**South Carolina General Assembly**

126th Session, 2025-2026

**S. 589**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Climer, Stubbs and Jackson

Companion/Similar bill(s): 4061

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Introduced in the Senate on April 22, 2025

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

Summary: SNAP Lunches

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2025 Senate Introduced and read first time ([Senate Journal‑page 4](h:\sj\20250422.docx))

4/22/2025 Senate Referred to Committee on **Education** ([Senate Journal‑page 4](h:\sj\20250422.docx))

4/23/2025 Senate Recalled from Committee on **Education**

4/23/2025 Senate Committed to Committee on **Finance**

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**VERSIONS OF THIS BILL**

[04/22/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/589_20250422.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “MAKE SOUTH CAROLINA HEALTHY AGAIN ACT”; BY AMENDING SECTION 59‑10‑310, RELATING TO THE ESTABLISHMENT OF SCHOOL FOOD SERVICE MEALS AND COMPETITIVE FOODS, DISTRICT POLICIES, AND EXEMPTIONS, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION’S SCHOOL FOOD SERVICE POLICY to INCLUDE A PROHIBITION ON PUBLIC SCHOOLs PROVIDING ULTRA‑PROCESSED FOOD TO STUDENTS ON THE SCHOOL CAMPUS DURING THE NORMAL SCHOOL DAY; AND TO ADD ARTICLE 11 TO CHAPTER 5, TITLE 43, SO AS TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES SHALL SUBMIT A REQUEST FOR A FEDERAL WAIVER TO THE U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE TO PROHIBIT THE USE OF SNAP BENEFITS FOR THE PURCHASE OF CANDY AND SOFT DRINKS; TO PROVIDE GUIDELINES FOR THE WAIVER; AND TO PROVIDE DEFINITIONS RELATING TO THE SNAP PROGRAM.

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

SECTION 1. This act may be cited as the “Make South Carolina Healthy Again Act”.

SECTION 2. Section 59‑10‑310 of the S.C. Code is amended to read:

Section 59‑10‑310. (A) In an effort to promote optimal healthy eating patterns and academic success, the State Board of Education by policy shall establish requirements for all school food service meals and competitive foods provided in kindergarten through twelfth grade during the academic school year, which must meet or may exceed, the nutritional requirements established by the United States Department of Agriculture Food and Nutrition Service. The nutritional requirements must be continuously updated to reflect the current United States Department of Agriculture Food and Nutrition Service standards. A school district board of trustees may adopt a more restrictive policy. This policy does not restrict the food that a parent or guardian may provide for student consumption at school.

(B) The State Board of Education’s policy must prohibit the service or sale of ultra‑processed food to students on the school campus during the normal school day. The board’s policy may not prevent the parent or guardian of a student from providing ultra‑processed food to the student during the normal school day.

(C) As used in this section, "ultra‑processed food" means a food or beverage that contains one or more of the following ingredients:

(1) potassium bromate;

(2) propylparaben;

(3) titanium dioxide;

(4) brominated vegetable oil;

(5) yellow dye 5;

(6) yellow dye 6;

(7) blue dye 1;

(8) blue dye 2;

(9) green dye 3;

(10) red dye 3; or

(11) red dye 40.

(B)(D) School fundraisers must be exempted from the requirements in this section; however, nothing in this section shall restrict or prohibit the department from establishing policy with regard to school fundraisers, as authorized by the United States Department of Agriculture.

SECTION 3. Chapter 5, Title 43 of the S.C. Code is amended by adding:

Article 11

South Carolina SNAP Nutrition Integrity

Section 43‑5‑1410. As used in this article:

(1) “Candy” means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces, that does not require refrigeration.

(2) “Department” means the Department of Social Services.

(3) “Soft drink” means a nonalcoholic beverage made with carbonated water and flavored and sweetened with sugar or artificial sweeteners but does not include a beverage that contains milk; milk products; soy, rice, or other milk substitutes; or more than fifty percent vegetable or fruit juice by volume.

(4) “SNAP” means the federal Supplemental Nutrition Assistance Program, 7 U.S.C. Chapter 51.

(5) “SNAP benefit” means any financial benefit, coupon, or privilege available under SNAP.

(6) “USDA FNS” means the United States Department of Agriculture, Food and Nutrition Service.

Section 43‑5‑1420. (A) The South Carolina Department of Social Services shall submit a request for a federal waiver to the USDA FNS to authorize the department to prohibit the use of SNAP benefits for the purchase of candy and soft drinks.

(B) The waiver request pursuant to subsection (A) must include:

(1) justification for the waiver, including:

(a) public health concerns related to excessive sugar consumption and diet‑related diseases;

(b) SNAP's statutory intent to promote food security and nutrition; and

(c) cost savings to taxpayers by reducing Medicaid expenditures related to diet‑induced conditions;

(2) an implementation plan ensuring that existing point‑of‑sale systems used by retailers can enforce the restrictions;

(3) a strategy for education and outreach utilizing existing programs such as the USDA FNS's SNAP‑Ed Connection program to inform SNAP recipients of alternative healthy food options; and

(4) a mechanism to track the impact of the waiver restrictions on SNAP recipients, including spending patterns postimplementation and health outcomes, particularly Medicaid trends for diet‑related illnesses.

Section 43‑5‑1430. (A) If the waiver pursuant to Section 43‑5‑1420(A) is approved by the USDA FNS, then the department shall implement the SNAP benefits restriction within six months from the date of approval.

(B) If the waiver under Section 43‑5‑1420(A) is denied, then the department shall:

(1) resubmit the waiver request no later than three months from the date of denial; and

(2) continue resubmitting the request annually until approval is granted.

(C) The department shall work with SNAP‑authorized retailers to ensure compliance by updating point‑of‑sale systems to prevent the purchase of restricted items using SNAP benefits.

Section 43‑5‑1440. (A) The department shall submit an annual written report to the General Assembly that includes:

(1) the status of the waiver request, including whether it is pending, approved, or denied;

(2) data on SNAP spending trends in this State, including any reductions in soda and candy purchases;

(3) identified challenges in implementing the restriction, including feedback from retailers and program participants; and

(4) recommendations for further policy action related to SNAP nutrition standards.

(B) The annual report pursuant to subsection (A) also must be included in the department's annual report to the Governor and the General Assembly, as required pursuant to Section 43‑1‑210.

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

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