

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 and Long

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Introduced in the House on April 4, 2023

Currently residing in the House

Summary: Treaty

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
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

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VERSIONS OF THIS BILL

04/04/2023

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 27 TO
12 CHAPTER 1, TITLE 1 SO AS TO PROHIBIT THE STATE OR ITS POLITICAL SUBDIVISIONS
13 FROM IMPLEMENTING THE PROVISIONS OF FEDERAL TREATIES BEFORE THE TREATY
14 IS RATIFIED BY THE UNITED STATES SENATE.
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16 Be it enacted by the General Assembly of the State of South Carolina:

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

19

20

Article 27

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22

Federal Treaties

23

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

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

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

1 (WHO), or the United Nations (UN) and that the treaty was not a factor in determining whether to
2 publish the rule, regulation, or guidance.

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

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

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