**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5169**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Haddon, G.M. Smith, Hiott, Taylor, Hixon, Forrest, Wooten, Crawford, Gibson, Hartnett, Robbins, Sessions, Mitchell, T. Moore, Gilliam, Brewer, Ligon, Bradley, Brittain, Guest, B.L. Cox, Long, Chapman, J.E. Johnson, Burns, O'Neal, Vaughan, McCravy, Davis, Nutt, Trantham, Hyde, McGinnis, Hardee, Bailey, S. Jones, Guffey, West, Schuessler, Gatch, Gagnon, Herbkersman, Lawson, Moss, Murphy, Chumley, Carter, Magnuson, M.M. Smith, Pope, Cromer, Oremus and Beach

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Introduced in the House on February 28, 2024

Introduced in the Senate on April 2, 2024

Last Amended on April 18, 2024

Currently residing in the House

Summary: Farmer Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/28/2024 House Introduced and read first time (House Journal‑page 20)

 2/28/2024 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 20)

 2/29/2024 House Member(s) request name added as sponsor: Chumley,
 Carter

 3/27/2024 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 161)

 3/28/2024 House Member(s) request name added as sponsor:
 Magnuson, M.M. Smith, Pope, Cromer, Oremus, Beach

 3/28/2024 House Amended (House Journal‑page 72)

 3/28/2024 House Read second time (House Journal‑page 72)

 3/28/2024 House Roll call Yeas-110 Nays-0 (House Journal‑page 75)

 3/28/2024 House Unanimous consent for third reading on next legislative day (House Journal‑page 76)

 3/29/2024 House Read third time and sent to Senate (House Journal‑page 6)

 4/2/2024 Senate Introduced and read first time (Senate Journal‑page 23)

 4/2/2024 Senate Referred to Committee on **Agriculture and Natural Resources** (Senate Journal‑page 23)

 4/2/2024 Scrivener's error corrected

 4/8/2024 Scrivener's error corrected

 4/11/2024 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** (Senate Journal‑page 3)

 4/18/2024 Senate Committee Amendment Adopted (Senate Journal‑page 31)

 4/18/2024 Senate Amended (Senate Journal‑page 31)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5169&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240228.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240328.docx)

[04/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240402.docx)

[04/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240408.docx)

[04/11/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240411.docx)

[04/18/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5169_20240418.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted and Amended

April 18, 2024

H. 5169

Introduced by Reps. Haddon, G.M. Smith, Hiott, Taylor, Hixon, Forrest, Wooten Crawford, Gibson, Hartnett, Robbins, Sessions, Mitchell, T. Moore, Gilliam, Brewer, Ligon, Bradley, Brittain, Guest, B.L. Cox, Long, Chapman, J.E. Johnson, Burns, O’Neal, Vaughan, McCravy, Davis, Nutt, Trantham, Hyde, McGinnis, Hardee, Bailey, S. Jones, Guffey, West, Schuessler, Gatch, Gagnon, Herbkersman, Lawson, Moss, Murphy, Chumley, Carter, Magnuson, M.M. Smith, Pope, Cromer, Oremus and Beach

S. Printed 04/18/24--S.

Read the first time April 02, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 46 BY ENACTING THE “FARMERS PROTECTION ACT” TO PREVENT DISCRIMINATION IN FINANCING AGAINST FARMERS.

 Amend Title To Conform

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

SECTION 1. Chapter 1, Title 46 of the S.C. Code is amended by adding:

Article 3

Farmers Protection Act

 Section 46‑1‑310. For purposes of this article:

 (1) “Agriculture producer” means a person or company authorized to do business in South Carolina and engaged in the production of goods derived from plants or animals including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

 (2) “Commissioner” means the Commissioner of the Department of Agriculture.

 (3) “Company” means a for‑profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority‑owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in South Carolina.

 (4) “Denies or restricts” means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

 (5) “Discriminate in the provision of financial services” means to deny or restrict services and thereby decline to provide financial services.

 (6) “ESG factor” means any factor or consideration that is collateral to or not reasonably likely to effect or impact the financial risk and include the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes which may include the agriculture producer’s greenhouse gas emissions, use of fossil‑fuel derived fertilizer, or use of fossil‑fuel powered machinery.

 (7) “Financial institution” means a company authorized to do business in South Carolina that has total assets over one hundred billion dollars and offers financial services. A financial institution includes any affiliate or subsidiary company, even if that affiliate or subsidiary company is also a financial institution.

 (8) “Financial service” means any product or service that is of a financial nature and is offered by a financial institution.

 Section 46‑1‑320. (A) A financial institution may not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

 (B) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution’s denial or restriction of a financial service to an agriculture producer violates subsection (A).

 (C) A financial institution may overcome the inference in subsection (B) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

 Section 46‑1‑330. Section 46‑1‑320 may be enforced by the South Carolina Attorney General. Any violation of Section 46‑1‑320 constitutes an unfair trade practice in violation of Chapter 5, Title 39, and the Attorney General may investigate and seek remedies as provided in that law. Actions for damages may be sought by an aggrieved party pursuant to Section 39-5-140.

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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