**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3924**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wooten, W. Newton, Erickson, Neese, Hager, Bannister, Herbkersman, M.M. Smith, Pedalino, Mitchell, Bustos, Lawson, Guffey, Hiott, Taylor, Ballentine, Vaughan, White, Long, Ligon, Guest, Wickensimer, Gilliam, Hartnett, Bailey, Landing, B.J. Cox, Hayes, Atkinson, Willis, Lowe, T. Moore, Davis, Hixon, Martin, Pope and Robbins

Companion/Similar bill(s): 3935

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Introduced in the House on February 6, 2025

Currently residing in the House

Summary: Hemp-derived ingestible

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/6/2025 House Introduced and read first time (House Journal‑page 30)

 2/6/2025 House Referred to Committee on **Judiciary** (House Journal‑page 30)

 2/18/2025 House Member(s) request name added as sponsor: Pope

 2/19/2025 House Member(s) request name removed as sponsor: Gatch,
 Murphy, King, McDaniel, Cobb-Hunter, Robbins

 2/19/2025 House Member(s) request name added as sponsor: Robbins

 3/4/2025 House Member(s) request name removed as sponsor: Montgomery

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**VERSIONS OF THIS BILL**

[02/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3924_20250206.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 56 TO TITLE 46 SO AS TO REGULATE THE SALE OF HEMP‑DERIVED CONSUMABLES, AMONG OTHER THINGS.

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

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

CHAPTER 56

Hemp‑Derived Consumables

 Section 46‑56‑10. (A) For purposes of this article, “hemp‑derived consumable” means a hemp product that is a finished good intended for human ingestion made from a cannabinoid that is naturally occurring in the hemp plant that has been extracted or purified from an agricultural product without chemical alteration. It may not contain chemically‑derived hemp cannabinoids including, but not limited to:

 (1) Hexahydrocannabinol (HHC);

 (2) Tetrahydrocannabinol acetate ester (THCo);

 (3) Tetrahydrocannabiphorol (THCp);

 (4) Delta‑8‑Tetrahydrocannabinol;

 (5) Delta‑10‑Tetrahydrocannabinol;

 (6) Delta‑4‑Tetrahydrocannabinol;

 (7) Delta‑11‑Tetrahydrocannabinol;

 (8) Delta‑6a10a‑Tetrahydrocannabinol;

 (9) Hehahydrocannabinol Acetate (HHC‑O)

 (10) Delta‑9‑Tetrahydrocannabiphorol;

 (11) Delta‑9‑Tetrahydrocannabihexol;

 (12) Delta‑9‑Tetrahydrocannabinol‑octyl;

 (13) Delta‑9‑Tetrahydrocannabinol methyl ether (THC‑M);

 (14) Delta‑8‑Tetrahydrocannabinol‑octyl; or

 (15) Delta‑7‑Tetrahydrocannabinol.

 (B) A hemp‑derived consumable must not:

 (1) contain more than five‑tenths of a milligram of delta‑9‑tetrahydrocannabinol per serving.

 (2) be sold in a serving that contains more than twenty‑five milligrams, in the aggregate, of one or more hemp‑derived cannabinoids; or

 (3) be formed into the shape of or that depicts or signifies characters or symbols known to appeal primarily to persons under twenty‑one years of age including, but not limited to, animals, celebrities, superheroes, comic book characters, video game characters, television show characters, movie characters, or mythical creatures.

 Section 46‑56‑20. Any person or entity who sells hemp‑derived consumables must hold a valid off‑premises beer and wine permit or a retail liquor store license, as defined by Title 61, at all times that the hemp‑derived consumables are available for sale. Hemp‑derived consumables may not be made available for on‑premises consumption by a person or entity in possession of a permit or license issued pursuant to Title 61.

 Section 46‑56‑30. (A) It is unlawful for a person to sell a hemp‑derived consumable to a person under twenty‑one years of age. A person who makes a sale in violation of this section, upon conviction:

 (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

 (2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

 (B) Failure of a person to require identification to verify a person’s age is prima facie evidence of the violation of this section.

 Section 46‑56‑40. It is unlawful for a person to whom a hemp‑derived consumable cannot legally be sold to knowingly give false information concerning his age for the purpose of purchasing a hemp‑derived consumable. A person who violates the provisions of this section, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

 Section 46‑56‑50. (A) A person engaged in the business of selling at retail hemp‑derived consumables must post in each location for which he has obtained a permit a sign with the following words printed thereon:

 “The possession of a hemp‑derived consumable by a person under twenty‑one years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing a hemp‑derived consumable.”

 (B) The South Carolina Department of Agriculture must prescribe by regulation the size of the lettering and the location of the sign on the seller’s premises.

 (C) A retail seller of hemp‑derived consumables who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

 Section 46‑56‑60. It is unlawful for a person who purchases a hemp‑derived consumable while on licensed premises to give the hemp‑derived consumable to a person to whom hemp‑derived consumables cannot lawfully be sold on the premises. A person who violates this section, upon conviction:

 (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

 (2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

 Section 46‑56‑70. (A) It is unlawful for a person to transfer or give to a person under the age of twenty‑one years, for the purpose of consumption of hemp‑derived consumables in the State, unless the person under the age of twenty‑one is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of hemp‑derived consumables to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

 (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

 (2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

 (B) A person found guilty of a violation of Section 61‑6‑4070 and this section may not be sentenced under both sections for the same offense.

 (C) The provisions of this section do not apply to a:

 (1) spouse over the age of twenty‑one giving hemp‑derived consumables to his spouse under the age of twenty‑one in their home;

 (2) parent or guardian over the age of twenty‑one giving hemp‑derived consumables to his children or wards under the age of twenty‑one in their home; or

 (3) person giving hemp‑derived consumables to another person under the age of twenty‑one in conjunction with a religious ceremony or purpose if the hemp‑derived consumables was lawfully purchased.

 (D) A person eighteen years of age and over lawfully employed to serve or remove hemp‑derived consumables in establishments licensed to sell these hemp‑derived consumables are not considered to be in unlawful possession of the beverages during the course and scope of their duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty‑one years of age.

 (E) This section does not apply to an employee lawfully engaged in the sale or delivery of these beverages in an unopened container.

 (F) The provisions of this section do not apply to a student who:

 (1) is eighteen years of age or older;

 (2) is enrolled in an accredited college or university and a student in a culinary course that has been approved through review by the S.C. Commission on Higher Education;

 (3) is required to taste, but not consume or imbibe, any hemp‑derived beverage as part of the required curriculum; and

 (4) tastes a beverage pursuant to item (3) only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

 The consumables must remain at all times in the possession and control of an authorized instructor of the college or university who must be twenty‑one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty‑one to receive any hemp‑derived consumables unless the beverage is delivered as part of the student’s required curriculum and the beverage is used only for instructional purposes during classes conducted pursuant to the curriculum.

 Section 46‑56‑80. It is unlawful for a person to have in his possession, except in the trunk or luggage compartment in a motor vehicle of any kind, a hemp‑derived beverage in an open container while located upon the public highways or highway rights of way of this State. This section must not be construed to prohibit the transporting of hemp‑derived beverages in a closed container, and this section does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement officers are on duty to perform traffic control duties. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

 Section 46‑56‑90. If hemp‑derived consumables are sold to anyone by a person who does not have a valid beer and wine permit for off‑premises consumption to make the sale, all hemp‑derived consumables found on the premises of the person is contraband and must be seized by a peace officer and treated as contraband.

 Section 46‑56‑100. (A) No holder of a permit authorizing the sale of hemp‑derived consumables or a servant, agent, or employee of the permittee may knowingly commit any of the following acts upon the licensed premises covered by the holder’s permit:

 (1) sell hemp‑derived consumables to a person under twenty‑one years of age;

 (2) knowingly sell hemp‑derived consumables to a person who is visibly intoxicated or impaired; (3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:

 (a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

 (b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize;

 (c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation; and

 (d) this subsection is not an exception or limitation to Section 12‑21‑2710 or other provisions of the S.C. Code in which gambling or games of chance are unlawful and prohibited;

 (4) permit lewd, immoral, or improper entertainment, conduct, or practices. This includes, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;

 (5) permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State;

 (6) sell, offer for sale, or possess any beverage or hemp‑derived consumables the sale or possession of which is prohibited on the licensed premises under the law of this State; or

 (7) conduct, operate, organize, promote, advertise, run, or participate in a “drinking contest” or “drinking game.” For purposes of this item, “drinking contest” or “drinking game” includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of hemp‑derived consumables, beer, or wine by participants at extraordinary speed or in increased quantities or in more potent form. “Drinking contest” or “drinking game” does not include a contest, game, event, or endeavor in which hemp‑derived beverages, beer, or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. Selling hemp‑derived consumables, beer, or wine in the regular course of business is not considered a violation of this section.

 (B) A violation of any provision of this section is a ground for the revocation or suspension of the holder’s permit.

 Section 46‑56‑110. (A) It is unlawful for a person under the age of twenty‑one to purchase, attempt to purchase, consume, or knowingly possess hemp‑derived consumables, beer, ale, porter, wine, or other similar malt or fermented beverage. Possession is prima facie evidence that it was knowingly possessed. Notwithstanding another provision of law, if the law enforcement officer has probable cause to believe that a person is under the age of twenty‑one and has consumed hemp‑derived beverages or alcohol, the law enforcement officer or the person may request that the person submit to any available alcohol screening test using a device approved by the State Law Enforcement Division. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or must be imprisoned for not more than thirty days, or both.

 (B) A person who violates the provisions of this section also is required to successfully complete an alcohol prevention education or intervention program approved by the S.C. Department of Alcohol and other Drug Abuse Services. The program must be a minimum of eight hours and the cost to the person may not exceed one hundred fifty dollars.

 (C) A person eighteen years of age and over lawfully employed to serve or remove hemp‑derived consumables, beer, wine, or alcoholic beverages in establishments licensed to sell these beverages is not considered to be in unlawful possession of the beverages during the course and scope of his duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty‑one years of age.

 (D) This section does not apply to an employee lawfully engaged in the sale or delivery of these beverages in an unopened container.

 (E) The provisions of this section do not apply to a student who:

 (1) is eighteen years of age or older;

 (2) is enrolled in an accredited college or university and a student in a culinary course that has been approved through review by the S.C. Commission on Higher Education;

 (3) is required to taste, but not consume or imbibe, any hemp‑derived consumables, beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

 (4) tastes a beverage pursuant to item (3) only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

 The beverage must remain at all times in the possession and control of an authorized instructor of the college or university who must be twenty‑one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty‑one to receive any hemp‑derived consumables, beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student’s required curriculum and the beverage is used only for instructional purposes during classes conducted pursuant to the curriculum.

 (F) The provisions of this section do not apply to a person under the age of twenty‑one who is recruited and authorized by a law enforcement agency to test an establishment’s compliance with laws relating to the unlawful transfer or sale of hemp‑derived consumables, beer, or wine to a minor. The testing must be under the direct supervision of a law enforcement agency, and the agency must have the person’s parental consent.

 (G) During the first ninety days after the effective date of this act, law enforcement officers shall only issue warnings for violations of this section.

 Section 46‑56‑120. Retail establishments offering hemp‑derived consumable products may not be located within one thousand feet of a church or elementary, middle, or high school.

 Section 46‑56‑130. Nothing in this chapter authorizes the consumption, possession, or purchase of a hemp‑derived consumable that contains Tetrahydrocannabinol.

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

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