

South Carolina General Assembly
126th Session, 2025-2026

Bill 3927

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)



~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 2, 2025

H. 3927

Introduced by Reps. Gilliam, Hiott, G. M. Smith, Bailey, Ballentine, Bannister, Bowers, Bradley, Brewer, Brittain, Bustos, Caskey, Chapman, B. J. Cox, B. L. Cox, Crawford, Davis, Erickson, Forrest, Gagnon, Gatch, Gibson, Guest, Guffey, Haddon, Hager, Hardee, Hartnett, Hartz, Herbkersman, Hewitt, Hixon, Holman, J. E. Johnson, Jordan, Landing, Lawson, Ligon, Long, Lowe, Martin, McCravy, McGinnis, Mitchell, Montgomery, T. Moore, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pedalino, Pope, Rankin, Robbins, Sanders, Schuessler, Sessions, M. M. Smith, Taylor, Teeple, Vaughan, Whitmire, Wickensimer, Willis, Wooten, Yow, Terribile, Pace, Kilmartin, Beach, Edgerton, Magnuson, Cromer, Huff and Gilreath

S. Printed 4/2/25--H.

Read the first time February 6, 2025



A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "ENDING ILLEGAL DISCRIMINATION AND RESTORING MERIT-BASED OPPORTUNITY ACT" BY ADDING ARTICLE 29 TO CHAPTER 1, TITLE 1 SO AS TO PROHIBIT EVERY OFFICE, DIVISION, OR OTHER UNIT BY ANY NAME OF EVERY OFFICE OR DEPARTMENT OF THIS STATE, AND ALL OF ITS POLITICAL SUBDIVISIONS, INCLUDING ALL INSTITUTIONS OF HIGHER LEARNING AND SCHOOL DISTRICTS, FROM PROMOTING DIVERSITY, EQUITY, AND INCLUSION, AND TO PROVIDE EXCEPTIONS; AND TO PROMOTE INDIVIDUAL INITIATIVE, EXCELLENCE, AND HARD WORK; AND TO SPECIFY APPLICABILITY.

Amend Title To Conform

Whereas, longstanding state and federal civil rights laws protect individual South Carolinians from discrimination based on race, religion, color, sex, age, national origin, or disability. These civil rights protections serve as a bedrock supporting equality of opportunity for all South Carolinians; and

Whereas, the General Assembly finds it necessary to ensure that these laws are enforced for the benefit of all South Carolinians; and

Whereas, the General Assembly finds that roughly sixty years after the passage of the Civil Rights Act of 1964, critical and influential institutions of American society, including the federal government, major corporations, financial institutions, the medical industry, large commercial airlines, and institutions of higher education have adopted and actively used dangerous, demeaning, and immoral discriminatory preferences under the guise of so-called "diversity, equity, and inclusion" (DEI) that can violate the civil rights laws of this State and Nation; and

Whereas, illegal DEI policies not only violate the text and spirit of our longstanding state and federal civil rights laws, they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hardworking South Carolinians who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of unlawful discrimination; and

Whereas, these illegal DEI policies also threaten the safety of men, women, and children across South Carolina by diminishing the importance of individual merit, aptitude, hard work, and

determination when selecting people for jobs and services in key sectors of American society, including all levels of government, and the medical and aviation communities. Yet in case after tragic case, South Carolinians have witnessed on the national landscape the disastrous consequences of illegal, pernicious discrimination that has prioritized how people were born instead of what they were capable of doing; and

Whereas, the Trump Administration issued Executive Order 14173, titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," to ensure that employment and educational opportunities within the federal government are based on merit rather than unlawful discrimination; and

Whereas, it is in the best interest of the State of South Carolina to uphold these same principles by applying similar standards to state and local governments, as well as educational institutions of this state, thereby ensuring that all individuals are treated fairly and given equal opportunities based on their qualifications and abilities; and

Whereas, following the leadership of the President in prioritizing merit-based policies will strengthen public trust in government institutions and reinforce South Carolina's commitment to fairness, equality, and the rule of law. 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 29

Diversity, Equity, and Inclusion

Section 1-1-1910. (A) The State of South Carolina is charged with enforcing our civil-rights laws. The purpose of this chapter is to ensure that it does so by ending illegal preferences and discrimination.

(B) It is the policy of the State of South Carolina to protect the civil rights of all citizens of South Carolina and to promote individual initiative, excellence, and hard work. Accordingly, all public entities of this State, including all public institutions of higher learning, all of its political subdivisions, and public school districts and public charter schools, must:

(1) terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements; and

(2) enforce the state's longstanding civil rights laws to combat illegal private-sector DEI mandates, policies, programs, and activities.

Section 1-1-1920. (A) For the purposes of this chapter:

(1) "Public entity" means any agency, office, division, or other unit by any name of every agency, office, or department of this State, and all of its political subdivisions, including all institutions of higher learning and public school districts and public charter schools.

(2) "Diversity, Equity, and Inclusion" or "DEI" means any preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, or requirements implemented by a public entity that constitutes illegal discrimination on the basis of race, color, religion, sex, or national origin.

Section 1-1-1930. Except as required by federal law, a public entity shall not:

(1) implement, maintain, or promote diversity, equity, and inclusion including, but not limited to, influencing employment practices or admissions on the basis of diversity, equity, or inclusion;

(2) give preferential treatment on the basis of diversity, equity, and inclusion;

(3) compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;

(4) establish or support any office, unit or division within that public entity that is established or exists, in whole or in part, for the promotion of diversity, equity, and inclusion; or

(5) require an individual to participate in a diversity, equity, and inclusion program or training.

Section 1-1-1940. (A) Before any public entity may enter into any contract or award any grant, the applicable contractor or grant recipient must certify that it does not operate any unlawful programs or hiring practices that violate state or federal antidiscrimination laws.

(B) Before any public entity may make a contribution, disbursement, transfer, or distribution of any funds, regardless of source and including lottery scholarship funding, to an organization, the organization must certify that it does not operate any programs promoting DEI in violation of any applicable state or federal antidiscrimination laws.

(C) The head of each public entity shall include in every contract, grant, or incentives award:

(1) a term requiring the contractual counterparty or grant or incentives recipient to agree that its compliance in all respects with all applicable state and federal antidiscrimination laws is material to the government's decision to award such contract, grant, or incentive; and

(2) a term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable state or federal antidiscrimination laws.

Section 1-1-1950. (A) As used in this section:

(1) "Accrediting agency" means an agency or association that accredits institutions of higher learning.

(2) "Accreditation cycle" means the period of time during which a constituent institution is accredited.

(B) An institution of higher learning shall pursue accreditation with an accrediting agency that is different from its current accrediting agency if its current accrediting agency requires the institution

of higher learning to maintain a DEI program that constitutes illegal discrimination on the basis of race, color, religion, sex, or national origin.

(C) If the institution is not granted candidacy status by any regional accrediting agency that is different from its current accrediting agency at least three years prior to the expiration of its current accreditation, the institution may remain with its current accrediting agency for an additional accreditation cycle.

Section 1-1-1960. (A)(1) This article does not apply to lawful state or private sector employment and contracting preferences for veterans of the U.S. Armed Forces or persons protected by the Randolph-Sheppard Act, 20 U.S.C. 107, et seq.

(2) This article does not prevent state or local governments, contractors, or federally funded state and local educational agencies or institutions of higher education from engaging in First Amendment-protected speech.

(B)(1) This article is not intended to and does not create any private right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(2) The Inspector General may investigate and address or enforce any allegations of violations of this article. The Inspector General shall develop a process and platform whereby complaints may be filed regarding potential violations of this article. An individual making a report pursuant to this article is protected by the provisions set forth in Chapter 27, Title 8.

(3) Every public entity shall report to the Department of Administration by August first of each year the total number and nature of the complaints made to the respective entity in the previous year regarding a violation of the provisions of this article and the resolution, or status, of the complaint. The department shall provide a report to the Speaker of the House of Representatives, the President of the Senate, the Inspector General, and the Attorney General by October first of each year summarizing this information. Nothing in this item requires the disclosure of the identity of the individual who made the complaint.

(4) The Attorney General may enforce the provisions of this article and may bring an action for injunctive or declaratory relief in any court of competent jurisdiction.

Section 1-1-1970. (A) The provisions of this article shall not be construed to infringe upon, diminish, or otherwise take away any rights, protections, or privileges afforded to individuals with disabilities under the laws of this State or the United States including, but not limited to, the Americans with Disabilities Act of 1990, as amended, and any other applicable federal or state law.

(B) The provisions of this article shall not be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution.

(C) The provisions of this article shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

SECTION 2. Section 1-13-110 of the S.C. Code is repealed.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor and first applies to Fiscal Year 2025-2026 and School Year 2025-2026.

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