**South Carolina General Assembly**

126th Session, 2025-2026

**S. 368**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Garrett, Kimbrell, Cash, Fernandez, Johnson, Adams, Corbin, Rice, Zell, Leber, Elliott and Blackmon

Companion/Similar bill(s): 3927

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Introduced in the Senate on February 20, 2025

Currently residing in the Senate Committee on **Judiciary**

Summary: Diversity, Equity, and Inclusion

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/20/2025 Senate Introduced and read first time ([Senate Journal‑page 7](h:\sj\20250220.docx))

2/20/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](h:\sj\20250220.docx))

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**VERSIONS OF THIS BILL**

[02/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/368_20250220.docx)

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; TO PROMOTE INDIVIDUAL INITIATIVE, EXCELLENCE, AND HARD WORK; AND TO SPECIFY APPLICABILITY.

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

SECTION 1. This act may be cited as the “Ending Illegal Discrimination and Restoring Merit‑Based Opportunity Act.”

SECTION 2. Chapter 1, Title 1 of the S.C. Code is amended by adding:

Article 29

Diversity, Equity, and Inclusion

Section 1‑1‑1910. (A) As used in this section, promoting “diversity, equity, and inclusion” means any attempt or effort to:

(1) influence hiring or employment practices with respect to race, sex, color, ethnicity, gender, or sexual orientation other than through the use of color‑blind and sex‑neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;

(2) promote differential treatment of or providing special benefits to individuals on the basis of race, sex, color, ethnicity, gender, or sexual orientation;

(3) promote policies or procedures designed or implemented in reference to race, sex, color, ethnicity, gender, or sexual orientation for any purpose other than ensuring compliance with any applicable court order or state or federal law; or

(4) conduct trainings, programs, or activities designed or implemented in reference to race, sex, color, ethnicity, gender, or sexual orientation, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

(B) Except as required by federal law, 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, is prohibited from:

(1) establishing or maintaining an office or division or other unit by any name whose purpose, in whole or in part, is the promotion of diversity, equity, and inclusion;

(2) hiring or assigning an employee or contracting with a third party to promote diversity, equity, and inclusion;

(3) compelling, requiring, inducing, or soliciting 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) giving preference on the basis of race, sex, color, ethnicity, gender, or sexual orientation to an applicant for employment, an employee, or a participant in any function of the office or department; or

(5) requiring as a condition of enrolling at an institution or performing any institution function any person to participate in diversity, equity, and inclusion training, that:

(a) includes a training, program, or activity designed or implemented in reference to race, sex, color, ethnicity, gender, or sexual orientation; and

(b) does not include a training, program, or activity for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

(C) 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, shall adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor who violates the provisions of subsection (B).

(D) Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

(1) highlights the institution’s work in supporting:

(a) first‑generation college students;

(b) low‑income students; or

(c) underserved student populations; or

(2) certifies compliance with state and federal antidiscrimination laws.

(E) For purposes of an institution of higher learning, nothing in subsection (B) may be construed to apply to:

(1) academic course instruction;

(2) scholarly research or a creative work by an institution of higher education’s students, faculty, or other research personnel or the dissemination of that research or work;

(3) an activity of a student organization registered with or recognized by an institution of higher education;

(4) guest speakers or performers on short‑term engagements;

(5) a policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, ethnicity, gender, or sexual orientation; or

(6) data collection.

(F)(1) 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, is prohibited from spending any money appropriated or authorized to the office or department until the governing board or chief executive officers, as applicable, submits to the General Assembly a report certifying compliance with this section during the preceding fiscal year.

(2) Additionally, in the interim between each regular session of the General Assembly, the individual that certified the report required by item (1) may, at the discretion of the standing legislative committees with primary jurisdiction over the department or office, be required to testify at a public hearing of the committee regarding compliance with this section.

(3) The State Auditor shall periodically conduct a compliance audit of each department or office to which this subsection applies concerning whether the money has been expended in violation of this section. The State Auditor shall adopt a schedule by which the State Auditor will conduct compliance audits under this subsection. The schedule must ensure that each department or office is audited at least once every four years.

(4) If the State Auditor determines pursuant to a compliance audit conducted pursuant to item (3) that a department or office has spent state money in violation of this section, then the department or office:

(a) must cure the violation no later than the one hundred eightieth day after the date on which the determination is made; and

(b) if the department or office fails to cure the violation during the period described by subitem (a), then the State Auditor shall inform the State Fiscal Accountability Authority. If the authority determines necessary, then the authority may direct the State Treasurer to withhold all future distributions to the department or office until the authority determines that the violation is cured.

Section 1‑1‑1920. (A) Before 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 school districts may enter into any contract or award any grant, the applicable contractor or grant recipient must certify that they do not operate any programs that promote diversity, equity, and inclusion, such as the programs prohibited by Section 1‑1‑1910(B). Further, before such contractor may hire a subcontractor for the project, the subcontractor must certify that it does not operate any such programs that promote equity, diversity, and inclusion.

(B) Before 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 school districts 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 that promote diversity, equity, and inclusion, such as the programs prohibited by Section 1‑1‑1910(B).

SECTION 3. (A) 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 agencies and institutions of this State, and all of its political subdivisions, including school districts, must:

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

(2) enforce the State’s longstanding civil rights laws and combat illegal private‑sector DEI preferences, mandates, policies, programs, and activities; and

(3) seek the assistance of the Attorney General to take all appropriate action regarding the operations to advance in the private sector the policy of individual initiative, excellence, and hard work.

(B) The Attorney General, within one hundred twenty days of the effective date of this act, in consultation with the heads of relevant agencies required by subsection (A)(3), shall submit a report to the General Assembly containing recommendations for enforcing civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI.

SECTION 4. (A)(1) This act 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 act 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 act 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 Attorney General shall enforce the provisions of this act and may may bring an action for injunctive or declaratory relief in any court of competent jurisdiction to do so. The Attorney General may make recommendations to the General Assembly when necessary to improve the compliance of this act. The Attorney General shall develop a process and platform whereby complaints may be filed regarding potential offenders of this act.

SECTION 5. 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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