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Summary: The CROWN Act

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[04/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/584_20250416.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “THE CROWN ACT”; BY AMENDING SECTION 1‑13‑30, RELATING TO DEFINITIONS PERTAINING TO THE STATE HUMAN AFFAIRS COMMISSION SO AS TO DEFINE TRAITS HISTORICALLY ASSOCIATED WITH RACE, COLOR, OR NATIONAL ORIGIN AND TO PROVIDE THAT IT IS ILLEGAL TO DISCRIMNATE AGAINST AN INVIDIDUAL ON THE BASIS OF THESE CHARACTERISTICS; BY AMENDING SECTION 1‑13‑80, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES, SO AS TO PROHIBIT A COVERED EMPLOYER FROM DISCRIMINATING AGAINST AN INDIVIDUAL ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; BY ADDING SECTION 31‑21‑65 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO DISCRIMINATE IN THE SALE, RENTAL, OR FINANCING OF HOUSING, OR IN HOUSING‑RELATED SERVICES ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; BY ADDING SECTION 45‑9‑11 SO AS TO PROVIDE THAT IS UNLAWFUL FOR ANY OWNER, OPERATOR, OR EMPLOYEE OF A PLACE OF PUBLIC ACCOMMODATION TO DENY ACCESS OR SERVICE ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; AND BY AMENDING SECTION 59‑63‑40, RELATING TO DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN, SO AS TO PROVIDE THAT A PUBLIC OR CHARTER SCHOOL MAY NOT IMPLEMENT POLICIES OR PRACTICES THAT DISCRIMINATE AGAINST STUDENTS BASED ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN.

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

SECTION 1. This act may be cited as the “The CROWN Act”.

SECTION 2. Section 1‑13‑30 of the S.C. Code is amended by adding:

 (V) For purposes of this chapter, “race,” “color,” or “national origin” includes traits historically associated with race, color, or national origin, including, but not limited to, hair texture, hair type, hair length, hair color, and protected hairstyles, such as braids, locs, twists, cornrows, Bantu knots, and afros.

SECTION 3. Section 1‑13‑80(I) of the S.C. Code is amended to read:

 (I) Notwithstanding any other provision of this chapter:

 (1) It is not an unlawful employment practice for an employer to employ employees, for an employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor‑management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in a program on the basis of the individual's religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

 (2) It is not an unlawful employment practice for a party subject to the provisions of this section to compile or assemble information as may be required pursuant to Section 1‑13‑70(i) or Federal Equal Employment Opportunity Commission or federal contract compliance requirements or pursuant to another law not inconsistent with this chapter.

 (3) It is not an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to employees who work in different locations if the differences are not the result of an intention to discriminate because of race, religion, color, sex, national origin, or disability; nor is it an unlawful employment practice for an employer to give and to act upon the results of a professionally developed ability test if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, or disability. It is not an unlawful employment practice under this chapter for an employer to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees of the employer if the differentiation is authorized by Section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

 (4) Nothing contained in this chapter applies to a business or enterprise on or near an Indian reservation with respect to a publicly announced employment practice of the business or enterprise under which a preferential treatment is given to an individual because the individual is an Indian living on or near a reservation.

 (5) This chapter does not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, educational institution, or society of its activities. It is not an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if the school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

 (6) Nothing contained in this chapter may be interpreted to require an employer, employment agency, labor organization, or joint labor‑management committee subject to this chapter to grant preferential treatment to an individual or to a group because of race, color, religion, sex, national origin, or disability of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of a race, color, religion, sex, national origin, or disability employed by an employer, referred or classified for employment by an employment agency or labor organization admitted to membership or classified by a labor organization, or admitted to, or employed in, an apprenticeship or other training program in comparison with the total number or percentage of persons of the race, color, religion, sex, national origin, or disability in a community, state, section, or other area or in the available work force in a community, state, section, or other area.

 (7) It is not unlawful for an employer, employment agency, or labor organization:

 (i) to take an action otherwise prohibited under this chapter where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors other than age;

 (ii) to observe the terms of a bona fide seniority system or a bona fide employee benefit plan such as retirement, pension, or insurance plan which is not a subterfuge to evade the purposes of this chapter except that no employee benefit plan may excuse the failure to hire an individual.

 Notwithstanding the provisions of subitem (ii), no seniority system or employee benefit plan may require or permit the involuntary retirement of an individual covered by the provisions of this chapter relating to age because of the age of the individual; however, employees covered by a collective bargaining agreement which was in effect on June 30, 1986, and which would otherwise be prohibited by the provisions of this subitem, this subitem takes effect upon the termination of the agreement or on January 1, 1990, whichever occurs first.

 (8) Nothing in this chapter may be construed to prohibit compulsory retirement of an employee who has attained sixty‑five years of age and who, for the two‑year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan or a combination of these plans of the employer of the employee which equals in aggregate at least forty‑four thousand dollars.

 (9) In applying subsection (I)(8), the retirement benefit test, if a retirement benefit is in a form other than a straight life annuity with no ancillary benefits or if employees contribute to a plan or make rollover contributions, the benefit must be adjusted in accordance with regulations prescribed by the commissioner so that the benefit is the equivalent of a straight life annuity with no ancillary benefits under a plan to which employees do not contribute and under which no rollover contributions are made.

 (10) Nothing in this chapter relating to age discrimination in employment may be construed to prohibit compulsory retirement of an employee who has attained seventy years of age and who is serving under a contract of unlimited tenure or similar arrangement providing for unlimited tenure at an institution of higher education. This item is effective until December 31, 1993.

 (11) It is an unlawful employment practice for a person to forcibly resist, prevent, impede, or interfere with the commission or any of its members or representatives in the lawful performance of duty under this chapter.

 (12) It is not unlawful for an employer which is the State, a political subdivision of the State, an agency or instrumentality of the State or of a political subdivision of the State, or an interstate agency to fail or refuse to hire or to discharge an individual because of the individual's age if the action is taken:

 (i) with respect to the employment of an individual as a firefighter or as a law enforcement officer and the individual has attained the age of hiring or retirement in effect under applicable law on March 3, 1983;

 (ii) pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade the purposes of this chapter.

 This item is effective until December 31, 1993.

 The term “firefighter” means an employee the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

 The term “law enforcement officer” means an employee the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this item, “detention” includes the duties of employees assigned to guard individuals incarcerated in a penal institution.

 Nothing contained in items (8), (10), and (12) may override Sections 9‑1‑1530 and 9‑1‑1537.

 (13) It is not an unlawful employment practice for a private employer to give preference in employment to a veteran. This preference is also extended to the veteran's spouse if the veteran has a service‑connected permanent and total disability. A private employer who gives a preference in employment provided by this item does not violate any other provision of this chapter by virtue of giving the preference. For purposes of this item, “veteran” has the same meaning as provided in Section 25‑11‑40.

 (14)(a) It is an unlawful employment practice for a covered employer to discriminate against an individual based on race, color, or national origin, including characteristics defined in Section 1‑13‑30(V).

 (b)An employer shall not be held liable for unlawful discrimination where the employer demonstrates that:

 (i) the regulation of a specific characteristic is necessary to comply with health or safety laws or bona fide occupational qualifications;

 (ii) the regulation is applied consistently and in a non‑discriminatory manner; and

 (iii) the employer has made good faith efforts to accommodate the employee.

SECTION 4. Chapter 21, Title 31 of the S.C. Code is amended by adding:

 Section 31‑21‑65. (A) “Race,” “color,” or “national origin” includes traits historically associated with race, color, or national origin as defined in Section 1‑13‑30(V).

 (B) It is unlawful to discriminate in the sale, rental, or financing of housing, or in housing‑related services on the basis of race, color, or national origin as defined in subsection (A).

SECTION 5. Chapter 9, Title 45 of the S.C. Code is amended by adding:

 Section 45‑9‑11. (A) For the purposes of this section, “race,” “color,” or “national origin” includes traits historically associated with race, color, or national origin as defined in Section 1‑13‑30(V).

 (B) It is unlawful for any owner, operator, or employee of a place of public accommodation to deny access or service on the basis of the characteristics defined in subsection (A).

SECTION 6. Section 59‑63‑40 of the S.C. Code is amended to read:

 Section 59‑63‑40. (1)(A) No person shall be refused admission into or be excluded from any public school in the State on account of race, creed, color or national origin.

 (2)(B) Except with the express approval of a board having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district or attendance area, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

 (C) For purposes of this section, “race,” “color,” or “national origin” includes traits historically associated with race, color, or national origin as defined in Section 1‑13‑30(V).

 (D) A public or charter school may not implement policies or practices that discriminate against students based on the characteristics defined in subsection (C), including dress codes or grooming policies.

 (E) A school is not liable under this section if it demonstrates that the regulation is essential for health and safety, applied in a nondiscriminatory manner, and reasonable accommodations are made.

SECTION 7. This act takes effect upon approval by the Governor.

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