**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑55 SO AS TO PROHIBIT STATE OFFICIALS FROM PARTICIPATING IN THE ENFORCEMENT OF ANY UNLAWFUL FEDERAL MASK MANDATE THAT VIOLATES THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION, TO ESTABLISH PENALTIES, AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 29, Title 44 of the 1976 Code is amended by adding:

“Section 44‑29‑55. (A) Notwithstanding any other provision of law to the contrary, an agent, department, employee, or official of this State, or a political subdivision of this State, or any member of the South Carolina National Guard when mobilized for state active duty, and while acting in his official capacity may not knowingly or willingly participate in the enforcement of any unlawful federal mask mandate, in accordance with the Tenth Amendment of the United States Constitution, which reserves to the states, or the people, all powers not delegated to the United States by the Constitution or prohibited by it to the states.

(B) An ‘unlawful federal mask mandate’ means any federal law, order, rule, regulation, plan of action, or otherwise which requires a resident of the State of South Carolina to wear a face mask or other face covering to minimize the spread of COVID‑19 or any other infectious disease. Any such unlawful federal mask mandate is invalid in this State and may not be recognized in this State and is null, void, and of no effect in this State and includes, but is not limited to:

(1) an executive order or proclamation of the President of the United States requiring residents of this State to wear a face mask or other face covering to minimize the spread of COVID‑19 or any other infectious disease;

(2) a rule, regulation, or requirement promulgated or issued by a federal agency, or a subdivision of a federal agency, requiring residents of this State to wear a face mask or other face covering to minimize the spread of COVID‑19 or any other infectious disease including, but not limited to, rules, regulations, or requirements of the Centers for Disease Control and Prevention, the National Institutes of Health, the United States Department of Health and Human Services, the United States Department of Education, the Occupational Safety and Health Administration, the United States Department of Labor, the Food Safety and Inspection Service, and the United States Department of Agriculture;

(3) any order or other communication of any other federal political subdivision, such as a coronavirus or COVID‑19 task force, requiring residents of this State to wear a face mask or other face covering to minimize the spread of COVID‑19 or any other infectious disease; or

(4) a federal statute requiring residents of this State to wear a face mask or other face covering to minimize the spread of COVID‑19 or any other infectious disease.

(C)(1) Anyone within the jurisdiction of this State accused to be in violation of this section may be liable for declaratory and injunctive relief, damages, and attorneys’ fees. Sovereign, official, and qualified immunity are not affirmative defenses in cases pursuant to this section.

(2) Any person who violates the provisions of this section may be subject to a civil fine equal to two thousand dollars.

(D) Any law enforcement official may enforce the provisions of this section.”

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

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