable documentation necessary to verify compliance.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.1. - [Reserved.]

Sec. 38-5.2. - Auction houses (zoning districts: AD-5, MUD).

All noises and excess light shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial uses. A landscape plan which provides for screening and buffering of a minimum width of 15 feet shall be submitted at the time of application for a zoning permit. Parking areas shall be no closer than 15 feet from the boundary of any adjoining parcel, and bordered on adjoining sides by a landscaped area which contains an evergreen screen a minimum of four feet in height.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.3. - Bed and breakfast inns (zoning districts: AD, AD-5, CCD).

Off-street parking shall be provided in accordance with the average amount of expected traffic utilizing the said business. A minimum of two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.4. - Cemeteries and accessory uses (zoning district: CCD).

Adequate ingress and egress shall be provided for and commercial cemeteries greater than 30 sites shall provide access points on two thoroughfares.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.6. - Conservation subdivision (zoning districts: TRD, AD, ARD, RRD, RD, LRD, HCD, MUD).

- (a) A licensed landscape architect shall design the site layout and preliminary layout plans for the subdivision
- (b) A minimum of 50 percent of the gross area shall be preserved as green space.
- (c) Lot size may be reduced to 10,000 square feet provided that a nontraditional septic system is approved by the South Carolina Department of Health and Environmental Control (DHEC). An

increase in green space by at least 15 percent shall permit the developer to decrease the minimum lot size by 20 percent (to 8,000 square feet).

- (d) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.
- (e) At least half of the lots shall directly abut conservation land or face conservation lands from across the street.
- (f) Covenants and restrictions governing the preservation of green space, wetlands, and other sensitive lands shall be recorded with the final subdivision plat prior to any sales. A statement assigning the home owners association responsibility for maintaining the conservation land shall be clearly placed on the final subdivision plat.
- (g) All conservation lands shall be contiguous to provide for integrated open space throughout the subdivision, excluding thoroughfares. Long thin strips of conservation land (less than 150 feet in width) shall be prohibited.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.7. - Home occupations (zoning districts: TRD, ARD, CD, RRD, RD, LRD, CCD, HCD, MUD)

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. At a minimum, two spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur in the rear of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.8. - Motor vehicle services and repair (zoning district: CCD, MUD)

Space shall be provided in the rear of the building for long term and overnight storage of vehicles. No more than three working bays shall be permitted, unless otherwise approved by the board of zoning appeals.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.9. - Outdoor retail (zoning district: MUD)

Setbacks from the roadway shall be a minimum of 50 feet. Parking shall be clearly designated area apart from the merchant stands. Fire access shall be maintained throughout the entire outdoor retail area with fire lanes and thoroughfares that are a minimum of 20 feet wide. All adjacent residential areas shall be screened or buffered so as to ensure that the visual impacts are minimized. See Appendix A for screening and buffering guidelines.

(Ord. No. 2012-14, § 1, 5-15-2012)

[Secs. 38-5.10--38-5.16 - Reserved.]

Sec. 38-5.17. - Restaurants (up to 2,500 square feet) (zoning districts: TRD, AD-5, AD-5D, RRD).

Sufficient off-street parking shall be provided to accommodate the average amount of expected traffic utilizing the said business. A minimum of ten spaces shall be provided off of the public thoroughfare. Whenever feasible all parking shall occur to the rear or side of the business.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.18. – Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc. (zoning district: AD-5, AD-50).

Agricultural support services shall be permitted as an accessory land use only.

(Ord. No. 2016-41, § 38 TBD)

Sec. 38-5.19. – Distribution and other Warehouses (zoning district: AD, AD-5, AD-50).

Space shall be used exclusively for equipment customarily associated with agricultural use.

(Ord. No. 2016-41, § 38, TBD)

Sec. 38-5.20. – Light Manufacturing (zoning district: AD, AD-5, AD-50).

Space shall be used exclusively for equipment customarily associated with agricultural use.

(Ord. No. 2012-14, § 1, 5-15-2012)

Sec. 38-5.21. – Mixed Use Buildings and parcels (zoning district: AD, AD-5, AD-50)

A minimum of one land use established on a parcel shall be reserved as agricultural use.

(Ord. No. 2016-41, § 38, TBD)

Sec. 38-5.22. – Motor vehicle services and gas stations (excluding truck stops) (zoning district: AD, AD-5, AD-50).

Space shall be used exclusively for equipment customarily associated with agricultural use. No commercial sale of petroleum products or retail sales shall be permitted.

(Ord. No. 2016-41, § 38, TBD)

Sec. 38-5.23. – Museums, cultural centers, historical sites, sightseeing, and similar institutions (zoning district: AD-5, AD-50).

Space shall be used exclusively for display of items customarily associated with agriculture. This includes uses associated with the term "agri-tourism".

(Ord. No. 2016-41, § 38, TBD)

Sec. 38-5.24. – Public, Private, and Commercial parks and recreation, camping or social facilities (zoning district: AD-5).

Space shall be used exclusively for the gathering of persons on topics customarily associated with agriculture. This includes uses associated with the term "agri-tourism".

(Ord. No. 2016-41, § 38, TBD)

DRAFT

STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2017-07

AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO THE SCHOOL DISTRICT OF OCONEE COUNTY FOR OPERATION OF A SEWER SERVICE LINE AT THE FORMER OAKWAY INTERMEDIATE SCHOOL; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Oconee County, a body politic and corporate and a political subdivision of the State of South Carolina (the "County"), is the owner of a parcel of land situate in Oconee County formerly known as the Oakway Intermediate School ("County Property"); and

WHEREAS, the School District of Oconee County ("SDOC") wishes to acquire from the County, and the County wishes to grant to SDOC, certain easement rights for the operation of a sewer service line on and/or through the County Property; and

WHEREAS, the form, terms, and provisions of the "Easement Agreement" now before the Oconee County Council ("Council"), a copy of which is attached hereto as Exhibit "A," are acceptable to Council for the purpose of giving effect to the easement rights sought by SDOC; and

WHEREAS, Section 4-9-30(2) of the Code of Laws of South Carolina authorizes the County to transfer or otherwise dispose of interests in real property.

NOW, THEREFORE, be it ordained by Council, in meeting duly assembled, that:

1. Council hereby approves the Easement Agreement.
2. The Administrator of the County ("Administrator") shall be, and hereby is, authorized to execute and deliver the Easement Agreement on behalf of the County in substantially the same form as attached hereto as Exhibit "A," or with such changes as are not materially adverse to the County and as the Administrator shall approve, upon the advice of legal counsel to the County, such Administrator's approval to be deemed given by his execution of the Easement Agreement.
3. The Administrator shall be, and hereby is, authorized to execute and deliver any and all other documents or instruments on behalf of the County related to the Easement Agreement in a form and substance acceptable to the Administrator, on advice of legal counsel to the County.
4. Should any portion of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining terms and provisions of this Ordinance, all of which are hereby deemed separable.
5. All orders, ordinances, resolutions, and enactments of Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
6. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by Council.

ORDAINED in meeting, duly assembled, this ____ day of _____,
2017.

OCONEE COUNTY, SOUTH CAROLINA

Edda Cammick, Chair, County Council
Oconee County, South Carolina

ATTEST:

Katie D. Smith, Clerk to County Council
Oconee County, South Carolina

First Reading: March 21, 2017
Second Reading: April 4, 2017
Public Hearing:
Third Reading:

Exhibit A

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that Oconee County (hereinafter “Grantor”), for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the School District of Oconee County (hereinafter “Grantee”), its successors, and assigns a perpetual non-exclusive easement over, across, beneath, and through a portion of Grantor’s property. Grantor’s property is shown as “TRACT 2 +/- 29.423 AC.” on the survey of Stephen R. Edwards, recorded February 14, 2017 in Book B578, pages 8-9, records of the Oconee County Register of Deeds, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (hereinafter “Grantor’s Property”).

The “Easement Premises,” defined below, is located within Grantor’s Property and is established for the purposes set forth herein, specifically for the establishment of a sanitary sewer service easement, such that Grantee may operate, repair, and maintain a sewer service line (the “Line”) in compliance with all applicable local, state, and federal laws. The Easement Premises is shown on Exhibit “A” and is designated “Proposed 20’ Sewer Easement” both on the primary survey of Grantor’s Property and within the referenced insert, being a width of twenty (20’) feet and bearing N51°43’56”E, distance 121.32’.

This easement agreement conveys to Grantee, its successors, assigns, agents, servants, employees, contractors, licensees, visitors, and guests the right to operate, repair, and maintain the Line within the Easement Premises. In the event that the Easement Premises is no longer used for such purpose, this Agreement shall be terminated, subject to the terms and conditions contained herein.

Grantor grants to Grantee the right to perform such maintenance and to make such changes, improvements, removals, repairs, alterations, substitutions, and replacements of or to the Line for the purposes stated herein, from time to time as Grantee may deem necessary and/or desirable. Grantee is granted reasonable ingress and egress rights in, on, over, and to such portions of Grantor’s Property, in addition to that contained within the described Easement Premises, as may be reasonably necessary to carry out the intent and purposes hereof and to the give effect to the rights granted herein.

Grantee shall be solely responsible for all maintenance, alterations, and repairs to the Easement Premises and the Line and must ensure that the Easement Premises and Grantor’s Property remain in proper and usable condition. Grantee shall have the right to enter the Easement Premises at all times to ensure that its maintenance and repair obligations may be met or to install alterations or additions to the Line. Following maintenance, repair, or alteration of the Line, Grantee shall promptly repair and restore any damage to Grantor’s Property and the Easement Premises arising or resulting from such work.

The easements and rights granted herein shall constitute perpetual covenants running with the land encumbered hereby until such time as this agreement is terminated by written agreement, executed by all parties, their successors or assigns, or as otherwise provided herein.

The easement granted hereby shall automatically terminate without the necessity of any action by Grantor, should Grantee, or any of its successors or assigns, violate the terms and conditions of this instrument or cease to operate within or otherwise entirely abandon the Easement Premises and/or any items located thereon for a period of one (1) year or more.

This Easement may only be modified by written instrument executed by all parties, their successors and assigns.

This instrument fully sets forth the terms and conditions of the easement granted herein. There are no oral or other written agreements between Grantor and Grantee that modify, alter, or amend this easement agreement.

The terms and provisions of this easement agreement shall constitute covenants running with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

TO HAVE AND TO HOLD this easement unto Grantee, its successors and assigns forever, and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns, to warrant and forever defend all and singular the rights, privileges, and interests above described, unto Grantee, its successors and assigns, against Grantor and against Grantor's heirs, successors and assigns, against claims brought by, through, or under Grantor.

IN WITNESS WHEREOF the hand and seal of Grantor herein has hereunto been set this _____ day of _____, 2017.

Witnesses:

(Witness)

(Witness)

Grantor:
By: _____
Its: _____

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this _____ day of _____,
2017, by _____, on behalf of Oconee County.

Notary Public for _____
My commission expires: _____
(SEAL)

Witnesses:

(Witness)

(Witness)

Grantee:

By: _____

Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 2017,
by _____ on behalf of the School District of Oconee County.

Notary Public for _____
My commission expires: _____

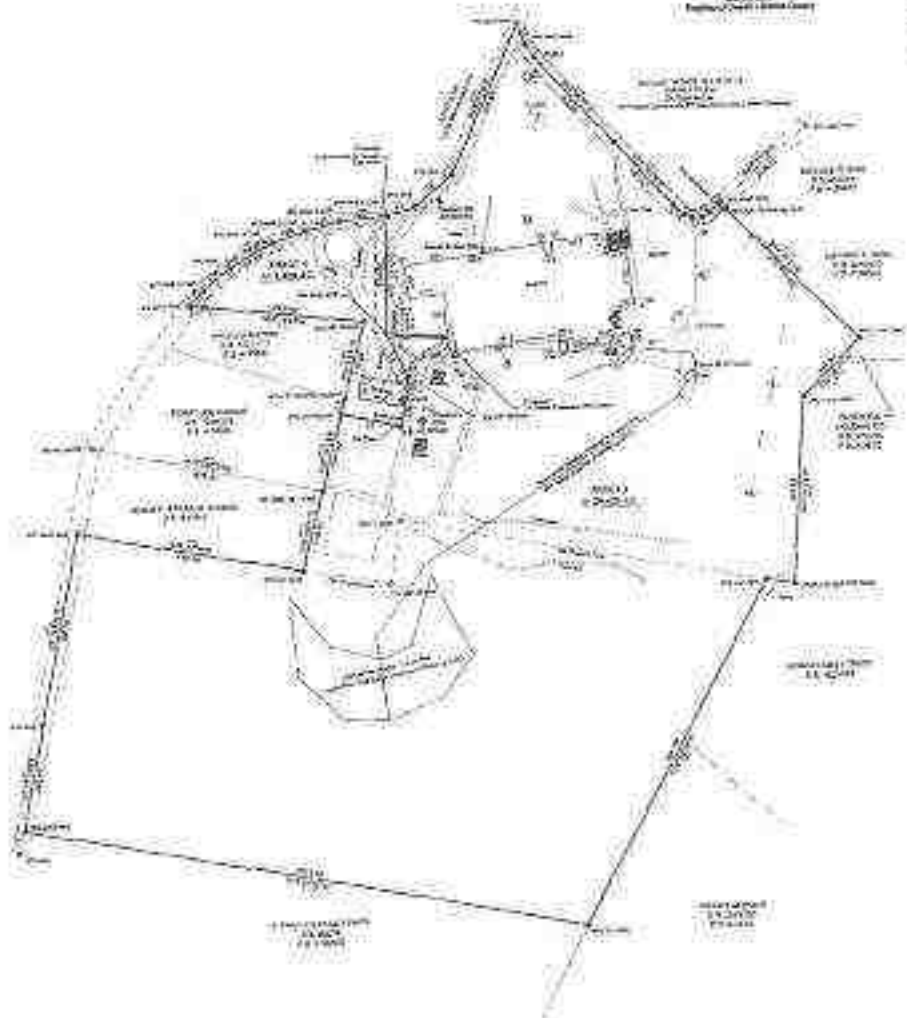
(SEAL)

Exhibit A

See Attached

Exhibit A

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100



1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

SECTION 1
1878-83

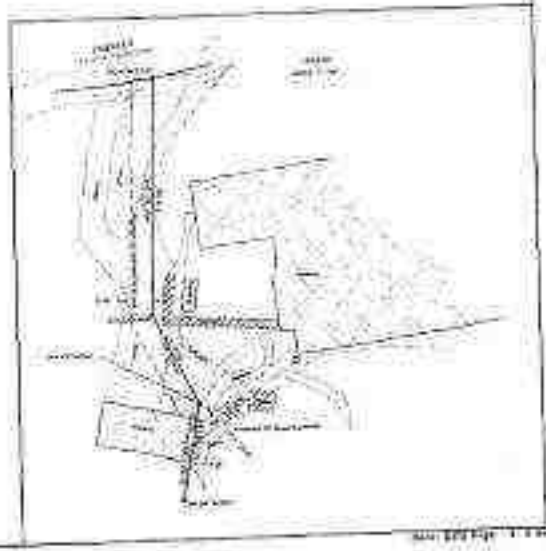
SECTION 2
1878-83

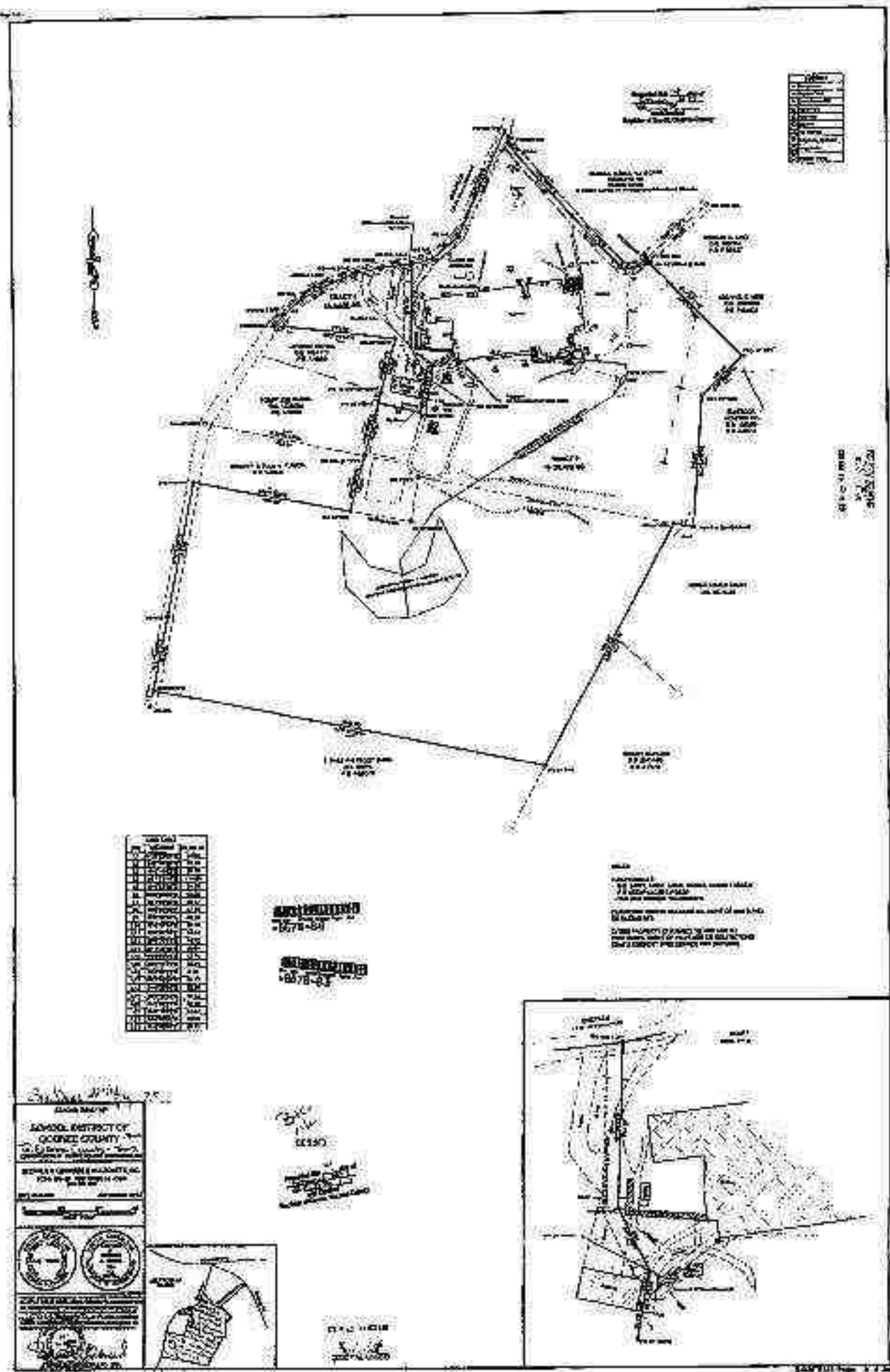
NOTE:
1. THIS MAP WAS MADE BY THE
SCHOOL DISTRICT NO. 1
AND SCHOOL DISTRICT NO. 2
AND IS NOT TO BE USED FOR
ANY OTHER PURPOSE.
2. THE DISTRICTS ARE NOT TO BE
CHANGED WITHOUT THE
APPROVAL OF THE BOARD OF
SCHOOL DISTRICT NO. 1
AND SCHOOL DISTRICT NO. 2.

**SCHOOL DISTRICT OF
OSAGE COUNTY**
OFFICE OF THE SUPERVISOR
100 N. 1st St., P.O. Box 100
MUSKOGEE, OKLAHOMA

FRONT COVER SHEET
NO. 100-100-100
1878-83

[Signature]
SUPERVISOR





Symbol	Description
(Solid line)	Right of Way
(Dashed line)	Proposed Right of Way
(Dotted line)	Proposed Utility
(Thin solid line)	Proposed Easement
(Thick solid line)	Proposed Right of Way
(Thin dashed line)	Proposed Utility
(Thin dotted line)	Proposed Easement

Lot No.	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000
2	10,000	10,000
3	10,000	10,000
4	10,000	10,000
5	10,000	10,000
6	10,000	10,000
7	10,000	10,000
8	10,000	10,000
9	10,000	10,000
10	10,000	10,000
11	10,000	10,000
12	10,000	10,000
13	10,000	10,000
14	10,000	10,000
15	10,000	10,000
16	10,000	10,000
17	10,000	10,000
18	10,000	10,000
19	10,000	10,000
20	10,000	10,000
21	10,000	10,000
22	10,000	10,000
23	10,000	10,000
24	10,000	10,000
25	10,000	10,000
26	10,000	10,000
27	10,000	10,000
28	10,000	10,000
29	10,000	10,000
30	10,000	10,000
31	10,000	10,000
32	10,000	10,000
33	10,000	10,000
34	10,000	10,000
35	10,000	10,000
36	10,000	10,000
37	10,000	10,000
38	10,000	10,000
39	10,000	10,000
40	10,000	10,000
41	10,000	10,000
42	10,000	10,000
43	10,000	10,000
44	10,000	10,000
45	10,000	10,000
46	10,000	10,000
47	10,000	10,000
48	10,000	10,000
49	10,000	10,000
50	10,000	10,000

RECORDED
 1078-24

RECORDED
 1078-25

NOTICE: THIS PLAN SHOWS THE PROPOSED LAYOUT OF THE PROJECT AND IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION. THE PROJECT WILL BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL ORDINANCES AND THE STATE DEPARTMENT OF TRANSPORTATION REQUIREMENTS.

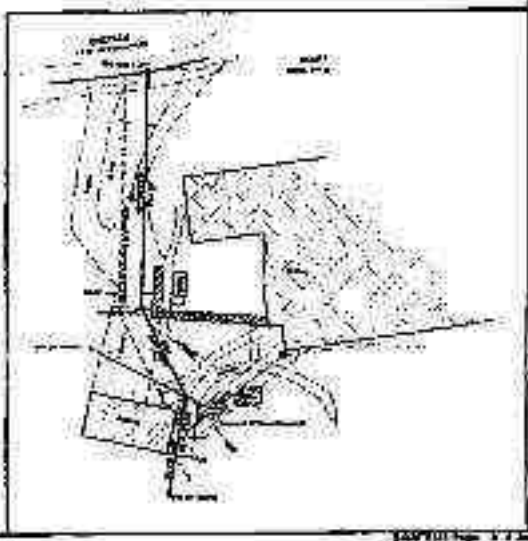
3/15/2014

SEAL OF THE BOARD OF SUPERVISORS
 COUNTY OF COCONINO, ARIZONA

SEAL OF THE COUNTY ENGINEER
 COUNTY OF COCONINO, ARIZONA

APPROVED FOR THE BOARD OF SUPERVISORS
 DATE: 3/15/2014

APPROVED FOR THE COUNTY ENGINEER
 DATE: 3/15/2014



3/15/2014

STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2016-37

AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO BLUE RIDGE ELECTRIC COOPERATIVE NEAR THE OCONEE REGIONAL AIRPORT FOR THE PURPOSE OF RELOCATING EXISTING ABOVE-GROUND ELECTRICAL LINES TO UNDERGROUND LINES; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Oconee County, a body politic and corporate and a political subdivision of the State of South Carolina (the "County"), is the owner of three parcels of land situate in Oconee County and designated by TMS numbers 256-00-04-002, 256-00-01-015, and 256-00-01-006, as shown on the accompanying diagram attached hereto as "Exhibit A" and incorporated herein by reference ("County Property"); and

WHEREAS, Blue Ridge Electric Cooperative, Inc. ("Blue Ridge Electric") wishes to acquire from the County, and the County wishes to grant to Blue Ridge Electric, certain easement rights for, generally and without limitation, the construction, maintenance, alteration and replacement of one or more electric lines, for overhead or underground electric transmission, distribution and communication lines over, across, under and through certain portions of the County Property as well as Nebo Church Road and Airline Road (collectively, the "Easements"); and

WHEREAS, the form, terms, and provisions of the Electric Line Right-of-Way Easements (the "Easement Agreements") now before the Oconee County Council ("Council"), copies of which are attached hereto as "Exhibit B," are acceptable to County Council for the purpose of giving effect to the Easement rights; and

WHEREAS, Section 4-9-30(2) of the Code of Laws of South Carolina authorizes the County to transfer or otherwise dispose of interests in real property:

NOW, THEREFORE, be it ordained by Council, in meeting duly assembled, that:

1. Council hereby approves the Easements, subject to and in conformity with the provisions of the Easement Agreements.
2. The Administrator of the County ("Administrator") shall be, and hereby is, authorized to execute and deliver the Easement Agreements on behalf of the County in substantially the same form as attached hereto as Exhibit B, or with such changes as are not materially adverse to the County and as the Administrator shall approve, upon the advice of legal counsel, such Administrator's approval to be deemed given by his execution of the Easement Agreements.
3. The Administrator shall be, and hereby is, authorized to execute and deliver any and all other documents or instruments on behalf of the County related to the Easements in a form and substance acceptable to the Administrator, on advice of legal counsel to the County.
4. Should any portion of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determination

shall not affect the remaining terms and provisions of this ordinance, all of which are hereby deemed separable.

5. All orders, resolutions, and enactments of the Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

6. This ordinance shall take effect and be in full force and effect from and after third reading and enactment by the Oconee County Council.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2017.

OCONEE COUNTY, SOUTH CAROLINA

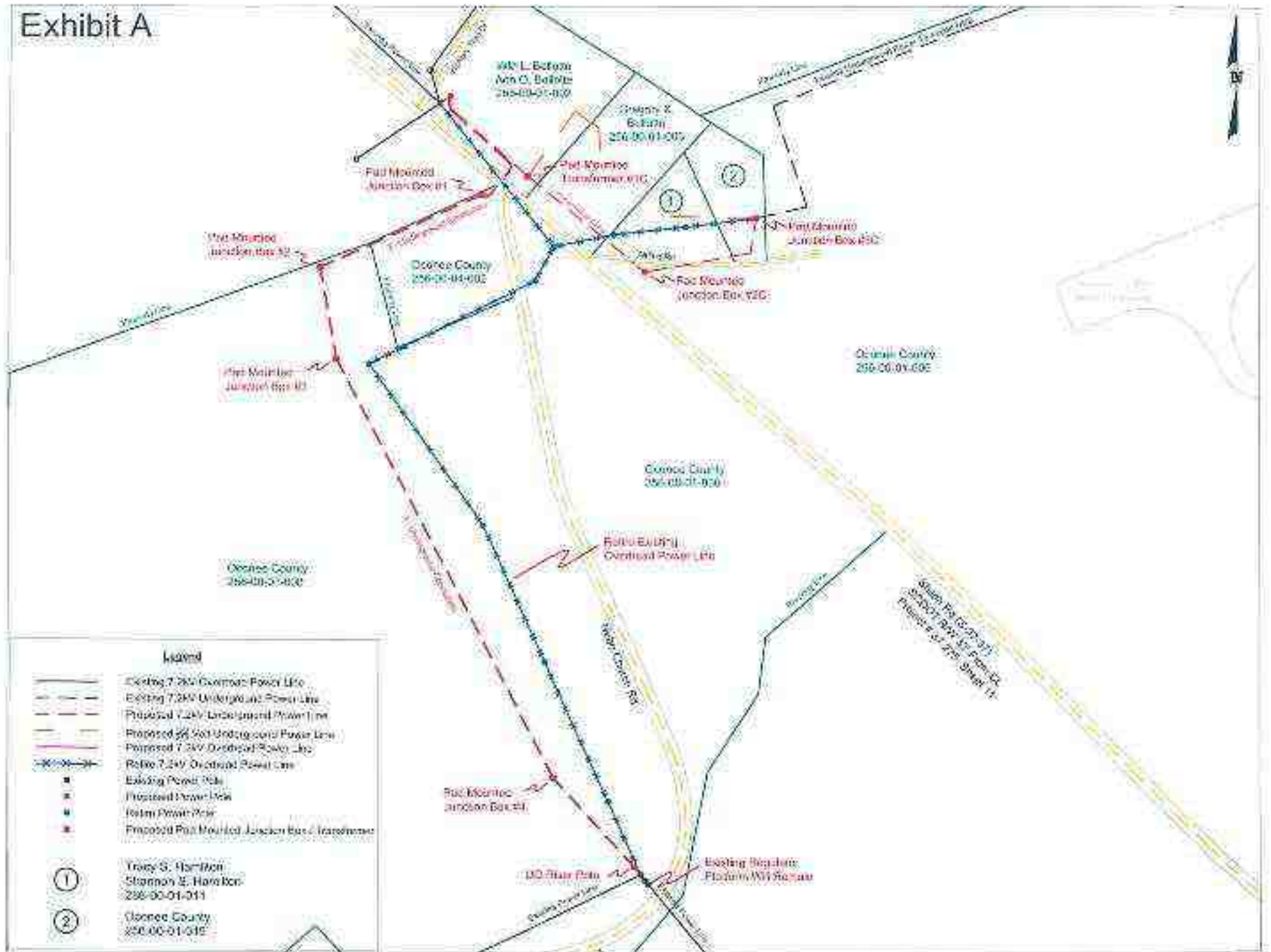
Edda Cammick, Chair, County Council
Oconee County, South Carolina

ATTEST:

Katie D. Smith, Clerk to County Council
Oconee County, South Carolina

First Reading: November 15, 2016
Second Reading: April 4, 2017
Public Hearing:
Third Reading:

Exhibit A



S/O # _____
 ACCT # _____
 JOB # _____
 DATE _____

ELECTRIC LINE RIGHT-OF-WAY EASEMENT

STATE OF SOUTH CAROLINA) Map No. Near _____
 COUNTY OF OCONEE) Tax Map 256-00-04-002

KNOW ALL MEN BY THESE PRESENTS, that Oconee County and its successors and assigns (hereinafter referred to as "Grantor") for good and valuable consideration from Blue Ridge Electric Cooperative, Inc., whose principal office is located in Pickens, South Carolina (hereinafter referred to as the "Cooperative"), the receipt of which is hereby acknowledged, does hereby grant unto the Cooperative, its successors, lessees, and assigns the perpetual right, privilege, and easement, subject to the terms set forth, and the privileges specifically retained and reserved, herein by Grantor:

1. To go upon the tract of land of the Grantor, containing 1.17 acres, more or less, (TMS: 256-00-04-002) and to include Nebo Church Road as indicted (subject to any necessary encroachment, construction, and other permits, licenses, or grants which may be required), as depicted on "Exhibit A," attached hereto and incorporated herein by reference (the "Property").
2. To construct, reconstruct, locate, relocate, operate, maintain and repair in, upon, over, under, and through said Property, within the easement strip such poles structures, overhead and underground wires, and other necessary fixtures, apparatuses and appliances, electrical distribution lines or systems, and any support structures and anchors that must be located outside of the easement strip, for the purpose of distributing electricity by one or more circuits and of carrying wires of the Cooperative or any lessee thereof. The referenced easement strip is shown on Exhibit "A," and includes only such portions of Exhibit "A" as depict the Property, and shall be referred to hereinafter as the "Easement Premises."

The Easement Premises are further defined to include: twenty feet on each side of the centerline of any overhead primary facilities, eight feet on each side of where only underground facilities are installed, and five feet on each side where only overhead service facilities are necessary;

3. To enter upon said land at any time for the purpose of inspecting said lines and facilities and making necessary repairs and alterations thereof.

4. To enter upon said property to make such changes, alterations, and substitutions in said lines, facilities or structures from time to time as the Cooperative deems advisable or expedient.
5. To keep and maintain, as the Cooperative deems necessary, the Easement Premises clear of all structures, trees, stumps, roots, shrubbery, and undergrowth along said lines, facilities, or structures for a space of up to the right-of-way widths listed in Item 2.
6. If an overhead line is constructed, to trim or remove and to keep trimmed or removed dead, diseased, weak, or leaning trees or limbs outside of the Easement Premises which, in the opinion of the Cooperative, might interfere with or fall upon the electric or communication facilities within the Easement Premises.
7. To implement the following provisions:

The parties further mutually agree as follows:

1. The Grantor agrees that all lines, facilities, structures and related apparatuses and appliances installed on or in the above described land by the Cooperative or its representative(s) shall be and remain the property of the Cooperative, removable or replaceable at its option; and that the Grantor will not hereafter, without the Cooperative's consent, construct any structure within said Easement Premises. The Grantor agrees that no wells shall be dug on said Easement Premises, and that no septic tanks, absorption pits, or underground storage tanks shall be placed on the Easement Premises, and that said Easement Premises shall not be used for burial grounds.
2. The Cooperative agrees that in locating or relocating and installing its structures and anchors, it will endeavor to take advantage of roadways, streets, ditches, hedgerows, etc., so as to cause the least interference to the Grantor's said land; and that if, in the construction of said lines, facilities or structures, any injury is necessarily done to crops, fences, bridges, or roads, it will repair or replace such fences, bridges or roads, and will pay the Grantor for injury to such crops.
3. Cooperative shall indemnify, defend, and hold Grantor, its representatives, agents, employees, successors, and assigns, harmless from any and all costs, liabilities, damages, losses, claims, actions or proceedings of any nature, including, without limitation, for injury to any persons (including death) or property which may be claimed to have arisen directly from or out of (i) any damage, accident, injury, or other similar occurrences in or on the Property, including the Easement Premises, due to Cooperative's negligence or misconduct; or (ii) the use, maintenance, or repair of the Easement Premises by Cooperative, its guests, invitees, agents, or contractors.

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easement unto the Cooperative, its successors and assigns, forever.

The Grantor covenants that it is the owner of the above described lands and that the referenced road is a County-maintained road.

SIGNED, sealed and delivered

in the presence of:

OCONEE COUNTY, SOUTH CAROLINA

First Witness

By: _____ (SEAL)

Its: _____

Second Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Oconee County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina, on behalf of Oconee County.

Notary Public for _____

My commission expires: _____

(SEAL)

SIGNED, sealed and delivered

in the presence of:

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

 First Witness

By: _____ (SEAL)

 Second Witness

Its: _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF OCONEE)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, the _____ of Blue Ridge Electric Cooperative, Inc.

 Notary Public for _____

My commission expires: _____

(SEAL)

S/O # _____
ACCT # _____
JOB # _____
DATE _____

ADDENDUM TO ELECTRIC LINE RIGHT-OF-WAY EASEMENT

STATE OF SOUTH CAROLINA) Map No. Near _____
COUNTY OF OCONEE) Tax Map 256-00-04-002

This agreement is hereby entered into this ____ day of _____ between Oconee County, South Carolina, hereinafter referred to as "County," and Blue Ridge Electric Cooperative, hereinafter referred to as "Blue Ridge" or "Cooperative," to set forth additional terms and conditions of the Electric Line Right-Of-Way Easement granted this day to Blue Ridge by County.

WITNESSETH

It is agreed by and between the parties that the underlying easement shall be subject to the additional terms and conditions contained in this addendum:

1. The easement shall not be exercised by the Cooperative in a manner so as to prevent or unreasonably interfere with the use and enjoyment of the Property or any portion of the Property by Grantor, its employees, servants, agents, and invitees.
2. The items to be constructed, installed, operated, etc. on the Easement Premises shall be constructed, installed, and operated in a safe manner, consistent with all applicable laws, industry standards, manufacturers' requirements, and the like.
3. Any damage to the Property caused by the Cooperative's activities on the Property, shall be replaced or repaired by the Cooperative to the satisfaction of the Grantor.
4. The Cooperative shall not place, keep, store, or permit to be placed, kept or stored on the Property any equipment or materials except during the times Cooperative's employees or agents are physically present and conducting activities permitted under this Agreement.
5. The easement granted shall be perpetual and run with the land except that it shall automatically terminate should the Cooperative, or any of its successors or assigns cease to operate or otherwise entirely abandon the Easement Premises and/or any items located thereon for a period of one (1) year or more. The Cooperative shall give written notice to Grantor of its intent to cease operations and/or abandon the Easement Premises, and the

referenced one (1) year period shall run from the date of receipt of such notice by the Grantor.

- 6. Any rights to the Easement Premises not specifically granted to the Cooperative herein, are reserved to the Grantor, its successors or assigns.
- 7. The underlying Electric Line Right-Of-Way-Easement shall be recorded upon the public records of Oconee County, South Carolina; however, this addendum to the Electric Line Right-Of-Way grant shall not be recorded upon the public records of Oconee County, South Carolina, or any other County without the express written consent of Cooperative or as may be required by law.
- 8. The terms and conditions set forth herein are an integral part and parcel of the easement granted to Blue Ridge this date and shall run with the land and be fully binding and enforceable upon the parties, their successors and assigns.

The Grantor covenants that it is the owner of the above described lands.

SIGNED, sealed and delivered

In the presence of:

OCONEE COUNTY, SOUTH CAROLINA

First Witness

By: _____ (SEAL)

Its: _____

Second Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Oconee County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina, on behalf of Oconee County.

Notary Public for _____

My commission expires: _____

(SEAL)

SIGNED, sealed and delivered

In the presence of:

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

First Witness

By: _____ (SEAL)

Its: _____

Second Witness

STATE OF SOUTH CAROLINA)

)

COUNTY OF OCONEE)

)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Blue Ridge Electric Cooperative, Inc.

Notary Public for _____

My commission expires: _____

(SEAL)

S/O # _____
ACCT # _____
JOB # _____
DATE _____

ELECTRIC LINE RIGHT-OF-WAY EASEMENT

STATE OF SOUTH CAROLINA) Map No. Near _____
COUNTY OF OCONEE) Tax Map 256-00-01-015

KNOW ALL MEN BY THESE PRESENTS, that Oconee County and its successors and assigns (hereinafter referred to as "Grantor") for good and valuable consideration from Blue Ridge Electric Cooperative, Inc., whose principal office is located in Pickens, South Carolina (hereinafter referred to as the "Cooperative"), the receipt of which is hereby acknowledged, does hereby grant unto the Cooperative, its successors, lessees, and assigns the perpetual right, privilege, and easement, subject to the terms set forth, and the privileges specifically retained and reserved, herein by Grantor:

1. To go upon the tract of land of the Grantor, containing .57 acres, more or less, (TMS: 256-00-01-015) and to include Airline Road as indicted (subject to any necessary encroachment, construction, and other permits, licenses, or grants which may be required), as depicted on "Exhibit A," attached hereto and incorporated herein by reference (the "Property").
2. To construct, reconstruct, locate, relocate, operate, maintain and repair in, upon, over, under, and through said Property, within the easement strip such poles structures, overhead and underground wires, and other necessary fixtures, apparatuses and appliances, electrical distribution lines or systems, and any support structures and anchors that must be located outside of the easement strip, for the purpose of distributing electricity by one or more circuits and of carrying wires of the Cooperative or any lessee thereof. The referenced easement strip is shown on Exhibit "A," and includes only such portions of Exhibit "A" as depict the Property, and shall be referred to hereinafter as the "Easement Premises."

The Easement Premises are further defined to include: twenty feet on each side of the centerline of any overhead primary facilities, eight feet on each side of where only underground facilities are installed, and five feet on each side where only overhead service facilities are necessary;

3. To enter upon said land at any time for the purpose of inspecting said lines and facilities and making necessary repairs and alterations thereof.

4. To enter upon said property to make such changes, alterations, and substitutions in said lines, facilities or structures from time to time as the Cooperative deems advisable or expedient.
5. To keep and maintain, as the Cooperative deems necessary, the Easement Premises clear of all structures, trees, stumps, roots, shrubbery, and undergrowth along said lines, facilities, or structures for a space of up to the right-of-way widths listed in Item 2.
6. If an overhead line is constructed, to trim or remove and to keep trimmed or removed dead, diseased, weak, or leaning trees or limbs outside of the Easement Premises which, in the opinion of the Cooperative, might interfere with or fall upon the electric or communication facilities within the Easement Premises.
7. To implement the following provisions:

The parties further mutually agree as follows:

1. The Grantor agrees that all lines, facilities, structures and related apparatuses and appliances installed on or in the above described land by the Cooperative or its representative(s) shall be and remain the property of the Cooperative, removable or replaceable at its option; and that the Grantor will not hereafter, without the Cooperative's consent, construct any structure within said Easement Premises. The Grantor agrees that no wells shall be dug on said Easement Premises, and that no septic tanks, absorption pits, or underground storage tanks shall be placed on the Easement Premises, and that said Easement Premises shall not be used for burial grounds.
2. The Cooperative agrees that in locating or relocating and installing its structures and anchors, it will endeavor to take advantage of roadways, streets, ditches, hedgerows, etc., so as to cause the least interference to the Grantor's said land; and that if, in the construction of said lines, facilities or structures, any injury is necessarily done to crops, fences, bridges, or roads, it will repair or replace such fences, bridges or roads, and will pay the Grantor for injury to such crops.
3. Cooperative shall indemnify, defend, and hold Grantor, its representatives, agents, employees, successors, and assigns, harmless from any and all costs, liabilities, damages, losses, claims, actions or proceedings of any nature, including, without limitation, for injury to any persons (including death) or property which may be claimed to have arisen directly from or out of (i) any damage, accident, injury, or other similar occurrences in or on the Property, including the Easement Premises, due to Cooperative's negligence or misconduct; or (ii) the use, maintenance, or repair of the Easement Premises by Cooperative, its guests, invitees, agents, or contractors.

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easement unto the Cooperative, its successors and assigns, forever.

The Grantor covenants that it is the owner of the above described lands and that the referenced road is a County-maintained road.

SIGNED, sealed and delivered

in the presence of:

OCONEE COUNTY, SOUTH CAROLINA

First Witness

By: _____ (SEAL)

Second Witness

Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, the _____ of Oconee County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina, on behalf of Oconee County.

Notary Public for _____

My commission expires: _____

(SEAL)

SIGNED, sealed and delivered

in the presence of:

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

First Witness

By: _____ (SEAL)

Second Witness

Its: _____

STATE OF SOUTH CAROLINA)

)

ACKNOWLEDGMENT

COUNTY OF OCONEE)

)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, the _____ of Blue Ridge Electric Cooperative, Inc.

Notary Public for _____

My commission expires: _____

(SEAL)

S/O # _____
ACCT # _____
JOB # _____
DATE _____

ADDENDUM TO ELECTRIC LINE RIGHT-OF-WAY EASEMENT

STATE OF SOUTH CAROLINA) Map No. Near _____
COUNTY OF OCONEE) Tax Map 256-00-01-015

This agreement is hereby entered into this ____ day of _____ between Oconee County, South Carolina, hereinafter referred to as "County," and Blue Ridge Electric Cooperative, hereinafter referred to as "Blue Ridge" or "Cooperative," to set forth additional terms and conditions of the Electric Line Right-Of-Way Easement granted this day to Blue Ridge by County.

WITNESSETH

It is agreed by and between the parties that the underlying easement shall be subject to the additional terms and conditions contained in this addendum:

1. The easement shall not be exercised by the Cooperative in a manner so as to prevent or unreasonably interfere with the use and enjoyment of the Property or any portion of the Property by Grantor, its employees, servants, agents, and invitees.
2. The items to be constructed, installed, operated, etc. on the Easement Premises shall be constructed, installed, and operated in a safe manner, consistent with all applicable laws, industry standards, manufacturers' requirements, and the like.
3. Any damage to the Property caused by the Cooperative's activities on the Property, shall be replaced or repaired by the Cooperative to the satisfaction of the Grantor.
4. The Cooperative shall not place, keep, store, or permit to be placed, kept or stored on the Property any equipment or materials except during the times Cooperative's employees or agents are physically present and conducting activities permitted under this Agreement.
5. The easement granted shall be perpetual and run with the land except that it shall automatically terminate should the Cooperative, or any of its successors or assigns cease to operate or otherwise entirely abandon the Easement Premises and/or any items located thereon for a period of one (1) year or more. The Cooperative shall give written notice to Grantor of its intent to cease operations and/or abandon the Easement Premises, and the

SIGNED, sealed and delivered

In the presence of:

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

First Witness

By: _____ (SEAL)

Its: _____

Second Witness

STATE OF SOUTH CAROLINA)

ACKNOWLEDGEMENT

COUNTY OF OCONEE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Blue Ridge Electric Cooperative, Inc.

Notary Public for _____

My commission expires: _____

(SEAL)

S/O # _____
ACCT # _____
JOB # _____
DATE _____

ELECTRIC LINE RIGHT-OF-WAY EASEMENT

STATE OF SOUTH CAROLINA) Map No. Near _____
COUNTY OF OCONEE) Tax Map 256-00-01-006

KNOW ALL MEN BY THESE PRESENTS, that Oconee County and its successors and assigns (hereinafter referred to as "Grantor") for good and valuable consideration from Blue Ridge Electric Cooperative, Inc., whose principal office is located in Pickens, South Carolina (hereinafter referred to as the "Cooperative"), the receipt of which is hereby acknowledged, does hereby grant unto the Cooperative, its successors, lessees, and assigns the perpetual right, privilege, and easement, subject to the terms set forth, and the privileges specifically retained and reserved, herein by Grantor:

1. To go upon the tract of land of the Grantor, containing 254.81 acres, more or less, (TMS: 256-00-01-006) and to include Airline Road and Nebo Church Road as indicted (subject to any necessary encroachment, construction, and other permits, licenses, or grants which may be required), as depicted on "Exhibit A," attached hereto and incorporated herein by reference (the "Property").
2. To construct, reconstruct, locate, relocate, operate, maintain and repair in, upon, over, under, and through said Property, within the easement strip such poles structures, overhead and underground wires, and other necessary fixtures, apparatuses and appliances, electrical distribution lines or systems, and any support structures and anchors that must be located outside of the easement strip, for the purpose of distributing electricity by one or more circuits and of carrying wires of the Cooperative or any lessee thereof. The referenced easement strip is shown on Exhibit "A," and includes only such portions of Exhibit "A" as depict the Property, and shall be referred to hereinafter as the "Easement Premises."

The Easement Premises are further defined to include: twenty feet on each side of the centerline of any overhead primary facilities, eight feet on each side of where only underground facilities are installed, and five feet on each side where only overhead service facilities are necessary;

3. To enter upon said land at any time for the purpose of inspecting said lines and facilities and making necessary repairs and alterations thereof.

4. To enter upon said property to make such changes, alterations, and substitutions in said lines, facilities or structures from time to time as the Cooperative deems advisable or expedient.
5. To keep and maintain, as the Cooperative deems necessary, the Easement Premises clear of all structures, trees, stumps, roots, shrubbery, and undergrowth along said lines, facilities, or structures for a space of up to the right-of-way widths listed in Item 2.
6. If an overhead line is constructed, to trim or remove and to keep trimmed or removed dead, diseased, weak, or leaning trees or limbs outside of the Easement Premises which, in the opinion of the Cooperative, might interfere with or fall upon the electric or communication facilities within the Easement Premises.
7. To implement the following provisions:

The parties further mutually agree as follows:

1. The Grantor agrees that all lines, facilities, structures and related apparatuses and appliances installed on or in the above described land by the Cooperative or its representative(s) shall be and remain the property of the Cooperative, removable or replaceable at its option; and that the Grantor will not hereafter, without the Cooperative's consent, construct any structure within said Easement Premises. The Grantor agrees that no wells shall be dug on said Easement Premises, and that no septic tanks, absorption pits, or underground storage tanks shall be placed on the Easement Premises, and that said Easement Premises shall not be used for burial grounds.
2. The Cooperative agrees that in locating or relocating and installing its structures and anchors, it will endeavor to take advantage of roadways, streets, ditches, hedgerows, etc., so as to cause the least interference to the Grantor's said land; and that if, in the construction of said lines, facilities or structures, any injury is necessarily done to crops, fences, bridges, or roads, it will repair or replace such fences, bridges or roads, and will pay the Grantor for injury to such crops.
3. Cooperative shall indemnify, defend, and hold Grantor, its representatives, agents, employees, successors, and assigns, harmless from any and all costs, liabilities, damages, losses, claims, actions or proceedings of any nature, including, without limitation, for injury to any persons (including death) or property which may be claimed to have arisen directly from or out of (i) any damage, accident, injury, or other similar occurrences in or on the Property, including the Easement Premises, due to Cooperative's negligence or misconduct; or (ii) the use, maintenance, or repair of the Easement Premises by Cooperative, its guests, invitees, agents, or contractors.

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easement unto the Cooperative, its successors and assigns, forever.

The Grantor covenants that it is the owner of the above described lands and that the referenced roads are County-maintained roads.

SIGNED, sealed and delivered

in the presence of:

OCONEE COUNTY, SOUTH CAROLINA

First Witness

By: _____ (SEAL)

Second Witness

Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Oconee County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina, on behalf of Oconee County.

Notary Public for _____

My commission expires: _____

(SEAL)

SIGNED, sealed and delivered

in the presence of:

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

First Witness

By: _____ (SEAL)

Second Witness

Its: _____

STATE OF SOUTH CAROLINA)

)

ACKNOWLEDGMENT

COUNTY OF OCONEE)

)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, the _____ of Blue Ridge Electric Cooperative, Inc.

Notary Public for _____

My commission expires: _____

(SEAL)

S/O # _____
ACCT # _____
JOB # _____
DATE _____

ADDENDUM TO ELECTRIC LINE RIGHT-OF-WAY EASEMENT

STATE OF SOUTH CAROLINA) Map No. Near _____
COUNTY OF OCONEE) Tax Map 256-00-01-006

This agreement is hereby entered into this ____ day of _____ between Oconee County, South Carolina, hereinafter referred to as “County,” and Blue Ridge Electric Cooperative, hereinafter referred to as “Blue Ridge” or “Cooperative,” to set forth additional terms and conditions of the Electric Line Right-Of-Way Easement granted this day to Blue Ridge by County.

WITNESSETH

It is agreed by and between the parties that the underlying easement shall be subject to the additional terms and conditions contained in this addendum:

1. The easement shall not be exercised by the Cooperative in a manner so as to prevent or unreasonably interfere with the use and enjoyment of the Property or any portion of the Property by Grantor, its employees, servants, agents, and invitees.
2. The items to be constructed, installed, operated, etc. on the Easement Premises shall be constructed, installed, and operated in a safe manner, consistent with all applicable laws, industry standards, manufacturers’ requirements, and the like.
3. Any damage to the Property caused by the Cooperative’s activities on the Property, shall be replaced or repaired by the Cooperative to the satisfaction of the Grantor.
4. The Cooperative shall not place, keep, store, or permit to be placed, kept or stored on the Property any equipment or materials except during the times Cooperative’s employees or agents are physically present and conducting activities permitted under this Agreement.
5. The easement granted shall be perpetual and run with the land except that it shall automatically terminate should the Cooperative, or any of its successors or assigns cease to operate or otherwise entirely abandon the Easement Premises and/or any items located thereon for a period of one (1) year or more. The Cooperative shall give written notice to Grantor of its intent to cease operations and/or abandon the Easement Premises, and the

referenced one (1) year period shall run from the date of receipt of such notice by the Grantor.

- 6. Any rights to the Easement Premises not specifically granted to the Cooperative herein, are reserved to the Grantor, its successors or assigns.
- 7. The underlying Electric Line Right-Of-Way-Easement shall be recorded upon the public records of Oconee County, South Carolina; however, this addendum to the Electric Line Right-Of-Way grant shall not be recorded upon the public records of Oconee County, South Carolina, or any other County without the express written consent of Cooperative or as may be required by law.
- 8. The terms and conditions set forth herein are an integral part and parcel of the easement granted to Blue Ridge this date and shall run with the land and be fully binding and enforceable upon the parties, their successors and assigns.

The Grantor covenants that it is the owner of the above described lands.

SIGNED, sealed and delivered

In the presence of:

OCONEE COUNTY, SOUTH CAROLINA

First Witness

By: _____ (SEAL)

Its: _____

Second Witness

STATE OF SOUTH CAROLINA)
)
 COUNTY OF OCONEE)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Oconee County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina, on behalf of Oconee County.

Notary Public for _____

My commission expires: _____

(SEAL)

SIGNED, sealed and delivered

In the presence of:

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

First Witness

By: _____(SEAL)

Its: _____

Second Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

ACKNOWLEDGEMENT

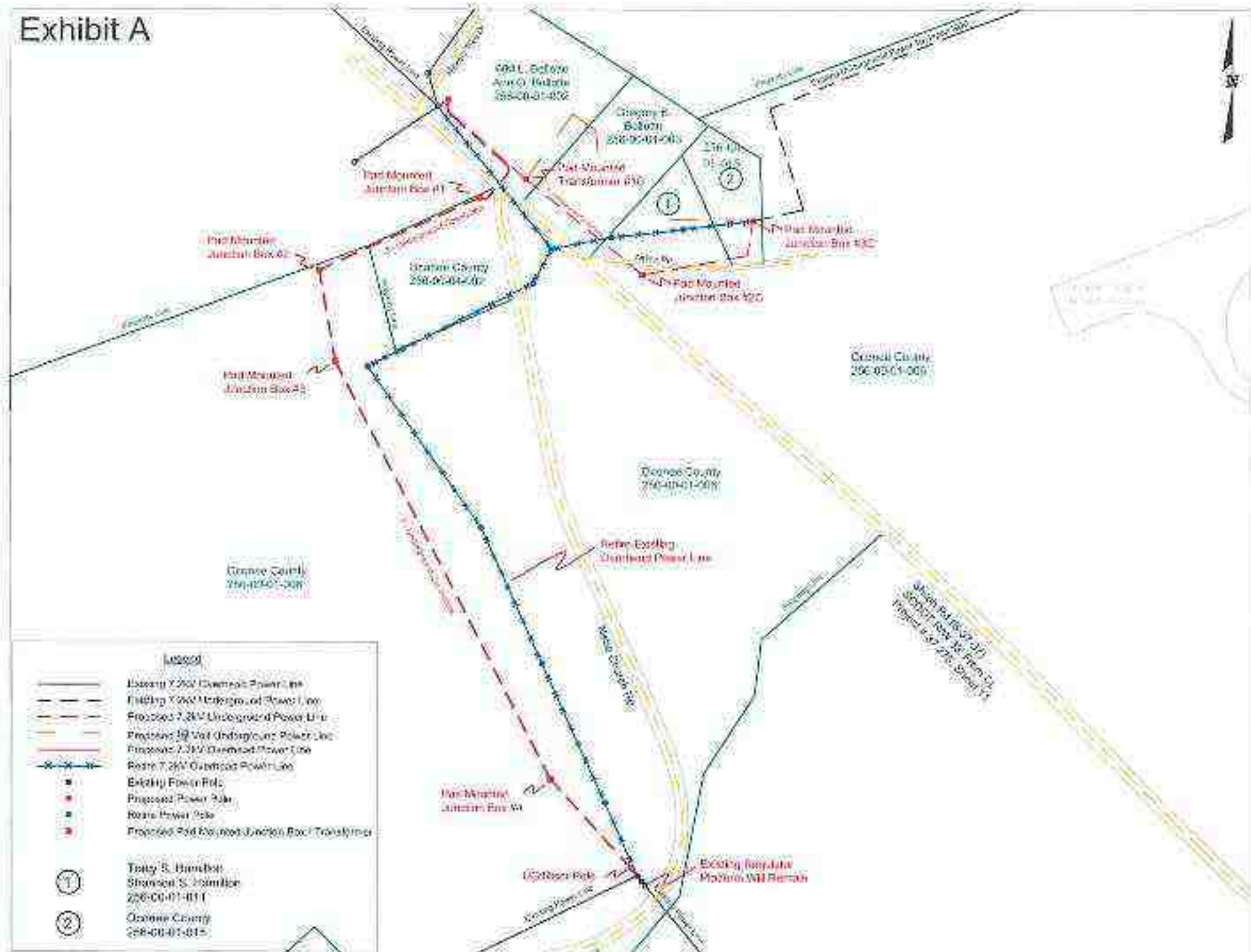
The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of Blue Ridge Electric Cooperative, Inc.

Notary Public for _____

My commission expires: _____

(SEAL)

Exhibit A



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: April 4, 2017
COUNCIL MEETING TIME: 6:00**

ITEM TITLE [Brief Statement]:

Resolution 2017-03 "A RESOLUTION TO EXPRESS OCONEE COUNTY COUNCIL'S OPPOSITION TO HOUSE BILL H. 3521 AND SENATE BILL S. 0212, COLLECTIVELY IDENTIFIED AS THE SOUTH CAROLINA COMPASSIONATE CARE BILL."

BACKGROUND DESCRIPTION:

By way of Resolution 2017-03, Oconee County Council will publish its opposition to the legalization of the use of marijuana for medical purposes as outlined in two bills, titled the South Carolina Compassionate Care Act, which are now pending before the South Carolina Legislature; and Council will make clear that it stands with the various municipal, county, and state law enforcement agencies that decry the enactment of this legislation; and Council will voice its opposition to the South Carolina State Legislature giving further consideration to enacting the South Carolina Compassionate Care Act.

SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:

None

FINANCIAL IMPACT [Brief Statement]:

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by : _____ **Finance**

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No

If yes, who is matching and how much:

Approved by : _____ **Grants**

ATTACHMENTS

None

STAFF RECOMMENDATION [Brief Statement]:

Not Applicable.

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
RESOLUTION 2017-03**

**A RESOLUTION TO EXPRESS OCONEE COUNTY COUNCIL'S
OPPOSITION TO HOUSE BILL H. 3521 AND SENATE BILL S.
0212, COLLECTIVELY IDENTIFIED AS THE SOUTH
CAROLINA COMPASSIONATE CARE BILL.**

WHEREAS, on January 10, 2017 (Senate) and January 18, 2017 (House), two identical bills (the "Bills") were introduced into the South Carolina Legislature that, if passed and signed by the Governor, would amend the Code of Laws of South Carolina by enacting the South Carolina Compassionate Care Act. Copies of the Bills are attached hereto for reference; and

WHEREAS, the Bills would authorize, among other things, the medical use of cannabis, also known as marijuana, by certain individuals with certain diseases and medical conditions when recommended by physicians; and

WHEREAS, because the use of marijuana is illegal under federal law, because the drug is considered by the United States Drug Enforcement Agency as a Schedule 1 controlled substance, because the use of marijuana has a high potential for abuse, because physicians are prohibited from prescribing marijuana and pharmacies are prohibited from dispensing marijuana under federal law, and because the United States Food and Drug Administration has not approved the use of cannabis for medical purposes;

NOW THEREFORE, BE IT RESOLVED, that the Oconee County Council stands with the various municipal, county, and state law enforcement agencies that decry the enactment of this legislation, and this Council voices its opposition to the South Carolina State Legislature giving further consideration to enacting the South Carolina Compassionate Care Act.

RESOLVED in meeting, duly assembled, this ____ of _____, 2017.

OCONEE COUNTY, SOUTH CAROLINA

Edda Cammick, County Council Chair
Oconee County, South Carolina

ATTEST:

Katie Smith, Clerk to County Council
Oconee County, South Carolina

South Carolina General Assembly
122nd Session, 2017-2018

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~

~~Indicates New Matter~~

H. 3521

STATUS INFORMATION

General Bill

Sponsors: Reps. McCoy, Bedingfield, Herbkersman, Hill, Long, Norrell, Putnam, Rutherford, J.E. Smith, Stavrinakis, Wheeler, Bernstein, Magnuson, King, Henegan, Taylor and Erickson

Document Path: I:\council\bill\cc\15060\vr17.docx

Companion/Similar bill(s): 212

Introduced in the House on January 18, 2017

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

Summary: SC Compassionate Care Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with Journal page number
1/18/2017	House	Introduced and read first time (House Journal page 16)
1/18/2017	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal page 35)
1/23/2017	House	Member(s) request name added as sponsor: King, Henegan, Taylor
3/22/2017	House	Member(s) request name added as sponsor: Erickson

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

1/18/2017

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT" BY ADDING ARTICLE 20 TO CHAPTER 53, TITLE 44 SO AS TO AUTHORIZE THE MEDICAL USE OF CANNABIS BY CERTAIN INDIVIDUALS WITH CERTAIN DISEASES AND MEDICAL CONDITIONS; TO AUTHORIZE CERTAIN INDIVIDUALS TO ACT AS DESIGNATED CAREGIVERS IN ORDER TO ASSIST QUALIFYING PATIENTS WITH THE MEDICAL USE OF CANNABIS; TO AUTHORIZE PHYSICIANS TO RECOMMEND THE MEDICAL USE OF CANNABIS UNDER CERTAIN CONDITIONS; TO CREATE A CONFIDENTIAL REGISTRY OF APPLICANTS AND HOLDERS

OF REGISTRY CARDS; TO REQUIRE THE DEVELOPMENT OF A VERIFICATION SYSTEM FOR USE BY LAW ENFORCEMENT AND MEDICAL CANNABIS ESTABLISHMENTS; TO PROVIDE CERTAIN DEFENSES AND OTHER PROTECTIONS TO, AMONG OTHERS, QUALIFYING PATIENTS, DESIGNATED CAREGIVERS, PHYSICIANS, AND LICENSED MEDICAL CANNABIS ESTABLISHMENT PRINCIPALS AND AGENTS; TO PROVIDE FOR THE OPERATION AND REGULATION OF MEDICAL CANNABIS ESTABLISHMENTS, INCLUDING CULTIVATION FACILITIES, DISPENSARIES, INDEPENDENT TESTING LABORATORIES, AND PROCESSING FACILITIES; TO PROVIDE FOR THE DEVELOPMENT OF A SEED-TO-SALE ELECTRONIC MONITORING SYSTEM TO TRACK CANNABIS COMPONENTS FROM CULTIVATION TO POINT OF SALE; TO ESTABLISH FEES AND CRIMINAL PENALTIES; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS; TO CREATE A MEDICAL CANNABIS PROGRAM FUND; AND TO ESTABLISH A MEDICAL CANNABIS ADVISORY BOARD AND TO PROVIDE FOR MEMBERSHIP AND RESPONSIBILITIES; AND TO AMEND SECTION [12-36-2120](#), AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT THE SALE OF CANNABIS BY DISPENSARIES FROM STATE SALES TAX; AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 53, Title 44 of the 1976 Code is amended by adding:

*Article 20

South Carolina Compassionate Care Act

Section [44-53-2000](#). The General Assembly finds that:

- (1) Cannabis's recorded use as a medicine goes back nearly five thousand years. Modern medical research has confirmed the beneficial uses of cannabis, which is also called marijuana, in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.
- (2) Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain that often fails to respond to conventional treatments; relief from chronic pain and a reduction in patients' reliance on opiate-based painkillers; reduced symptoms and even complete remission from Crohn's disease; and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, thereby increasing the chances of patients continuing on life-saving treatment regimens.
- (3) Cannabis has many accepted medical uses in the United States, having been recommended by thousands of licensed physicians to more than one million patients in states with medical cannabis laws. A wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, the Epilepsy Foundation, and many others, have recognized the medical utility of cannabis.

(4) In recent years, Congress has signaled its support for allowing states to set their own medical cannabis policies by approving budgets that restricted the Department of Justice from interfering in such programs.

(5) Twenty-eight states and the District of Columbia have removed state-level criminal penalties from the medical use and cultivation of cannabis. South Carolina joins in this effort for the health and welfare of its citizens.

Section 44-53-2010. As used in this article:

(1) 'Allowable amount of medical cannabis' means:

(a) two ounces of cannabis;

(b) the quantity of cannabis products as established by department regulation.

(2) 'Bona fide physician-patient relationship' means a relationship in which the physician has an ongoing responsibility for the assessment, care, and treatment of a patient's debilitating medical condition, or a symptom of the patient's debilitating medical condition, for which the physician has certified in writing to the department that the patient could benefit from the medical use of cannabis.

(3) 'Cannabis' means all parts of any plant of the cannabis genus of plants, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' does not mean the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of a mature stalk, except the resin extracted from the plant; and the fiber, oil, or cake; or the sterilized seeds of the plant which are incapable of germination.

(4) 'Cannabis products' means concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, but is not limited to, edible cannabis products, beverages, topical products, ointments, oils, patches, sprays, suppositories, and tinctures.

(5) 'Cardholder' means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the department.

(6) 'Child-resistant packaging' means packaging that is designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995); opaque so that the packaging does not allow the product to be seen without opening the packaging material; and resealable for any product intended for more than a single use or containing multiple servings.

(7) 'Cultivation center' means a facility operated by an organization or business that is licensed by the department to cultivate, possess, and distribute cannabis to state-licensed processing facilities, dispensaries, and independent testing laboratories.

(8) 'Debilitating medical condition' means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, ulcerative

colitis, agitation of Alzheimer's disease, post-traumatic stress disorder (PTSD), autism, idiopathic pulmonary fibrosis, Parkinson's disease, neural-tube defects, or the treatment of these conditions;

(b) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; neurological disorders; or severe and persistent muscle spasms including, but not limited to, those characteristic of multiple sclerosis; or

(c) any other serious medical condition or its treatment added by the Medical Cannabis Advisory Board, as provided for in Section [44-53-2420](#).

(9) 'Department' means the South Carolina Department of Health and Environmental Control.

(10) 'Designated caregiver' means a person who possesses a valid registry identification card issued by the department authorizing the person to assist a qualifying patient with the medical use of cannabis. A designated caregiver must be at least twenty-one years of age unless the person is the parent or legal guardian of each qualifying patient the person assists.

(11) 'Dispensary' means a facility operated by an organization or business licensed by the department from or at which cannabis and cannabis products for medical use are possessed and dispensed to a cardholder.

(12) 'Diversion' means transferring cannabis that was obtained or cultivated under this article to a person who is not allowed to possess it under South Carolina law.

(13) 'Independent testing laboratory' means a facility, entity, or site licensed by the State that offers or performs testing related to the inspection of cannabis and cannabis products to identify the content of the cannabis or cannabis products and to detect the presence of any pesticides, bacteria, or other contaminants, and/or for any other purposes determined by the department.

(14) 'Medical use' means the acquisition, administration, possession, preparation, transportation, or use of cannabis, cannabis products, or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition and includes the transfer of cannabis from a designated caregiver to a qualifying patient the caregiver is registered to assist. 'Medical use' does not include the extraction of resin from cannabis by solvent extraction other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol), unless the extraction is done by a processing facility.

(15) 'Medical cannabis establishment' means a licensed cultivation facility, dispensary, independent testing laboratory, or processing facility.

(16) 'Medical cannabis establishment agent' means a board member or employee of a medical cannabis establishment.

(17) 'Medical cannabis establishment principal' means a person who is designated as having responsibility over the actions of a board member, employee, or agency of a medical cannabis establishment and also who has the responsibility and control over any liability for any financial accounts.

(18) 'Nonresident cardholder' means a person who:

(a) has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;

(b) is not a resident of South Carolina or who has been a resident of South Carolina for less than sixty days; and

(c) is in compliance with Section [44-53-2050](#).

(19) 'Paraphernalia' means paraphernalia as defined in Section [44-53-110](#), if it is used or intended for use with cannabis.

(20) 'Physician' means a doctor of medicine or doctor of osteopathic medicine licensed by, and in good standing with, the South Carolina Board of Medical Examiners, except that in relation to a nonresident cardholder, 'physician' means a medical practitioner who is allowed to certify patients to use medical cannabis in the state of the patient's residence.

(21) 'Processing facility' means an entity registered with the department pursuant to this article that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to medical cannabis dispensaries.

(22) 'Qualifying patient' means a person with a debilitating medical condition who possesses a valid registry identification card issued by the department.

(23) 'Verification system' means a secure, confidential, and web-based system established and maintained by the department that is available to authorized department personnel, law enforcement personnel under specific circumstances, and dispensary agents for the verification of registry identification cards.

(24) 'Written certification' means a document signed by a physician, stating that the patient has been diagnosed with a debilitating medical condition and could benefit from the use of medical cannabis. The certification may be made only in the course of a bona fide physician-patient relationship, must specify the qualifying patient's debilitating medical condition, and must be updated annually for each qualifying patient by the certifying physician.

Section [44-53-2020](#). (A) A qualifying patient is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for the medical use of cannabis pursuant to this article if the qualifying patient does not possess more than the allowable amount of medical cannabis:

(B) A designated caregiver is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for assisting a qualifying patient with the medical use of cannabis pursuant to this article if the designated caregiver does not possess more than the allowable amount of medical cannabis for each associated qualifying patient.

(C) A cardholder is presumed to be lawfully in possession of cannabis if the person possesses an amount of cannabis that does not exceed an allowable amount of medical cannabis.

(D) If a cardholder is found to be in possession of cannabis in an amount in excess of an allowable amount of medical cannabis, the excess amount is subject to seizure by law enforcement and may not

be returned. The cardholder also is subject to criminal charges for possession of the amount in excess of an allowable amount of medical cannabis pursuant to Section [44-53-370](#).

(E) The presumption provided for in subsection (C) may be rebutted by evidence that conduct related to the use of cannabis was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition pursuant to this article.

Section [44-53-2030](#). (A) A qualifying patient may purchase cannabis, cannabis products, and paraphernalia for medical use pursuant to this article from a licensed dispensary, provided that a qualifying patient may not obtain more than an allowable amount of medical cannabis each fourteen days.

(B) A designated caregiver may purchase cannabis, cannabis products, and paraphernalia to assist a qualifying patient with the medical use of cannabis pursuant to this article from a licensed dispensary, provided that the designated caregiver and the caregiver's associated qualifying patients may not obtain a combined total of more than an allowable amount of medical cannabis of fourteen days for each qualifying patient.

Section [44-53-2040](#). (A) Until sixty days after the department makes applications available, a valid, written certification issued within the previous year must be deemed a registry identification card for a qualifying patient.

(B) Until sixty days after the department makes applications available, the following must be deemed a registry identification card for designated caregiver:

- (1) a copy of a qualifying patient's valid written certification issued within the previous year; and
- (2) a signed affidavit attesting that the person has significant responsibility for managing the well-being of the patient and that the person has been chosen to assist the qualifying patient.

Section [44-53-2050](#). A valid registry identification card, or its equivalent, that is issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a nonresident cardholder to possess cannabis for medical use, has the same force and effect as a valid registry identification card issued by the department in this State, provided the person produces a statement from a physician stating that the person has a debilitating medical condition.

Section [44-53-2060](#). (A) This article does not authorize any person to engage in, and does not prevent the imposition of, any civil, criminal, or other penalties for engaging in the following conduct:

- (1) undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;
- (2) possessing cannabis or otherwise engaging in the medical use of cannabis in any correctional facility, unless the correctional facility has elected to allow the cardholder to engage in the medical use of cannabis;
- (3) smoking cannabis:
 - (a) on any form of public transportation;

- (b) in any public place or any place that is open to the public; or
 - (c) by a qualifying patient who is under the age of eighteen;
 - (4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis;
 - (5) knowingly smoking or using cannabis in close physical proximity to anyone under the age of eighteen;
 - (6) using cannabis if that person does not have a debilitating medical condition, or possessing cannabis if the person is not a qualifying patient, designated caregiver, or medical cannabis establishment agent;
 - (7) allowing any person who is not allowed to use cannabis under this article to use cannabis that a cardholder is allowed to possess under this article;
 - (8) transferring cannabis for medical use to any person contrary to the provisions of this article; or
 - (9) the use of cannabis for medical use by a law enforcement officer, correctional officer, correctional probation officer, or firefighter while on duty.
- (B) Nothing in this article may be construed to prevent the arrest or prosecution of a qualifying patient for reckless driving or driving under the influence of cannabis where probable cause exists.
- (C) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis for medical use, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense, and which is in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken pursuant to this article.
- (D) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis for medical use, knowingly making a misrepresentation of a medical condition to a physician or fraudulently providing material misinformation to a physician in order to obtain a written certification is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense.
- (E) Any cardholder who sells cannabis shall have his registry identification card revoked and is subject to other penalties for the unauthorized sale of cannabis.
- (F) Any qualifying patient who commits a violation of subsection (A)(4) or refuses a properly requested test related to operating a motor vehicle while under the influence of cannabis shall have his registry identification card revoked.
- (G) No qualifying patient or designated caregiver shall knowingly obtain, seek to obtain or possess, individually or collectively, an amount of cannabis that would exceed an allowable amount of medical cannabis for each qualifying patient.
- (H)(1) Except as provided in this section, nothing in this article prevents a private property owner from restricting or prohibiting the medical use of cannabis on the owner's property.

(2) Except as provided in this section, a qualifying patient only may use cannabis on or in privately owned real or personal property with the permission of the property owner.

(3) An owner of a residential property may prohibit tenants from smoking medical cannabis on the property but may not prohibit tenants from administering medical cannabis through other modes of administration.

Section 44-53-2070. (A) A person entitled to custody of, or visitation or parenting time with, a child must not be denied these rights for conduct allowed pursuant to this article unless the person's behavior is such that it creates an unreasonable danger to the safety of the child as established by clear and convincing evidence.

(B) There is no presumption of child abuse or neglect for conduct allowed pursuant to this article.

(C) No school or landlord may refuse to enroll, lease to, or otherwise penalize a person solely for the person's status as a cardholder, unless failing to do so would violate federal law or regulations, or would cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(D) For the purposes of medical care, including organ and tissue transplants, a registered qualifying patient's use of cannabis according to this article is considered the equivalent of the authorized use of any other medication used at the discretion of a practitioner and does not constitute the use of an illicit substance or otherwise disqualify the registered qualifying patient from needed medical care.

(E) Except as provided in this article, a registered qualifying patient who uses cannabis for medical purposes must be afforded the same rights under state and local law, including those guaranteed pursuant to Section 45-9-10, as the person would be afforded if the person was prescribed solely pharmaceutical medications, as pertaining to:

(1) any interaction with a person's employer;

(2) drug testing by a person's employer; or

(3) drug testing required by any state or local law, agency, or governmental official.

(F) The rights provided by this section do not apply to the extent that they conflict with an employer's obligations under federal law or regulations, nor to the extent that the rights would disqualify an employer from a monetary or licensing-related benefit under federal law or regulations.

(G) No employer may discharge, threaten, refuse to hire, or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location, or privileges solely on the basis of the employee's status as a cardholder.

(H) Nothing in this article requires an employer to make any accommodation of the use of medical cannabis on the property or premises of any place of employment, to allow the ingestion of cannabis in any workplace, or to allow any employee to work while under the influence of cannabis. This article in no way limits an employer's ability to discipline an employee for being under the influence of medical cannabis in the workplace or for working while under the influence of medical cannabis.

(I) No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.

Section ~~44-53-2080~~. (A) A state-chartered bank, a licensed attorney, or a certified public accountant, and all associated employees, are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for engaging in conduct authorized by this article.

(B) A licensed attorney, a certified public accountant, or another holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to medical cannabis establishments or applications to operate medical cannabis establishments on the basis that cannabis is illegal under federal law.

(C) An applicant for a professional or occupational license may not be denied a license based on previous employment related to cannabis establishments operating in accordance with state law.

(D) A person employed by, contracted with, or an agent of the State of South Carolina is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of any right or privilege for engaging in conduct authorized by this article, when the conduct is within the scope of the person's employment.

Section ~~44-53-2090~~. A person is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for:

- (1) being in the presence or vicinity of a qualifying patient engaged in the medical use of cannabis, or a designated caregiver assisting a qualifying patient with the medical use of cannabis;
- (2) being in the presence of a medical cannabis establishment principal or agent engaged in conduct authorized pursuant to this article;
- (3) assisting a registered qualifying patient with the act of using or administering medical cannabis; or
- (4) storing or otherwise possessing a registered qualifying patient's medical cannabis on the patient's behalf at the patient's residence, a residential facility, school, daycare or health care facility, or similar location that is caring for a qualifying patient.

Section ~~44-53-2100~~. (A) Before issuing a written certification, a physician must have access to the South Carolina Prescription Monitoring Program database and review the patient's prescription history.

(B) If the patient's debilitating medical condition is severe, debilitating pain, the physician shall document, and maintain records of all previous unsuccessful attempts to treat the severe, debilitating pain.

(C) A physician is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Medical Examiners, or any other occupational or professional licensing entity, for providing a written certification as authorized by Section ~~44-53-2130~~. A physician may not be sued for medical malpractice as a result of certifying a qualifying patient's medical use of cannabis.

Section ~~44-53-2110~~. (A) No later than one hundred and twenty days after the enactment of this act, the department is responsible for:

- (1) developing and facilitating a process to review applications submitted for issuance of registry identification cards for qualifying patients and designated caregivers, including a state and national fingerprint-based criminal records check for a designated caregiver's initial registration and annual registration renewals, and for issuing, denying, and revoking registry identification cards;
- (2) developing and facilitating a process and establishing a reasonable fee to allow nonresident cardholders to access medical cannabis from a licensed dispensary;
- (3) establishing reasonable application and renewal fees for registry identification cards, provided:
 - (a) the department may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household income;
 - (b) the fees charged to qualifying patients, nonresident cardholders, and caregivers must be no greater than the costs of processing the applications and issuing registry identification cards or registrations; and
 - (c) the department may accept donations from private sources to reduce application and renewal fees.
- (B) No later than one hundred and forty days after the effective date of this act, the department shall begin issuing registry identification cards to qualifying patients and designated caregivers who submit an application in accordance with the department's regulations.
- (C) The department shall issue a registry identification card within twenty-five days of receiving a valid application from a prospective qualifying patient.

~~Section 44-53-2120.~~ (A) In order to obtain a registry identification card as a qualifying patient, a person shall:

- (1) complete an application form provided by the department;
 - (2) submit the application to the department; and
 - (3) pay a nonrefundable annual registration fee.
- (B) The application for the issuance of an initial and renewal registry identification card to a qualifying patient must include:
- (1) the applicant's name, residential and mailing address, and date of birth, unless the applicant is homeless, in which case a residential address is not required;
 - (2) a recent passport-sized photograph of the applicant's face;
 - (3) the name, mailing address, and telephone number of the applicant's physician;
 - (4) the written certification signed and submitted to the department by the physician;
 - (5) the name, residential and mailing address, and phone number of the applicant's proposed designated caregiver or caregivers, if applicable, provided that a qualifying patient only may have a

single designated caregiver unless the application included documentation demonstrating that the additional designated caregivers are needed due to the patient's age or medical condition;

(6) a statement signed by the applicant agreeing not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this article and acknowledging that diversion of cannabis is a felony and, upon conviction, results in revocation of the registry identification card and subjects the applicant to a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(7) a questionnaire that asks if the applicant would like to be notified by the department of any clinical studies needing human subjects for research on the medical use of cannabis. The department shall notify interested patients of studies that will be conducted in the United States.

(C) A person only may serve as a designated caregiver if the person has been designated to assist a qualifying patient in the patient's application. In order to obtain a registry identification card as a designated caregiver, a person must:

(1) be at least twenty-one years of age;

(2) complete an application form provided by the department;

(3) provide a copy of a SLED criminal records background check report that bears the division stamp, for which the person must pay the costs;

(4) submit a nonrefundable application fee;

(5) pay an annual registration fee;

(6) submit a recent passport-sized photograph of the applicant's face;

(7) submit a statement signed by the applicant agreeing not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this article and acknowledging that diversion of cannabis is a felony and, upon conviction, results in revocation of the registry identification card and subjects the applicant to a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(8) submit a statement signed by the applicant agreeing to not consume cannabis or cannabis products intended for a qualifying patient.

(D) The department has the discretion not to issue a registry identification card to a designated caregiver if the person has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense within the previous five years.

(E) A designated caregiver may serve as the designated caregiver for no more than five qualifying patients at any given time, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed. Violation of this subsection is a misdemeanor and, upon conviction, results in a fine of not more than one thousand dollars or imprisonment of not more than one year, or both.

(F) To prevent fraud and enhance patient safety, a registry identification card issued pursuant to this section must be printed with tamper-resistant technology and contain, at a minimum, the person's name and address, photograph, identification number, and the card's issuance and expiration dates.

Section ~~44-53-2130~~. (A) The department may not issue a registry identification card to a person under eighteen years of age who is applying as a qualifying patient unless:

- (1) a physician provides a written certification to a designated custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor;
- (2) the physician has explained the potential risks and benefits of the medical use of cannabis to the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor;
- (3) the custodial parent or legal guardian having the legal authority to make health care decisions on behalf of the minor consents in writing to:
 - (a) allow the minor's medical use of cannabis; and
 - (b) serve as one of the minor's designated caregivers, and to either determine the frequency and route of administration of cannabis by the patient, or designate another appropriate individual as caregiver for the patient; and
- (4) the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor completes an application in accordance with the requirements of Section ~~44-53-2120~~ on behalf of the minor.

(B) The department may not issue a registry identification card to an incapacitated person who is applying as a qualifying patient unless:

- (1) a physician provides a written certification on behalf of the incapacitated person to a designated person with the legal authority to make health care decisions on behalf of the incapacitated person;
- (2) the physician has explained the potential risks and benefits of the medical use of cannabis to the person with the legal authority to make health care decisions on behalf of the incapacitated person;
- (3) the person with the legal authority to make health care decisions on behalf of the incapacitated person consents in writing to:
 - (a) allow the incapacitated person's medical use of cannabis; and
 - (b) serve as one of the incapacitated person's designated caregivers; and
 - (c) determine the frequency and route of administration of cannabis by the incapacitated person;
- (4) the person with the legal authority to make health care decisions for the incapacitated person completes an application in accordance with the requirements of Section ~~44-53-2120~~ on behalf of the incapacitated person; and

(5) the person submitting the application on the incapacitated patient's behalf submits a statement signed by the person agreeing not to consume cannabis or cannabis products intended for a qualifying patient.

Section 44-53-2140. No later than one hundred and ten days after the enactment of this act, the department shall develop a written certification form to be completed and renewed annually by a physician on behalf of a person applying for an initial or renewal registry identification card as a qualifying patient. The written certification must include:

- (1) the physician's name, address, phone number, and medical license number;
- (2) an acknowledgement to be signed by the physician that sets forth:
 - (a) the penalties for providing false information, including the department's right to notify the medical board or other similar authority established pursuant to Chapter 47, Title 40; and
 - (b) definitions of 'bona fide physician-patient relationship,' 'debilitating medical condition,' and 'physician,'; and
- (3) a statement for the physician to attest to and sign with the following provisions:
 - (a) the physician and patient have a bona fide physician-patient relationship;
 - (b) the patient has a debilitating medical condition, identifying the patient's condition, and that the symptoms or side effects might benefit from the medical use of cannabis; and
 - (c) if the patient's debilitating medical condition is severe, debilitating pain, that the physician has maintained records required by Section 44-53-2100(B).

Section 44-53-2150. (A)(1) A qualifying patient shall notify the department of any change in the patient's name or address, or if the qualifying patient ceases to have the debilitating medical condition, within ten days of the change.

(2) A designated caregiver shall notify the department of any change in the caregiver's name or address, or if the designated caregiver becomes aware the qualifying patient is deceased, within ten days of the change.

(3) If a registry identification cardholder loses his registry identification card, the cardholder shall notify the department within ten days of becoming aware the card has been lost.

(B) When a registry identification cardholder notifies the department of an occurrence identified in subsection (A), and remains eligible for a registry identification card pursuant to this article, the department shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within a reasonable time period, not to exceed thirty business days, of receiving the updated information and a replacement card fee. If the person notifying the department is a qualifying patient, the department also shall issue the qualifying patient's designated caregiver, if any, a new registry identification card within a reasonable time period, not to exceed thirty business days, of receiving the updated information and a replacement card fee. The cost of a replacement card is twenty-five dollars.

(C) If a qualifying patient ceases to be a qualifying patient or changes to a different designated caregiver, the department promptly shall notify the designated caregiver. The designated caregiver's rights and protections pursuant to this article as to that qualified patient expire fifteen days after notification by the department.

(D) A registry identification cardholder who fails to notify the department as required by this section is subject to a civil penalty, punishable by a fine of no more than one hundred and fifty dollars, per occurrence.

(E) If the qualifying patient's physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would benefit from the medical use of cannabis, the card becomes null and void. However, the qualifying patient has fifteen days to destroy all remaining cannabis.

Section 44-53-2169. (A) The department shall maintain a confidential list of the persons to whom the department has issued a registry identification card and each person's address, phone number, random ten-digit registry identification number, physician's name, and associated patient or caregiver's associated qualifying patient or designated caregiver and the random ten-digit registry identification number, as applicable. The department also shall maintain a confidential list of any person who submitted an unsuccessful application. These confidential lists may not be combined or linked in any manner with any other list or database, nor may the lists be used for any purpose not provided for in this article.

(B) Within one hundred and forty days of the effective date of this act, the department shall establish a secure phone or web-based verification system. The verification system must allow law enforcement personnel and medical cannabis establishments to enter a registry identification number to determine whether the number corresponds with a current, valid registry identification card. The system may disclose only:

- (1) whether the identification card is valid;
- (2) the name of the cardholder;
- (3) whether the cardholder is a qualifying patient or a designated caregiver; and
- (4) the registry identification number of any affiliated registered qualifying patient.

(C) No person or entity may have access to information contained in the department's verification system, except for an authorized employee of the department in the course of his official duties or a state or local law enforcement officer who has detained or arrested a person who claims to be a qualifying patient, a designated caregiver, a medical cannabis establishment principal, or a medical cannabis establishment agent engaged in conduct authorized in this article.

Section 44-53-2170. (A) Information maintained by the department related to registry identification cards, applicants, qualifying patients, physicians, and designated caregivers is considered protected health information that may not be released pursuant to state and federal confidentiality statutes including, but not limited to, the Health Insurance Portability and Accountability Act, as amended.

(B) Information maintained by the department related to registry identification cards, applicants, qualifying patients, physicians, and designated caregivers is not public information subject to access pursuant to the South Carolina Freedom of Information Act.

(C) If a person discloses information contained in the registry in violation of this article, the person must be fined not more than five thousand dollars. Subsequent violations are a misdemeanor and, upon conviction, the person must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

Section 44-53-2180. (A) When a state or local law enforcement officer has probable cause to believe cannabis is possessed at a specific address in violation of South Carolina law, the officer may request the department to verify whether the address is associated with a qualifying patient or a medical cannabis establishment.

(B) The department may notify a law enforcement officer about falsified or fraudulent information submitted to the department.

Section 44-53-2190. (A) The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of this article or department regulations. The qualifying patient or designated caregiver also is subject to other penalties established by law.

(B) A person whose registry identification card is revoked may request a hearing in the Administrative Law Court within thirty days of receipt of written notification of the revocation and is not subject to the requirements set forth in Section 44-1-60.

Section 44-53-2200. (A) No later than six months after the effective date of this act, the department shall promulgate regulations to:

- (1) establish the form and content of medical cannabis establishment registration and renewal applications;
- (2) establish a system to numerically score competing medical cannabis establishment applicants and, in cases where more applicants apply than are allowed by the local government, the system must include analysis of:
 - (a) the preference of the local government;
 - (b) in the case of dispensaries, the suitability of the proposed location and its accessibility for patients;
 - (c) the character, veracity, background, qualifications, and relevant experience of principal officers and board members; and
 - (d) the business plan proposed by the applicant, which in the case of cultivation centers and dispensaries shall include the ability to maintain an adequate supply of cannabis, plans to ensure safety and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis available to low-income registered qualifying patients;
- (3) ensure the equitable distribution of dispensaries throughout the State to ensure patients have access to medical cannabis;

- (4) govern medical cannabis establishments, with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft without creating an undue burden or compromising the confidentiality of cardholders, including:
- (a) oversight requirements;
 - (b) recordkeeping requirements;
 - (c) security requirements, including lighting, physical security, and alarm requirements;
 - (d) health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;
 - (e) standards for the manufacture of cannabis products and both the indoor and outdoor cultivation of cannabis by cultivation centers;
 - (f) requirements for the transportation and storage of cannabis by medical cannabis establishments;
 - (g) employment and training requirements, including requiring medical cannabis establishments to create an identification badge for each medical cannabis establishment agent and principal;
 - (h) standards for the safe manufacture of cannabis products, including extracts and concentrates;
 - (i) restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary; listings in business directories including phone books; listings in cannabis-related or medical publications; or the sponsorship of health or not-for-profit charity or advocacy events;
 - (j) requirements and procedures for the safe and accurate packaging and labeling of medical cannabis;
 - (k) standards for independent testing laboratories, including requirements for equipment and qualifications for personnel; and
 - (l) protocol for the safe delivery of cannabis from dispensaries to cardholders;
- (5) establish procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of the provisions of this article or the regulations promulgated pursuant to this section;
- (6) establish labeling requirements for cannabis and cannabis products, which must require cannabis product labels to include the following:
- (a) the length of time it typically takes for the product to take effect;
 - (b) disclosure of ingredients and possible allergens;
 - (c) a nutritional fact panel; and

- (d) clear identification of edible cannabis products, when practicable, with a standard symbol indicating that the product contains cannabis;
 - (7) establish the amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder may possess;
 - (8) establish reasonable application and renewal fees for medical cannabis establishments, which must generate revenues sufficient to offset all expenses of implementing and administering this article. Fees must be reviewed annually and, if appropriate, adjusted to meet the financial needs of the program without charging more than is reasonably necessary to administer the program;
 - (9) establish the standards and requirements necessary for an independent testing laboratory to be certified;
 - (10) establish the standards of care and required testing to be carried out by the independent testing laboratory; and
 - (11) establish minimum capital requirements for each type of medical cannabis establishment that reasonably ensure applicants have sufficient resources to open and operate a medical cannabis establishment without requiring more than reasonably necessary and allowing for some of the capital requirements to be satisfied by ownership of the real property and for resources to be pooled among multiple principals.
- (B) At any time after the effective date of this act, the department may promulgate regulations allowing additional categories of registered medical cannabis establishments to operate, establishing fees for these establishments, and governing their operations.

Section 44-53-2210. (A) In order to be licensed as a medical cannabis establishment, an applicant shall submit:

- (1) a completed application form provided by the department;
- (2) a nonrefundable application fee to be determined by the department;
- (3) proof that the applicant has sufficient capital to open and operate the type of medical cannabis establishment as determined by department regulations;
- (4) on renewal, a financial statement reviewed by a licensed certified public accountant or a licensed public accountant in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP;
- (5) the legal name and physical address of the proposed medical cannabis establishment;
- (6) the name and date of birth of each principal officer and board member of the proposed medical cannabis establishment with a copy of a SLED criminal records background check report for each officer and board member paid for by the person or medical cannabis establishment;
- (7) operating procedures for the proposed medical cannabis establishment to ensure accurate recordkeeping and adequate security measures;

(8) for an application to operate a cultivation center, information required by the department to demonstrate that the applicant has appropriate expertise in agriculture and is qualified to process cannabis to sell, deliver, transport, or distribute cannabis solely for use pursuant to this article; and

(9) for an application to operate an independent testing laboratory, documentation demonstrating that the applicant meets the standards and requirements for accreditation, inspection, and testing established through regulation by the department.

(B) No later than eighteen months after the effective date of this act, the department shall issue registrations of the following number to qualified applicants:

- (1) fifteen cultivation center registrations;
- (2) thirty processing facility registrations;
- (3) one dispensary registration for every ten pharmacies in the State; and
- (4) five independent testing laboratory registrations.

(C) If a smaller number of qualified applicants applies for any type of medical cannabis establishment registration than the department is required to issue, the department shall issue registrations to all qualified applicants for that type of registration.

(D) Upon approval and before beginning its operations, a medical cannabis establishment shall pay a registration fee in an amount determined by the department.

(E) The department shall issue a renewal registration certificate within ten days of receiving a renewal application and renewal fee from a medical cannabis establishment if the registration certificate is not under suspension or has not been revoked.

Section 44-53-2220. (A) Except as provided in this section, a medical cannabis establishment may not be located within one thousand feet of a school. This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the school.

(B) The department may allow an exception to the prohibition in subsection (A) if it is shown by clear and convincing evidence that the exception is necessary to provide adequate access to patients. The department may require as part of granting an exception that the medical cannabis establishment undertake additional security or other restrictions to protect children.

Section 44-53-2230. (A) A dispensary must be located in an area zoned for commercial use.

(B) A processing facility or cultivation center must be located in an area zoned for manufacturing or agriculture.

Section 44-53-2240. (A) A medical cannabis establishment shall issue an identification card to each medical cannabis establishment agent and medical cannabis establishment principal.

(B) Before allowing a prospective medical cannabis establishment agent or medical cannabis establishment principal to work for the medical cannabis establishment, the establishment shall

review a SLED criminal records check report that bears the division stamp and was conducted within the previous ninety days.

(C) A medical cannabis establishment only may issue a person an identification card and allow them to work for the establishment if:

- (1) the person is twenty-one years of age or older;
- (2) the person has not been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense within the previous five years unless the department grants a waiver; and
- (3) the person is not included in a list of individuals who are not allowed to serve as medical cannabis establishment agents or principals, if the department maintains and disseminates such a list.

(D) Each medical cannabis establishment shall retain records of agents and principals for at least five years after the end of their employment that allow the department to verify compliance with this section.

Section 44-53-2250. (A) All cultivation, harvesting, processing, and packaging of cannabis must take place in a secure facility at a physical address provided to the department during the processing facility or cultivation center's registration process. The secure facility may be accessed only by agents of the medical cannabis establishment, emergency personnel, and adults who are twenty-one years of age and older who are accompanied by medical cannabis establishment agents.

(B) Medical cannabis establishments shall implement appropriate security measures designed to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

Section 44-53-2260. (A) To prevent diversion and protect public safety, the department shall require the use of a single real-time, seed-to-sale tracking system used by all medical cannabis establishments and the department that complies with Health Insurance Portability and Accountability Act (HIPAA) guidelines, is hosted on a platform that allows for dynamic allocation of resources, provides data redundancy, and is capable of recovering from natural disasters within hours.

(B) The department shall require that the system be capable of:

- (1) tracking all plants, products, packages, patients, waste, transfers, conversions, packages, sales, and returns, and all with unique identification numbers;
- (2) tracking lot and batch information throughout the entire chain of custody until the point of sale to a cardholder;
- (3) tracking all product, conversions, and derivatives throughout the entire seed-to-sale chain of custody;
- (4) tracking plant, batch, and product destruction;
- (5) tracking transportation of product;
- (6) performing complete batch recall tracking capabilities that must be able to clearly identify all of the following details relating to the specific batch subject to the recall:

- (a) all sold product;
- (b) product available for sale (product that is in finished inventory, but not sold);
- (c) product that is in the transfer process;
- (d) work in progress (product that is being converted); and
- (e) raw material (product that is in the post-harvest process, such as drying, trimming, and curing);
- (7) reporting and tracking loss, theft, or diversion of product containing cannabis;
- (8) reporting and tracking all inventory discrepancies to the department;
- (9) reporting and tracking all sales and refunds to the department;
- (10) receiving testing results electronically from independent testing laboratories via a secure application program interface (API) into the seed-to-sale tracking system, and directly attaching the testing results to the source batch and/or sample;
- (11) restricting the altering of test results by the operator;
- (12) providing the department with real-time access to the database;
- (13) providing real-time analytics to the department regarding key performance indicators including, but not limited to:
 - (a) total daily sales;
 - (b) total plants in production;
 - (c) total plants destroyed; and
 - (d) total inventory adjustments; and
- (14) providing other information specified by the department.

Section ~~44-53-2270~~. (A) A local government may enact ordinances or regulations not in conflict with this article, or with regulations enacted pursuant to this article, governing the time, place, manner, and number of medical cannabis establishment operations in the locality. A local government may establish penalties for violation of an ordinance or regulations governing the time, place, and manner of a medical cannabis establishment that may operate in such locality.

(B) No local government may prohibit medical cannabis establishments, either expressly or through the enactment of ordinances or regulations, that make their operation impracticable in the jurisdiction.

(C) A local government may require a medical cannabis establishment to obtain a local license, permit, or registration to operate, and may charge a reasonable fee for the local license, permit, or registration.

Section ~~44-53-2280~~. (A) The department shall require, at a minimum, routine testing of cannabis and cannabis products by a cultivation center.

(B) A cultivation center shall test each strain's cannabidiol profile at least three times a year, with the first test conducted on the first harvested lot.

(C) A processing facility shall test each extraction batch.

Section 44-53-2290. (A) The department shall establish standards for and certify at least five independent testing laboratories to test cannabis that is to be sold in the State. A certified independent testing laboratory must analyze a representative sample of all cannabis-derived products before transport or sale.

(B) An independent testing laboratory is responsible for selecting, picking up, and testing product samples and must be able to: determine accurately the concentration of tetrahydrocannabinol (THC) and cannabidiol; whether the testing material is organic or nonorganic; moisture content; potency analysis; foreign matter inspection; microbiological screening; residual solvent testing; the presence and identification of fungi, including molds; the presence and concentration of fertilizers and other nutrients; and any other determinations required by the department.

(C) A certified independent testing laboratory shall report the results of all testing required by the department to the department's electronic monitoring system.

Section 44-53-2300. All items sold at a dispensary must be properly labeled and contained in a child-resistant package. The label must comply with state laws and regulations and, at a minimum, must include:

(1) the name of the licensed dispensary;

(2) the name of the product being sold;

(3) the percentage of tetrahydrocannabinol (THC) and the percentage of cannabidiol (CBD) within a profile tolerance range of ten percent. For consumable products, the cannabinoid profile should be listed by milligrams per serving;

(4) the name of the cultivation center or processing facility; and

(5) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: 'NOT FOR RESALE. KEEP OUT OF THE REACH OF CHILDREN AND ANIMALS.'

Section 44-53-2310. (A) All cultivation center cannabis by-product, scrap, and harvested cannabis not intended for distribution to a dispensary or testing laboratory must be destroyed and disposed of in accordance with department regulations. Documentation of destruction and disposal must be retained by the cultivation center for a period of not less than one year. The cultivation center shall maintain a record of the date of destruction and the amount destroyed.

(B) A dispensary shall destroy all cannabis that is not sold to qualifying patients. The dispensary shall retain documentation of destruction and disposal for a period of not less than one year. The dispensary shall maintain a record of the date of destruction and the amount destroyed.

Section 44-53-2320. A medical cannabis establishment is subject to inspection by the department during business hours. During an inspection, the department may review the medical cannabis establishment's records required pursuant to this article and department regulations. Records must

track patient-specific and caregiver-specific information by registry identification number to protect confidentiality.

Section ~~44-53-2330~~. (A) It is not unlawful for a cultivation center to:

- (1) possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis;
- (2) possess, use, and manufacture cannabis paraphernalia; and
- (3) deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, and educational materials to licensed processing facilities or dispensaries.

(B) It is not unlawful for a processing facility to:

- (1) possess, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis or cannabis products;
- (2) possess, use, and manufacture cannabis paraphernalia; and
- (3) deliver, sell, supply, transfer, or transport cannabis and educational materials to licensed dispensaries.

(C) It is not unlawful for a dispensary to possess, transport, or dispense cannabis, cannabis products, cannabis paraphernalia, or educational materials to a cardholder in accordance with the requirements of this article.

(D) It is not unlawful for a testing facility to possess or transport cannabis, cannabis products, or cannabis paraphernalia in accordance with the requirements of this article.

(E) A medical cannabis establishment is not subject to prosecution, search, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

(F) A medical cannabis establishment principal and medical cannabis establishment agent are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

Section ~~44-53-2340~~. (A) The department may revoke the registration of a medical cannabis establishment as a result of violation of this article or department regulations.

(B) The department may bar an individual from serving as a medical cannabis establishment agent or principal for a violation of this article or department regulations. The department may disseminate a list of individuals who are prohibited from serving as a medical cannabis establishment agent or principal to each medical cannabis establishment.

(C) The department shall create a tiered structure for identification, investigation, and resolution of potential violations of this article.

(D) Operators of dispensaries and cultivation centers must be granted a reasonable resolution period established by the department to implement corrective actions acceptable to the department.

(E) The department shall create a progressive penalty structure for violations of this article.

(F) The department is authorized to impose monetary penalties on a dispensary, dispensary principal, cultivation center, cultivation center principal, or an independent testing laboratory for violations of this article.

(G) A medical cannabis establishment whose registration is revoked may request a hearing in the Administrative Law Court, and is not subject to the requirements set forth in Section [44-1-60](#), within thirty days of receipt of written notification of the revocation.

Section [44-53-2350](#). Nothing in this article may be construed to require a health insurance provider, health care plan, or medical assistance program to be liable for or reimburse a claim for the medical use of cannabis.

Section [44-53-2360](#). (A) The department shall provide a report to the General Assembly by December thirty-first of each year addressing the effectiveness of the medical cannabis program operated pursuant to this article and recommendations for any changes to the program.

(B) The report must, without disclosing any identifying information about cardholders, physicians, caregivers, or medical cannabis establishments, contain the following, at a minimum:

- (1) the number of registry identification card applications submitted, granted, and renewed;
- (2) the number of qualifying patients and designated caregivers served by each medical cannabis establishment during the report year;
- (3) the nature of the debilitating medical conditions of the qualifying patients;
- (4) the number of registry identification cards revoked;
- (5) the number of physicians providing certifications for qualifying patients; and
- (6) the number of registered medical cannabis establishments by county.

Section [44-53-2370](#). Subject to Chapter 35, Title 11, the South Carolina Consolidated Procurement Code, the department is authorized to procure services of qualified contractors to assist the department in implementing this article, including testing, auditing, inspection, registry management, diversion control, and other compliance services.

Section [44-53-2380](#). (A) The department is responsible for performing inspections of medical cannabis establishments and investigating suspected violations of this article and department regulations and is primarily responsible for other duties with respect to regulating cannabis for medical use, as are specifically delegated to the department by the General Assembly. Drug inspectors and special agents of the department, as provided for in Section [44-53-490](#), while, in performing the duties prescribed in this article, have:

- (1) statewide police powers;

- (2) authority to carry firearms;
- (3) authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses;
- (4) authority to make investigations to determine whether there has been unlawful dispensing of cannabis for medical use, or the removal of those substances from regulated establishments or entities into illicit traffic;
- (5) authority to seize property; and
- (6) authority to make arrests without warrants for offenses committed in their presence.

(B) The department may contract with state occupational or professional licensing entities and the law enforcement division of other state agencies to enforce the provisions of this article with respect to inspections and audits which apply to cultivation centers, dispensaries, and independent testing laboratories, and all of their agents and employees.

(C) Authorized employees of state or local law enforcement agencies immediately shall notify the department when any person in possession of a registry identification card has been determined by a court of law to have willfully violated the provisions of this article or has pled guilty to an offense.

(D) Department counsel may not:

- (1) make determinations as to reporting fraudulent information submitted to the department, but rather may advise department employees as needed;
- (2) be the decision-maker for the department for purposes of determining whether probable cause exists, but rather may be a legal adviser; and
- (3) provide testimony as fact witnesses in any court proceeding.

~~Section 44-53-2390.~~ (A) The department may develop, seek any necessary federal approval for, and carry out research programs relating to the medical use of cannabis. Participation in any research program must be voluntary on the part of a registered patient, designated caregiver, or physician.

(B) The department may collect data on the efficacy and safety of medical cannabis from qualifying patients who voluntarily provide the information. The department may require dispensaries to collect that information.

(C) Physicians who issue written certifications are not required to participate in data collection.

~~Section 44-53-2400.~~ (A) The department shall establish a South Carolina Medical Cannabis Program Fund to ensure the availability of funds necessary to carry out the department's responsibilities under this article. All monies collected pursuant to this article must be deposited into the fund. The funds must be used exclusively for the direct and indirect costs associated with the implementation, administration, and enforcement of this article.

(B) The South Carolina Medical Cannabis Program Fund is not subject to any fiscal or budgetary action that would in any way transfer any amount from the South Carolina Medical Cannabis Program Fund into any other fund of the State.

Section 44-53-2410. The department may implement a reasonable fee increase to be charged and collected pursuant to this article, when necessary, for the department to cover the cost of administering and operating the program pursuant to this article.

Section 44-53-2420. (A) There is created an eight-member Medical Cannabis Advisory Board which must be comprised of one appointment from each of the following: the Governor, the President Pro Tempore of the Senate, the Senate Minority Leader, the Chairman of the Senate Medical Affairs Committee, the Speaker of the House, the Chairman of the House Committee on Medical, Military, Public and Municipal Affairs, the House Minority Leader, and the Executive Director or designee of the South Carolina Medical Association, which will require Senate confirmation.

(B) Appointees to the Medical Cannabis Advisory Board must be knowledgeable and experienced in issues relating to care and treatment of individuals with a serious medical condition, geriatric or pediatric medicine, or clinical research. There must be at least one patient or patient advocate serving on the board.

(C) The board shall meet at least two times per year for the purpose of reviewing petitions to add qualifying medical conditions.

(D) At least once every one hundred and eighty days, the board shall review petitions, consult with experts in South Carolina and other states with medical cannabis programs, as well as any available research, and, if necessary, hold public hearings before voting on whether to add the condition as a qualifying medical condition.

(E) Members of the board serve a term of four years, and until their successors are appointed and qualify. A vacancy on the board must be filled in the manner of the original appointment for the remainder of the unexpired term.

(F) Members of the board may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees."

SECTION 2. Section 12-36-2120(69) of the 1976 Code is amended to read:

"(69) ~~{Reserve#}~~ cannabis sold by a dispensary to a cardholder pursuant to Article 20, Chapter 53, Title 44;"

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. 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 5. If the department fails to adopt regulations to implement this act within two hundred days of the effective date of this act, a qualifying patient may commence an action in the South Carolina Administrative Law Court to compel the department to perform the actions mandated pursuant to the provisions of this act.

SECTION 6. This act takes effect upon approval by the Governor.

---XX---

This web page was last updated on March 22, 2017 at 1:07 PM

South Carolina General Assembly
122nd Session, 2017-2018

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~

Indicates New Matter

S. 212

STATUS INFORMATION

General Bill

Sponsors: Senators Davis, Hutto, Campbell, Kimpson, Jackson, McLeod and M.B. Matthews

Document Path: I:\council\bill\cc\15056vr17.docx

Companion/Similar bill(s): 3521

Introduced in the Senate on January 10, 2017

Currently residing in the Senate Committee on **Medical Affairs**

Summary: SC Compassionate Care Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/10/2017	Senate	Introduced and read first time (Senate Journal page 110)
1/10/2017	Senate	Referred to Committee on Medical Affairs (Senate Journal page 110)

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

1/10/2017

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT" BY ADDING ARTICLE 20 TO CHAPTER 53, TITLE 44 SO AS TO AUTHORIZE THE MEDICAL USE OF CANNABIS BY CERTAIN INDIVIDUALS WITH CERTAIN DISEASES AND MEDICAL CONDITIONS; TO AUTHORIZE CERTAIN INDIVIDUALS TO ACT AS DESIGNATED CAREGIVERS IN ORDER TO ASSIST QUALIFYING PATIENTS WITH THE MEDICAL USE OF CANNABIS; TO AUTHORIZE PHYSICIANS TO RECOMMEND THE MEDICAL USE OF CANNABIS UNDER CERTAIN CONDITIONS; TO CREATE A CONFIDENTIAL REGISTRY OF APPLICANTS AND HOLDERS OF REGISTRY CARDS; TO REQUIRE THE DEVELOPMENT OF A VERIFICATION SYSTEM FOR USE BY LAW ENFORCEMENT AND MEDICAL CANNABIS ESTABLISHMENTS; TO PROVIDE CERTAIN DEFENSES AND OTHER PROTECTIONS TO, AMONG OTHERS,

QUALIFYING PATIENTS, DESIGNATED CAREGIVERS, PHYSICIANS, AND LICENSED MEDICAL CANNABIS ESTABLISHMENT PRINCIPALS AND AGENTS; TO PROVIDE FOR THE OPERATION AND REGULATION OF MEDICAL CANNABIS ESTABLISHMENTS, INCLUDING CULTIVATION FACILITIES, DISPENSARIES, INDEPENDENT TESTING LABORATORIES, AND PROCESSING FACILITIES; TO PROVIDE FOR THE DEVELOPMENT OF A SEED-TO-SALE ELECTRONIC MONITORING SYSTEM TO TRACK CANNABIS COMPONENTS FROM CULTIVATION TO POINT OF SALE; TO ESTABLISH FEES AND CRIMINAL PENALTIES; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS; TO CREATE A MEDICAL CANNABIS PROGRAM FUND; AND TO ESTABLISH A MEDICAL CANNABIS ADVISORY BOARD AND TO PROVIDE FOR MEMBERSHIP AND RESPONSIBILITIES; AND TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT THE SALE OF CANNABIS BY DISPENSARIES FROM STATE SALES TAX; AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 53, Title 44 of the 1976 Code is amended by adding:

"Article 20

South Carolina Compassionate Care Act

Section 44-53-2000. The General Assembly finds that:

(1) Cannabis's recorded use as a medicine goes back nearly five thousand years. Modern medical research has confirmed the beneficial uses of cannabis, which is also called marijuana, in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

(2) Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain that often fails to respond to conventional treatments; relief from chronic pain and a reduction in patients' reliance on opiate-based painkillers; reduced symptoms and even complete remission from Crohn's disease; and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, thereby increasing the chances of patients continuing on life-saving treatment regimens.

(3) Cannabis has many accepted medical uses in the United States, having been recommended by thousands of licensed physicians to more than one million patients in states with medical cannabis laws. A wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, the Epilepsy Foundation, and many others, have recognized the medical utility of cannabis.

(4) In recent years, Congress has signaled its support for allowing states to set their own medical cannabis policies by approving budgets that restricted the Department of Justice from interfering in such programs.

(5) Twenty-eight states and the District of Columbia have removed state-level criminal penalties from the medical use and cultivation of cannabis. South Carolina joins in this effort for the health and welfare of its citizens.

Section 44-53-2010. As used in this article:

(1) 'Allowable amount of medical cannabis' means:

(a) two ounces of cannabis;

(b) the quantity of cannabis products as established by department regulation.

(2) 'Bona fide physician-patient relationship' means a relationship in which the physician has an ongoing responsibility for the assessment, care, and treatment of a patient's debilitating medical condition, or a symptom of the patient's debilitating medical condition, for which the physician has certified in writing to the department that the patient could benefit from the medical use of cannabis.

(3) 'Cannabis' means all parts of any plant of the cannabis genus of plants, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' does not mean the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of a mature stalk, except the resin extracted from the plant; and the fiber, oil, or cake; or the sterilized seeds of the plant which are incapable of germination.

(4) 'Cannabis products' means concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, but is not limited to, edible cannabis products, beverages, topical products, ointments, oils, patches, sprays, suppositories, and tinctures.

(5) 'Cardholder' means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the department.

(6) 'Child-resistant packaging' means packaging that is designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995); opaque so that the packaging does not allow the product to be seen without opening the packaging material; and resealable for any product intended for more than a single use or containing multiple servings.

(7) 'Cultivation center' means a facility operated by an organization or business that is licensed by the department to cultivate, possess, and distribute cannabis to state-licensed processing facilities, dispensaries, and independent testing laboratories.

(8) 'Debilitating medical condition' means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, ulcerative colitis, agitation of Alzheimer's disease, post-traumatic stress disorder (PTSD), autism, idiopathic pulmonary fibrosis, Parkinson's disease, neural-tube defects, or the treatment of these conditions;

(b) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; neurological disorders; or severe and persistent muscle spasms including, but not limited to, those characteristic of multiple sclerosis; or

(c) any other serious medical condition or its treatment added by the Medical Cannabis Advisory Board, as provided for in Section [44-53-2420](#).

(9) 'Department' means the South Carolina Department of Health and Environmental Control.

(10) 'Designated caregiver' means a person who possesses a valid registry identification card issued by the department authorizing the person to assist a qualifying patient with the medical use of cannabis. A designated caregiver must be at least twenty-one years of age unless the person is the parent or legal guardian of each qualifying patient the person assists.

(11) 'Dispensary' means a facility operated by an organization or business licensed by the department from or at which cannabis and cannabis products for medical use are possessed and dispensed to a cardholder.

(12) 'Diversion' means transferring cannabis that was obtained or cultivated under this article to a person who is not allowed to possess it under South Carolina law.

(13) 'Independent testing laboratory' means a facility, entity, or site licensed by the State that offers or performs testing related to the inspection of cannabis and cannabis products to identify the content of the cannabis or cannabis products and to detect the presence of any pesticides, bacteria, or other contaminants, and/or for any other purposes determined by the department.

(14) 'Medical use' means the acquisition, administration, possession, preparation, transportation, or use of cannabis, cannabis products, or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition and includes the transfer of cannabis from a designated caregiver to a qualifying patient the caregiver is registered to assist. 'Medical use' does not include the extraction of resin from cannabis by solvent extraction other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol), unless the extraction is done by a processing facility.

(15) 'Medical cannabis establishment' means a licensed cultivation facility, dispensary, independent testing laboratory, or processing facility.

(16) 'Medical cannabis establishment agent' means a board member or employee of a medical cannabis establishment.

(17) 'Medical cannabis establishment principal' means a person who is designated as having responsibility over the actions of a board member, employee, or agency of a medical cannabis establishment and also who has the responsibility and control over any liability for any financial accounts.

(18) 'Nonresident cardholder' means a person who:

(a) has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;

(b) is not a resident of South Carolina or who has been a resident of South Carolina for less than sixty days; and

(c) is in compliance with Section [44-53-2050](#).

(19) 'Paraphernalia' means paraphernalia as defined in Section [44-53-110](#), if it is used or intended for use with cannabis.

(20) 'Physician' means a doctor of medicine or doctor of osteopathic medicine licensed by, and in good standing with, the South Carolina Board of Medical Examiners, except that in relation to a nonresident cardholder, 'physician' means a medical practitioner who is allowed to certify patients to use medical cannabis in the state of the patient's residence.

(21) 'Processing facility' means an entity registered with the department pursuant to this article that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to medical cannabis dispensaries.

(22) 'Qualifying patient' means a person with a debilitating medical condition who possesses a valid registry identification card issued by the department.

(23) 'Verification system' means a secure, confidential, and web-based system established and maintained by the department that is available to authorized department personnel, law enforcement personnel under specific circumstances, and dispensary agents for the verification of registry identification cards.

(24) 'Written certification' means a document signed by a physician, stating that the patient has been diagnosed with a debilitating medical condition and could benefit from the use of medical cannabis. The certification may be made only in the course of a bona fide physician-patient relationship, must specify the qualifying patient's debilitating medical condition, and must be updated annually for each qualifying patient by the certifying physician.

Section [44-53-2020](#). (A) A qualifying patient is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for the medical use of cannabis pursuant to this article if the qualifying patient does not possess more than the allowable amount of medical cannabis.

(B) A designated caregiver is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for assisting a qualifying patient with the medical use of cannabis pursuant to this article if the designated caregiver does not possess more than the allowable amount of medical cannabis for each associated qualifying patient.

(C) A cardholder is presumed to be lawfully in possession of cannabis if the person possesses an amount of cannabis that does not exceed an allowable amount of medical cannabis.

(D) If a cardholder is found to be in possession of cannabis in an amount in excess of an allowable amount of medical cannabis, the excess amount is subject to seizure by law enforcement and may not

be returned. The cardholder also is subject to criminal charges for possession of the amount in excess of an allowable amount of medical cannabis pursuant to Section [44-53-370](#).

(E) The presumption provided for in subsection (C) may be rebutted by evidence that conduct related to the use of cannabis was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition pursuant to this article.

Section [44-53-2030](#). (A) A qualifying patient may purchase cannabis, cannabis products, and paraphernalia for medical use pursuant to this article from a licensed dispensary, provided that a qualifying patient may not obtain more than an allowable amount of medical cannabis each fourteen days.

(B) A designated caregiver may purchase cannabis, cannabis products, and paraphernalia to assist a qualifying patient with the medical use of cannabis pursuant to this article from a licensed dispensary, provided that the designated caregiver and the caregiver's associated qualifying patients may not obtain a combined total of more than an allowable amount of medical cannabis of fourteen days for each qualifying patient.

Section [44-53-2040](#). (A) Until sixty days after the department makes applications available, a valid, written certification issued within the previous year must be deemed a registry identification card for a qualifying patient.

(B) Until sixty days after the department makes applications available, the following must be deemed a registry identification card for designated caregiver:

- (1) a copy of a qualifying patient's valid written certification issued within the previous year; and
- (2) a signed affidavit attesting that the person has significant responsibility for managing the well-being of the patient and that the person has been chosen to assist the qualifying patient.

Section [44-53-2050](#). A valid registry identification card, or its equivalent, that is issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a nonresident cardholder to possess cannabis for medical use, has the same force and effect as a valid registry identification card issued by the department in this State, provided the person produces a statement from a physician stating that the person has a debilitating medical condition.

Section [44-53-2060](#). (A) This article does not authorize any person to engage in, and does not prevent the imposition of, any civil, criminal, or other penalties for engaging in the following conduct:

- (1) undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;
- (2) possessing cannabis or otherwise engaging in the medical use of cannabis in any correctional facility, unless the correctional facility has elected to allow the cardholder to engage in the medical use of cannabis;
- (3) smoking cannabis;
- (4) on any form of public transportation;

- (b) in any public place or any place that is open to the public; or
 - (c) by a qualifying patient who is under the age of eighteen;
 - (4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis;
 - (5) knowingly smoking or using cannabis in close physical proximity to anyone under the age of eighteen;
 - (6) using cannabis if that person does not have a debilitating medical condition, or possessing cannabis if the person is not a qualifying patient, designated caregiver, or medical cannabis establishment agent;
 - (7) allowing any person who is not allowed to use cannabis under this article to use cannabis that a cardholder is allowed to possess under this article;
 - (8) transferring cannabis for medical use to any person contrary to the provisions of this article; or
 - (9) the use of cannabis for medical use by a law enforcement officer, correctional officer, correctional probation officer, or firefighter while on duty.
- (B) Nothing in this article may be construed to prevent the arrest or prosecution of a qualifying patient for reckless driving or driving under the influence of cannabis where probable cause exists.
- (C) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis for medical use, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense, and which is in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken pursuant to this article.
- (D) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis for medical use, knowingly making a misrepresentation of a medical condition to a physician or fraudulently providing material misinformation to a physician in order to obtain a written certification is a misdemeanor and, upon conviction, is punishable by a fine of up to one thousand dollars per offense.
- (E) Any cardholder who sells cannabis shall have his registry identification card revoked and is subject to other penalties for the unauthorized sale of cannabis.
- (F) Any qualifying patient who commits a violation of subsection (A)(4) or refuses a properly requested test related to operating a motor vehicle while under the influence of cannabis shall have his registry identification card revoked.
- (G) No qualifying patient or designated caregiver shall knowingly obtain, seek to obtain or possess, individually or collectively, an amount of cannabis that would exceed an allowable amount of medical cannabis for each qualifying patient.
- (H)(1) Except as provided in this section, nothing in this article prevents a private property owner from restricting or prohibiting the medical use of cannabis on the owner's property.

(2) Except as provided in this section, a qualifying patient only may use cannabis on or in privately owned real or personal property with the permission of the property owner.

(3) An owner of a residential property may prohibit tenants from smoking medical cannabis on the property but may not prohibit tenants from administering medical cannabis through other modes of administration.

Section ~~44-53-2070~~. (A) A person entitled to custody of, or visitation or parenting time with, a child must not be denied these rights for conduct allowed pursuant to this article unless the person's behavior is such that it creates an unreasonable danger to the safety of the child as established by clear and convincing evidence.

(B) There is no presumption of child abuse or neglect for conduct allowed pursuant to this article.

(C) No school or landlord may refuse to enroll, lease to, or otherwise penalize a person solely for the person's status as a cardholder, unless failing to do so would violate federal law or regulations, or would cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(D) For the purposes of medical care, including organ and tissue transplants, a registered qualifying patient's use of cannabis according to this article is considered the equivalent of the authorized use of any other medication used at the discretion of a practitioner and does not constitute the use of an illicit substance or otherwise disqualify the registered qualifying patient from needed medical care.

(E) Except as provided in this article, a registered qualifying patient who uses cannabis for medical purposes must be afforded the same rights under state and local law, including those guaranteed pursuant to Section ~~45-9-10~~, as the person would be afforded if the person was prescribed solely pharmaceutical medications, as pertaining to:

- (1) any interaction with a person's employer;
- (2) drug testing by a person's employer; or
- (3) drug testing required by any state or local law, agency, or governmental official.

(F) The rights provided by this section do not apply to the extent that they conflict with an employer's obligations under federal law or regulations, nor to the extent that the rights would disqualify an employer from a monetary or licensing-related benefit under federal law or regulations.

(G) No employer may discharge, threaten, refuse to hire, or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location, or privileges solely on the basis of the employee's status as a cardholder.

(H) Nothing in this article requires an employer to make any accommodation of the use of medical cannabis on the property or premises of any place of employment, to allow the ingestion of cannabis in any workplace, or to allow any employee to work while under the influence of cannabis. This article in no way limits an employer's ability to discipline an employee for being under the influence of medical cannabis in the workplace or for working while under the influence of medical cannabis.

(I) No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.

Section 44-53-2080. (A) A state-chartered bank, a licensed attorney, or a certified public accountant, and all associated employees, are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for engaging in conduct authorized by this article.

(B) A licensed attorney, a certified public accountant, or another holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to medical cannabis establishments or applications to operate medical cannabis establishments on the basis that cannabis is illegal under federal law.

(C) An applicant for a professional or occupational license may not be denied a license based on previous employment related to cannabis establishments operating in accordance with state law.

(D) A person employed by, contracted with, or an agent of the State of South Carolina is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of any right or privilege for engaging in conduct authorized by this article, when the conduct is within the scope of the person's employment.

Section 44-53-2090. A person is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for:

(1) being in the presence or vicinity of a qualifying patient engaged in the medical use of cannabis, or a designated caregiver assisting a qualifying patient with the medical use of cannabis;

(2) being in the presence of a medical cannabis establishment principal or agent engaged in conduct authorized pursuant to this article;

(3) assisting a registered qualifying patient with the act of using or administering medical cannabis, or

(4) storing or otherwise possessing a registered qualifying patient's medical cannabis on the patient's behalf at the patient's residence, a residential facility, school, daycare or health care facility, or similar location that is caring for a qualifying patient.

Section 44-53-2100. (A) Before issuing a written certification, a physician must have access to the South Carolina Prescription Monitoring Program database and review the patient's prescription history.

(B) If the patient's debilitating medical condition is severe, debilitating pain, the physician shall document, and maintain records of all previous unsuccessful attempts to treat the severe, debilitating pain.

(C) A physician is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Medical Examiners, or any other occupational or professional licensing entity, for providing a written certification as authorized by Section 44-53-2130. A physician may not be sued for medical malpractice as a result of certifying a qualifying patient's medical use of cannabis.

Section 44-53-2110. (A) No later than one hundred and twenty days after the enactment of this act, the department is responsible for:

- (1) developing and facilitating a process to review applications submitted for issuance of registry identification cards for qualifying patients and designated caregivers, including a state and national fingerprint-based criminal records check for a designated caregiver's initial registration and annual registration renewals, and for issuing, denying, and revoking registry identification cards;
- (2) developing and facilitating a process and establishing a reasonable fee to allow nonresident cardholders to access medical cannabis from a licensed dispensary;
- (3) establishing reasonable application and renewal fees for registry identification cards, provided:
 - (a) the department may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household income;
 - (b) the fees charged to qualifying patients, nonresident cardholders, and caregivers must be no greater than the costs of processing the applications and issuing registry identification cards or registrations; and
 - (c) the department may accept donations from private sources to reduce application and renewal fees.
- (B) No later than one hundred and forty days after the effective date of this act, the department shall begin issuing registry identification cards to qualifying patients and designated caregivers who submit an application in accordance with the department's regulations.
- (C) The department shall issue a registry identification card within twenty-five days of receiving a valid application from a prospective qualifying patient.

Section ~~44-53-2120~~. (A) In order to obtain a registry identification card as a qualifying patient, a person shall:

- (1) complete an application form provided by the department;
 - (2) submit the application to the department; and
 - (3) pay a nonrefundable annual registration fee.
- (B) The application for the issuance of an initial and renewal registry identification card to a qualifying patient must include:
- (1) the applicant's name, residential and mailing address, and date of birth, unless the applicant is homeless, in which case a residential address is not required;
 - (2) a recent passport-sized photograph of the applicant's face;
 - (3) the name, mailing address, and telephone number of the applicant's physician;
 - (4) the written certification signed and submitted to the department by the physician;
 - (5) the name, residential and mailing address, and phone number of the applicant's proposed designated caregiver or caregivers, if applicable, provided that a qualifying patient only may have a

single designated caregiver unless the application included documentation demonstrating that the additional designated caregivers are needed due to the patient's age or medical condition;

(6) a statement signed by the applicant agreeing not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this article and acknowledging that diversion of cannabis is a felony and, upon conviction, results in revocation of the registry identification card and subjects the applicant to a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(7) a questionnaire that asks if the applicant would like to be notified by the department of any clinical studies needing human subjects for research on the medical use of cannabis. The department shall notify interested patients of studies that will be conducted in the United States.

(C) A person only may serve as a designated caregiver if the person has been designated to assist a qualifying patient in the patient's application. In order to obtain a registry identification card as a designated caregiver, a person must:

(1) be at least twenty-one years of age;

(2) complete an application form provided by the department;

(3) provide a copy of a SLED criminal records background check report that bears the division stamp, for which the person must pay the costs;

(4) submit a nonrefundable application fee;

(5) pay an annual registration fee;

(6) submit a recent passport-sized photograph of the applicant's face;

(7) submit a statement signed by the applicant agreeing not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this article and acknowledging that diversion of cannabis is a felony and, upon conviction, results in revocation of the registry identification card and subjects the applicant to a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(8) submit a statement signed by the applicant agreeing to not consume cannabis or cannabis products intended for a qualifying patient.

(D) The department has the discretion not to issue a registry identification card to a designated caregiver if the person has been convicted of, or pled guilty or nolo contendere to, a felony drug-related offense within the previous five years.

(E) A designated caregiver may serve as the designated caregiver for no more than five qualifying patients at any given time, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed. Violation of this subsection is a misdemeanor and, upon conviction, results in a fine of not more than one thousand dollars or imprisonment of not more than one year, or both.

(F) To prevent fraud and enhance patient safety, a registry identification card issued pursuant to this section must be printed with tamper-resistant technology and contain, at a minimum, the person's name and address, photograph, identification number, and the card's issuance and expiration dates.

Section 44-53-2130. (A) The department may not issue a registry identification card to a person under eighteen years of age who is applying as a qualifying patient unless:

- (1) a physician provides a written certification to a designated custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor;
- (2) the physician has explained the potential risks and benefits of the medical use of cannabis to the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor;
- (3) the custodial parent or legal guardian having the legal authority to make health care decisions on behalf of the minor consents in writing to:
 - (a) allow the minor's medical use of cannabis; and
 - (b) serve as one of the minor's designated caregivers, and to either determine the frequency and route of administration of cannabis by the patient, or designate another appropriate individual as caregiver for the patient; and
- (4) the custodial parent or legal guardian with the legal authority to make health care decisions on behalf of the minor completes an application in accordance with the requirements of Section 44-53-2120 on behalf of the minor.

(B) The department may not issue a registry identification card to an incapacitated person who is applying as a qualifying patient unless:

- (1) a physician provides a written certification on behalf of the incapacitated person to a designated person with the legal authority to make health care decisions on behalf of the incapacitated person;
- (2) the physician has explained the potential risks and benefits of the medical use of cannabis to the person with the legal authority to make health care decisions on behalf of the incapacitated person;
- (3) the person with the legal authority to make health care decisions on behalf of the incapacitated person consents in writing to:
 - (a) allow the incapacitated person's medical use of cannabis; and
 - (b) serve as one of the incapacitated person's designated caregivers; and
 - (c) determine the frequency and route of administration of cannabis by the incapacitated person;
- (4) the person with the legal authority to make health care decisions for the incapacitated person completes an application in accordance with the requirements of Section 44-53-2120 on behalf of the incapacitated person; and

(5) the person submitting the application on the incapacitated patient's behalf submits a statement signed by the person agreeing not to consume cannabis or cannabis products intended for a qualifying patient.

Section 44-53-2140. No later than one hundred and ten days after the enactment of this act, the department shall develop a written certification form to be completed and renewed annually by a physician on behalf of a person applying for an initial or renewal registry identification card as a qualifying patient. The written certification must include:

- (1) the physician's name, address, phone number, and medical license number;
- (2) an acknowledgement to be signed by the physician that sets forth:
 - (a) the penalties for providing false information, including the department's right to notify the medical board or other similar authority established pursuant to Chapter 47, Title 40; and
 - (b) definitions of 'bona fide physician-patient relationship,' 'debilitating medical condition,' and 'physician,'; and
- (3) a statement for the physician to attest to and sign with the following provisions:
 - (a) the physician and patient have a bona fide physician-patient relationship;
 - (b) the patient has a debilitating medical condition, identifying the patient's condition, and that the symptoms or side effects might benefit from the medical use of cannabis; and
 - (c) if the patient's debilitating medical condition is severe; debilitating pain, that the physician has maintained records required by Section 44-53-2100(B).

Section 44-53-2150. (A)(1) A qualifying patient shall notify the department of any change in the patient's name or address, or if the qualifying patient ceases to have the debilitating medical condition, within ten days of the change.

(2) A designated caregiver shall notify the department of any change in the caregiver's name or address, or if the designated caregiver becomes aware the qualifying patient is deceased, within ten days of the change.

(3) If a registry identification cardholder loses his registry identification card, the cardholder shall notify the department within ten days of becoming aware the card has been lost.

(B) When a registry identification cardholder notifies the department of an occurrence identified in subsection (A), and remains eligible for a registry identification card pursuant to this article, the department shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within a reasonable time period, not to exceed thirty business days, of receiving the updated information and a replacement card fee. If the person notifying the department is a qualifying patient, the department also shall issue the qualifying patient's designated caregiver, if any, a new registry identification card within a reasonable time period, not to exceed thirty business days, of receiving the updated information and a replacement card fee. The cost of a replacement card is twenty-five dollars.

(C) If a qualifying patient ceases to be a qualifying patient or changes to a different designated caregiver, the department promptly shall notify the designated caregiver. The designated caregiver's rights and protections pursuant to this article as to that qualified patient expire fifteen days after notification by the department.

(D) A registry identification cardholder who fails to notify the department as required by this section is subject to a civil penalty, punishable by a fine of no more than one hundred and fifty dollars, per occurrence.

(E) If the qualifying patient's physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would benefit from the medical use of cannabis, the card becomes null and void. However, the qualifying patient has fifteen days to destroy all remaining cannabis.

Section 44-53-2160. (A) The department shall maintain a confidential list of the persons to whom the department has issued a registry identification card and each person's address, phone number, random ten-digit registry identification number, physician's name, and associated patient or caregiver's associated qualifying patient or designated caregiver and the random ten-digit registry identification number, as applicable. The department also shall maintain a confidential list of any person who submitted an unsuccessful application. These confidential lists may not be combined or linked in any manner with any other list or database, nor may the lists be used for any purpose not provided for in this article.

(B) Within one hundred and forty days of the effective date of this act, the department shall establish a secure phone or web-based verification system. The verification system must allow law enforcement personnel and medical cannabis establishments to enter a registry identification number to determine whether the number corresponds with a current, valid registry identification card. The system may disclose only:

- (1) whether the identification card is valid;
- (2) the name of the cardholder;
- (3) whether the cardholder is a qualifying patient or a designated caregiver; and
- (4) the registry identification number of any affiliated registered qualifying patient.

(C) No person or entity may have access to information contained in the department's verification system, except for an authorized employee of the department in the course of his official duties or a state or local law enforcement officer who has detained or arrested a person who claims to be a qualifying patient, a designated caregiver, a medical cannabis establishment principal, or a medical cannabis establishment agent engaged in conduct authorized in this article.

Section 44-53-2170. (A) Information maintained by the department related to registry identification cards, applicants, qualifying patients, physicians, and designated caregivers is considered protected health information that may not be released pursuant to state and federal confidentiality statutes including, but not limited to, the Health Insurance Portability and Accountability Act, as amended.

(B) Information maintained by the department related to registry identification cards, applicants, qualifying patients, physicians, and designated caregivers is not public information subject to access pursuant to the South Carolina Freedom of Information Act.

(C) If a person discloses information contained in the registry in violation of this article, the person must be fined not more than five thousand dollars. Subsequent violations are a misdemeanor and, upon conviction, the person must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

Section 44-53-2180. (A) When a state or local law enforcement officer has probable cause to believe cannabis is possessed at a specific address in violation of South Carolina law, the officer may request the department to verify whether the address is associated with a qualifying patient or a medical cannabis establishment.

(B) The department may notify a law enforcement officer about falsified or fraudulent information submitted to the department.

Section 44-53-2190. (A) The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of this article or department regulations. The qualifying patient or designated caregiver also is subject to other penalties established by law.

(B) A person whose registry identification card is revoked may request a hearing in the Administrative Law Court within thirty days of receipt of written notification of the revocation and is not subject to the requirements set forth in Section 44-1-60.

Section 44-53-2200. (A) No later than six months after the effective date of this act, the department shall promulgate regulations to:

(1) establish the form and content of medical cannabis establishment registration and renewal applications;

(2) establish a system to numerically score competing medical cannabis establishment applicants and, in cases where more applicants apply than are allowed by the local government, the system must include analysis of:

(a) the preference of the local government;

(b) in the case of dispensaries, the suitability of the proposed location and its accessibility for patients;

(c) the character, veracity, background, qualifications, and relevant experience of principal officers and board members; and

(d) the business plan proposed by the applicant, which in the case of cultivation centers and dispensaries shall include the ability to maintain an adequate supply of cannabis, plans to ensure safety and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis available to low-income registered qualifying patients;

(3) ensure the equitable distribution of dispensaries throughout the State to ensure patients have access to medical cannabis;

- (4) govern medical cannabis establishments, with the goals of ensuring the health and safety of qualifying patients and preventing diversion and theft without creating an undue burden or compromising the confidentiality of cardholders, including:
- (a) oversight requirements;
 - (b) recordkeeping requirements;
 - (c) security requirements, including lighting, physical security, and alarm requirements;
 - (d) health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;
 - (e) standards for the manufacture of cannabis products and both the indoor and outdoor cultivation of cannabis by cultivation centers;
 - (f) requirements for the transportation and storage of cannabis by medical cannabis establishments;
 - (g) employment and training requirements, including requiring medical cannabis establishments to create an identification badge for each medical cannabis establishment agent and principal;
 - (h) standards for the safe manufacture of cannabis products, including extracts and concentrates;
 - (i) restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary; listings in business directories including phone books; listings in cannabis-related or medical publications; or the sponsorship of health or not-for-profit charity or advocacy events;
 - (j) requirements and procedures for the safe and accurate packaging and labeling of medical cannabis;
 - (k) standards for independent testing laboratories, including requirements for equipment and qualifications for personnel; and
 - (l) protocol for the safe delivery of cannabis from dispensaries to cardholders;
- (5) establish procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of the provisions of this article or the regulations promulgated pursuant to this section;
- (6) establish labeling requirements for cannabis and cannabis products, which must require cannabis product labels to include the following:
- (a) the length of time it typically takes for the product to take effect;
 - (b) disclosure of ingredients and possible allergens;
 - (c) a nutritional fact panel; and

- (d) clear identification of edible cannabis products, when practicable, with a standard symbol indicating that the product contains cannabis;
 - (7) establish the amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder may possess;
 - (8) establish reasonable application and renewal fees for medical cannabis establishments, which must generate revenues sufficient to offset all expenses of implementing and administering this article. Fees must be reviewed annually and, if appropriate, adjusted to meet the financial needs of the program without charging more than is reasonably necessary to administer the program;
 - (9) establish the standards and requirements necessary for an independent testing laboratory to be certified;
 - (10) establish the standards of care and required testing to be carried out by the independent testing laboratory; and
 - (11) establish minimum capital requirements for each type of medical cannabis establishment that reasonably ensure applicants have sufficient resources to open and operate a medical cannabis establishment without requiring more than reasonably necessary and allowing for some of the capital requirements to be satisfied by ownership of the real property and for resources to be pooled among multiple principals.
- (B) At any time after the effective date of this act, the department may promulgate regulations allowing additional categories of registered medical cannabis establishments to operate, establishing fees for these establishments, and governing their operations.

Section 44-51-2210. (A) In order to be licensed as a medical cannabis establishment, an applicant shall submit:

- (1) a completed application form provided by the department;
- (2) a nonrefundable application fee to be determined by the department;
- (3) proof that the applicant has sufficient capital to open and operate the type of medical cannabis establishment as determined by department regulations;
- (4) on renewal, a financial statement reviewed by a licensed certified public accountant or a licensed public accountant in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP;
- (5) the legal name and physical address of the proposed medical cannabis establishment;
- (6) the name and date of birth of each principal officer and board member of the proposed medical cannabis establishment with a copy of a SLED criminal records background check report for each officer and board member paid for by the person or medical cannabis establishment;
- (7) operating procedures for the proposed medical cannabis establishment to ensure accurate recordkeeping and adequate security measures;

(8) for an application to operate a cultivation center, information required by the department to demonstrate that the applicant has appropriate expertise in agriculture and is qualified to process cannabis to sell, deliver, transport, or distribute cannabis solely for use pursuant to this article; and

(9) for an application to operate an independent testing laboratory, documentation demonstrating that the applicant meets the standards and requirements for accreditation, inspection, and testing established through regulation by the department.

(B) No later than eighteen months after the effective date of this act, the department shall issue registrations of the following number to qualified applicants:

- (1) fifteen cultivation center registrations;
- (2) thirty processing facility registrations;
- (3) one dispensary registration for every ten pharmacies in the State; and
- (4) five independent testing laboratory registrations.

(C) If a smaller number of qualified applicants applies for any type of medical cannabis establishment registration than the department is required to issue, the department shall issue registrations to all qualified applicants for that type of registration.

(D) Upon approval and before beginning its operations, a medical cannabis establishment shall pay a registration fee in an amount determined by the department.

(E) The department shall issue a renewal registration certificate within ten days of receiving a renewal application and renewal fee from a medical cannabis establishment if the registration certificate is not under suspension or has not been revoked.

Section 44-53-2220. (A) Except as provided in this section, a medical cannabis establishment may not be located within one thousand feet of a school. This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the school.

(B) The department may allow an exception to the prohibition in subsection (A) if it is shown by clear and convincing evidence that the exception is necessary to provide adequate access to patients. The department may require as part of granting an exception that the medical cannabis establishment undertake additional security or other restrictions to protect children.

Section 44-53-2230. (A) A dispensary must be located in an area zoned for commercial use.

(B) A processing facility or cultivation center must be located in an area zoned for manufacturing or agriculture.

Section 44-53-2240. (A) A medical cannabis establishment shall issue an identification card to each medical cannabis establishment agent and medical cannabis establishment principal.

(B) Before allowing a prospective medical cannabis establishment agent or medical cannabis establishment principal to work for the medical cannabis establishment, the establishment shall

review a SLED criminal records check report that bears the division stamp and was conducted within the previous ninety days.

(C) A medical cannabis establishment only may issue a person an identification card and allow them to work for the establishment if:

- (1) the person is twenty-one years of age or older;
- (2) the person has not been convicted of, or pled guilty or *nolo contendere* to, a felony drug-related offense within the previous five years unless the department grants a waiver; and
- (3) the person is not included in a list of individuals who are not allowed to serve as medical cannabis establishment agents or principals, if the department maintains and disseminates such a list.

(D) Each medical cannabis establishment shall retain records of agents and principals for at least five years after the end of their employment that allow the department to verify compliance with this section.

Section 44-53-2250. (A) All cultivation, harvesting, processing, and packaging of cannabis must take place in a secure facility at a physical address provided to the department during the processing facility or cultivation center's registration process. The secure facility may be accessed only by agents of the medical cannabis establishment, emergency personnel, and adults who are twenty-one years of age and older who are accompanied by medical cannabis establishment agents.

(B) Medical cannabis establishments shall implement appropriate security measures designed to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

Section 44-53-2260. (A) To prevent diversion and protect public safety, the department shall require the use of a single real-time, seed-to-sale tracking system used by all medical cannabis establishments and the department that complies with Health Insurance Portability and Accountability Act (HIPAA) guidelines, is hosted on a platform that allows for dynamic allocation of resources, provides data redundancy, and is capable of recovering from natural disasters within hours.

(B) The department shall require that the system be capable of:

- (1) tracking all plants, products, packages, patients, waste, transfers, conversions, packages, sales, and returns, and all with unique identification numbers;
- (2) tracking lot and batch information throughout the entire chain of custody until the point of sale to a cardholder;
- (3) tracking all product, conversions, and derivatives throughout the entire seed-to-sale chain of custody;
- (4) tracking plant, batch, and product destruction;
- (5) tracking transportation of product;
- (6) performing complete batch recall tracking capabilities that must be able to clearly identify all of the following details relating to the specific batch subject to the recall:

- (a) all sold product;
- (b) product available for sale (product that is in finished inventory, but not sold);
- (c) product that is in the transfer process;
- (d) work in progress (product that is being converted); and
- (e) raw material (product that is in the post-harvest process, such as drying, trimming, and curing);
- (7) reporting and tracking loss, theft, or diversion of product containing cannabis;
- (8) reporting and tracking all inventory discrepancies to the department;
- (9) reporting and tracking all sales and refunds to the department;
- (10) receiving testing results electronically from independent testing laboratories via a secure application program interface (API) into the seed-to-sale tracking system, and directly attaching the testing results to the source batch and/or sample;
- (11) restricting the altering of test results by the operator;
- (12) providing the department with real-time access to the database;
- (13) providing real-time analytics to the department regarding key performance indicators including, but not limited to:
 - (a) total daily sales;
 - (b) total plants in production;
 - (c) total plants destroyed; and
 - (d) total inventory adjustments; and
- (14) providing other information specified by the department.

Section ~~44-53-2270~~. (A) A local government may enact ordinances or regulations not in conflict with this article, or with regulations enacted pursuant to this article, governing the time, place, manner, and number of medical cannabis establishment operations in the locality. A local government may establish penalties for violation of an ordinance or regulations governing the time, place, and manner of a medical cannabis establishment that may operate in such locality.

(B) No local government may prohibit medical cannabis establishments, either expressly or through the enactment of ordinances or regulations, that make their operation impracticable in the jurisdiction,

(C) A local government may require a medical cannabis establishment to obtain a local license, permit, or registration to operate, and may charge a reasonable fee for the local license, permit, or registration.

Section ~~44-53-2280~~. (A) The department shall require, at a minimum, routine testing of cannabis and cannabis products by a cultivation center.

(B) A cultivation center shall test each strain's cannabidiol profile at least three times a year, with the first test conducted on the first harvested lot.

(C) A processing facility shall test each extraction batch.

Section 44-53-2290. (A) The department shall establish standards for and certify at least five independent testing laboratories to test cannabis that is to be sold in the State. A certified independent testing laboratory must analyze a representative sample of all cannabis-derived products before transport or sale.

(B) An independent testing laboratory is responsible for selecting, picking up, and testing product samples and must be able to determine accurately the concentration of tetrahydrocannabinol (THC) and cannabidiol; whether the testing material is organic or nonorganic; moisture content; potency analysis; foreign matter inspection; microbiological screening; residual solvent testing; the presence and identification of fungi, including molds; the presence and concentration of fertilizers and other nutrients; and any other determinations required by the department.

(C) A certified independent testing laboratory shall report the results of all testing required by the department to the department's electronic monitoring system.

Section 44-53-2300. All items sold at a dispensary must be properly labeled and contained in a child-resistant package. The label must comply with state laws and regulations and, at a minimum, must include:

- (1) the name of the licensed dispensary;
- (2) the name of the product being sold;
- (3) the percentage of tetrahydrocannabinol (THC) and the percentage of cannabidiol (CBD) within a profile tolerance range of ten percent. For consumable products, the cannabinoid profile should be listed by milligrams per serving;
- (4) the name of the cultivation center or processing facility; and
- (5) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: 'NOT FOR RESALE. KEEP OUT OF THE REACH OF CHILDREN AND ANIMALS.'

Section 44-53-2310. (A) All cultivation center cannabis by-product, scrap, and harvested cannabis not intended for distribution to a dispensary or testing laboratory must be destroyed and disposed of in accordance with department regulations. Documentation of destruction and disposal must be retained by the cultivation center for a period of not less than one year. The cultivation center shall maintain a record of the date of destruction and the amount destroyed.

(B) A dispensary shall destroy all cannabis that is not sold to qualifying patients. The dispensary shall retain documentation of destruction and disposal for a period of not less than one year. The dispensary shall maintain a record of the date of destruction and the amount destroyed.

Section 44-53-2320. A medical cannabis establishment is subject to inspection by the department during business hours. During an inspection, the department may review the medical cannabis establishment's records required pursuant to this article and department regulations. Records must

track patient-specific and caregiver-specific information by registry identification number to protect confidentiality.

Section 44-53-2330. (A) It is not unlawful for a cultivation center to:

- (1) possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis;
- (2) possess, use, and manufacture cannabis paraphernalia; and
- (3) deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, and educational materials to licensed processing facilities or dispensaries.

(B) It is not unlawful for a processing facility to:

- (1) possess, process, manufacture, compound, convert, prepare, pack, repack, transport, or store cannabis or cannabis products;
- (2) possess, use, and manufacture cannabis paraphernalia; and
- (3) deliver, sell, supply, transfer, or transport cannabis and educational materials to licensed dispensaries.

(C) It is not unlawful for a dispensary to possess, transport, or dispense cannabis, cannabis products, cannabis paraphernalia, or educational materials to a cardholder in accordance with the requirements of this article.

(D) It is not unlawful for a testing facility to possess or transport cannabis, cannabis products, or cannabis paraphernalia in accordance with the requirements of this article.

(E) A medical cannabis establishment is not subject to prosecution, search, seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

(F) A medical cannabis establishment principal and medical cannabis establishment agent are not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for engaging in activities related to cannabis that are not unlawful under South Carolina law pursuant to this article.

Section 44-53-2340. (A) The department may revoke the registration of a medical cannabis establishment as a result of violation of this article or department regulations.

(B) The department may ban an individual from serving as a medical cannabis establishment agent or principal for a violation of this article or department regulations. The department may disseminate a list of individuals who are prohibited from serving as a medical cannabis establishment agent or principal to each medical cannabis establishment.

(C) The department shall create a tiered structure for identification, investigation, and resolution of potential violations of this article.

(D) Operators of dispensaries and cultivation centers must be granted a reasonable resolution period established by the department to implement corrective actions acceptable to the department.

(E) The department shall create a progressive penalty structure for violations of this article.

(F) The department is authorized to impose monetary penalties on a dispensary, dispensary principal, cultivation center, cultivation center principal, or an independent testing laboratory for violations of this article.

(G) A medical cannabis establishment whose registration is revoked may request a hearing in the Administrative Law Court, and is not subject to the requirements set forth in Section [44-1-50](#), within thirty days of receipt of written notification of the revocation.

Section [44-53-2350](#). Nothing in this article may be construed to require a health insurance provider, health care plan, or medical assistance program to be liable for or reimburse a claim for the medical use of cannabis.

Section [44-53-2360](#). (A) The department shall provide a report to the General Assembly by December thirty-first of each year addressing the effectiveness of the medical cannabis program operated pursuant to this article and recommendations for any changes to the program.

(B) The report must, without disclosing any identifying information about cardholders, physicians, caregivers, or medical cannabis establishments, contain the following, at a minimum:

- (1) the number of registry identification card applications submitted, granted, and renewed;
- (2) the number of qualifying patients and designated caregivers served by each medical cannabis establishment during the report year;
- (3) the nature of the debilitating medical conditions of the qualifying patients;
- (4) the number of registry identification cards revoked;
- (5) the number of physicians providing certifications for qualifying patients; and
- (6) the number of registered medical cannabis establishments by county.

Section [44-53-2370](#). Subject to Chapter 35, Title 11, the South Carolina Consolidated Procurement Code, the department is authorized to procure services of qualified contractors to assist the department in implementing this article, including testing, auditing, inspection, registry management, diversion control, and other compliance services.

Section [44-53-2380](#). (A) The department is responsible for performing inspections of medical cannabis establishments and investigating suspected violations of this article and department regulations and is primarily responsible for other duties with respect to regulating cannabis for medical use, as are specifically delegated to the department by the General Assembly. Drug inspectors and special agents of the department, as provided for in Section [44-53-490](#), while, in performing the duties prescribed in this article, have:

- (1) statewide police powers;

- (2) authority to carry firearms;
- (3) authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses;
- (4) authority to make investigations to determine whether there has been unlawful dispensing of cannabis for medical use, or the removal of those substances from regulated establishments or entities into illicit traffic;
- (5) authority to seize property; and
- (6) authority to make arrests without warrants for offenses committed in their presence.

(B) The department may contract with state occupational or professional licensing entities and the law enforcement division of other state agencies to enforce the provisions of this article with respect to inspections and audits which apply to cultivation centers, dispensaries, and independent testing laboratories, and all of their agents and employees.

(C) Authorized employees of state or local law enforcement agencies immediately shall notify the department when any person in possession of a registry identification card has been determined by a court of law to have wilfully violated the provisions of this article or has pled guilty to an offense.

(D) Department counsel may not:

- (1) make determinations as to reporting fraudulent information submitted to the department, but rather may advise department employees as needed;
- (2) be the decision-maker for the department for purposes of determining whether probable cause exists, but rather may be a legal adviser; and
- (3) provide testimony as fact witnesses in any court proceeding.

Section ~~44-53-2390~~. (A) The department may develop, seek any necessary federal approval for, and carry out research programs relating to the medical use of cannabis. Participation in any research program must be voluntary on the part of a registered patient, designated caregiver, or physician.

(B) The department may collect data on the efficacy and safety of medical cannabis from qualifying patients who voluntarily provide the information. The department may require dispensaries to collect that information.

(C) Physicians who issue written certifications are not required to participate in data collection.

Section ~~44-53-2400~~. (A) The department shall establish a South Carolina Medical Cannabis Program Fund to ensure the availability of funds necessary to carry out the department's responsibilities under this article. All monies collected pursuant to this article must be deposited into the fund. The funds must be used exclusively for the direct and indirect costs associated with the implementation, administration, and enforcement of this article.

(B) The South Carolina Medical Cannabis Program Fund is not subject to any fiscal or budgetary action that would in any way transfer any amount from the South Carolina Medical Cannabis Program Fund into any other fund of the State.

Section 44-53-2410. The department may implement a reasonable fee increase to be charged and collected pursuant to this article, when necessary, for the department to cover the cost of administering and operating the program pursuant to this article.

Section 44-53-2420. (A) There is created an eight-member Medical Cannabis Advisory Board which must be comprised of one appointment from each of the following: the Governor, the President Pro Tempore of the Senate, the Senate Minority Leader, the Chairman of the Senate Medical Affairs Committee, the Speaker of the House, the Chairman of the House Committee on Medical, Military, Public and Municipal Affairs, the House Minority Leader, and the Executive Director or designee of the South Carolina Medical Association, which will require Senate confirmation.

(B) Appointees to the Medical Cannabis Advisory Board must be knowledgeable and experienced in issues relating to care and treatment of individuals with a serious medical condition, geriatric or pediatric medicine, or clinical research. There must be at least one patient or patient advocate serving on the board.

(C) The board shall meet at least two times per year for the purpose of reviewing petitions to add qualifying medical conditions.

(D) At least once every one hundred and eighty days, the board shall review petitions, consult with experts in South Carolina and other states with medical cannabis programs, as well as any available research, and, if necessary, hold public hearings before voting on whether to add the condition as a qualifying medical condition.

(E) Members of the board serve a term of four years, and until their successors are appointed and qualify. A vacancy on the board must be filled in the manner of the original appointment for the remainder of the unexpired term.

(F) Members of the board may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, commissions, and committees."

SECTION 2. Section 12-36-2120(69) of the 1976 Code is amended to read:

"(69) ~~Reserved~~ cannabis sold by a dispensary to a cardholder pursuant to Article 20, Chapter 53, Title 44."

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. 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 5. If the department fails to adopt regulations to implement this act within two hundred days of the effective date of this act, a qualifying patient may commence an action in the South Carolina Administrative Law Court to compel the department to perform the actions mandated pursuant to the provisions of this act.

SECTION 6. This act takes effect upon approval by the Governor.

---XX---

This web page was last updated on February 22, 2017 at 1:35 PM



Boards & Commissions

Boards & Commissions	State / OC Code Reference	Reps (IX-At Large)	Co-Terminus	Term Limits	4 Year Term	Meeting Date to Appoint	Edda Cammick	Wayne McCall	Paul Cain	Julian Davis	Glenn Hart		
							2015-2018	2017-2020	2015-2018	2017-2020	2017-2020	2015-2018	2017-2020
							District I	District II	District III	District IV	District V	At Large	At Large
Aeronautics Commission	2-262	5 - 2	YES	2X	YES	Jan - March	Randy Renz [2]	David Bryant [1]	Edward Perry [2]	Marion Lyles [1]	Ronald Chiles [2]	A. Brightwell [1]	Michael Gray [1]
Ag. Advisory Board	2016-17	5 - 2	YES	n/a	YES	Jan - March	Dobbie Sewell [1]	Doug Hollifield [1]	Michael Marshall [1]	Ed Land [1]	Vickie Wilkugby [1]	Kim Alexander [1]	Rex Blanton [1]
Arts & Historical Commission	2-321	5 - 2	YES	2X	YES	Jan - March	Bette Boreman [1]	Libby Imbody [1]	Mariam Noora [1]	Tony Adams [1]	Stacy Smith	Shawn Johnson [1]	Janet Gorman [1]
Board of Zoning Appeals	38-6-1	5 - 2	YES	2X	YES	Jan - March	Allen Medford [2]	Sammy Lee [2]	Bill Gilster [1]	Marty McKee [1]	John Menzies [1]	Josh Lusk [1]	Charles Morgan [1]
Building Codes Appeal Board		5 - 0	YES	2X	YES	Jan - March	George Smith [1]	Matt Rochester [1]	Bob DuBose [2]	Mike Willimon [2]	Kenneth Owen		
Conservation Bank Board	2-381	Appointed by Category Preferred		2X	YES	Jan - March	Shea Airey [2]	Jason Davis [2]	Jennifer Moss [1]	Marvin Prater [2]	Frank Ables [1]	Richard Cain [2]	Frances Rundlett [1]
Destination Ocoee Action Committee	n/a	5 - 2	n/a	n/a	n/a	n/a	David Washburn	Luther Lyle [2]	Al Shadwick	Matthew Smith [1]	Bob Hill [2]	Robert Moore	Hal Welch [2]
PRT Commission: (members up for reappointment due to initial stagger)	6-4-25 2-381	Appointed by Industry		2X	YES	Jan - March	Libby Imbody [1]; Tony Adams [1]; Janet Gorman [1]				Becky Wise [2]; Rick Lacey [2]; Mike Wallace [2]		D Pollock [1]
Scenic Highway Committee	28-151	0 - 2	YES	2X	YES	Jan - March						Scott Lusk [1]	Staley Powell [1]
Library Board	4-9-35 / 15-1	0 - 9	YES	2X	YES	Jan - March	M. McMahon [P, 1, 15]; M. Jacobson [P, 1, 15]; W. Caster [2, 1, 15]				[P[1, 17]]; L. Martin [P[1, 17]]; A. Suddeth [2]; G. Morrison [1, 17]		
Planning Commission	6-29-310 32-4	5 - 2	YES	N/A	YES	Jan - March	Brad Kisker	Andrew Gramling [1]	David Owensby	Frankie Pearson [1]	Stacy Lyles [1]	Gwen McPhail	Mike Johnson
Anderson-Ocoee Behavioral Health Services Commission	2-291	0 - 7	YES	2X	3 yr	N/A	Steve Jenkins [1], Harold Alley [1], Louie Hollerman [1], Wanda Long [1], Priscilla Taylor [1], Joan Black [1], Jere DuBois [1]					SHS contacts Council w/ recommendations when seats open	
Capital Project Advisory Committee (end 1.17)													
Ocoee Business Education Partnership	N/A	N/A	NO	N/A	NO	January	Mr. Julian Davis, District IV						
Ocoee Economic Alliance	N/A	N/A	NO	N/A	NO	January	Mr. Paul Cain, Council; Mr. Scott Moulder, Administrator; Mr. Sammy Dickson						
Ten At The Top (TATT)				NO	NO	January	Mr. Dave Eldridge						
ACOG BOD						January	Council Rep: Ms. Cammick [yearly]; 2 yr terms Rep: Bob Winchester, Minority Rep: Bennie Cunningham						Citizen
Worklink Board						N/A	Worklink contacts Council w/ recommendations when seats open [Current: B. Doobins]						

[#] - denotes term. [1-2] denotes a member who has served one term and less than one half of an additional term making them eligible for one additional appointment. **Denotes vacant seats or status**
 [SHADING = reappointment requested; - questionnaire on file] **Denotes individual who DOES NOT WISH TO BE REAPPOINTED** **denotes: recap. Requested**
bold italics TEXT denotes member ineligible for reappointment - having served or will complete serving max # of terms at the end of their current term.

Katie Smith

From: Katie Smith
Sent: Thursday, March 16, 2017 12:24 PM
To: classadmgr@upstatetoday.com
Cc: Amanda Brock; Katie Smith
Subject: Public Hearing Ad Request

Please run in the next edition of your publication. Please respond to the email to confirm receipt.

“Notice of Public Hearing

There will be a public hearing on April 4, 2017 at 6pm in Oconee County Council Chambers located at 415 South Pine Street, Walhalla, SC 29691 for the following ordinance:

**STATE OF SOUTH
CAROLINA OCONEE
COUNTY
ORDINANCE 2016-41**

AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ADDITION OF AGRICULTURAL ZONING DISTRICTS, AMENDING AN EXISTING ZONING DISTRICT, AND AMENDING THE CONDITIONAL USE PROVISIONS

**CONTAINED IN CHAPTER 38; AND
OTHER MATTERS RELATED THERETO."**

Please confirm receipt of this email by way of reply.

Katie D. Smith
Clerk to Council
Oconee County
415 S. Pine St. Walhalla
864.718.1023
Fx. 864.718.1024
ksmith@oconeesc.com

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message.



Public Comment
SIGN IN SHEET
6:00 PM

April 4, 2017

The Public Comment Sessions at this meeting is limited to a total of 40 minutes, 4 minutes per person. Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker.

PLEASE PRINT

	FULL NAME	PURPOSE OF COMMENT
1	Jean Jennings	Pioneer Water
2	JERRY BARNETT	
3	REDD GARDNER	
4	MIKE CRASHAW	The Great Oconee Clean Up
5	CHARLES LUTZ	
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.



**PUBLIC HEARING
SIGN IN SHEET
OCONEE COUNTY COUNCIL MEETING
DATE: April 4, 2017 6:00 p.m.**

Ordinance 2016-41 "AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ADDITION OF AGRICULTURAL ZONING DISTRICTS, AMENDING AN EXISTING ZONING DISTRICT, AND AMENDING THE CONDITIONAL USES PROVISIONS CONTAINED IN CHAPTER 38; AND OTHER MATTERS RELATED THERETO."

Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

Everyone speaking before Council will be required to do so in a civil manner.

Council will not tolerate personal attacks on individual council members, county staff or any person or group. Harsh words will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commissions appointed by Council should do so in an appropriate manner.

Public comment during a public hearing is not limited to four minutes per person.

Sign up sheets will be available thirty minutes prior to the hearing for those interested in addressing Council.

Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

Please submit written comments to the Clerk to Council, 415 South Pine Street, Walhalla, South Carolina, 29691.

Please PRINT your name

1.	Gwen McPhail
2.	JERRY BARNETT
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	
22.	

Tri-County Technical College

Budget Request
Anderson, Oconee, Pickens
Fiscal Year 2018

SOURCE OF FUNDING	PHYSICAL PLANT OPERATIONS			CAPITAL RENOVATIONS		SUBTOTAL	BOND SUPPORT	GRAND TOTAL
	FY 2017	REQUESTED FY 2018	Incr/(Decr)	FY 2017	REQUESTED FY 2018	REQUESTED FY 2018	REQUESTED FY 2018	REQUESTED FY 2018
ANDERSON	1,550,000	1,550,000	\$ -	\$ 582,000	\$ 582,000	\$ 2,132,000	\$ 824,300	\$ 2,956,300
OCONEE	775,000	775,000	\$ -	\$ 291,000	\$ 291,000	\$ 1,066,000	\$ 446,500	\$ 1,512,500
PICKENS	775,000	775,000	\$ -	\$ 291,000	\$ 291,000	\$ 1,066,000	\$ 441,600	\$ 1,507,600
TOTAL FUNDING	3,100,000	3,100,000	\$ -	\$ 1,164,000	\$ 1,164,000	\$ 4,264,000	\$ 1,712,400	\$ 5,976,400

Tri-County Technical College
Physical Plant
Operations & Routine Maintenance Expenses

Expense Category	FY 2017 Est. Actual	FY 2018 Projected	Projected Increase
Utilities			
Water & Sewer	\$ 153,000	\$ 119,000	\$ (34,000)
Electricity & Natural Gas	978,000	971,000	(7,000)
Total Utilities	<u>1,131,000</u>	<u>1,090,000</u>	<u>(41,000)</u>
Maintenance & Custodial	1,509,000	1,560,000	51,000
Grounds & Parking	224,000	235,000	11,000
Property Insurance & Security	834,000	878,000	44,000
Contingency @ 5% of Expenses	-	188,000	188,000
TOTAL	\$ 3,698,000	\$ 3,951,000	\$ 253,000

COUNTY FUNDING REQUESTED FOR PHYSICAL PLANT OPERATIONS	\$ 3,100,000	\$ 3,100,000	\$ -
as a % of Total Physical Plant Expenses	83.8%	78.5%	
<i>Balance funded by Tuition Differential charged to Students with Out-of-Area Residency</i>	\$ 598,000	\$ 851,000	\$ 253,000

OCONEE COUNTY SHERIFF'S OFFICE

415 SOUTH PINE STREET
WALHALLA, SC 29691

Mike Crenshaw, Sheriff



S.C. Sheriffs' Concerns with "Medical" Marijuana

1. Allows cardholders to purchase **2 ounces** of marijuana or marijuana based products (including edibles which have been directly marketed to children in other states and can have very high levels of THC) **every 14 days**. A typical joint would have .7 grams of marijuana similar in size to a cigarette. 2 ounces would produce around 80 joints. That's an average of more than 5 joints a day. Some estimate that 2 ounces would produce 120 joints or 8 joints a day.
2. Does not provide a mechanism to track how much marijuana is purchased by a single individual. Therefore, the 2 ounces every 14 days cannot be regulated. (Even pseudoephedrine purchases are tracked.)
3. Establishes no minimum quantity of tetrahydrocannabinol (THC) for cannabis products.
4. Requires a "bona fide physician-patient relationship" which means the physician has an ongoing responsibility for the assessment, care, and treatment of the patient's debilitating medical condition, but sets no requirements for how often the patient should be re-evaluated. In other words, a single recommendation allows a patient to consume marijuana at whatever rate the patient feels is appropriate, provided they only possess the legal limit (no dosage amounts). There is greater oversight on cholesterol and blood pressure medication than marijuana (a federally illegal narcotic.)
5. Includes qualifying conditions such as chronic pain which has been the most abused ailment in other states. Up to 90% of cardholders in other

states are 18-35 year old males who present with chronic pain. This is one of the healthiest subsets of the population.

6. Allows for designated caregivers to care for up to 5 patients or if they work in a care facility, unlimited patients within the facility. The only disqualifier to becoming a caregiver is a felony drug conviction in the past 5 years. In essence, this will establish medical communes for marijuana.

7. Allows medical marijuana cards for children 18 and under with parent or guardian approval.

8. The bill states, "There is no presumption of child abuse or neglect for conduct allowed pursuant to this article."

9. Prohibits a school from refusing to enroll a child that has a medical marijuana card. Additionally, the bill does not address if non-smokeable marijuana consumption would be allowed on a school's premises with a valid card. If it does not expressly prohibit consumption at school, then consumption at school would be allowed.

10. Requires the State of South Carolina to recognize and honor non-resident medical marijuana cardholders (Section 44-53-2050). Considering the fact that some states do not even require an in person doctor visit to obtain a card, this would equate to de facto legalization of recreational marijuana.

11. Allows:

- a. Cultivation Centers (both indoor and outdoor)
- b. Dispensaries (Have very little regulation. Dispensaries are not medical or pharmacological facilities and do not employ medical staff.)
- c. Processing sites
- d. Research sites
- e. Testing laboratories

12. Prohibits local governments from "opting out" of allowing marijuana dispensaries, cultivation centers, etc.

13. Prohibits employers from discharging, threatening, refusing to hire, or otherwise discriminating or retaliating against an employee regarding an employee's compensation, terms, conditions, location, or privileges solely on the basis of the employee's status as a cardholder.

14. Allows cardholders to be charged with reckless driving or driving under the influence of cannabis where probable cause exists, but does not set a legal level of intoxication. In other words, law enforcement will have no method of determining how high is too high to drive. Urine tests do not prove THC impairment. Blood testing is a consideration, but considering the quick rate at which the body metabolizes THC and the time it would take to secure a warrant, test results would render a result that is not indicative of the person's intoxication level at the time of arrest.

15. Requires landlords to rent to medical marijuana cardholders. While the landlord can prohibit the tenant from smoking marijuana, he cannot prohibit the use of medical marijuana through other modes of administration. The bill also fails to provide penalty provided for the tenant who illegally smokes medical marijuana in the landlord's property.

16. Allows inmates to use medical cannabis in a correctional facility IF the correctional facility has elected "to allow the cardholder to engage in the medical use of cannabis". (Section 44-53-2060 (A) (2))

17. Legalizes the purchase of paraphernalia and allows dispensaries to sell paraphernalia.

18. Requires the program to start issuing medical marijuana cards within 4 months prior to even having any cultivation or dispensary site locations up and running.

19. Requires equitable distribution of dispensaries throughout the state based on providing 1 dispensary to every 10 pharmacies.

20. No later than eighteen months after the effective date of this act, the department shall issue registrations of the following number to qualified applicants:

- (1) fifteen cultivation center registrations;
- (2) thirty processing facility registrations;
- (3) one dispensary registration for every ten pharmacies in the State; and
- (4) five independent testing laboratory registrations.

If a smaller number of qualified applicants applies for any type of medical cannabis establishment registration than the department is required to issue, "the department shall issue registrations to **all** qualified applicants for that type of registration."

21. Exempts medical marijuana from the State Sales tax. Where will the money come from to regulate this product?

MARIJUANA IS NOT MEDICINE

- In August of 2016, under the Obama Administration, the Drug Enforcement Administration (DEA) refused to reschedule marijuana. In its decision to keep the drug classified as a Schedule I narcotic under the Controlled Substance Act, the DEA stated, “A substance is placed in Schedule I if it has no currently accepted medical use in treatment in the United States, a lack of accepted safety for use under medical supervision, and high potential for abuse.”
- The DEA went on to say, “Research is the bedrock of science, and we will – as we have for many years – support and promote legitimate research regarding marijuana and its constituent parts.” The DEA is working with other federal agencies to increase legitimate research on marijuana.
- In fact, Epidiolex®, which is an oral solution of pure plant-derived cannabidiol, is expected to be approved by the FDA for commercial launch in the next 12-18 months. This drug is expected to have a significant impact on those suffering from epileptic seizures. Target indications currently include Dravet syndrome, Lennox-Gastaut syndrome, Tuberous Sclerosis Complex, and Infantile Spasms.

Sheriff Mike Crenshaw, Oconee County, the School District of Oconee County, Keep Oconee Beautiful Association, and the Oconee Economic Alliance are joining forces to kick off

THE GREAT OCONEE CLEAN UP

Getting picky about litter

When: Saturday, April 22, 2017 from 8:15 am - 12 pm

Where: NewSpring Church Parking Lot

13200 Clemson Blvd. Seneca, SC 29678

Free parking and transportation to litter pick up locations provided.

Register: www.InvestOconeeSC.com/upcoming-events/

The first 200 registrants will receive a free t-shirt!

*Anyone under the age of 16 **must** be accompanied by a registered adult.*

*For more information, contact lcooper@oconeesc.com
or call (864) 638-4210

