**South Carolina General Assembly**

124th Session, 2021-2022

**A141, R155, H3105**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Yow, Burns, Chumley, Magnuson, McCravy, Wooten, Fry, B. Cox, May, Haddon, Long, Gilliam, Forrest, Nutt, Trantham, Oremus, McGarry, Bennett, Jones, Thayer, Hiott, Willis, Huggins, Hixon, McCabe, Dabney, B. Newton, Bryant, Elliott, M.M. Smith, Pope, D.C. Moss, Ballentine, Lucas, Crawford, Erickson, Bradley, T. Moore, Wheeler, Herbkersman, W. Newton, Martin, Taylor and Davis

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Introduced in the House on January 12, 2021

Introduced in the Senate on March 17, 2021

Last Amended on April 6, 2022

Passed by the General Assembly on April 20, 2022

Governor's Action: April 25, 2022, Signed

Summary: SC Religious Freedom Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 74](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 74](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: Nutt, Trantham, Oremus, McGarry

1/14/2021 House Member(s) request name added as sponsor: Bennett

1/26/2021 House Member(s) request name added as sponsor: Jones

2/2/2021 House Member(s) request name added as sponsor: Thayer

2/4/2021 House Member(s) request name added as sponsor: Hiott, Willis

2/9/2021 House Member(s) request name added as sponsor: Huggins

2/10/2021 House Member(s) request name added as sponsor: Hixon

2/16/2021 House Member(s) request name added as sponsor: McCabe, Dabney

2/17/2021 House Member(s) request name added as sponsor: B.Newton

2/18/2021 House Member(s) request name added as sponsor: Bryant, Elliott

2/23/2021 House Member(s) request name added as sponsor: M.M.Smith

2/24/2021 House Member(s) request name added as sponsor: Pope, D.C.Moss, Ballentine

2/24/2021 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 4](file:///h:\hj\20210224.docx))

2/25/2021 House Member(s) request name added as sponsor: Lucas, Crawford, Erickson, Bradley

2/25/2021 House Requests for debate‑Rep(s).  Hiott, McGravy, DC Moss, Bryant, Carter ([House Journal‑page 18](file:///h:\hj\20210225.docx))

3/2/2021 House Member(s) request name added as sponsor: T.Moore

3/3/2021 House Member(s) request name added as sponsor: Wheeler, Herbkersman, W.Newton

3/4/2021 House Member(s) request name added as sponsor: Martin

3/9/2021 House Member(s) request name added as sponsor: Taylor

3/11/2021 House Member(s) request name added as sponsor: Davis

3/11/2021 House Amended ([House Journal‑page 35](file:///h:\hj\20210311.docx))

3/11/2021 House Read second time ([House Journal‑page 35](file:///h:\hj\20210311.docx))

3/11/2021 House Roll call Yeas‑73 Nays‑39 ([House Journal‑page 42](file:///h:\hj\20210311.docx))

3/17/2021 House Read third time and sent to Senate ([House Journal‑page 31](file:///h:\hj\20210317.docx))

3/17/2021 House Roll call Yeas‑83 Nays‑22 ([House Journal‑page 31](file:///h:\hj\20210317.docx))

3/17/2021 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20210317.docx))

3/17/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj\20210317.docx))

2/10/2022 Senate Referred to Subcommittee: Garrett (ch), Kimpson, Loftis, Gustafson, Stephens

3/30/2022 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 14](file:///h:\sj\20220330.docx))

3/31/2022 Scrivener's error corrected

4/6/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 98](file:///h:\sj\20220406.docx))

4/6/2022 Senate Read second time ([Senate Journal‑page 98](file:///h:\sj\20220406.docx))

4/6/2022 Senate Roll call Ayes‑39 Nays‑2 ([Senate Journal‑page 98](file:///h:\sj\20220406.docx))

4/7/2022 Senate Read third time and returned to House with amendments ([Senate Journal‑page 47](file:///h:\sj\20220407.docx))

4/20/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 21](file:///h:\hj\20220420.docx))

4/20/2022 House Roll call Yeas‑102 Nays‑9 ([House Journal‑page 22](file:///h:\hj\20220420.docx))

4/21/2022 Ratified R 155

4/25/2022 Signed By Governor

5/2/2022 Effective date 04/25/22

5/2/2022 Act No.  141

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3105_20201209.docx)

[2/24/2021](file:///p:\pprever\2021-22\3105_20210224.docx)

[3/11/2021](file:///p:\pprever\2021-22\3105_20210311.docx)

[3/30/2022](file:///p:\pprever\2021-22\3105_20220330.docx)

[3/31/2022](file:///p:\pprever\2021-22\3105_20220331.docx)

[4/6/2022](file:///p:\pprever\2021-22\3105_20220406.docx)

(A141, R155, H3105)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 1 SO AS TO PROVIDE FOR THE PROTECTION OF THE EXERCISE OF RELIGION DURING A STATE OF EMERGENCY, TO DEFINE NECESSARY TERMS, TO PROVIDE THAT RELIGIOUS SERVICES ARE DEEMED AN ESSENTIAL SERVICE DURING A STATE OF EMERGENCY THAT MUST BE ALLOWED TO CONTINUE OPERATING, TO ALLOW A RELIGIOUS ORGANIZATION TO ASSERT A VIOLATION OF THESE PROVISIONS AS A CLAIM OR DEFENSE, AND TO PROVIDE THAT THIS CHAPTER APPLIES TO ALL STATE AND LOCAL LAWS AND ORDINANCES REGARDLESS OF WHEN ADOPTED OR IMPLEMENTED****.**

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

**Protection of the exercise of religion during a state of emergency**

SECTION 1. Title 1 of the 1976 Code is amended by adding:

“CHAPTER 33

Protection of the Exercise of Religion

During a State of Emergency

Section 1‑33‑10. For purposes of this chapter:

(1) ‘Discriminatory action’ means any action undertaken by the State to:

(a) alter in any way the tax treatment of a religious organization, or cause any tax, fine, civil or criminal penalty, payment, damages award, or injunction to be assessed against a religious organization;

(b) deny, delay, revoke, or otherwise make unavailable an exemption from taxation for a religious organization; or

(c) withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any grant, contract, scholarship, license, accreditation, certification, entitlement, or other benefit under any government program.

(2) ‘Exercise of religion’ means the exercise of religion as protected under the First Amendment to the United States Constitution, Article I, Section 2 of the State Constitution, and Title 1, Chapter 32, of the South Carolina Code of Laws.

(3) ‘Religious organization’ includes, but is not limited to, houses of worship, religious ministries, organizations, social agencies, groups, corporations, educational institutions and other entities whose principal purpose is the study, practice, or advancement of religion and their officers, owners, clergy, religious leaders, and ministers.

(4) ‘Religious services’ means a meeting, gathering, or assembly of two or more persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that are deemed necessary by the religious organization for the exercise of religion.

(5) ‘State’ means the State of South Carolina and any political subdivision of the State and includes a branch, department, agency, board, commission, instrumentality, entity, or officer, employee, official of the State or a political subdivision of the State, or any other person acting under color of law or suing under or attempting to enforce a state law, rule, or regulation.

(6) ‘State of emergency’ means any declaration or proclamation issued under the authority of state law that an emergency has occurred including, but not limited to:

(a) a proclamation of emergency issued by the Governor pursuant to Section 1‑3‑420;

(b) a declaration of emergency issued by the Governor pursuant to Section 25‑1‑440;

(c) a declaration of emergency issued by a county governing body pursuant to Section 4‑9‑130; and

(d) a declaration of emergency issued by a municipal governing body pursuant to Section 5‑7‑250.

Section 1‑33‑20. (A) During a state of emergency, religious services are deemed an essential service and are considered necessary and vital to the health and welfare of the public.

(B) The State may not limit the ability of a religious organization to continue operating and to engage in religious services during a state of emergency to a greater extent than it limits operations or services of other organizations or businesses that provide essential services.

(C) The State may require a religious organization to comply with neutral health, safety, or occupancy requirements during a state of emergency that:

(1) are applicable to all organizations or businesses providing essential services; and

(2) do not impose a substantial burden on religious services, unless the State demonstrates that the burden is necessary to further a compelling state interest and is the least restrictive means of furthering that interest.

(D) The State may not take any discriminatory action against a religious organization on the basis that the organization is religious, operates or seeks to operate during a state of emergency, and engages in the exercise of religion.

Section 1‑33‑30. A religious organization may assert a violation of this chapter as a claim or defense in a judicial proceeding. If the religious organization prevails in such a proceeding, the court must award attorney’s fees and costs and may award other appropriate relief including, but not limited to, injunctive relief, declaratory relief, and compensatory damages for pecuniary and nonpecuniary losses.

Section 1‑33‑40. (A) This chapter applies to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of this act.

(B) Nothing in this chapter may be construed to authorize the State to burden any religious belief.”

**Severability clause**

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words thereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

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

Ratified the 21st day of April, 2022.

Approved the 25th day of April, 2022.

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