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2026 REGULAR SESSION

Acts and Joint Resolutions

of the

GENERAL ASSEMBLY
OF THE STATE OF SOUTH CAROLINA

Numbers in parenthesis to left of act numbers (numbers in bold face) refer as follows: number with R before it refers to ratification number, number with S before it refers to bill number in Senate, and number with H before it refers to bill number in House of Representatives.

Ashley Harwell-Beach, Code Commissioner, P.O. Box 11489,
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No. 246

(R127, S238)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-1-180, RELATING TO ADJOURNMENT OF THE GENERAL ASSEMBLY AND CONDITIONS FOR EXTENDED SESSION, SO AS TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY CALL THEIR RESPECTIVE BODIES INTO SESSION AFTER THE SINE DIE ADJOURNMENT DATE IF THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION IS NOT COMPLETED BY THE SINE DIE ADJOURNMENT DATE, TO PROVIDE THE TIME PERIOD DURING WHICH THE SENATE AND THE HOUSE OF REPRESENTATIVES MAY BE CALLED BACK TO COMPLETE THOSE MATTERS AND ANY CONFERENCE COMMITTEES APPOINTED ON OR BEFORE THE DATE OF SINE DIE ADJOURNMENT, AND TO PROVIDE FOR THE TOLLING OF THE ONE-HUNDRED-TWENTY-DAY PERIOD THAT THE GENERAL ASSEMBLY HAS TO REVIEW STATE REGULATIONS.

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

Sine Die Adjournment, extended session conditions

SECTION 1. Section 2-1-180 of the S.C. Code is amended to read:

Section 2-1-180. (A) The regular annual session of the General Assembly shall adjourn sine die each year not later than five o'clock p.m. on the second Thursday in May. The regular annual session of the General Assembly can be extended:

(1) if the House of Representatives fails to give a third reading to the annual general appropriations bill by March thirty-first, the date of sine die adjournment is extended by one statewide day for each statewide day after March thirty-first that the House of Representatives fails to give the bill third reading;

(2) if the general appropriations bill or Capital Reserve Fund resolution is not completed by the sine die adjournment date, the President of the Senate and the Speaker of the House of Representatives may call their respective bodies into session at any time after the date of

sine die adjournment and until the last day in June to complete those matters and any conference committees appointed on or before the date of sine die adjournment;

(3) if a forecast reduction is submitted by the Board of Economic Advisors pursuant to Section 11-9-880 after April tenth for the next fiscal year, the adjournment date for the General Assembly may be extended up to two weeks with the agreement of the Speaker of the House and the President of the Senate; or

(4) if a concurrent resolution is adopted by a two-thirds vote of both the Senate and House of Representatives not later than five o'clock p.m. on the second Thursday in May. During the time between five o'clock p.m. on the second Thursday in May and the extended sine die adjournment date, as set forth herein, no legislation or other business may be considered except any matters approved for consideration by a concurrent resolution adopted by two-thirds vote in both houses.

(B) For the purposes of the Administrative Procedures Act, the period that the General Assembly has to review state regulations is tolled from the second Friday in May through the second Monday in January.

Time effective

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

Ratified the 13th day of May, 2026

Approved the 25th day of June, 2026

No. 247

(R179, H3558)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 23 OF CHAPTER 1, TITLE 1, RELATING TO CALLS OR APPLICATIONS FOR CONSTITUTIONAL AMENDING CONVENTIONS MADE TO CONGRESS, SO AS TO RETITLE THE ARTICLE, TO DEFINE NECESSARY TERMS, AND TO PROVIDE FOR THE QUALIFICATIONS, APPOINTMENT, OATH, AND DUTIES OF

COMMISSIONERS APPOINTED TO REPRESENT THE STATE AT AN ARTICLE V CONVENTION, AMONG OTHER THINGS.

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

Commissioners

SECTION 1. Article 23, Chapter 1, Title 1 of the S.C. Code is amended to read:

Article 23

Calls for Constitutional Amending Convention

Section 1-1-1510. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

Section 1-1-1515. As used in this article:

(1) “Advisory committee” means a committee consisting of members selected by each chamber using the process defined in this resolution to perform the duties defined in this resolution.

(2) “Article V convention” means either a convention of states for proposing amendments or a state ratification convention, as expressly provided for in the United States Constitution, Article V.

(3) “Chamber” means either the Senate or the House of Representatives of the General Assembly.

(4) “Commissioner” means a person selected by resolution of the General Assembly as provided herein to represent this State at an Article V convention for proposing amendments.

(5) “Commissioning Resolution” means the resolution adopted by the General Assembly which sets forth the names of the appointed commissioners, their commissions, and instructions.

(6) “Delegation” means the group of commissioners and interim commissioners chosen by the General Assembly to attend an Article V convention with the powers and duties defined in this resolution.

(7) “Interim Commissioner” means a person selected by the advisory committee pursuant to Section 1-1-1550 to fill a vacancy in the delegation.

Section 1-1-1520. (A) At the time of appointment and throughout the Article V convention, a commissioner must be:

(1) a United States citizen and have been a United States citizen for at least five years;

(2) a resident of the State and have been such for at least five years;

(3) at least twenty-five years old; and

(4) a registered voter in this State.

(B) At the time of appointment and throughout the Article V convention, a commissioner must not:

(1) be registered or required to be registered as a federal lobbyist at any time within the last five years;

(2) have been a federal employee (other than a member of the United States Armed Forces) or contractor at any time within the last ten years;

(3) have held a federal elected or appointed office at any time within the last ten years; and

(4) have a felony conviction in any jurisdiction within the last ten years.

Section 1-1-1525. (A) Seven commissioners shall be named by a resolution passed by a majority of those present and voting in a joint session of the General Assembly. In addition, one alternate commissioner will be named, but may only act in the event one of these seven voting commissioners is removed.

(B) Commissioners may be recalled or removed at any time and for any reason by a joint resolution of the General Assembly or by a majority of those present and voting in a joint session thereof. If the General Assembly is not in session, commissioners may be recalled and suspended from their duties by the advisory committee, pending a vote of the General Assembly.

Section 1-1-1530. (A) The resolution naming the commissioners shall include their commission. The commission shall include, but shall not be limited to, the following components:

(1) A commissioner shall not vote for or otherwise promote any change to the traditional convention rule of decision on the floor and in the committee of the whole that each state has one vote.

(2) A commissioner shall not vote in favor of any proposed amendment that would alter the text of the specific guarantees of individual liberty established by the Constitution, including the original Constitution, the Bill of Rights, and the following amendments: Thirteenth, Fourteenth, Fifteenth, Nineteenth, Twenty-Third,

Twenty-Fourth, and Twenty-Sixth.

(B) The commissioning resolution shall clearly state the scope of the commissioners' authority, subject to the following limitations:

(1)(a) if this State was not one of the two-thirds of the states applying for the Article V convention, the subject matter enumerated in the 34 state applications that triggered the convention; or

(b) if this State was one of the two-thirds of the states applying for the Article V convention, the subject matter in this state's application; and

(2) any additional instructions from the General Assembly, whether in the commissioning resolution or issued thereafter.

(C) The General Assembly may provide additional instructions at any time via subsequent resolution, a copy of which the Clerk of the House of Representatives shall provide to each commissioner.

Section 1-1-1535. (A) Each commissioner shall, before exercising any function of the position, execute the following oath in writing: "I do solemnly swear (or affirm) that I accept and will act according to the limits of authority specified in my commission and any present or subsequent instructions. I understand that violating this oath may subject me to penalties provided by law."

(B) A commissioner's executed oath shall be filed with the Secretary of State.

Section 1-1-1540. After a commissioner's executed oath is filed with the Secretary of State, the Clerk of the House of Representatives shall provide to the commissioner an official copy of the executed oath and the commissioning resolution, which together shall serve as the commissioner's credentials.

Section 1-1-1545. Any vacancies shall be filled by the advisory committee's selection of an interim commissioner until such time as a vote by a joint session of the legislature shall select a permanent replacement.

Section 1-1-1550. (A) A commissioner shall receive the same compensation as a member of the General Assembly, prorated for length of time served.

(B) A commissioner is entitled to receive the same allowance for expenses as provided to a member of the General Assembly.

Section 1-1-1555. Neither a commissioner nor an interim commissioner shall accept, during his or her time of service, any gifts or benefits with a combined value of more than two hundred dollars other than from a member of his or her family and of the kind customarily granted by a member of one's family. The term "gift or benefit" shall be construed liberally to include current and future loans, lodging, food, offer of prospective employment, and other actual and prospective benefits. An employer's decision to continue paying a commissioner's current salary shall not be construed to be a gift.

Section 1-1-1560. (A) The commissioners within the delegation, including any interim commissioners filling a vacancy, shall choose from among them a person who shall chair the delegation, a person who shall cast the state's vote on the convention floor, and a person to speak to the media on behalf of the delegation. If the delegation so decides, the same person may exercise any two or all three functions. The delegation may designate a different commissioner to perform any function at any time.

(B) Each commissioner shall take care to avoid communicating the impression to any person outside the delegation that the delegation is divided on a question on which the delegation has taken a formal position including, but not limited to, casting a vote.

(C) No commissioner other than the one designated to communicate with the media on behalf of the delegation shall communicate with the media about convention business during the convention or during any temporary recess or temporary adjournment.

(D) A commissioner violating subsection (B) or (C) may be suspended or recalled by the advisory committee or by the General Assembly.

(E) Subsections (B) and (C) shall not be construed to prevent a commissioner from presenting his or her opinions to the convention or debating a matter at the convention on which his or her delegation has not formally taken a position.

(F) The quorum for decision by the delegation, including the designation of commissioners for particular duties and the determination of how the state's vote shall be cast, shall be a majority present and voting at the time the delegation is polled. No decisions shall be made and no vote shall be cast if less than a majority of the delegation votes in the poll.

(G) The rule of decision for the delegation, a quorum being present, shall be a majority of those present and voting at the time of polling.

Section 1-1-1565. (A) The advisory committee consists of the following members:

(1) two state senators, one a member of the majority political party in the Senate and one a member of the largest minority political party in the Senate appointed by the President of the Senate;

(2) two state representatives, one a member of the majority political party in the House and one a member of the largest minority political party in the House appointed by the Speaker of the House; and

(3) a member of the legislature nominated by joint action of the President of the Senate and the Speaker of the House of Representatives and approved by the majority of those voting in each chamber.

(B) The advisory committee shall select one of its members as chair.

(C) A commissioner may request that the advisory committee advise him as to whether a prospective action by the commissioner would violate the commissioning resolution or any subsequent instructions.

(D) The advisory committee:

(1) shall communicate to the commissioner requesting such advice a determination within twenty-four hours of receiving the request;

(2) may communicate such determination by any appropriate medium;

(3) shall have authority to hire staff and develop appropriate procedures and mechanisms for monitoring the convention, its committees, and subcommittees; and

(4) may meet virtually to take any necessary actions.

Section 1-1-1570. (A) Whenever the advisory committee has reason to believe that a commissioner or interim commissioner has acted outside the scope of his or her authority, the committee shall notify the Speaker of the House, the President of the Senate, and the Attorney General.

(B) Upon the request for a determination by the Speaker of the House, the President of the Senate, or the Attorney General on whether a commissioner or interim commissioner has exceeded the scope of his or her authority, the advisory committee shall issue a determination on whether the commissioner or interim commissioner did exceed his or her authority. The determination shall be expeditiously made and immediately communicated to the person requesting it and to the presiding officers of the convention.

(C) Upon a finding that a commissioner or interim commissioner has exceeded the scope of his or her authority:

(1) the commissioner or interim commissioner may be immediately removed or recalled by the Speaker of the House or the President of the Senate; and

(2) this finding must be forwarded to the Attorney General to

investigate whether the commissioner or interim commissioner has committed misconduct in office.

(D) A commissioner or interim commissioner who is convicted of committing misconduct in office is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

Section 1-1-1575. Any individual who, while not being privileged by law, knowingly bribes, threatens, intimidates, or obstructs a commissioner or interim commissioner in the performance of his duties, or attempts to do so, is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars and imprisoned not more than one year.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 25th day of June, 2026

No. 248

(R227, S428)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; BY AMENDING SECTION 17-22-910, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT; AND BY ADDING SECTION 17-1-43 SO AS TO REQUIRE THE DESTRUCTION OF ARREST RECORDS OF PERSONS MADE AS A RESULT OF MISTAKEN IDENTITY UNDER CERTAIN CIRCUMSTANCES.

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

Fraudulent checks, expungement of multiple convictions

SECTION 1. Section 34-11-90 of the S.C. Code is amended by adding:

(f) notwithstanding another provision of law, if a defendant receives multiple convictions within a three-year period of time in magistrates court for a violation of this section, the defendant may, after ten years from the date of the last conviction, apply or cause someone acting on his behalf to apply, to the court for an order expunging the records of arrest and the multiple convictions. This provision does not apply to any crime classified as a felony. If the defendant receives no other convictions during the ten-year period following the last conviction under this section and full restitution has been made on all checks that are the subject of the convictions, the court must issue an order expunging the records. No person may take advantage of the rights permitted by this subsection more than once. Neither the application for nor successful expungement of a qualifying applicant's record as authorized by subsection (e) precludes application for and expungement of a qualifying applicant's record under this subsection. After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this subsection more than once. This nonpublic record is not subject to release under Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need this information in order to prevent the rights afforded by this subsection from being taken advantage of more than once.

Expungement, multiple convictions for misdemeanor fraudulent checks

SECTION 2. Section 17-22-910(A)(1) of the S.C. Code is amended to read:

(1) Section 34-11-90(e), first offense misdemeanor fraudulent check or Section 34-11-90(f), multiple misdemeanor offenses of fraudulent check;

Destruction of certain arrest records

SECTION 3. Chapter 1, Title 17 of the S.C. Code is amended by adding:

Section 17-1-43. (A) Notwithstanding the provisions of Section 17-1-40, no later than one hundred eighty days after an investigation by a law enforcement or prosecution agency reveals that a person was arrested as a result of mistaken identity, the law enforcement or prosecution agency with appropriate jurisdiction shall destroy the arrest records of that person made as a result of mistaken identity. The law enforcement or prosecution agency, as appropriate, shall establish a review process for verifying that a person's arrest records relating to mistaken identity in which no charges were filed have been destroyed as provided in this section. Neither the law enforcement or prosecution agency may charge or collect a fee for the destruction of arrest records pursuant to the provisions of this section.

(B) Law enforcement and prosecution agencies shall retain the arrest and booking record, associated bench warrants, mug shots, and fingerprints of the person under seal for three years and one hundred twenty days. A law enforcement or prosecution agency may retain the information indefinitely for purposes of ongoing or future investigations and prosecution of the offense, administrative hearings, and to defend the agency and the agency's employees during litigation proceedings. The information must remain under seal. The information is not a public document and is exempt from disclosure, except by court order.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 25th day of June, 2026

No. 249

(R266, S11)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 8-11-150 AND 8-11-155, BOTH RELATING TO PAID PARENTAL LEAVE, SO AS TO AMEND THE DEFINITION OF "ELIGIBLE STATE EMPLOYEE" AND TO INCREASE CERTAIN PAID PARENTAL LEAVE.

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

Paid parental leave

SECTION 1. Section 8-11-150 of the S.C. Code is amended to read:

Section 8-11-150. (A) For the purposes of this section:

(1) "Child" means a newborn biological child or foster of a child in state custody and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) "Eligible state employee" means any person employed by any department, institution, commission, board, or any other unit of government of this State who occupies a position eligible to earn annual leave. This includes any person employed by a four-year or postgraduate institution of higher education under the control of the State or a technical college supported by and under the control of the State who occupies a full-time equivalent, temporary grant, or time-limited position.

(3) "Paid parental leave" means six weeks of paid leave at one hundred percent of the eligible state employee's base pay or four weeks of paid leave at one hundred percent of the eligible state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

(4) "Qualifying event" means the birth of a newborn biological child to an eligible state employee or after a co-parent's birth of a newborn child or fostering a child in state custody.

(5) "Stillbirth" has the same meaning as defined in Section 44-63-55.

(B) Eligible state employees who are employed by this State, its departments, agencies, or institutions and who give birth or stillbirth are entitled to receive six weeks of paid parental leave. Other eligible state employees who do not give birth are entitled to receive four weeks of paid parental leave. An employee's paid parental leave is based on an employee's average workday.

(C) Paid parental leave usage includes the following:

(1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve-month period beginning on the date of such birth or initial legal placement. An eligible state employee shall receive no more than one occurrence of six or four weeks of paid parental leave for any twelve-month period, even if more than one qualifying event occurs. However, nothing in this item prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive one-week time periods.

(2) If the leave is not used by the eligible state employee before the end of the twelve-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the twelve-month period or at separation of employment is forfeited.

(3) Days of paid parental leave taken under this section must be taken consecutively, except that foster parents may request and receive approval for parental leave in nonconsecutive one-week time periods.

(4) If both parents are eligible state employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible state employee.

(5) Legal holidays listed in Section 53-5-10 must not be counted against paid parental leave.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family and Medical Leave Act and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not annual leave or sick leave and therefore does not deduct from the eligible state employee's accrued leave balance. An eligible state employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. However, an employer may require that an employee use paid parental leave before using annual leave if the employee's leave is taken pursuant to the Family and Medical Leave Act. Eligible state employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(D) The Division of Human Resources of the Department of Administration shall promulgate regulations, guidance, and procedures to implement this section.

Paid parental leave

SECTION 2. Section 8-11-155 of the S.C. Code is amended to read:

Section 8-11-155. (A) For the purposes of this section:

(1) "Child" means a child initially legally placed for adoption and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) "Eligible state employee" means any person employed by any department, institution, commission, board, or any other unit of government of this State who occupies a position eligible to earn annual leave. This includes any person employed by a four-year or postgraduate institution of higher education under the control of the State or a technical college supported by and under the control of the State who occupies a position eligible to earn annual leave.

(3) "Paid parental leave" means six weeks of paid leave at one hundred percent of the eligible state employee's pay or four weeks of paid leave at one hundred percent of the eligible state employee's pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

(4) "Qualifying event" means the initial legal placement of a child by adoption.

(B) Eligible state employees, who are employed by this State, its departments, agencies, or institutions and are primarily responsible for furnishing the care and nurture of the child, are entitled to six weeks of paid parental leave upon the occurrence of a qualifying event. Eligible state employees, who are employed by this State, its departments, agencies, or institutions who are not primarily responsible for furnishing the care and nurture of the child, are entitled to four weeks of paid parental leave upon the occurrence of a qualifying event. An employee's paid parental leave is based on an employee's average workday.

(C) Paid parental leave usage includes the following:

(1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve-month period beginning on the date of initial legal placement. An eligible state employee shall receive no more than one occurrence of six or four weeks of paid parental leave for any twelve-month period, even if more than one qualifying event occurs.

(2) If the leave is not used by the eligible state employee before the end of the twelve-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the twelve-month period or

at separation of employment is forfeited.

(3) Days of paid parental leave taken under this section must be taken consecutively.

(4) If both parents are eligible state employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible state employee.

(5) Legal holidays listed in Section 53-5-10 must not be counted against paid parental leave.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family and Medical Leave Act and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not annual leave or sick leave and therefore does not deduct from the eligible state employee's accrued leave balance. An eligible state employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. However, an employer may require that an employee use paid parental leave before using annual leave if the employee's leave is taken pursuant to the Family and Medical Leave Act. Eligible state employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(D) The Division of Human Resources of the Department of Administration shall promulgate regulations, guidance, and procedures to implement this section.

Time effective

SECTION 3. This act takes effect October 1, 2026, and applies to qualifying events thereon or thereafter.

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 250

(R267, S1043)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CIVIL AIR PATROL LEAVE ACT" BY ADDING CHAPTER 23 TO TITLE 25 SO AS TO DEFINE NECCESSARY TERMS, TO PROVIDE FOR THE CREATION AND ADMINISTRATION OF CIVIL AIR PATROL LEAVE, TO PROVIDE THE DUTIES OF EMPLOYEES AND RIGHTS OF EMPLOYERS REGARDING CIVIL AIR PATROL LEAVE, TO PROVIDE EXCEPTIONS, AND TO PROVIDE ANTI-DISCRIMINATION AND EMPLOYEE BENEFITS PROTECTIONS.

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

Citation

SECTION 1. This act may be cited as the "Civil Air Patrol Leave Act."

Civil Air Patrol leave

SECTION 2. Title 25 of the S.C. Code is amended by adding:

CHAPTER 23

Civil Air Patrol Leave Act

Section 25-23-10. As used in this section:

(1) "Civil Air Patrol leave" means leave requested under the provisions of this act by an employee who is a Civil Air Patrol member.

(2) "Civil Air Patrol member" means an individual who is a member of the official civilian auxiliary of the United States Air Force known as the Civil Air Patrol, primarily represented within the State by the South Carolina Wing of Civil Air Patrol.

(3) "Emergency service operation" means any Air Force-assigned mission, Civil Air Patrol National Operations-assigned mission, state of emergency or disaster declared by the President of the United States or Governor of South Carolina that encompasses any part of the State of South Carolina, or any request for assistance by any department, agency, instrumentality, or political subdivision of the State.

(4) "Employee" includes a resident individual receiving wages, as defined in Section 12-8-520(D), for services, regardless of where the services are rendered, and a nonresident individual receiving wages, as defined in Section 12-8-520(D), for services rendered in this State.

(5) "Employee benefits" means anything of value that an employee may receive from an employer in addition to wages. This term includes, but is not limited to, any health benefits, disability benefits, death benefits, group accidental death and dismemberment benefits, paid holidays, paid sick leave, paid vacation leave, paid personal necessity leave, retirement benefits, and profit-sharing benefits.

(6) "Mutual aid request" means any request from another state or political subdivision of a state seeking assistance for an emergency service operation.

Section 25-23-20. (A) Public and private employers shall provide a minimum of thirty days per calendar year of Civil Air Patrol leave to employees for the purpose of response to an emergency service operation of the Civil Air Patrol. This leave may be used in support of mutual aid requests by other states or Civil Air Patrol units outside the employee's chain of command with prior approval of his employer and the employee's wing commander or his designee.

(B) Public and private employers shall provide a minimum of ten days per year of Civil Air Patrol leave to employees for the purpose of training and proficiency activities, which may be administered by the Civil Air Patrol, the United States Air Force, the Federal Emergency Management Agency, or other emergency management-related organizations.

(C) Employers shall have discretion to grant additional days leave beyond the requirements listed above or permit employees to utilize up to five days of Civil Air Patrol leave from one category for the purposes of the other, in the event that the desired leave category has an insufficient balance.

(D) Public employers shall pay employees for all Civil Air Patrol leave taken during a calendar year at the employee's current pay rate. Private employers may provide Civil Air Patrol leave as paid or unpaid leave. Unused Civil Air Patrol leave shall not be paid out when an employee leaves employment with his employer.

(E) Civil Air Patrol leave shall be available in a lump sum at the start of each calendar year to eligible employees. Unused leave shall be forfeited at the end of calendar year and will not be carried over to a new calendar year.

Section 25-23-30. (A) An employee shall:

(1) notify his employer of his Civil Air Patrol membership within thirty days of accepting a job with a public or private employer;

(2) within eight hours of ending participation in an emergency service operation, inform his employer of his intent to return;

(3) return to work within eighteen hours of ending participation in an emergency service operation, or at the start of his next regular workday, whichever is later; and

(4) update his employer periodically on the expected duration of any absence and expected date of return due to an emergency service operation, as possible.

(B) An employer may require an employee taking Civil Air Patrol leave to provide:

(1) for training-related leave:

(a) at least two weeks' notice of his absence;

(b) his date of return to work;

(c) approval of the employee's participation in the requested training by his Civil Air Patrol group commander or higher authority; and

(d) proof of participation, to include the dates of training, from the training provider or his designee; or

(2) for operation-related leave:

(a) as much notice as possible for expected absences due to an emergency service operation;

(b) approval of the employee's participation in the operation from his Civil Air Patrol group commander or higher authority, the incident commander, or the requesting organization; and

(c) proof of participation from the operation's leadership or his designee.

Section 25-23-40. (A) No employer is required to grant Civil Air Patrol leave to an employee who is required to respond to either the same or other simultaneous emergency service operation as a first responder, emergency manager, or other emergency services personnel for a local, state, or federal agency.

(B) An employer may deny a request for Civil Air Patrol leave for an employee who has been designated as an essential employee. Employers should work with employees to provide access to Civil Air Patrol leave whenever the employee's absence will not result in demonstrable harm or disruption to daily operations. An employee shall notify his Civil Air Patrol chain of command of his designation as an essential employee as soon as possible.

Section 25-23-50. (A) Civil Air Patrol leave shall be administered as a separate leave category. An employee seeking to use Civil Air Patrol leave shall not be required to use or exhaust other forms of leave prior to the use of Civil Air Patrol leave.

(B) During a leave of absence, an employee shall be entitled to preserve all the employee benefits, rights, and privileges to which he is entitled.

(C) Any employee who utilizes Civil Air Patrol leave shall be entitled to return to the position he held, or a position of equivalent status, pay, and benefits, when the leave commenced. However, an employee is not entitled to return to the position held, or a position of equivalent status, pay, and benefits if the employer proves an employee was not restored to the same or similar position due to causes separate from the exercise of rights contained within this chapter.

(D) No employer may discharge, reprimand, discriminate against, or otherwise discipline an employee who is absent for use of Civil Air Patrol leave, complies with the provisions of this act, or opposes a practice not in compliance with the provisions of this act.

(E) An employee may bring a civil action against an employer who violates provisions of this act, provided that any action is filed within one year in the county in which the employee's place of employment is located. An employee may seek:

(1) reinstatement of the employee's former position;

(2) for a public employee, payment of back wages;

(3) employee benefits or seniority wrongly denied or withdrawn; and

(4) equitable relief to redress the violation or to enforce this act.

Notification requirement

SECTION 3. Within thirty days of the effective date of this act, current members of the Civil Air Patrol must notify their employers of their Civil Air Patrol membership.

Severability

SECTION 4. 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.

Time effective and applicability

SECTION 5. This act takes effect on October 1, 2026, and applies to qualifying events that occur on or after that date.

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 251

(R268, H3021)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SMALL BUSINESS REGULATORY FREEDOM ACT" BY AMENDING SECTION 1-23-115, RELATING TO ASSESSMENT REPORTS FOR REGULATIONS SUBMITTED FOR PROMULGATION, SO AS TO REQUIRE LEGISLATIVE APPROVAL OF REGULATIONS WITH AN ESTIMATED ECONOMIC IMPACT OF ONE MILLION DOLLARS OR MORE OVER A FIVE-YEAR PERIOD, AMONG OTHER THINGS; BY AMENDING SECTION 1-23-120, RELATING TO THE REGULATORY REVIEW AND APPROVAL PROCESS IN THE ADMINISTRATIVE PROCEDURES ACT, SO AS TO REMOVE OBSOLETE PROVISIONS; BY AMENDING SECTION 1-23-270, RELATING TO REGULATORY FLEXIBILITY ANALYSES UNDER THE SOUTH CAROLINA SMALL BUSINESS REGULATORY FLEXIBILITY ACT, SO AS TO REMOVE OBSOLETE PROVISIONS; BY AMENDING SECTION 1-23-380, RELATING TO JUDICIAL REVIEW OF AGENCY DECISIONS, SO AS TO REQUIRE DE NOVO REVIEW OF STATUTES AND REGULATIONS; BY AMENDING SECTION 1-23-610,

RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT FINAL DECISIONS, SO AS TO REQUIRE DE NOVO REVIEW OF STATUTES AND REGULATIONS; BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 1, SO AS TO PROVIDE FOR PERIODIC LEGISLATIVE AUDIT COUNCIL REVIEW OF AGENCY REGULATIONS AND TO PROVIDE RELATED REQUIREMENTS OF STATE AGENCIES; BY AMENDING SECTION 2-15-60, RELATING TO DUTIES OF THE LEGISLATIVE AUDIT COUNCIL, SO AS TO MAKE CONFORMING AND OTHER RELATED CHANGES; BY AMENDING SECTION 1-23-110, RELATING TO PUBLIC PARTICIPATION IN THE PROMULGATION OF REGULATIONS, SO AS TO PROVIDE THAT RELATED SUBMISSIONS MUST BE PROVIDED TO THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE; AND BY AMENDING SECTION 1-23-280, RELATING TO THE COMPOSITION OF THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE, SO AS TO INCLUDE ADDITIONAL NONVOTING LEGISLATIVE EX OFFICIO MEMBERS.

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

Citation

SECTION 1. This act may be cited as the "Small Business Regulatory Freedom Act."

Administrative Procedures Act, final assessment reports

SECTION 2. Section 1-23-115(B) of the S.C. Code is amended to read:

(B)(1) A state agency must submit to the Office of Research and Statistics of Revenue and Fiscal Affairs Office, a preliminary assessment report on regulations which have a substantial economic impact. Upon receiving this report the office may require additional information from the promulgating agency, other state agencies, or other sources. A state agency shall cooperate and provide information to the office on requests made pursuant to this section. The office shall prepare and publish a final assessment report within sixty days after the public hearing held pursuant to Section 1-23-110. The office shall forward the final assessment report and a summary of the final report to the promulgating agency and the Code Commissioner.

(2) In addition to the requirements of item (1), if the final assessment report indicates that the regulation's economic impact is estimated to equal or exceed one million dollars over five years, then the Senate and the House of Representatives are required to approve the regulation by a joint resolution.

Administrative Procedures Act, obsolete judicial review provision deleted

SECTION 3. Section 1-23-120(J) of the S.C. Code is amended to read:

(J) Reserved.

Administrative Procedures Act, obsolete judicial review provision deleted

SECTION 4. Section 1-23-270(F) of the S.C. Code is amended to read:

(F) Reserved.

Administrative Procedures Act, judicial interpretation

SECTION 5. Section 1-23-380(5) of the S.C. Code is amended to read:

(5)(a) The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(i) in violation of constitutional or statutory provisions;

(ii) in excess of the statutory authority of the agency;

(iii) made upon unlawful procedure;

(iv) affected by other error of law;

(v) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(vi) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(b) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo.

Administrative Procedures Act, judicial interpretation

SECTION 6. Section 1-23-610 of the S.C. Code is amended to read:

Section 1-23-610. (A)(1) For judicial review of a final decision of an administrative law judge, a notice of appeal by an aggrieved party must be served and filed with the court of appeals as provided in the South Carolina Appellate Court Rules in civil cases and served on the opposing party and the Administrative Law Court not more than thirty days after the party receives the final decision and order of the administrative law judge. Appeal in these matters is by right.

(2) Except as otherwise provided in this chapter, the serving and filing of the notice of appeal does not itself stay enforcement of the administrative law judge's decision. The serving and filing of a notice of appeal by a licensee for review of a fine or penalty or of its license stays only those provisions for which review is sought and matters not affected by the notice of appeal are not stayed. The serving or filing of a notice of appeal does not automatically stay the suspension or revocation of a permit or license authorizing the sale of beer, wine, or alcoholic liquor. Upon motion, the administrative law judge may grant, or the court of appeals may order, a stay upon appropriate terms.

(B) The review of the administrative law judge's order must be confined to the record. The court may not substitute its judgment for the judgment of the administrative law judge as to the weight of the evidence on questions of fact. The court of appeals may affirm the decision or remand the case for further proceedings; or, it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

(1) in violation of constitutional or statutory provisions;

(2) in excess of the statutory authority of the agency;

(3) made upon unlawful procedure;

(4) affected by other error of law;

(5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(C) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo.

Legislative Audit Council, regulatory review

SECTION 7. Chapter 23, Title 1 of the S.C. Code is amended by adding:

Article 4

Regulatory Review by Legislative Audit Council

Section 1-23-800. (A) Beginning July 1, 2027, the Legislative Audit Council shall schedule state agencies as defined in Section 2-15-50 so that all state agencies' regulations are formally reviewed at least once every five to eight years, provided if an agency's regulations exceed one hundred pages in the Code of State Regulations, then the Legislative Audit Council may divide the agency's regulations into one or more subject matters for review every five to eight years. In determining the order in which agencies' formal reviews are conducted, the Legislative Audit Council may consult with the President of the Senate, the Speaker of the House of Representatives, the Legislative Oversight Committees in the Senate and House of Representatives, and the chairmen of standing committees in the Senate and House of Representatives.

(B) Based on the schedule it establishes, the Legislative Audit Council shall conduct a formal review of all regulations promulgated by state agencies as defined in Section 2-15-50. The review shall determine:

(1) if the regulations are within the scope of the statutory authority for their promulgation; and

(2) if the regulations continue to operate under their statutory authority or are obsolete.

(C) By January 1 each year, beginning January 1, 2028, the Legislative Audit Council shall deliver a report to the standing committees of the Senate and House of Representatives that have jurisdiction over each agency's statutory authority that must include:

(1) the scope of review;

(2) the regulations determined by the Legislative Audit Council to be obsolete or outside the scope of enabling statutory authority; and

(3) the regulations that the applicable agency intends to begin the process of repeal or amendment in accordance with Chapter 23 of Title 1.

Section 1-23-810. (A) If an agency fails to complete the formal review in accordance with the Legislative Audit Council's schedule, within thirty days of the missed deadline, the Legislative Audit Council must notify the agency of noncompliance.

(B)Within thirty days of receipt, the agency must submit a written certification of noncompliance to the President of the Senate and the Speaker of the House of Representatives. The certification must identify the specific regulations not yet reviewed, the reasons for noncompliance, and a remedial schedule for completing the review.

(C) Failure to complete the formal review within ninety days of the missed deadline for compliance results in the agency being prohibited to file any proposed new regulations except for emergency regulations or regulations to comply with federal law. The prohibition remains in effect until the formal review is completed.

(D) Upon a finding of good cause shown by the agency, the General Assembly by concurrent resolution may waive the prohibition in subsection (C). Any waiver granted under this subsection must specify its duration and not exceed one hundred eighty days.

Legislative Audit Council duties, conforming changes

SECTION 8. Section 2-15-60 of the S.C. Code is amended to read:

Section 2-15-60. It is the duty of the council:

(a) To respond to any request concerning a programmatic or fiscal matter or information related to the purposes set forth in Section 2-15-50 which may be referred to it by the General Assembly or any of its members or committees.

(b) To conduct audits, if authorized by the council, upon request of the General Assembly or either of its respective bodies, a standing committee, the Speaker of the House, the President of the Senate, or not less than five members of the General Assembly, and to submit a report containing its findings and recommendations to the requesting entity or persons and to any member of the General Assembly who may request a copy.

(c) To assist the General Assembly in the performance of its official functions by providing its members and committees with impartial and accurate information and reports concerning the efficiency, programmatic, or fiscal matters presented to them as members of the General Assembly.

(d) To establish a system of post audits for all fiscal matters and financial transactions for all state agencies of the state government.

(e) To establish a regular schedule to formally review all agency regulations every five to eight years as provided in Article 4, Chapter 23 in Title 1. Nothing in this subsection limits, abridges, or otherwise affects the provisions of this section or this chapter.

Administrative Procedures Act, preliminary fiscal impact statements

SECTION 9. Section 1-23-110(C) of the S.C. Code is amended to read:

(C)(1) The agency shall consider fully all written and oral submissions respecting the proposed regulation. All of the written submissions, and transcripts or recordings or oral submissions, must be provided to the Small Business Regulatory Review Committee.

(2) Following the public hearing and consideration of all submissions, an agency must not submit a regulation to the General Assembly for review if the regulation contains a substantive change in the content of regulation as proposed pursuant to subsection (A)(3) and the substantive change was not raised, considered, or discussed by public comment received pursuant to this section. The agency shall refile such a regulation for publication in the State Register as a proposed regulation pursuant to subsection (A)(3).

Small Business Regulatory Review Committee, membership composition

SECTION 10. Section 1-23-280(B), (C), and (D) of the S.C. Code is amended to read:

(B) The committee shall consist of eleven members, appointed as follows:

(1) five members to be appointed by the Governor;

(2) three members to be appointed by the President of the Senate; and

(3) three members to be appointed by the Speaker of the House of Representatives.

(C) In addition, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of Senate Agriculture and Natural Resources Committee, the Chairman of the House of Representatives Agriculture, Natural Resources and Environmental Affairs Committee, and the Chairman of the House of Representatives Labor, Commerce and Industry Committee, or their designees, shall serve as nonvoting, ex officio members of the committee. During the committee review process, the director or his designee, of the promulgating agency shall be available at the request of the committee for comment on the proposed regulation.

(D) Appointments to the committee must be representative of a variety of small businesses in this State, at least one of which must be engaged in agribusiness. All appointed members shall be either current or former owners or officers of a small business.

Time effective

SECTION 11. This act takes effect upon approval by the Governor.

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 252

(R269, H3387)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY HAVE ANY TRANSIENT GUEST OR OTHER GUEST OF THE PARK REMOVED; BY ADDING ARTICLE 3 TO CHAPTER 37, TITLE 27 SO AS TO ENTITLE THE ARTICLE "EJECTMENT OF UNLAWFUL OCCUPANTS OF A RESIDENTIAL DWELLING," TO DEFINE NECESSARY TERMS, AND TO PROVIDE AN ALTERNATIVE REMEDY TO REMOVE PERSONS UNLAWFULLY OCCUPYING A RESIDENTIAL DWELLING; TO REDESIGNATE CHAPTER 37, TITLE 27 AS "EJECTMENT PROCEEDINGS"; TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 37, TITLE 27 AS ARTICLE 1 ENTITLED "EJECTMENT OF TENANTS"; TO ESTABLISH OFFENSES FOR PERSONS WHO UNLAWFULLY OCCUPY OR TRESPASS UPON RESIDENTIAL DWELLINGS, LIST OR ADVERTISE RESIDENTIAL REAL PROPERTY FOR SALE WITHOUT LEGAL TITLE OR AUTHORITY TO DO SO, OR PRESENT FALSE DOCUMENTS TO ANOTHER PERSON WITH THE

INTENT TO DETAIN OR REMAIN UPON REAL PROPERTY; AND BY AMENDING SECTION 27-40-800, RELATING TO THE APPEAL OF A JUDGMENT OF EJECTION, SO AS TO REQUIRE A TENANT TO FILE AN AFFIDAVIT PROMISING TO PAY THE LANDLORD THE AMOUNT OF RENT AS IT BECOMES DUE IN EXCHANGE FOR A STAY OF EXECUTION OF A JUDGMENT FOR EJECTION, AMONG OTHER THINGS.

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

Recreational vehicle parks

SECTION 1. Chapter 2, Title 45 of the S.C. Code is amended by adding:

Section 45-2-65. (A) For the purposes of this section:

(1) "Transient guest" means a person who temporarily occupies a recreational vehicle located within a recreational vehicle park with the permission of a current or former guest of the recreational vehicle park but without the permission of the recreational vehicle park's operator.

(2) "Guest" means a person who rents space from a recreational vehicle park operator and occupies a recreational vehicle at the recreational vehicle park.

(B)(1) The operator of any recreational vehicle park may remove or cause to be removed, in the manner provided in this section, any transient guest of the park who, while on the premises of the park:

(a) illegally possesses or deals in a controlled substance, as defined by Chapter 53 of Title 44;

(b) disturbs the peace, quiet enjoyment, or comfort of other persons;

(c) violates the posted park rules and regulations; or

(d) causes harm to the physical park.

(2) The removal of a transient guest from, any recreational vehicle park may not be based on race, color, national origin, sex, physical disability, or creed.

(C)(1) The operator of any recreational vehicle park may remove or cause to be removed, in the manner provided in this section, any guest of the park who, while on the premises of the park:

(a) illegally possesses or deals in a controlled substance, as defined by Chapter 53 of Title 44;

(b) disturbs the peace, quiet enjoyment, or comfort of other persons;

(c) violates the posted park rules and regulations; or

(d) fails to make payment of rent at the agreed rental rate and by the agreed time.

(2) The admission of a guest to, or the removal of a guest from, any recreational vehicle park may not be based on race, color, national origin, sex, physical disability, or creed.

(D) The operator of any recreational vehicle park shall notify the transient guest or guest that the park no longer desires to entertain the transient guest or guest and shall request that the transient guest or guest immediately depart from the park. Notice must be given in writing, as follows: "You are hereby notified that this recreational vehicle park no longer desires to entertain you as a transient guest or guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this State." If a guest has paid rent in advance, then the park, at the time notice is given, shall tender to the guest the unused portion of the advance payment. Any transient guest or guest who remains or attempts to remain in the park after being requested to leave commits a misdemeanor and must be punished by a fine not to exceed three hundred dollars or by imprisonment for not more than thirty days, or both.

(E) If a guest has accumulated an outstanding account in excess of an amount equivalent to three nights' rent at a recreational vehicle park, then the operator may disconnect all utilities of the recreational vehicle and notify the guest that the action is for the purpose of requiring the guest to confront the operator or permittee and arrange for payment of the guest's account. This arrangement must be in writing, and a copy must be furnished to the guest. Upon entering into the agreement, the operator shall reconnect the utilities of the recreational vehicle.

(F) If any person is illegally on the premises of any recreational vehicle park, then the operator of the park may call upon any law enforcement officer of this State for assistance. It is the duty of law enforcement officers, upon the request of an operator, to remove from the premises or place under arrest any transient guest or guest who, according to the park operator, violated subsection (B), (C), or (D). If a warrant has been issued by the proper judicial officer for the arrest of any transient guest or guest who violates subsection (B), (C), or (D), then the officer shall serve the warrant, and the transient guest or guest is considered to have abandoned or given up any right to occupy the premises of the recreational vehicle park. The operator of the park shall employ all reasonable and proper means to care for any personal property left on the premises by the transient guest or guest and shall refund any unused portion of moneys paid by the guest for the occupancy of the premises. If conditions do not allow for immediate removal of the transient guest's or guest's property, then the transient guest or guest may arrange a reasonable time, not to exceed forty-eight hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(G) In addition to the grounds for ejection otherwise established by law, grounds for ejection may be established in a written lease agreement between a recreational vehicle park operator or permittee and a recreational vehicle park guest.

Ejectment of unlawful occupants

SECTION 2.A. Chapter 37, Title 27 of the S.C. Code is amended by adding:

Article 3

Ejectment of Unlawful Occupants of a Residential Dwelling

Section 27-37-200. As used in this article:

(1) "Authorized enforcement official" means the county sheriff for the county in which the property is located or any county, city, or township constable, pursuant to Section 22-9-10, for the county, city, or township in which the property is located.

(2) "Petitioner" means the owner of property containing a residential dwelling who has filed a verified petition under the provisions of this article.

(3) "Representative of the property owner" means any authorized agent or personal representative of the property owner. If the property at issue is part of an estate being probated, "representative of the property owner" refers to the representative of the estate during probate proceedings.

(4) "Respondent" means the person or persons unlawfully occupying property containing a residential dwelling, against whom a verified petition has been filed.

(5) "Unlawful occupant or occupants" means any person or persons who detain, occupy, or trespass on property containing a residential dwelling without the permission of the property owner, who otherwise have no legal right to occupy the property under state law, and who are not afforded any protections provided to a tenant under state law.

Section 27-37-210. Notwithstanding any provision of this chapter to the contrary, a property owner or representative of the property owner may seek relief for the removal of a person or persons unlawfully occupying property containing a residential dwelling under this article by filing a verified petition with the clerk of court or chief magistrate of the county in which the property is located.

Section 27-37-220. Filing fees and court costs under this article shall be the same as filing fees and court costs required when filing a claim in the court of common pleas.

Section 27-37-230. (A) Upon the filing of a verified petition under this section, and for good cause shown in the petition, the court shall immediately issue an ex parte order to remove an unlawful occupant or occupants from property containing a residential dwelling. The assertion of sufficient evidence that the person or persons are unlawfully occupying property containing a residential dwelling shall constitute good cause for purposes of this section. The petition shall set forth the following:

(1) the petitioner is the property owner or a representative of the property owner;

(2) the property that is being occupied includes a residential dwelling;

(3) an unlawful occupant or occupants have entered and remain or continue to reside on the property owner's property;

(4) the real property was not open to members of the public at the time the unlawful occupant or occupants entered;

(5) the unlawful occupant or occupants are occupying the property without the permission of the property owner and are not guests of the property owner nor otherwise authorized to make use of the property;

(6) the property owner has directed the unlawful occupant or occupants to leave the property and the unlawful occupant or occupants have failed or refused to vacate the premises;

(7) the property has not been leased to any person and the unlawful occupant or occupants are not current or former tenants of the property pursuant to any agreement with the property owner;

(8) the unlawful occupant or occupants are not immediate family members of the property owner; and

(9) there is no pending litigation related to the real property between the property owner and any known unlawful occupant or occupants.

(B) An ex parte order to have the unlawful occupant or occupants removed from property containing a residential dwelling entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. Such hearing shall be held within twenty-four hours of filing the verified petition unless good cause is shown for a delay. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief or does not show good cause.

(C) Failure to serve an ex parte order on the person or persons who are unlawfully occupying property containing a residential dwelling shall not affect the validity or enforceability of such order.

Section 27-37-240. Any ex parte order granted under this article shall be to protect the petitioner from trespass by an unlawful occupant or occupants and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety including, but not limited to:

(1) restraining the respondent from committing or threatening to commit any act of violence, molestation, stalking, assault, or disturbing the peace of the petitioner or the petitioner's property, including violence against a pet;

(2) restraining the respondent from entering the petitioner's premises or dwelling unit or coming within a certain proximity of the petitioner's premises or dwelling unit; and

(3) restraining the respondent from communicating with the petitioner in any manner or through any medium.

Section 27-37-250. When the court has, after a hearing on the petition, issued an order for relief to permanently exclude an unlawful occupant or occupants from the petitioner's property, it may additionally:

(1) permanently restrain the respondent from committing or threatening to commit any act of violence, molestation, stalking, assault, or disturbing the peace of the petitioner or the petitioner's property, including violence against a pet;

(2) permanently restrain the respondent from entering the petitioner's premises or dwelling unit or coming within a certain proximity of petitioner's premises or dwelling unit;

(3) permanently restrain the respondent from communicating with the petitioner in any manner or through any medium;

(4) permanently expel the respondent from occupying petitioner's premises or dwelling unit;

(5) permanently expel the respondent's personal property from petitioner's premises or dwelling unit;

(6) order the respondent to pay all costs of repair to the petitioner's premises or dwelling unit relating to damages caused by the respondent;

(7) order the respondent to pay all costs associated with service of

any ex parte order authorized against the respondent; or

(8) order the respondent to pay court costs.

Section 27-37-260. A verified petition seeking an ex parte order under this article shall contain allegations relating to those orders and shall pray for the orders desired.

Section 27-37-270. Once the court grants the order under this article, the authorized enforcement official shall enforce such order by removing the person or persons unlawfully occupying the property.

Section 27-37-280. If appropriate, the authorized enforcement official may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

Section 27-37-290. The authorized enforcement official is entitled to the same fee for the service of the ex parte order granted under this article as that provided for the execution of a warrant for the ejection of a trespasser pursuant to Section 15-67-630. After the authorized enforcement official serves the order, the property owner or representative of the property owner may request that the authorized enforcement official stand by to keep the peace while the property owner or representative of the property owner changes the locks and removes the personal property of the occupants from the premises to or near the property line. When such a request is made, the authorized enforcement official may charge a reasonable hourly rate, and the person requesting the authorized enforcement official to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the authorized enforcement official. The authorized enforcement official is not liable to the unlawful occupant or occupants or to any other party for the loss, destruction, or damage of property. The property owner or representative of the property owner is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

Section 27-37-300. A person may bring a civil cause of action if the person was removed from the property under this article without just cause. Such person may seek restored possession to the real property, actual damages to personal property when personal property was removed, statutory damages in the amount of one thousand dollars, and reimbursement of court costs. Any damages authorized under this section shall be offset by any damages to the real property inflicted by the person who was removed from the real property without just cause. Such damages to real property shall be proven by the property owner. Awards of actual damages shall not exceed the value of the damaged personal property.

Section 27-37-310. The provisions of this article do not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Section 27-37-320. All proceedings under this article are in addition to any other available civil or criminal remedies, unless otherwise specifically provided herein.

Section 27-37-330. (A) The court shall retain jurisdiction over the ex parte order or full order of protection issued under this article for its entire duration. The court may schedule compliance review hearings to monitor the respondent's compliance with the order.

(B) The terms of the ex parte order or full order of protection issued under this article are enforceable by all remedies available at law for the enforcement of a judgment, and the court may punish a respondent who wilfully violates the ex parte order to the same extent as provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Section 27-37-340. (A) When a law enforcement officer has probable cause to believe that a party, against whom an ex parte order under this article has been entered and who has notice of such order entered, has committed an act in violation of such order, the officer shall arrest the offending party-respondent regardless of whether the violation occurred in the presence of the arresting officer.

(B) In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment, or malicious prosecution.

(C) A person who violates the terms and conditions of an ex parte order under this article is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an ex parte order under this article if:

(1) the law enforcement officer responding to a call of a violation of an ex parte order under this article presented a copy of the ex parte order to the respondent; or

(2) notice is given by actual communication to the respondent in a manner reasonably likely to advise the respondent.

Section 27-37-350. Nothing in this article shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

B. Chapter 37, Title 27 is retitled "Ejectment Proceedings," and the existing sections of Chapter 37, Title 27 are designated as Article 1 and entitled "Ejectment of Tenants."

Offenses

SECTION 3. Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-790. (A) A person who unlawfully detains, occupies, or trespasses upon a residential dwelling and who intentionally damages the dwelling causing one thousand dollars or more in damages is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(B) A person who lists or advertises residential real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he has no lawful ownership in the property or leasehold interest in the property, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

(C) A person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both.

Appeals

SECTION 4. Section 27-40-800 of the S.C. Code is amended to read:

Section 27-40-800. (a) Upon appeal to the circuit court, the case must be heard, in a manner consistent with other appeals from magistrates court, as soon as is feasible after the appeal is docketed.

(b) No court shall stay an execution of a judgment for ejectment. Upon appeal to the circuit court, the tenant may file an affidavit with the circuit court or the magistrate having jurisdiction, in which the tenant promises to pay to the landlord the amount of rent, determined by the magistrate in accordance with Section 27-40-780, as it becomes due periodically after the judgment was entered, in exchange for a stay of the execution of a judgment for ejectment. Once the affidavit is accepted by the court, any magistrate or circuit court judge shall order a stay of execution upon the undertaking.

(c) The affidavit by the tenant and the order staying execution may be substantially in the following form:

State of South Carolina	
County of ___________	
____________________ Landlord	
vs.	
____________________ Tenant	

Bond to Stay
Execution on Appeal
to Circuit Court

Now comes the tenant in the above entitled action and respectfully shows the court that a judgment of ejectment was issued against the tenant and for the landlord on the ____ day of ___________, 20__, by the magistrate. The tenant also shows the court the tenant has filed an appeal of the judgment of ejectment to the circuit court on the ___ day of ________, 20__.

Pursuant to the findings of the magistrate, the tenant is obligated to pay rent in the amount of $______ per ______ , due on the ____ day of each ___________ .

Tenant hereby promises to pay the periodic rent hereinafter due according to the aforesaid findings of the court and moves the circuit court to stay execution on the judgment for ejectment until this matter is heard on appeal and decided by the circuit court.

This the ___________ day of ___________ , 20 ____.

____

Tenant

Upon execution of the above bond, execution on the judgment of ejectment is hereby stayed until the action is heard on appeal and decided by the circuit court. If tenant fails to make any rental payment within five days of the due date under the agreed terms, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejectment following the initiation of the appeal, the stay of execution shall dissolve, the appeal by the tenant to the circuit court on issues dealing with possession must be dismissed and the sheriff may dispossess the tenant. If the application is submitted to the magistrate, the landlord shall be required to provide notice of the application to the circuit court having appellate jurisdiction prior to ejecting the tenant and to effectuate proper dismissal of the appeal.

This the ___________ day of ___________ , 20 ____.

____

Judge

(d) If either party disputes the amount of the payment or the due date in the affidavit, the aggrieved party may move for modification of the terms of the affidavit before the circuit court. Upon the motion and upon notice to all interested parties, the court shall hold a hearing as soon as is feasible after the filing of the motion and determine what modifications, if any, are appropriate. No judgment for ejectment may be executed pending a hearing on the motion, provided the tenant complied with the terms of the affidavit prior to moving for modification. During the pendency of the motion, the tenant shall continue to pay rent in accordance with the terms of the affidavit, and at the discretion of the judge, make payments directly to the landlord or deposit the payments into an escrow account. Upon resolution of the motion, any difference between the total rent amount paid during the appeal and the total amount owed to the landlord, as modified by the court, shall be either refunded to the tenant or become an additional obligation of the tenant to be paid to the landlord.

(e) If the tenant fails to make a payment within five days of the due date according to the affidavit and order staying execution, the clerk, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejectment following the initiation of the appeal, shall issue a warrant of ejectment to be executed pursuant to Section 27-37-40 of the S.C. Code. If the application is submitted to a court not having appellate jurisdiction over the matter, the landlord shall be required to provide notice of the application to the court having appellate jurisdiction prior to ejecting the tenant.

(f)(1) Upon appeal to the Supreme Court or to the court of appeals, a court shall not stay an execution of a judgment for ejectment unless the tenant files an affidavit with the proper appellate court, in which the tenant promises to pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. Once the affidavit is accepted by the court, the judge of the court having jurisdiction shall order stay of execution upon the undertaking.

(2) The tenant's failure to comply with the terms of the affidavit entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 253

(R270, H4069)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-7-327 SO AS TO ESTABLISH CERTAIN REQUIREMENTS PERTAINING TO PATIENT BILLING FOR HEALTH SERVICES AND SUPPLIES.

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

Patient billing

SECTION 1. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-327. (A) For purposes of this section:

(1) "Debt collection" means an action, conduct, or practice in collecting, or in soliciting for collection, consumer debts that are due or alleged to be due a creditor.

(2) "Healthcare facility" means:

(a) acute care hospitals;

(b) psychiatric hospitals;

(c) alcohol and other substance-use disorder hospitals;

(d) ambulatory surgical facilities;

(e) hospice facilities;

(f) radiation therapy facilities;

(g) rehabilitation facilities;

(h) residential treatment facilities for child and adolescents;

(i) intermediate care facilities for individuals with intellectual disabilities; or

(j) narcotic treatment programs.

(3) "Healthcare service" means a service a healthcare facility provides to an individual to diagnose, prevent, treat, alleviate, cure, or heal a human health condition, illness, injury, or disease.

(4) "Itemized bill" means a document that a healthcare facility provides to a patient outlining services provided and associated charges at the general department or service level.

(B)(1) Beginning January 1, 2027, a healthcare facility that requests payment from a patient after providing a healthcare service or related supply to the patient shall:

(a) provide to the patient an electronic version of the itemized bill of the alleged remittance sought for services and supplies provided to the patient during the patient's visit to the healthcare facility; and

(b) provide to the patient a copy of the written itemized bill upon request of the alleged remittance sought for services and supplies provided to the patient during the patient's visit to the healthcare facility.

(2)(a) The healthcare facility must notify the patient in clear and conspicuous language, electronically or in writing, of the availability of obtaining an itemized copy electronically or in writing pursuant to subsection (B)(1) and must offer the patient the ability to indicate the preferred form of the itemized bill.

(b) A patient may waive the right to receive an itemized bill electronically or in writing. An initial waiver of the right to an itemized bill does not prevent the patient from later receiving an itemized bill upon request. The healthcare facility must notify the patient of their right to later request an itemized bill even if the patient initially waived their right to receive an itemized bill.

(3) The itemized bill must include:

(a) a plain language description, in accordance with the most current billing reading-level requirements and guidance provided by the Centers for Medicare and Medicaid Services, for healthcare services and supplies the healthcare facility provided to the patient;

(b) the amount the healthcare facility alleges is due from the patient; and

(c) if the healthcare facility sought or is seeking reimbursement from a third party, the patient's responsibility amount due to the healthcare facility pursuant to the electronic remittance advice the provider received from the third party under applicable law.

(4)(a) A healthcare facility is legally authorized to issue itemized bills electronically, including through a patient portal on the healthcare facility's website.

(b) In accordance with items (1) and (2), a patient may obtain from the healthcare facility an itemized bill upon request any time after the itemized bill is initially issued.

(C) The appropriate licensing authority shall take disciplinary action against the healthcare facility for the violation as if the healthcare facility violated an applicable licensing law.

Time effective

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

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 254

(R271, H4248)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-25-175 SO AS TO REQUIRE FOOD SERVICE ESTABLISHMENTS THAT SERVE FOREIGN IMPORTED SHRIMP TO PROVIDE DISCLAIMERS AND TO PROVIDE PENALTIES.

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

Disclaimer requirements

SECTION 1. Chapter 25, Title 39 of the S.C. Code is amended by adding:

Section 39-25-175. (A) For purposes of this section:

(1) "Domestic shrimp" means shrimp caught and landed in waters of a state or waters of the United States;

(2) "Food service establishment" means an establishment engaged in the business of selling ready-to-eat food to the public including, but not limited to, a restaurant, cafeteria, food stand, or food truck; and

(3) "Foreign imported shrimp" means shrimp imported into the United States.

(B) A food service establishment in this State that serves both foreign imported shrimp and domestic shrimp must conspicuously display the following disclaimer on its menu, if any, and on a sign visible to the public at its main entrance: "Some items served at this establishment may contain foreign imported shrimp. Ask for more information."

(C) A food service establishment in this State that serves foreign imported shrimp, but does not serve domestic shrimp, must conspicuously display the following disclaimer on its menu, if any, and on a sign visible to the public at its main entrance: "Some items served at this establishment contain foreign imported shrimp. Ask for more information."

(D) A food service establishment that violates this section must:

(1) for a first offense, be issued a warning by the Department of Agriculture that provides for a period of three days from the issuance of the warning to remedy the violation; and

(2) for a second or subsequent offense, be issued a civil fine of no less than one hundred dollars and no more than five thousand dollars by

the Department of Agriculture for each day the violation occurs.

Time effective

SECTION 2. This act takes effect one hundred twenty days after approval by the Governor.

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 255

(R272, H4635)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-79-60, RELATING TO PHYSICAL FITNESS SERVICE CONTRACTS, SO AS TO ALLOW THE USE OF ELECTRONIC NOTIFICATION FOR AUTOMATIC RENEWAL OF CONTRACTS.

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

Physical fitness service contracts

SECTION 1. Section 44-79-60(4) of the S.C. Code is amended to read:

(4) provide for a one-month automatic renewal option, which to be enforceable must be disclosed in bold type of at least fourteen-point font on the front page of the contract and must be initialed by the customer. The customer may accept the automatic renewal at the time the initial contract is executed by initialing an opt-in provision. No later than ten days before the expiration of the initial contract, the facility shall notify the customer in writing at the customer's last known address or electronically, by means specified in the initial contract, of the automatic renewal option which the customer selected at the time the initial contract was executed. Price may not increase or decrease in an automatically renewed contract without written notice to the customer

of at least thirty but not more than sixty days prior to the effective date of the change in price;

Time effective

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

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 256

(R273, H4709)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-35-5350 SO AS TO REQUIRE A PUBLIC ENTITY ENTERING INTO A CONTRACT FOR A PUBLIC WORKS PROJECT OR FOR THE PURCHASE OF MATERIALS FOR A PUBLIC WORKS PROJECT MUST INCLUDE IN THE CONTRACT A REQUIREMENT THAT ANY IRON OR STEEL PRODUCT PERMANENTLY INCORPORATED IN THE PROJECT BE PRODUCED IN THE UNITED STATES, AND TO PROVIDE EXCEPTIONS.

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

U.S. produced iron and steel

SECTION 1. Article 23, Chapter 35, Title 11 of the S.C. Code is amended by adding:

Section 11-35-5350. (A) As used in this section:

(1) "Head of the public procurement unit" means the individual with ultimate responsibility for the administration and operations of the state or local public procurement unit, as applicable.

(2) "Iron or steel product" means any product made primarily of iron or steel including, but not limited to, lined or unlined pipes and

fittings; bars and rods; wire, wire ropes, and link chains; forgings; grating and drainage products; access covers, hatches, manhole covers, and other castings; hydrants; electric transmission and distribution poles; tanks; flanges; pipe clamps and restraints; valves; structural steel and other steel mill products; materials made primarily of iron and steel within precast concrete; and other construction materials made primarily of iron or steel.

(3) "Made primarily of iron or steel" means composed primarily of greater than fifty percent iron or steel measured by component cost, volume, or weight.

(4) "Manufacturing process" means the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product functionally different from a finished product produced merely from assembling materials or elements into a product without applying such a process.

(5) "Produced in the United States" means that, with respect to iron and steel, all manufacturing processes, from initial melting through application of coatings, occur in the United States, other than metallurgical processes to refine steel additives.

(6) "Public entity" means the State, or any political subdivision of the State, including a school district or agency, department, institution, or other public entity of them.

(7) "Public works project" subject to the requirements of this section and notwithstanding the provisions of Section 11-35-710(A)(1) to the contrary, means an activity paid for with any state-appropriated funds or state funds administered by a public entity which consists of the construction, maintenance, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion owned in whole or in part by any public entity. For purposes of this section, repairs undertaken in response to an emergent situation affecting public health, safety, or property are excluded from this definition.

(B)(1) Except as provided otherwise in this section, a public entity entering into a contract for a public works project or for the purchase of materials for a public works project must include in the contract a requirement that any iron or steel product permanently incorporated in the project be produced in the United States.

(2) Item (1) does not apply if the head of the public procurement unit of the public entity administering the funds for a public works

project or the purchase of materials for a public works project solely determines that any of the following applies:

(a) Iron or steel products produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality.

(b) The use of iron or steel products produced in the United States will increase the total cost of the project by more than twenty-five percent.

(c) Complying with item (1) is inconsistent with the public interest.

(3) Notwithstanding item (1), the following exceptions shall apply:

(a) When steel and iron materials are used in a public works project, item (1) does not prevent a minimal use of foreign steel and iron materials if:

(i) such materials are incidental or ancillary to the primary product and are not separately identified in the project specifications; and

(ii) the cost of such materials does not exceed one-tenth of one percent of the project's total steel and iron costs or two thousand five hundred dollars, whichever is greater. For purposes of this subitem, the cost of such materials is shown to be the value of the iron or steel products as they are delivered to the project; and

(b) the foreign steel and iron material is a component or are components comprising five percent or less of the materials cost of an otherwise domestically produced steel or iron product.

(4) Electrical components, equipment, systems, and appurtenances, including supports, covers, shielding, and other appurtenances related to an electrical system, necessary for operation or concealment, except transmission and distribution poles, are not considered iron or steel products and are exempt from the requirements of item (1).

(C) This section must be applied in a manner consistent with, and may not be construed to impair, the state's obligations under any international agreement.

(D) The State Fiscal Accountability Authority shall develop guidelines and procedures by rule to implement this section. The rules must be implemented consistent with federal policies implementing the American iron and steel preference law applied to the "Safe Drinking Water Act," pursuant to 42 U.S.C. 300j-12(a)(4)(C).

(E) This section does not apply to contracts procured by the Department of Transportation subject to the Buy America requirements of 23 C.F.R. 635.410.

(F) As used in this section, any state appropriated funds or state funds administered by a public entity shall not include bonds administered or awarded by the South Carolina Housing Finance and Development Authority or state tax credits.

Time effective

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

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026

No. 257

(R274, H5538)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "GUARANTEE BANKING ACT" BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROVIDE FOR FAIRNESS AND TRANSPARENCY IN BANKING.

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

Citation

SECTION 1. This act may be cited as the "Guarantee Banking Act."

Guarantee banking

SECTION 2. Title 34 of the S.C. Code is amended by adding:

CHAPTER 47

Guarantee Banking

Section 34-47-10. As used in this chapter:

(1) "Adverse action" means a decision by a financial institution to decline to provide full and equal access in the provision of covered

financial services and includes refusing to provide, terminating, or restricting covered financial services. “Adverse action” does not include the temporary suspension or restriction of an account pending an internal investigation, fraud review, or verification of identity.

(2) “Discriminate in the provision of covered financial services” means taking an adverse action against a customer on the basis of one of the following criteria:

(a) any person’s exercise of religion that is protected by the First Amendment to the United States Constitution, federal law, or the Constitution or laws of this State, including all aspects of religious observance and practice, as well as belief and affiliation;

(b) any person’s speech, expression, opinions, expressive activity, or association that is protected by the First Amendment to the United States Constitution, federal law, or the Constitution or laws of this State, including the lawful preservation of privacy regarding those activities, such as declining to disclose contributions or political activity beyond what is required by applicable state and federal law. This section does not prohibit a financial institution from declining to provide financial services to a person that is engaged in fraud, criminal conduct, incitement to unlawful actions, or that creates obscenity or another form of expression that is not protected by the Constitution of South Carolina or the United States Constitution;

(c) any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person’s business sector;

(d) animus towards a person based on the factors in subitem (a), (b), or (c); and

(e) a desire to, directly or indirectly, obtain a gain from or avoid a loss imposed on the covered financial institution by any person for the purpose of encouraging the covered financial institution to take an adverse action based on any of the factors in subitem (a), (b), or (c).

(3)(a) “Financial institution” means:

(i) a bank that has total assets over one hundred billion dollars; or

(ii) a payment processor, credit card company, credit card network, payment network, payment service provider, or payment gateway that has processed more than one hundred billion dollars in transactions in the last calendar year.

(b) A financial institution includes any parent company, holding company, affiliate, or subsidiary company, even if that company is also a financial institution.

(4)(a) “Covered financial service” means:

(i) depository accounts including, but not limited to, checking accounts, savings accounts, or NOW accounts;

(ii) money transmission including, but not limited to, checking, payment services, ACH, or credit card networks; or

(iii) credit including, but not limited to, personal loans, mortgages, business loans, or credit cards.

(b) "Covered financial service" does not include the provision of insurance or the underwriting of or an investment in a security as defined by federal law.

(5) "Person" means any individual, partnership, association, joint stock company, trust, corporation, nonprofit organization, or other business or legal entity that is a resident of this State or has its principal place of business in this State.

Section 34-47-20. (A) If a financial institution takes an adverse action against a person, that person may request a statement of specific reasons within ninety days after receiving notice of the refusal to provide service, restriction of service, or termination of service.

(B) The person may request the statement from a customer service representative or designated account representative by phone, U.S. mail, or electronic mail.

(C) When a person requests a statement pursuant to subsections (A) and (B), then that person must specifically describe the alleged adverse action, including which provision of Section 34-47-10(2) is the basis for the alleged adverse action.

(D) Unless otherwise prohibited or otherwise required by federal law, the financial institution shall transmit the statement of specific reasons via U.S. mail or electronic mail, if known to the financial institution, within thirty days of receiving the person's request.

(E) The statement must be specific and include a description of the principal reason for the adverse action. A statement that the adverse action was based on the institution's internal standards or policies or that the person failed to achieve a qualifying score on the institution's credit scoring system is insufficient. If any criteria listed in Section 34-47-10(2) factored into the institution's decision to take an adverse action, it must be described in the statement.

(F) If the financial institution provides an adverse action statement to the customer consistent with its obligations under the Equal Credit Opportunity Act, 15 U.S.C. Section 1691, et seq., and implementing regulations or the Fair Credit Reporting Act, 15 U.S.C. Section 1681, et seq., and implementing regulations, that statement satisfies the requirements of this subsection, provided that if any criteria listed in

Section 34-47-10(2) factored into the institution's decision to take an adverse action, it must be described in the statement, a supplement to the statement, or a separate statement that is provided to the customer contemporaneously with the Equal Credit Opportunity Act or Fair Credit Reporting Act adverse action statement.

(G) Nothing in this section shall be construed to require a covered entity to provide notice or take any action that would conflict with applicable federal law, regulation, or supervisory guidance.

Section 34-47-30. A financial institution may not:

(1) discriminate in the provision of financial services to a person;

(2) agree, conspire, or coordinate, including through any intermediary or third party, with another person, or group of persons, to engage in activity prohibited pursuant to item (1); or

(3) fail to provide or provide false or intentionally misleading information in the statement required pursuant to Section 34-47-20.

Section 34-47-40. It is not a violation of this chapter for a financial institution to take any of the following actions, provided that the action was made in good faith and not motivated by animus or a desire to discriminate in the provision of covered financial services against a person:

(1) a change in the terms of an account expressly agreed to by a customer;

(2) any action or forbearance relating to an account taken in connection with inactivity, default, or delinquency as to that account;

(3) a refusal to provide services because applicable federal or state law prohibits the covered financial institution from providing the service requested;

(4) a refusal to provide a service because the covered financial institution does not offer the type of service requested;

(5) a decision based solely on any of the following valid business factors, if made in an impartial manner and in good faith:

(a) maximizing profitability or shareholder value, provided this determination is not based on a desire to obtain a benefit or avoid a harm imposed by another person because the covered financial institution served a customer;

(b) complying with legitimate legal or regulatory requirements; or

(c) maintaining the safety and soundness of a covered financial institution or its employees.

Section 34-47-50. Any violation of this chapter is an unfair or deceptive act or practice and, in addition to the rights and remedies provided in this chapter, the Attorney General may pursue any other remedies provided for by law.

Section 34-47-80. The State and any political subdivision thereof may not impose any restriction, obligation, or penalty identical or substantially similar to what is contained in this chapter, whether by regulation, rule, guidance, or enforcement, on financial institutions not covered by this chapter, unless the State or any political subdivision thereof is required to impose such restriction, obligation, or penalty under federal or state law.

Section 34-47-90. This chapter must be construed in favor of the broad protection of the conduct, opinions, and beliefs protected by the First Amendment to the United States Constitution, applicable federal laws, the Constitution of South Carolina, and state law.

Time effective

SECTION 3. This act takes effect six months after the signature by the Governor.

Ratified the 29th day of June, 2026

Approved the 30th day of June, 2026