**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4954**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Landing, M.M. Smith, Gilliam, Hartnett, Bustos, Hager, Haddon, Mitchell, Brewer, Robbins, McGinnis, Gagnon, McCravy, Moss, Brittain, Crawford, Guest, Nutt, O'Neal, Guffey, Pope, Felder, Kilmartin, Burns, Pendarvis, Leber, Chumley, Magnuson, S. Jones, A.M. Morgan, Bannister, J.E. Johnson, Harris, White, Willis, Hardee, Williams, Garvin, J. Moore, Cobb-Hunter, Pace, Stavrinakis, Blackwell, McCabe, Gibson, Wetmore, Dillard, Rivers, Jefferson, Pedalino, Long, Oremus, Trantham, Hayes, W. Jones, T.A. Morgan, B.J. Cox, Weeks, Wheeler, Sessions, Cromer, Vaughan, J.L. Johnson, Beach, Kirby, Anderson, Thayer and Chapman

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Introduced in the House on January 25, 2024

Currently residing in the House

Summary: Electromagnetic Pulse Protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/25/2024 House Introduced and read first time (House Journal‑page 45)

 1/25/2024 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 45)

 1/30/2024 House Member(s) request name added as sponsor: Hager

 2/6/2024 House Member(s) request name added as sponsor: Haddon,
 Mitchell, Brewer, Robbins, McGinnis, Gagnon,
 McCravy, Moss, Brittain, Crawford, Guest,
 Nutt, O'Neal, Guffey

 2/13/2024 House Member(s) request name added as sponsor: Pope,
 Felder, Kilmartin, Burns, Pendarvis, Leber,
 Chumley, Magnuson, S. Jones, A.M. Morgan

 2/14/2024 House Member(s) request name added as sponsor:
 Bannister, J.E. Johnson, Harris, White,
 Willis, Hardee, Williams, Garvin, J. Moore,
 Cobb-Hunter, Pace, Stavrinakis, Blackwell,
 Hixon, Hiott, Forrest

 2/15/2024 House Member(s) request name removed as sponsor: Hiott,
 Forrest, Hixon

 2/15/2024 House Member(s) request name added as sponsor: McCabe,
 Gibson, Wetmore, Dillard, Rivers, Jefferson,
 Pedalino, Long

 2/28/2024 House Member(s) request name added as sponsor: Oremus,
 Trantham, Hayes

 3/6/2024 House Member(s) request name added as sponsor: W.
 Jones, T.A. Morgan, B.J. Cox, Weeks,
 Wheeler, Sessions

 3/7/2024 House Member(s) request name added as sponsor: Cromer,
 Vaughan, J.L. Johnson, Beach

 3/13/2024 House Member(s) request name added as sponsor: Kirby,
 Anderson

 3/20/2024 House Member(s) request name added as sponsor: Thayer,
 Chapman

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**VERSIONS OF THIS BILL**

[01/25/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4954_20240125.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 27 TO CHAPTER 1, TITLE 1, SO AS TO PROVIDE FOR DEFINITIONS AND TO REQUIRE EACH ENTITY RESPONSIBLE FOR CRITICAL INFRASTRUCTURE TO INSTALL EQUIPMENT TO HARDEN ITS SYSTEM AND ASSETS AGAINST AN ELECTROMAGNETIC PULSE WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT; TO REQUIRE ELECTRICAL UTILITIES IN THIS STATE TO OFFER A PROGRAM TO ITS RESIDENTIAL CUSTOMERS WHO CHOOSE TO RECEIVE ELECTROMAGNETIC PULSE PROTECTION FROM THE UTILITY AND PROVIDE FOR A PAYMENT PLAN THROUGH THE CUSTOMER’S MONTHLY BILL; AND TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITHIN REQUIRED DEADLINES; AND TO ESTABLISH THAT THE GENERAL ASSEMBLY MUST PROVIDE FOR FUNDING IN THE 2024‑2025 APPROPRIATIONS ACT TO ASSIST GOVERNMENTAL ENTITIES WITH CRITICAL INFRASTRUCTURE TO OBTAIN ELECTROMAGNETIC PULSE PROTECTION.

Whereas, electromagnetic pulse can be caused by a solar flare, also known as a coronal mass ejection, or a nuclear blast high up in the atmosphere that could be delivered via a suitcase‑sized bomb on a weather balloon, satellite, or ballistic missile; and

Whereas, China, North Korea, Russia, and Iran are all very aware of the potential for disaster caused by an electromagnetic pulse, and some of them already have access to the technology to wreak havoc on their enemies; and

Whereas, the federal government is fully aware of this and has taken steps to protect military installations, but they are at least partially dependent on the civilian grid; and

Whereas, the “Carrington Event” describes the global impact on telegraph wires and communication by a solar flare on September 1, 1859, and there have been numerous smaller flares since then; and

Whereas, if we had the dependence then on the electrical grid and silicon chips that we have today, the effects would have been far more life‑altering and lasting; and

Whereas, estimates from scientists who have studied this subject are that within one year, nearly ninety percent of humans could die based on the inability to restore critical infrastructure because it would not simply be “down”, it would be destroyed and unable to operate; and

Whereas, with no power, no access to water or sewer systems, no hospitals, no pharmacies, no refrigeration of any kind, many who are dependent on daily medications or machines for survival would perish much sooner; and

Whereas, there are times when the State of South Carolina, in order to provide for the common defense, has a compelling interest to require action by local municipalities, state agencies, and private enterprise that are essential to the protection of our citizens. Now, therefore,

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

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

Article 27

Protect South Carolina’s Citizens from the Effect of Electromagnetic Pulses

 Section 1‑1‑1800. For purposes of this article:

 (1) “Critical infrastructure” means systems and assets, whether physical or virtual, so vital to this State that the incapacity or destruction of the systems and assets would have a debilitating impact on the security, economic security, or public health or safety, of South Carolina. This includes, but is not limited to, the facilities and assets located in this State belonging to or otherwise associated with the following entities: federal, state, and local governments, public utilities, health care; first responders; and public schools.

 (2) “Electromagnetic pulse” means a burst of electromagnetic energy that has the potential to negatively affect technology systems on Earth and in space. This may include human‑made electromagnetic pulses and geomagnetic disturbances, and its interaction is measured in nanoseconds.

 Section 1‑1‑1810. (A) Each entity that owns or is otherwise responsible for critical infrastructure must install equipment to harden its system and assets against an electromagnetic pulse within one year after the effective date of this act.

 (B) All electrical utilities in this State, including electrical utilities not within the Public Service Commission’s jurisdiction, must offer a program to its residential customers who request electromagnetic pulse protection for their personal assets. This program must allow the customer, if the customer so desires, to receive electromagnetic pulse protection from the utility and to establish a payment plan through the customer’s monthly utility bill.

 (C) Any entity that fails to comply with the provisions of this section within one year after the effective date of this act must pay a fine of one hundred dollars for each day of noncompliance. All fines collected pursuant to this section must be placed into the General Fund of this State.

SECTION 2. The General Assembly must provide for funding in the 2024‑2025 Appropriations Act to assist governmental entities with critical infrastructure to obtain and implement electromagnetic pulse protection.

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

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