**A** **BILL**

TO AMEND ARTICLE 4, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, BY ADDING SECTION 25-1-442, TO PROVIDE THAT DURING A DECLARED STATE OF EMERGENCY LOCAL GOVERNMENTS CANNOT ADOPT OR ENFORCE LOCAL ORDINANCES THAT CONFLICT WITH PROVISIONS CONTAINED IN THE GOVERNOR’S EXECUTIVE ORDERS REGARDING THE STATE OF EMERGENCY; TO AMEND SECTION 1-3-420 OF THE 1976 CODE, RELATING TO PROCLAMATIONS OF STATES OF EMERGENCY, TO PROVIDE THAT A PROCLAMATION MAY NOT REMAIN IN EFFECT FOR LONGER THAN FIFTEEN DAYS, TO PROVIDE THAT A STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; TO AMEND SECTION 25-1-440(a)(2) OF THE 1976 CODE, RELATING TO A DECLARATION OF EMERGENCY FOR A DISASTER, A PUBLIC HEALTH EMERGENCY, OR THE THREAT THEREOF, TO PROVIDE THAT THE STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE OF EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; AND TO AMEND ARTICLE 3, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, BY ADDING SECTION 6-1-410, TO PROVIDE THAT LOCAL GOVERNMENTS CANNOT MANDATE THAT BUSINESS OWNERS REQUIRE PATRONS TO WEAR PROTECTIVE MASKS ON THE BUSINESS’ PREMISES.

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

SECTION 1. Article 4, Chapter 1, Title 25 of the 1976 Code is amended by adding:

“Section 25-1-442. (A) During a state of emergency declared pursuant to Section 25-1-440, no governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any ordinance, rule, regulation, or other restriction on the operation of businesses, traffic flow on state highways or roads, ‘stay at home orders,’ or other similar measures that limit a person’s right to liberty.

(B) It is the intent of the General Assembly that the Governor occupy the field of exercising extraordinary powers during a state of emergency, subject only to action by the General Assembly. All local ordinances, rules, regulations, or other restrictions enacted or promulgated in violation of subsection (A) are preempted and superseded by the Governor’s executive orders issued during a state of emergency. Inaction by the Governor on a matter during a state of emergency does not authorize a county, municipality, or other political subdivision to take action on that matter.”

SECTION 2. A. Section 1-3-420 of the 1976 Code is amended to read:

“Section 1-3-420. (A) The Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of unlawful assemblage, violence or threats of violence, or a public health emergency, as defined in Section 44‑4‑130, a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists.

(B) The Governor, upon the issuance of a proclamation as provided for in this section, must immediately file the proclamation in the Office of the Secretary of State, which proclamation is effective upon issuance and remain in full force for a period of no more than fifteen days without the express consent of the General Assembly ~~and effect until revoked by the Governor~~. The Governor may not issue another proclamation declaring a state of emergency related to the same occurrence that warranted the state of emergency if the justification for another state of emergency is based upon changing circumstances or a change in the degree of impact of the occurrence warranting a state of emergency.”

B. Section 25-1-440(a)(2) of the 1976 Code is amended to read:

“(2) declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency, as defined in Section 44‑4‑130, has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation. A declared state of emergency shall not continue for a period of more than fifteen days without the express consent of the General Assembly, provided that the Governor may not declare a subsequent state of emergency based upon changing circumstances or a change in the degree of impact of the same disaster or public health emergency;”

SECTION 3. Article 3, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6-1-410. (A) A person or business engaged in, or intending to engage in, a business, occupation, or profession that is subject to a business license tax imposed by a local governing body pursuant to Section 4-9-30(12) or Section 5-7-30 may not be compelled to require the person’s or business’s patrons to wear protective facemasks on the person or business’s premises by the local governing body.

(B) Nothing in this section prevents a person or business from voluntarily requiring its patrons to wear protective facemasks on the person’s or business’s premises.”

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

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