**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976, BY ADDING SECTION 40‑56‑3 SO AS TO PROVIDE THAT THE RETAIL SALE OF FIREWORKS IS SOLELY SUBJECT TO STATE REGULATION AND, EXCEPT FOR AN ORDINANCE IMPOSING A BUSINESS LICENSE TAX, IS NOT SUBJECT TO REGULATION BY ORDINANCES OF POLITICAL SUBDIVISIONS, INCLUDING ZONING ORDINANCES IF THE FIREWORKS RETAILER HAS A VALID STATE RETAIL LICENSE, COMPLIES WITH STATE SAFETY AND BUILDING CODE REQUIREMENTS, AND HAS A VALID FIREWORKS LICENSE ISSUED BY THE STATE BOARD OF PYROTECHNIC SAFETY.

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

SECTION 1. Chapter 56, Title 40 of the 1976 Code is amended by adding:

“Section 40‑56‑3. (A) The retail sale of fireworks as defined by this chapter is an activity solely subject to state regulation and is specifically not subject to regulation by ordinances of political subdivisions of this State, including zoning ordinances of political subdivisions, if the retailer:

(1) has a valid state retail license issued by the South Carolina Department of Revenue pursuant to Article 5, Chapter 36, Title 12;

(2) complies with all state safety and building requirements of this State; and

(3) has a valid fireworks license issued by the State Board of Pyrotechnic Safety.

(B) The provisions of subsection (A) do not apply with respect to the ordinance of a political subdivision imposing a business license tax.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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