

From: Chip <chiphuggins@schouse.gov>
To: Lt. Governor's OfficeLtGov@scstatehouse.gov
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March 26, 2018
Representative Chip Huggins
District 85
Serving Irmo and Chapin

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The House of Representatives will be on furlough during the final week of March to lower operating costs and save taxpayer dollars. The House will reconvene on April 3.

The House of Representatives approved seven bills that draw upon the work of the special House Opioid Abuse Prevention Study Committee that was appointed by the Speaker of the House to examine the growing misuse of prescription painkillers and recommend legislative actions to counter the epidemic of ruinous addiction and fatal overdoses.

The House amended, approved, and sent the Senate **H.4603**, legislation imposing new **LIMITATIONS ON INITIAL PRESCRIPTIONS OF AN OPIOID MEDICATION FOR ACUTE PAIN MANAGEMENT OR POSTOPERATIVE PAIN MANAGEMENT**. Under the bill, Initial opioid prescriptions for acute pain management or postoperative pain management must not exceed a seven day supply, except when clinically indicated for chronic pain, cancer pain, hospice care, palliative care, major trauma, major surgery, treatment of sickle cell anemia, or medication assisted treatment for substance abuse. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new opioid prescription. The limitation does not apply when a practitioner orders an opioid prescription to be wholly administered in a hospital, nursing home, hospice facility, or residential care facility.

The House amended, approved, and sent the Senate **H.3826**, legislation that requires a written prescription for any Schedule II, III, IV, and V controlled substance to be written on a **TAMPER-RESISTANT PRESCRIPTION PAD** that meets the counterfeit-resistant standards required by the Centers for Medicare and Medicaid Services for prescriptions. Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper-resistant prescription pad requirement. The tamper-resistant prescription pad requirements do not apply to refill prescriptions of an original written prescription that was issued before the effective date of this act. A pharmacy may fill a prescription written on a non-tamper-resistant pad on an emergency basis as long as the pharmacy receives a compliant written prescription within 72 hours after the date on which the prescription was filled.

The House amended, approved, and sent the Senate **H.3825**, a bill that makes provisions for the Department of Health and Environmental Control to use information in the state prescription

monitoring program system to provide **PRESCRIPTION REPORT CARDS** to health care practitioner who prescribe controlled substances to inform them about their prescribing trends compared to other practitioners.

The House amended, approved, and sent the Senate **H.4600**, a bill providing **AUTHORIZATION FOR COMMUNITY DISTRIBUTORS OF OPIOID ANTIDOTES** as a means of preventing overdose deaths. Under the legislation, a prescriber acting in good faith and exercising reasonable care may directly, or by standing order, prescribe an opioid antidote to a community distributor for the purpose of distributing the opioid antidote to those at risk of experiencing an opiate related overdose or to their caregivers. A community distributor is a public or private organization which provides substance use disorder assistance and services, such as counseling, homeless services, advocacy, harm reduction, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid related overdose. A community distributor that distributes an opioid antidote in accordance with the provisions of this legislation is not subject to civil or criminal liability. The Board of Medical Examiners and the Board of Pharmacy are charged with issuing a written joint protocol to authorize a community distributor to distribute an opioid antidote without a patient specific written order or prescription to a person at risk of experiencing an opioid related overdose or to a caregiver of such a person, and without the requirement for a pharmacist to dispense the opioid antidote. This protocol is to be developed by an advisory committee appointed by the Board of Medical Examiners and the Board of Pharmacy with a membership must include representatives of the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and health care professionals licensed in the state.

The House amended, approved, and sent the Senate **H.4602**, a bill **EXPANDING THE PRESCRIPTION MONITORING PROGRAM DATABASE TO INCLUDE INFORMATION ON THE ADMINISTRATION OF OPIOID ANTIDOTES**. The legislation establishes protocols for the timely submission to the database of the date an opioid antidote was administered, the dosage and route of administration, and the name, address, and date of birth of the person to whom the opioid antidote was administered, if available, that apply when an opioid antidote is administered in a hospital emergency department or other health care facility or by a first responder. DHEC is required to maintain data on the administering of opioid antidotes including the frequency with which opioid antidotes are administered in health care facilities and by first responders by geographic location. The legislation requires a health care practitioner or the practitioner's delegate to review a patient's opioid antidote administration history in addition to the patient's controlled substance prescription history before issuing a prescription for a Schedule II controlled substance.

The House amended, approved, and sent the Senate **H.4117**, a bill **AFFORDING DRUG COURTS ACCESS TO PRESCRIPTION MONITORING PROGRAM INFORMATION**. The legislation revises confidentiality provisions for the Prescription Monitoring Program maintained by the Department of Health and Environmental Control to allow DHEC to provide program data to a presiding judge of a drug court pertaining to a specific case involving a designated person.

The House amended, approved, and sent the Senate **H.4601**, a bill making provisions for the **LICENSURE OF ADDICTION COUNSELORS**. Currently an addiction counselor in this state must be certified by an approved certification board. This bill will require an addiction counselor to be licensed by the Department of Labor, Licensure, and Regulation. After October 1, 2018, an addiction counselor applicant must have a master's degree or higher and meet the other licensure requirements imposed on professional counselors and marriage and family therapists.

The House concurred in Senate amendments to **H.3513** and enrolled the bill for ratification. The legislation creates a **SOUTH CAROLINA RETIRED EDUCATOR CERTIFICATE** that allows a retired South Carolina teacher to be eligible to maintain certification for the purpose of substituting. A retired educator certificate is valid for five years as is renewable.

The House concurred in Senate amendments to **H.3701**, legislation facilitating **KINSHIP FOSTER PARENTS**, and enrolled the bill for ratification. The legislation provides that before the South Carolina Department of Social Services places a child with a relative who is not licensed as a foster parent, the department is required to inform the relative of the procedures for licensure as a foster parent, the benefits of licensure as a foster parent, including eligibility for financial assistance and supportive services, and the risk that the relative may be ineligible for that assistance and services if the relative is not licensed as a foster parent. Potential kinship foster parents would be required to undergo background checks that include checking the Central Registry of Child Abuse and Neglect. The legislation sets forth the responsibilities of kinship foster parents and makes provisions for kinship care to be monitored by SCDSS. The legislation requires the agency to maintain specified kinship foster care data. The legislation also includes a provision that identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child's welfare abused, neglected, or harmed the child.

The House concurred in Senate amendments to **H.3442**, a bill **AFFIRMING RIGHTS TO ADOPT CHILDREN IN THE TEMPORARY CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES** in response to recent South Carolina court opinions that the state's laws do not accommodate such adoptions, and enrolled the bill for ratification.

The House amended, approved, and sent the Senate **H.3002**, the "**REGULATORY FREEDOM ACT**" which establishes a five year duration for state agency regulations. The legislation revises the Administrative Procedures Act to provide that when a new regulation is promulgated or an existing regulation is amended, it expires five years from the date on which it becomes effective.

The House amended, approved, and sent the Senate **H.5038**, a bill **DISALLOWING PHARMACY BENEFIT INSURANCE 'GAG CLAUSE' ARRANGEMENTS** that restrict pharmacists from offering the insured more affordable alternatives for a prescription drug that may be less than the insured's copayment cost. The legislation includes new prohibited acts for a pharmacy benefit manager to disallow arrangements that would prevent pharmacists from offering these lower-cost alternatives and arrangements that charge or penalize pharmacists for selling these alternatives to insureds.

The House amended, approved, and sent the Senate **H.4710**, a bill making revisions relating to certain **MILITARY SPECIAL LICENSE PLATES**. The legislation exempts special motor vehicle license plates for Operation Desert Storm Desert Shield Veterans, Operation Enduring Freedom Veterans, and Operation Iraqi Freedom Veterans from requirements for the Department of Motor Vehicles to retain sufficient funds in a restricted account to defray the expenses associated with producing and administering these special license plates. The legislation authorizes the Department of Motor Vehicles to issue special motor vehicle license plates for those who have been awarded the Air Medal. The newly-created 'Air Medal' special license plates are also exempt from requirements for the DMV to retain sufficient funds in a restricted account to defray expenses.

The House approved and sent the Senate **H.4875**, the "**SOUTH CAROLINA SOLAR HABITAT ACT**". The legislation establishes voluntary solar best management practices for commercial

solar energy generation sites that provide native perennial vegetation and foraging habitats beneficial to gamebirds, songbirds, and pollinators and reduce storm water runoff and erosion at the solar generation site. The legislation provides that certificates of compliance may be issued to those that meet solar site guidelines.

The House amended, approved, and sent the Senate **H.4946**, a bill that revises provisions governing the issuance of **SHELLFISH IMPORTATION PERMITS** by the SC Department of Natural Resources in order to eliminate references to genetically modified shellfish.

The House approved and sent the Senate **H.4877**, a bill that revises the composition of the **BOARD OF PYROTECHNIC SAFETY** by designating one additional seat for a member who is a fireworks retailer and eliminating one seat designated for a member of the general public.

The House approved and sent the Senate **H.4962**, a bill addressing **TITLE INSURERS AND RETALIATORY TAXES BY OTHER STATES**. The legislation revises provisions governing retaliatory taxes by other states against insurance companies chartered in this state, so as to provide title insurers only may include their portion of the premium in the retaliatory tax computations and are prohibited from including these amounts in the South Carolina column of retaliatory tax worksheets.

The House amended, approved, and sent the Senate **H.5042**, a bill **REVISING PROCEDURES IN THE STATEWIDE PROGRAM FOR ADDRESSING UNSOUND SCHOOL DISTRICT FINANCES** which affords the State Department of Education authority that extends beyond academic matters to include fiscal affairs.

The House amended, approved, and sent the Senate **H.4487**, a bill that implements recommendations arising from the House Legislative Oversight Committee's study of the Department of Health and Environmental Control. The legislation makes technical adjustments and revisions relating to the **SCHEDULING OF CONTROLLED SUBSTANCES**. The legislation eliminates provisions authorizing the Department of Health and Environmental Control to use an expedited process to identify a substance as a controlled substance on an emergency basis when the General Assembly is not in session.

The House approved and sent the Senate **H.4485**, a bill that implements recommendations arising from the House Legislative Oversight Committee's study of the **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**. Revisions include the elimination of outdated references and clarification that appeals from administrative decisions can be provided electronically.

The House amended, approved, and sent the Senate **H.4410**, a bill that implements recommendations relating to **TATTOO FACILITIES** arising from the House Legislative Oversight Committee's study of the Department of Health and Environmental Control. The legislation includes a provision that authorizes DHEC to impose a monetary penalty, as established in regulation promulgated by the department, upon a facility or individual operating without a required license.

The House amended, approved, and sent the Senate **H.4426**, a bill that implements recommendations relating to **BODY PIERCING FACILITIES** arising from the House Legislative Oversight Committee's study of the Department of Health and Environmental Control. The legislation includes a provision that authorizes DHEC to impose a monetary penalty, as established in regulation promulgated by the department, upon a facility or individual operating

without a required license.

The House amended, approved, and sent the Senate **H.4438**, a bill that implements recommendations relating to **HEARING AID SPECIALISTS** arising from the House Legislative Oversight Committee's study of the Department of Health and Environmental Control. The legislation makes revisions to accommodate the Commission of Hearing Aid Specialists' use of third parties for examinations used in the licensure of specialists. The legislation includes a provision that authorizes DHEC to impose a monetary penalty for violations, as established in regulation promulgated by the department.

The House approved and sent the Senate **H.4020**, a bill **REQUIRING A LANDOWNER TO BE PROVIDED NOTICE BEFORE A CONDEMNOR EXERCISES A RIGHT TO ENTER ON REAL PROPERTY SUBJECT TO CONDEMNATION**. The legislation provides that the condemnor shall mail, by first class mail, notice of its application for an ex parte order to the landowner at least five days' prior to the execution of the ex parte order.

The House amended, approved, and sent the Senate **H.5153**, a bill making revisions to the **VENUE FOR WORKERS' COMPENSATION COMMISSION HEARINGS**. The legislation provides that hearings must be held in the Workers' Compensation Commission district, rather than the city or county, in which an injury has occurred, so long as the location is no greater than seventy five miles from the county seat of the county in which the injury occurred.

The House amended, approved, and sent the Senate **H.5064**, a bill making updates and technical corrections arising from the House Legislative Oversight Committee's study of the **HUMAN AFFAIRS COMMISSION**.

The House approved and sent the Senate **H.4628**, a bill enacting the "**SOUTH CAROLINA TELEPHONE PRIVACY PROTECTION ACT**" to replace current provisions for regulating unsolicited consumer telephone calls with updated and enhanced consumer protection provisions relating to telemarketers.

The House amended, approved, and sent the Senate **H.4795**, legislation establishing a **MOTOR VEHICLE DEALER EXEMPTION** that facilitates the annual Hilton Head Island Concours D'Elegance. The legislation provides an exemption from provisions governing motor vehicle dealers for persons conducting a limited number of charitable auctions each year of investment grade, collector, or other special interest motor vehicles.

The House continued **H.3064**, a bill **AUTHORIZING A LICENSED PHYSICIAN TO PRESCRIBE CONTRACEPTIVE DRUGS THAT MAY BE DISPENSED OVER A PERIOD OF UP TO THREE YEARS AFTER THE ORDER IS ISSUED**.

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Our mailing address is:

Chip Huggins, House District 85

1105 Pendleton St.

Post Office Box 11867

Columbia, SC 29211

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