**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4246**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, A.M. Morgan, Harris, B.J. Cox, S. Jones, Pace, Kilmartin, White, Trantham, T.A. Morgan, McCabe, Cromer, Burns, Chumley, Beach, Oremus, O'Neal, Willis, Guffey, Long, Mitchell and Yow

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Introduced in the House on April 4, 2023

Currently residing in the House

Summary: Treaty

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/4/2023 House Introduced and read first time (House Journal‑page 8)

 4/4/2023 House Referred to Committee on **Judiciary** (House Journal‑page 8)

 4/18/2023 House Member(s) request name removed as sponsor: M.M. Smith

 3/13/2024 House Member(s) request name added as sponsor: Mitchell, Yow

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**VERSIONS OF THIS BILL**

[04/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4246_20230404.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING article 27 to chapter 1, title 1 SO AS TO PROHIBIT THE STATE OR ITS POLITICAL SUBDIVISIONS FROM IMPLEMENTING THE PROVISIONS OF FEDERAL TREATIES BEFORE THE TREATY IS RATIFIED BY THE UNITED STATEs SENATE.

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

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

 Article 27

 Federal Treaties

 Section 1‑1‑1710. (A) It is the intent of the General Assembly to defend the State of South Carolina against violations of the United States Constitution and further prevent the subjecting of the sovereignty and rights of the United States of America to the Charter of the United Nations.

 (B) Notwithstanding another provision of law, no state agency, or political subdivision of this State, including school districts, or publicly funded organizations, or any elected or appointed official or employee of the same, may employ state funds, personnel, or facilities to implement the provisions of any treaty that has not received ratification by a two‑thirds vote of the United States Senate as required by the United States Constitution, Article II, Section 2. This section must be expressly applied to any treaty drafted under the framework of “a WHO Convention, Agreement, or Other International Agreement on Pandemic Prevention, Preparedness, and Response” or under color of amendments to the International Health Regulations.

 (C) A violation of this section raises a cause of action in state court for injunctive and declaratory relief, plus compensatory damages of up to ten thousand dollars per violation, and attorney’s fees. A state agency or political subdivision that publishes a rule, regulation, or guidance recommending or requiring compliance with a provision of a treaty that has not received ratification in the United States Senate bears the burden of proof to show that the rule, regulation, or guidance was developed independent of influence by the Centers for Disease Control (CDC), the World Health Organization (WHO), or the United Nations (UN) and that the treaty was not a factor in determining whether to publish the rule, regulation, or guidance.

 (D) This section is enacted under the authority of Article VI of the United States Constitution, the Tenth Amendment to the United States Constitution, and the inherent power reserved to South Carolina as a sovereign state.

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

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