**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3884**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Haddon, Burns, Chumley, Long, Ligon, Vaughan, Magnuson, Trantham, Nutt, Hixon and Forrest

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Introduced in the House on February 7, 2023

Currently residing in the House

Summary: Security from Trespass and Protecting Food Safety Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/7/2023 House Introduced and read first time ([House Journal‑page 19](h:\hj\20230207.docx))

2/7/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 19](h:\hj\20230207.docx))

2/21/2023 House Member(s) request name added as sponsor: Forrest

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**VERSIONS OF THIS BILL**

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3884_20230207.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “THE SECURITY FROM TRESPASS AND PROTECTING FOOD SAFETY ACT OF 2023”; AND BY ADDING ARTICLE 9 TO CHAPTER 9, TITLE 47 SO AS TO DEFINE TERMS AND PROVIDE THE APPLICABILITY OF THE ACT, TO PROHIBIT THE ENTERING INTO OR ON AN ANIMAL PROTECTION ZONE ON A FARM, ANIMAL PROCESSING FACILITY, OR PRESCRIBED PREMISES WITHOUT CONSENT, TO PROHIBIT THE INTERFERENCE OR INTERACTION WITH A FARM ANIMAL IN OR ON AN ANIMAL PROTECTION ZONE ON A FARM, ANIMAL PROCESSING FACILITY, OR PRESCRIBED PREMISES WITHOUT THE CONSENT OF THE OWNER, TO PROHIBIT THE STOPPING, HINDERANCE, OBSTRUCTION, OR INTERFERENCE WITH A MOTOR VEHICLE TRANSPORTING FARM ANIMALS, TO PROHIBIT THE INTERFERENCE OR INTERACTION WITH A FARM ANIMAL ON A MOTOR VEHICLE FOR TRANSPORTATION, AND TO OUTLINE PENALTIES, AMONG OTHER THINGS.

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

SECTION 1. This act may be cited as the “The Security from Trespass and Protecting Food Safety Act of 2023”.

SECTION 2. Chapter 9, Title 47 of the S.C. Code is amended by adding:

Article 9

Security from Trespass and Protecting Food Safety

Section 47‑9‑910. For purposes of this article:

(1) “Animal processing facility” means a prescribed facility at which farm animals are processed.

(2) “Animal protection zone”, with respect to a farm, animal processing facility, or prescribed premises, means an area on the farm, facility, or premises on which farm animals may be kept or located and that is:

(a) an enclosure for farm animals, whether or not it is marked as an animal protection zone; or

(b) an area that meets requirements of this article and is marked as an animal protection zone by the owner or occupier using signs.

(3) “Commissioner” means the commissioner of the Department of Agriculture.

(4) “Farm animal” means an animal that is raised, bred, or kept on a farm.

(5) “Motor vehicle” means any motor driver vehicle required to be registered pursuant to Section 56‑3‑110.

(6) “Occupant” means, with respect to a farm, animal processing facility, or prescribed premises:

(a) a person who is in physical possession of the farm, facility, or premises; or

(b) a person who has responsibility for and control over the condition of the farm, facility, or premises, the activities carried out on the farm, facility, or premises, or the persons who are allowed to enter the farm, facility, or premises.

(7) “Prescribed premises” means any premises where farm animals are kept.

Section 47‑9‑920. This article applies to all farms, animal processing facilities, and prescribed premises at which farm animals are kept, except those farms, animal processing facilities, or prescribed premises which may be exempt from this article. The commissioner may promulgate regulations to effectively administer the provisions of this article.

Section 47‑9‑930. (A) No person may enter into or on an animal protection zone on a farm without the prior consent of the owner or occupier of the farm.

(B) No person may enter into or on an animal protection zone on an animal processing facility without the prior consent of the owner or occupier of the facility.

(C) No person may enter into or on an animal protection zone on prescribed premises without the prior consent of the owner or occupier of the premises.

(D) No person may interfere or interact with a farm animal in or on an animal protection zone on a farm, animal processing facility, or prescribed premises without the consent of the owner or occupier of the premises.

(E) Prior consent of an owner or occupier is not inferred by a person seeking to enter in or on an animal protection zone or to interfere with a farm animal in or on the animal protection zone solely on the basis that:

(1) the owner or occupier has not prohibited the person directly, orally or in writing, from entering the animal protection zone, from interfering or interacting with a farm animal, or has not otherwise objected to the person’s presence; or

(2) no signs have been erected on the farm, animal processing facility, or prescribed premises to restrict or prohibit the entry in or on the animal protection zone or interference or interaction with farm animal.

(F) Consent to entering in or on an animal protection zone or interfering or interacting with farm animals is invalid if it is obtained from the owner or occupier of the animal protection zone using duress or under false pretenses.

(G) No person shall deface, alter, damage, or remove any signs that have been posted on a farm, animal processing facility, or prescribed premises to demarcate an animal protection zone or to prohibit or regulate access to or activities carried out in or on animal protection zones.

Section 47‑9‑940. (A) No person may stop, hinder, obstruct, or otherwise interfere with a motor vehicle transporting farm animals.

(B) No person may interfere or interact with a farm animal being transported by a motor vehicle without the prior consent of the driver of the motor vehicle.

(C) Prior consent of the driver of a motor vehicle transporting farm animals may not be inferred by a person seeking to interfere or interact with a farm animal being transported solely because the driver has not specifically prohibited the person from doing so.

(D) Consent to interfering or interacting with a farm animal is invalid if it is obtained from the driver of the motor vehicle transporting the farm animal using duress or under false pretenses.

(E) The prohibitions of this section do not apply to:

(1) a law enforcement officer if the person is acting within the scope of his duties;

(2) a firefighter, paramedic, or other emergency personnel if the person is acting within the scope of his duties; or

(3) any other person permitted by law, if the person is acting within the scope of his duties.

Section 47‑9‑950. (A) The owner or occupier of a farm, animal processing facility, or prescribed premises who finds a person in or on an animal protection zone on the farm, facility, or premises in violation of Section 47‑9‑930, while the person is still on the farm, facility, or premises may:

(1) request that the person provide his name and address;

(2) request that the person cease the activity; and

(3) request that the person leave the premises.

(B) A person who receives a request under this section must comply promptly.

(C) No person shall provide false or misleading information in response to a request for the person’s name and address.

Section 47‑9‑960. (A) The driver of a motor vehicle transporting farm animals whose vehicles is stopped, hindered, obstructed, or otherwise interfered with in violation of Section 47‑9‑940(A) or who finds a person interfering or interacting with a farm animal being transported by a motor vehicle in violation of Section 47‑9‑940(B) may:

(1) request the person cease stopping, hindering, obstructing, or otherwise interfering with the motor vehicle; or

(2) request that the person cease interfering or interacting with the farm animal.

(B) A person who receives a request under this section shall comply promptly.

(C) A request under this section may be made by a person authorized by the driver.

Section 47‑9‑970. (A) Any person who violates Sections 47‑9‑930 or 47‑9‑940 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year. Conviction for a second or subsequent offense is a felony, and the person must be fined not more than two thousand dollars or imprisoned not more than five years.

(B) If a person is found guilty of a violation of Section 47‑9‑930 or 47‑9‑940, the court may make a restitution order requiring the convicted person to pay damages to an owner or occupier of a farm, animal processing facility, or prescribed premises, or to a driver of a motor vehicle transporting farm animals for any injury, loss, or damage suffered by the owner, occupier, or driver during or as a result of the commission of the offense, including losses or damages resulting from a disease contracted by farm animals as a result of the commission of the offense.

(C) Two or more persons found guilty of an offense in violation of Section 47‑9‑930 or 47‑9‑940, shall be jointly and severally liable for any damages payable to the owner or occupier of the farm, animal processing facility, or prescribed premises.

Section 47‑9‑980. (A) If a person enters into or on an animal protection zone on a farm, animal processing facility, or prescribed premises or interferes or interacts with a farm animal or carries out an activity in or on the animal protection zone in violation of this article, the owner or occupier of the farm, facility, or prescribed premises shall not be liable for any injury, loss, or damages suffered by that person unless:

(1) the owner or occupier created a danger with the deliberate intent of doing harm or damage to the person; or

(2) the injury, loss, or damages were caused by actions taken by the owner or occupier with wilful or reckless disregard for the presence of the person.

(B) If a person stops, hinders, obstructs, or otherwise interferes with a motor vehicle transporting farm animals or by interfering or interacting with a farm animal being transported on a motor vehicle, the driver of the motor vehicle shall not be liable for any injury, loss, or damages suffered by that person unless:

(1) the driver created a danger with deliberate intent of doing harm or damage to the person; or

(2) the injury, loss, or damages were caused by actions taken by the driver with wilful or reckless disregard for the presence of that person.

Section 47‑9‑990. Any proceeding for a violation of this article must commence within two years of the discovery of the act.

SECTION 3. This act takes effect upon approval by the Governor.

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