**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4546**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, A.M. Morgan, May, Beach, Burns, Chumley, Cromer, S. Jones, Kilmartin, Harris, McCabe, T.A. Morgan, O'Neal, Oremus, Pace, Trantham and White

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Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Judiciary**

Summary: No Open-ended Powers of Emergencies Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 78)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 78)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4546&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4546_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY enacting the “no open‑ended Powers of emergency (NOPE) act” by AMENDING SECTION 25‑1‑440, RELATING TO THE ADDITIONAL POWERS AND DUTIES OF THE GOVERNOR DURING A DECLARED EMERGENCY, SO AS TO PROVIDE THAT THE GOVERNOR SHALL JUSTIFY THE CONDITIONS WHICH LEAD TO THE PUBLIC HEALTH EMERGENCY AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY EXTEND A STATE OF EMERGENCY THROUGH A CONCURRENT RESOLUTION IN CERTAIN INSTANCES.

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

SECTION 1. This act may be cited as the “No Open‑Ended Powers of Emergency (NOPE) Act”.

SECTION 2. Section 25‑1‑440(a)(2) of the S.C. Code is amended to read:

 (2) declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency, as defined in Section 44‑4‑130, has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation. In finding that a public health emergency has occurred, the Governor shall enumerate the conditions within this State that he has relied upon to justify the declaration, including what scientific data has been collected within the State, without referencing federal or international guidelines, rules, acts, or orders. A declared public health state of emergency shall not continue for a period of more than fifteen thirty days without the express consent of the General Assembly through a concurrent resolution. If the General Assembly does not consent expressly, the Governor has no power to declare a new state of emergency, which has the effect of extending the original declaration, or the power to declare a new state of emergency for the same underlying public health emergency because of changed circumstances or a change in the degree of impact;

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

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