



# SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

## STATEMENT OF ESTIMATED FISCAL IMPACT

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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H. 4624	Introduced on January 13, 2026
<b>Subject:</b>	South Carolina Clean Air Act	
<b>Requestor:</b>	House Agriculture, Natural Resources, and Environmental Affairs	
<b>RFA Analyst(s):</b>	Griffith and Gardner	
<b>Impact Date:</b>	February 18, 2026 - Updated for Additional Agency Response	

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### Fiscal Impact Summary

This bill enacts the South Carolina Clean Air Act, which prohibits the intentional emission of any air contaminant whose purpose is to affect temperature, weather, or sunlight intensity, unless a person is conducting cloud seeding as a result of a public contract. The bill requires the Department of Environmental Services (DES) to make information publicly available detailing the harmful effects to a person's health and personal property that result from chemicals being released into the atmosphere.

DES indicates that it does not have regulatory authority, via permitting or otherwise, over emissions from aircraft. Section 233 of the United States Clean Air Act prohibits states from adopting or enforcing regulations respecting emissions of any air pollutant from any aircraft or engine, and this regulatory power is vested exclusively in the federal government. Therefore, DES does not have the regulatory authority to enforce these federal standards or prohibit these emissions.

This bill creates both felony and misdemeanor offenses related to the release of Stratospheric Aerosol Injections (SAIs) and specifies penalties. As these are new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

The bill may result in an increase in the number of circuit court cases and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and the Department of Probation, Parole and Pardon Services (PPP). Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. Additionally, the potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies anticipate that the potential increase in caseload can be managed within existing appropriations. However, if the bill significantly increases caseloads, these agencies will request an increase in General Fund appropriations. For information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

The South Carolina Aeronautics Commission (Commission) indicates that the bill may increase expenditures by \$141,500 in FY 2026-27 and by \$130,000 each year thereafter for 1.0 FTE to

monitor compliance with the bill and to provide airport staff with consulting advice. However, it is unclear how the provisions of the bill will affect the agency.

The Revenue and Fiscal Affairs Office (RFA) contacted all forty-six counties and the Municipal Association of South Carolina (MASC) regarding the potential fiscal impact of the bill. Abbeville, Dillon, Dorchester, and Florence Counties do not anticipate any fiscal impact on their localities from the bill. MASC expressed concerns that the bill could cause increased nominal damages claims and therefore increased defense costs.

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund, Other Funds, and local revenue due to the change in fines and fees collections in court.

*This fiscal impact statement has been updated to include further information from the South Carolina Aeronautics Commission.*

## **Explanation of Fiscal Impact**

**Updated for Additional Agency Response on February 18, 2026  
Introduced on January 13, 2026**

### **State Expenditure**

This bill enacts the South Carolina Clean Air Act, which prohibits the intentional emission of any air contaminant whose purpose is to affect temperature, weather, or sunlight intensity, unless a person is conducting cloud seeding as a result of a public contract. The bill requires DES to make information publicly available detailing the harmful effects to a person's health and personal property that result from chemicals being released into the atmosphere.

DES indicates that it does not have regulatory authority, via permitting or otherwise, over emissions from aircraft. Section 233 of the United States Clean Air Act prohibits states from adopting or enforcing regulations respecting emissions of any air pollutant from any aircraft or engine, and this regulatory power is vested exclusively in the federal government. Therefore, DES does not have the regulatory authority to enforce these federal standards or prohibit these emissions.

This bill creates the felony offense of intentionally releasing an air contaminant whose purpose is to affect temperature, weather, or sunlight intensity, also referenced in the bill as SAI. The felony is punishable by imprisonment of up to ten years and a fine of not less than \$500,000 for each day's violation. Additionally, an employee of an airport who allows a plane to land, depart, refuel, refill or make aircraft repairs with knowledge of the plane's intent to perform SAI activities, or who otherwise assists in SAI activities and flights, is guilty of a misdemeanor. The misdemeanor is punishable by imprisonment of not more than three years. Further, the bill creates another felony offense for a pilot or any owner or officer of an airport or general aviation flight company who violates the prohibition. The felony is punishable by both imprisonment and a fine, both of which are determined by whether there has been a previous offense. As these are

all new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

The bill may result in an increase in the number of circuit court cases and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and PPP. Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. Additionally, the potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies anticipate that the potential increase in caseload can be managed within existing appropriations. However, if the bill significantly increases caseloads, these agencies will request an increase in General Fund appropriations. For information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

The South Carolina Aeronautics Commission indicates that the bill may necessitate hiring 1.0 FTE, whose salary and benefits will total \$130,000, to provide consultation to airport staff in order to monitor compliance with the bill. Additional expenses of \$8,500 will include office furniture, a laptop, and a desktop computer for the new employee. Thus, the bill may increase the Commission's expenditures by \$141,500 in FY 2026-27, which will decrease to \$130,000 each year thereafter. However, it is unclear how the provisions of the bill will affect the Commission.

*This section of the fiscal impact statement has been updated to include further information from the South Carolina Aeronautics Commission.*

### **State Revenue**

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund and Other Funds revenue due to the change in fines and fees collections in court.

### **Local Expenditure**

RFA contacted all forty-six counties and MASC regarding the potential fiscal impact of the bill. Abbeville, Dillon, Dorchester, and Florence Counties do not anticipate any fiscal impact on their localities from the bill. MASC expressed concerns that the bill could cause increased nominal damages claims and therefore increased defense costs.

### **Local Revenue**

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director