**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3438**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, Burns, Chumley, Pace, Kilmartin, Harris, Guffey and S. Jones

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Agriculture

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

1/10/2023 House Introduced and read first time ([House Journal‑page 169](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 169](h:\hj\20230110.docx))

2/8/2023 House Member(s) request name added as sponsor: S. Jones

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3438_20221208.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 46-1-170 so as to prohibit local governments from restricting the use of private property to grow plants for human consumption.

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

SECTION 1. Chapter 1, Title 46 of the S.C. Code is amended by adding:

Section 46‑1‑170. (A) A local government is prohibited from restricting the use of private property to grow plants for human consumption if:

(1) the property owner can identify the plant and its purpose;

(2) the growing habitat is maintained in a healthful manner that does not impact other properties and is kept clear of refuse; and

(3) the plants are not illegal in this State.

(B) There is a presumption that the conditions of subsection (A) are met. This presumption can be rebutted by evidence established by the local government.

(C) For purposes of this section, “local government” means any county, municipality, or combination of counties or municipalities.

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

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