**South Carolina General Assembly**

124th Session, 2021-2022

**S. 538**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Loftis and Rice

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Companion/Similar bill(s): 3869

Introduced in the Senate on February 9, 2021

Currently residing in the Senate Committee on **Judiciary**

Summary: Review of Presidential Executive Orders

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2021 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20210209.docx))

2/9/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\sj\20210209.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=538&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/9/2021](file:///p:\pprever\2021-22\538_20210209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 80 TO TITLE 2 SO AS TO ENTITLE THE CHAPTER REVIEW OF PRESIDENTIAL EXECUTIVE ORDERS, TO PROVIDE THAT THE GENERAL ASSEMBLY, EITHER OF ITS RESPECTIVE BODIES, A STANDING COMMITTEE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, OR NOT LESS THAN FIVE MEMBERS OF THE GENERAL ASSEMBLY MAY REVIEW ANY PRESIDENTIAL EXECUTIVE ORDER NOT AFFIRMED BY CONGRESS AND MAY RECOMMEND THAT THE ATTORNEY GENERAL REVIEW A PRESIDENTIAL EXECUTIVE ORDER TO DETERMINE ITS CONSTITUTIONALITY UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 80

Review of Presidential Executive Orders

Section 2‑80‑10. (A) The General Assembly or either of its respective bodies, a standing committee, the Speaker of the House of Representatives, the President of the Senate, or not less than five members of the General Assembly may review any executive order issued by the President of the United States which has not been affirmed by a vote of the Congress of the United States and signed into law as prescribed by the Constitution of the United States and request the Attorney General of this State to conduct further review of the presidential executive order. Upon such request, the Attorney General shall review the presidential executive order to determine the constitutionality of the order and whether the State should seek an exemption from the application of the order or seek to have the order declared to be an unconstitutional exercise of legislative authority by the President. Within ninety days of receipt of the initial request, the Attorney General shall submit a report containing his findings and recommendations to the General Assembly, the Governor, and post this report on the official website of the Office of the Attorney General.

(B) Notwithstanding any other provision of law, the State, a local government, a political subdivision, or any other publicly funded organization may not implement a presidential executive order that restricts a person’s rights or that the Attorney General determines to be unconstitutional pursuant to the provisions of subsection (A) and which relates to:

(a) pandemics or other health emergencies;

(b) the regulation of natural resources, including coal and oil;

(c) the regulation of the agriculture industry;

(d) the use of land;

(e) the regulation of the financial sector as it relates to environmental, social, or governance standards; or

(f) the regulation of the constitutional right to keep and bear arms.”

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

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