**South Carolina General Assembly**

126th Session, 2025-2026

**S. 322**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cash, Fernandez, Adams, Reichenbach, Leber, Rice, Garrett, Kennedy, Gambrell, Kimbrell, Verdin and Corbin

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Introduced in the Senate on February 6, 2025

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

Summary: Free Speech

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/6/2025 Senate Introduced and read first time (Senate Journal‑page 3)

 2/6/2025 Senate Referred to Committee on **Education** (Senate Journal‑page 3)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=322&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/322_20250206.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “FREE TO SPEAK ACT”; BY ADDING SECTION 59-1-505 SO AS TO PROHIBIT PUBLIC SCHOOL EMPLOYEES FROM KNOWINGLY AND INTENTIONALLY ADDRESSING AN UNEMANCIPATED MINOR WHO IS A STUDENT AT THE SCHOOL WHERE THE EMPLOYEE IS EMPLOYED BY A PRONOUN OR TITLE THAT IS INCONSISTENT WITH THE STUDENT’S SEX WITHOUT THE WRITTEN PERMISSION OF A STUDENT’S PARENT OR GUARDIAN, TO PROTECT PUBLIC SCHOOL EMPLOYEES FROM ADVERSE EMPLOYMENT ACTION FOR DECLINING TO ADDRESS A STUDENT USING A PRONOUN THAT IS INCONSISTENT WITH THE STUDENT'S SEX, FOR DECLINING TO IDENTIFY HIS PRONOUNS, AND FOR OTHER REASONS, AND TO REQUIRE THE GOVERNING BODY OF EACH SCHOOL DISTRICT TO ADOPT POLICIES CONSISTENT WITH THIS CODE SECTION; AND BY ADDING SECTION 59-101-680 SO AS TO PROHIBIT PUBLIC INSTITUTIONS OF HIGHER LEARNING EMPLOYEES FROM KNOWINGLY AND INTENTIONALLY ADDRESSING AN UNEMANCIPATED MINOR WHO IS A STUDENT AT THE SCHOOL WHERE THE EMPLOYEE IS EMPLOYED BY A PRONOUN OR TITLE THAT IS INCONSISTENT WITH THE STUDENT’S SEX, TO PROTECT EMPLOYEES OF INSTITUTIONS OF HIGHER LEARNING FROM ADVERSE EMPLOYMENT ACTION FOR DECLINING TO ADDRESS A STUDENT USING A PRONOUN THAT IS INCONSISTENT WITH THE STUDENT'S SEX, FOR DECLINING TO IDENTIFY HIS PRONOUNS, AND FOR OTHER REASONS, AND TO REQUIRE THE GOVERNING BODY OF EACH PUBLIC INSTITUTION OF HIGHER LEARNING TO ADOPT POLICIES CONSISTENT WITH THIS CODE SECTION.

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

SECTION 1. This act may be cited as the “Free to Speak Act”.

SECTION 2. Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

 Section 59‑1‑505. (A) For the purposes of this section:

 (1) “Sex” means a person’s immutable biological sex, either male or female.

 (2) “Female” means an individual who naturally has, had, will have, or, but for a congenital anomaly or intentional or unintentional disruption, a reproductive system that at some point in time produces, transports, and utilizes eggs for fertilization.

 (3) “Male” means an individual who naturally has, had, will have, or, but for a congenital anomaly or intentional or unintentional disruption, a reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

 (B) Public school employees shall not:

 (1) knowingly and intentionally address an unemancipated minor who is a student at the school where the employee is employed by a pronoun or title that is inconsistent with the student’s sex without the written permission of a student’s parent or guardian;

 (2) be subject to adverse employment action for declining to:

 (a) identify his pronouns; or

 (b) address a student, other public‑school employee, or volunteer by a pronoun or title that is inconsistent with person’s sex.

 (C) Public school students shall not be subject to disciplinary action for declining to:

 (1) identify his pronouns; or

 (2) address a student, public‑school employee, or volunteer by a pronoun or a title that is inconsistent with the person’s sex.

 (D) A person who is harmed by a violation of this section may bring a civil cause of action against the school district seeking injunctive relief, monetary damages, reasonable attorney’s fees and costs, and other appropriate relief. A cause of action brought pursuant to this subsection must be brought no later than twenty‑four months after the alleged violation occurred.

SECTION 3. Article 2, Chapter 101, Title 59 of the S.C. Code is amended by adding:

 Section 59‑101‑680. (A) For the purposes of this section:

 (1) “Sex” means a person’s immutable biological sex, either male or female.

 (2) “Female” means an individual who naturally has, had, will have, or, but for a congenital anomaly or intentional or unintentional disruption, a reproductive system that at some point in time produces, transports, and utilizes eggs for fertilization.

 (3) “Male” means an individual who naturally has, had, will have, or, but for a congenital anomaly or intentional or unintentional disruption, a reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

 (B) Employees of a public institution of higher learning, including, but not limited to faculty, adjunct faculty, staff, and administrative staff, shall not be subject to adverse employment action for declining to:

 (1) identify his pronouns; or

 (2) address a student, other employee of the public institution of higher learning, or volunteer by a pronoun or title that is inconsistent with the person’s sex.

 (C) Students of a public institution of higher learning shall not be subject to disciplinary action for declining to:

 (1) identify his pronouns; or

 (2) address a student, employee of the public institution of high learning, or volunteer by a pronoun or title that is inconsistent with the person’s sex.

 (D) A person who is harmed by a violation of this section may bring a civil cause of action against the public institution of higher learning seeking injunctive relief, monetary damages, reasonable attorney’s fees and costs, and other appropriate relief. A cause of action brought pursuant to this subsection must be brought no later than twenty‑four months after the alleged violation occurred.

SECTION 4. This act takes effect upon approval by the Governor.

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