**South Carolina General Assembly**

125th Session, 2023-2024

**A106, R107, H3872**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager

Companion/Similar bill(s): 650

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Introduced in the House on February 2, 2023

Introduced in the Senate on May 9, 2023

Currently residing in the House

Governor's Action: February 5, 2024, Signed

Summary: Lottery prize claim disclosures

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/2/2023 House Introduced and read first time (House Journal‑page 7)

 2/2/2023 House Referred to Committee on **Judiciary** (House Journal‑page 7)

 5/3/2023 House Committee report: Favorable **Judiciary** (House Journal‑page 94)

 5/4/2023 House Read second time (House Journal‑page 111)

 5/4/2023 House Roll call Yeas-108 Nays-0 (House Journal‑page 111)

 5/4/2023 House Unanimous consent for third reading on next legislative day (House Journal‑page 112)

 5/5/2023 House Read third time and sent to Senate (House Journal‑page 5)

 5/9/2023 Senate Introduced and read first time (Senate Journal‑page 5)

 5/9/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 5)

 5/9/2023 Senate Recalled from Committee on **Education** (Senate Journal‑page 5)

 1/10/2024 Senate Read second time (Senate Journal‑page 15)

 1/10/2024 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 15)

 1/11/2024 Senate Read third time and enrolled (Senate Journal‑page 9)

 1/30/2024 Ratified R 107

 2/5/2024 Signed By Governor

 2/9/2024 Effective date 02/05/24

 2/9/2024 Act No. 106

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3872&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3872_20230202.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3872_20230504.docx)

[05/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3872_20230509.docx)

(A106, R107, H3872)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑150‑145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30‑4‑40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

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

Personally identifiable information exempt from nonconsensual disclosure

SECTION 1. Chapter 150, Title 59 of the S.C. Code is amended by adding:

 Section 59‑150‑145. (A) The following information concerning a lottery prize winner is exempt from disclosure under the Freedom of Information Act (FOIA) and may not be disclosed by the commission in response to a FOIA request without express written consent initiated from the winner and unsolicited from any party listed in subsection (C):

 (1) the name, address, telephone numbers, birth date, and social security number of the winner; and

 (2) copies of any forms of identification provided by the winner to the commission.

 (B) Absent consent of the winner as provided in subsection (A), the only information concerning a lottery prize claim that the commission may release pursuant to a FOIA request is the date of the claim and draw, game played, prize amount, retailer location where the winning ticket was sold, and name of the town where the winner resided at the time of the claim.

 (C) The commission, its contractors, or other governmental entities with whom winner information is shared may not release the information listed in subsection (A) to a third party with the exception of disclosure of information for legitimate government purposes or as specifically provided by law.

 (D) In accordance with the rules of certain promotions designated by the commission, implied consent to the disclosure of name and likeness may be required, in addition to information listed in subsection (B), as a condition of entry in the promotion.

 (E) Nothing in this section prohibits a lottery prize winner to authorize and consent to limited disclosure of their likeness and/or hometown for the sole purpose of lottery marketing purposes.

 (F) The provisions of this section apply notwithstanding the provisions of Section 59‑150‑30(A), Section 59‑150‑240(A), or another provision of law.

Freedom of Information Act, conforming changes

SECTION 2. Section 30‑4‑40 of the S.C. Code is amended by adding:

 (e) A public body only may disclose information concerning lottery prize claims as provided in Section 59‑150‑145.

Time effective

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

Ratified the 30th day of January, 2024.

Approved the 5th day of February, 2024.

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