



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.

Bill Number: H. 3438 Introduced on January 10, 2023
Author: Magnuson
Subject: Agriculture
Requestor: House Agriculture, Natural Resources, and Environmental Affairs
RFA Analyst(s): Wren
Impact Date: January 24, 2023

Fiscal Impact Summary

This bill prohibits a local government from restricting the use of private property to grow plants for human consumption under certain conditions.

This bill will have an undetermined expenditure impact on local government code enforcement offices since localities may need to increase local code enforcement efforts to evaluate and respond to potential conflicts between residents and local ordinances. Any impact will depend on the number of complaints and will vary by locality.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

N/A

State Revenue

N/A

Local Expenditure

This bill prohibits a local government from restricting the use of private property to grow plants for human consumption under the following conditions:

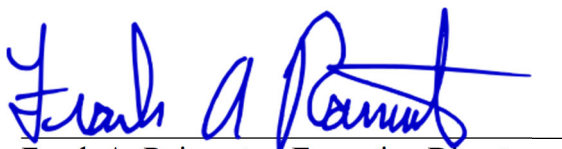
- The property owner can identify the plant and its purpose;
- The growing habitat is maintained in a healthful manner that does not impact other properties and is kept clear of refuse; and
- The plants are not illegal in this State.

The Revenue and Fiscal Affairs Office contacted all forty-six counties and the Municipal Association of South Carolina (MASC) and received responses from Clarendon County, Chesterfield County, and MASC. Both counties indicate that the bill will have no expenditure impact. However, Clarendon County indicates that the bill could potentially have a negative impact on local zoning ordinances. MASC indicates that this bill could have an expenditure impact on code enforcement offices since municipalities may need to increase local code enforcement efforts to evaluate and respond to potential conflicts between residents and local

ordinances. Therefore, the expenditure impact is undetermined. Any impact will depend on the number of complaints and will vary by locality. Further, MASC expressed a concern that this bill could potentially have a significant impact on municipalities and property values if property owners will be allowed to grow crops on residential properties. Currently, local zoning ordinances provide restrictions on the use of land for municipal property owners.

Local Revenue

N/A



Frank A. Rainwater, Executive Director