

1 DRAFT PREPARED BY LEGISLATIVE COUNCIL
2 For: Rep. Hewitt
3 Attorney: Ravenel
4 Stenographer: Charlton
5 Date: June 15, 2017
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9 **A BILL**

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11 TO AMEND SECTION 44-53-160, AS AMENDED, CODE OF
12 LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE
13 PROCESS FOR MAKING CHANGES TO CONTROLLED
14 SUBSTANCE SCHEDULES, SO AS TO AUTHORIZE THE
15 DIRECTOR OF THE DEPARTMENT OF HEALTH AND
16 ENVIRONMENTAL CONTROL TO ADD A SUBSTANCE TO
17 SCHEDULE I TEMPORARILY TO PROTECT THE PUBLIC
18 HEALTH AND SAFETY.

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

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23 SECTION 1. Section 44-53-160 of the 1976 Code, as last amended
24 by Act 140 of 2012, is further amended by adding an appropriately
25 lettered subsection at the end to read:

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27 “() (1) Notwithstanding the provisions of this section, the
28 Director of the Department of Health and Environmental Control
29 may at any time, by order, place a substance in Schedule I on a
30 temporary basis if the director finds:

31 (a) it is necessary to avoid an imminent hazard to the public
32 safety;

33 (b) it is necessary for the preservation of the public health,
34 safety, or general welfare; and

35 (c) the substance is not listed in any schedule identified in
36 Sections 44-53-210, 44-53-230, 44-53-250, and 44-53-270.

37 (2) Prior to finding that a substance is an imminent hazard to the
38 public safety as provided in item (1)(a), the director shall consider
39 the substance’s actual or relative potential for abuse and its history
40 and current patterns of abuse and the risk that delay in placing the
41 substance in Schedule I poses to public safety.

1 (3) An order issued pursuant to item (1) takes effect when the
2 order is published on the department's publicly accessible website.

3 (4) Upon issuing an order pursuant to item (1), the department
4 shall forward a copy of the order to the Board of Health and
5 Environmental Control, the Chairmen of the Medical Affairs
6 Committee and the Judiciary Committee of the Senate, the chairmen
7 of the Medical, Military, Public and Municipal Affairs Committee
8 and the Judiciary Committee of the House of Representatives, the
9 Clerks of the Senate and House of Representatives, and the Code
10 Commissioner, and shall post the schedules on the department's
11 website indicating the change and specifying the effective date of
12 the change.

13 (5) Upon issuing an order pursuant to item (1), the director shall
14 forward a copy of the order to the Attorney General of the United
15 States to request that the Attorney General temporarily place the
16 substance in Schedule I under the Controlled Substances Act, 21
17 U.S.C. Section 811(h).

18 (6) An order issued pursuant to item (1) is effective up to one
19 year, during which time the order has the full force of law unless
20 overturned by the General Assembly.”

21 SECTION 2. This act takes effect upon approval by the Governor.

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