**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4339**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Terribile, Bradley, Martin, Huff, Mitchell, Forrest, Anderson, Duncan, Kilmartin, Lawson, Hager, M.M. Smith, Beach, Frank, J.L. Johnson, Gilliam, Rankin, Bauer, Teeple, Pedalino, McCabe, Bustos, Wickensimer, Cobb-Hunter, Vaughan, Haddon, Willis, Long, Chapman, Pace, Caskey, Chumley, Whitmire, Morgan, Magnuson, Gibson, Davis, Edgerton, Hartz, Bernstein, Harris, B. Newton, Hewitt, Waters, Luck, Rivers, Hartnett, B.L. Cox, Reese, Taylor, Bowers, Gagnon, Herbkersman, Jordan, McGinnis, Moss, Spann-Wilder, Weeks, Gilreath, Cromer, Guffey and Pope

Document Path: LC-0312WAB25.docx

Introduced in the House on April 9, 2025

Introduced in the Senate on May 7, 2025

Last Amended on May 6, 2025

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

Summary: South Carolina Healthy School Meals Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/9/2025 House Introduced and read first time (House Journal‑page 106)

 4/9/2025 House Referred to Committee on **Education and Public Works** (House Journal‑page 106)

 4/30/2025 House Member(s) request name added as sponsor:
 Gilreath, Cromer

 5/1/2025 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 125)

 5/1/2025 House Member(s) request name added as sponsor: Guffey

 5/6/2025 House Member(s) request name added as sponsor: Pope

 5/6/2025 House Amended (House Journal‑page 32)

 5/6/2025 House Read second time (House Journal‑page 32)

 5/6/2025 House Roll call Yeas-107 Nays-0 (House Journal‑page 34)

 5/7/2025 House Read third time and sent to Senate (House Journal‑page 7)

 5/7/2025 Senate Introduced and read first time (Senate Journal‑page 9)

 5/7/2025 Senate Referred to Committee on **Education** (Senate Journal‑page 9)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4339&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/09/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4339_20250409.docx)

[05/01/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4339_20250501.docx)

[05/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4339_20250506.docx)

Amended

May 6, 2025

H. 4339

Introduced by Reps. Erickson, Terribile, Bradley, Martin, Huff, Mitchell, Forrest, Anderson, Duncan, Kilmartin, Lawson, Hager, M. M. Smith, Beach, Frank, J. L. Johnson, Gilliam, Rankin, Bauer, Teeple, Pedalino, McCabe, Bustos, Wickensimer, Cobb-Hunter, Vaughan, Haddon, Willis, Long, Chapman, Pace, Caskey, Chumley, Whitmire, Morgan, Magnuson, Gibson, Davis, Edgerton, Hartz, Bernstein, Harris, B. Newton, Hewitt, Waters, Luck, Rivers, Hartnett, B. L. Cox, Reese, Taylor, Bowers, Gagnon, Herbkersman, Jordan, McGinnis, Moss, Spann-Wilder, Weeks, Gilreath, Cromer, Guffey and Pope

S. Printed 5/6/25--H.

Read the first time April 9, 2025

\_\_\_\_\_\_\_\_

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill, as amended, prohibits any public school, excluding charter schools, participating in a federally funded or assisted meal program from serving or allowing a third party to sell ultraprocessed food to students on school premises during the regular instructional day beginning July 1, 2027. The bill requires each public school to annually submit a standardized certification form to SCDE’s Office of School Nutrition attesting its compliance with the provisions of the bill. SCDE must post the certification form and a list of compliant schools on its website and conduct random audits of school meal samples every two years to verify compliance, using third‑party laboratory testing if necessary.

If a prohibited additive is found, the school and supplier will receive a warning from SCDE and will have sixty calendar days to correct the violation. The school or district personnel responsible for procuring food served to students for school breakfast and lunch during the instructional day must undergo training from SCDE regarding the purchase and procurement of food allowed under the provisions of the bill. A second violation incurs a fine of up to $5,000 per supplier. The fine must be paid to the school and used for the purpose of improving or establishing a vegetable garden on school grounds. A third violation may disqualify the supplier from providing school meals for one fiscal year. Each violation must be reported by the school to its respective school district immediately upon notice of a violation.

Every five years, SCDE, in consultation with the Department of Agriculture, must review scientific evidence and international regulations to determine if additional additives should be prohibited. SCDE must oversee implementation and ensure compliance with the provisions of the bill, as amended, as well as issue a model policy and promulgate regulations as necessary.

**S.C. Department of Education.** SCDE indicates that this bill, as amended, will increase expenses by an amount up to $93,750 per year beginning in FY 2025-26. Of this amount, $78,750 is for 1.0 FTE (registered dietitian) including annual salary and fringe benefits, and $15,000 is for training and travel. SCDE will request a General Fund appropriation increase to cover the cost of the new FTE and training and travel expenses.

**Department of Agriculture.** The expenditure impact of this bill, as amended, on the Department of Agriculture is undetermined at this time. The Department of Agriculture indicates that depending upon the workload and what SCDE requests their consultation on, the department may need to hire scientists or legal consultants who specialize in food additive ingredients to assist in reviewing scientific evidence and international regulations and providing guidance.

**State Agency Schools.** The overall expenditure impact of this bill, as amended, on state agency schools will vary. The Governor’s School for Agriculture at John de la Howe indicates that the agency will have to work with its food vendor to ensure the products purchased do not have additives. The agency anticipates this will make purchasing food more costly but reports the cost is currently undetermined. GSAH does not anticipate any fiscal impact. However, GSAH indicates that prohibiting the use of food additives in school meals will require a state contract change with its food vendor, which does not expire for three more years, as well as an addendum to the contract. GSSM reports that compliance with the proposed legislation will require a custom contract modification to eliminate foods with the prohibited additives. GSSM further reports that based on a preliminary estimate, ingredient costs will increase by approximately 15 percent, which will directly affect the overall cost of the school’s meal plan and increase expenses by an amount up to $1,199,535. SDB previously indicated on similar legislation that it anticipates significant costs associated with ensuring its meal program does not include prohibited food additives, as well requiring food suppliers and manufacturers to provide a list of ingredients, but reports that the overall cost is currently undetermined. WLGOS reports it may take time to find substitute food items and notes that ordering new or different products may affect delivery times as well as the range of products offered by vendors. WLGOS also notes its agency contract will need to be amended and agreed to by the awarded vendors.

Local Expenditure

This bill, as amended, prohibits any public school, excluding charter schools, participating in a federally funded or assisted meal program from serving or allowing a third party to sell ultraprocessed food to students on school premises during the regular instructional day beginning July 1, 2027. The bill requires each public school to annually submit a standardized certification form to SCDE’s Office of School Nutrition attesting its compliance with the provisions of the bill. If a prohibited additive is found, the school and supplier will receive a warning from SCDE and will have sixty calendar days to correct the violation. The school or district personnel responsible for procuring food served to students for school breakfast and lunch during the instructional day must undergo training from SCDE regarding the purchase and procurement of food allowed under the provisions of the bill. A second violation incurs a fine of up to $5,000 per supplier. The fine must be paid to the school and used for the purpose of improving or establishing a vegetable garden on school grounds. A third violation may disqualify the supplier from providing school meals for one fiscal year. Each violation must be reported by the school to its respective school district immediately upon notice of a violation.

SCDE surveyed the seventy-two regular school districts and three charter school districts and received responses from twenty-six districts. One of the responding districts indicates that the bill will have no expenditure impact. Four districts indicate that the bill will increase expenses by an undetermined amount. Seventeen districts indicate that the bill will increase expenses by an amount ranging from $5,000 to $8,500,000, while another four districts anticipate that implementing the provisions of the bill will impact the district’s food service budget by an amount ranging from 25 percent to 50 percent. Of the twenty-five districts that anticipate an expenditure impact, most expect expenses to increase due to food, labor, training, and equipment costs. Ten districts also report that they may have difficulty finding food vendors that are willing to reformulate their food and beverage products in order to satisfy the requirements of the bill. Additionally, several districts note concerns regarding the timing of the implementation of the bill, as they will need to renegotiate contracts and potentially find new food vendors.

*This section of the impact statement has been updated to include responses from the local school districts.*

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

\_\_\_\_\_\_\_

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA HEALTHY SCHOOLS ACT” BY ADDING SECTION 59‑10‑325 SO AS TO PROTECT THE HEALTH AND WELL‑BEING OF CHILDREN BY PROHIBITING THE USE OF HARMFUL FOOD ADDITIVES IN SCHOOL MEALS, ENSURING INGREDIENT TRANSPARENCY, ESTABLISHING COMPLIANCE PROCEDURES AND ENFORCEMENT MECHANISMS, TO PROVIDE A PERIODIC REVIEW AND POSSIBLE UPDATES OF PROHIBITED ADDITIVES, TO DEFINE NECESSARY TERMS, AND TO MAKE RELATED FINDINGS.

 Amend Title To Conform

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

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

SECTION 2. Article 3, Chapter 10, Title 59 of the S.C. Code is amended by adding:

 Section 59‑10‑325. (A) Beginning July 1, 2027, any public school, excluding charter schools, participating in a federally funded or assisted meal program shall not serve meals or allow a third party to sell ultraprocessed food to students on school premises during the regular instructional day. This subsection does not prevent a student’s parent or guardian from providing ultraprocessed food for personal consumption.

 (B) For the purposes of this section, “ultraprocessed food” means any food or beverage that contains one or more of the following additives:

 (1) Potassium bromate;

 (2) Propylparaben;

 (3) Titanium dioxide;

 (4) Brominated vegetable oil;

 (5) Yellow Dye 5 (Tartrazine);

 (6) Yellow Dye 6 (Sunset Yellow);

 (7) Blue Dye 1 (Brilliant Blue);

 (8) Blue Dye 2 (Indigo Carmine);

 (9) Green Dye 3 (Fast Green);

 (10) Red Dye 3 (Erythrosine);

 (11) Red Dye 40 (Allura Red).

 (C) All food suppliers and manufacturers providing meals to public schools must provide a list of ingredients on packaging or product information sheets, identifying any additives by their common or chemical name, without the use of umbrella terms such as “artificial colors” or “natural flavors.”

 (D) Compliance:

 (1) Each public school shall annually submit a standardized certification form to the State Department of Education Office of School Nutrition, attesting compliance with this section.

 (2) The State Department of Education shall:

 (a) post the certification form and a list of compliant schools on its website; and

 (b) conduct random audits of school meal samples every two years to verify compliance, using third‑party laboratory testing if necessary.

 (3) If a prohibited additive is found:

 (a) the school and supplier shall receive a warning from the State Department of Education and sixty calendar days to correct the violation. School or district personnel responsible for procuring food served to students for school breakfast and lunch during the instructional day must undergo training from the State Department of Education regarding the purchase and procurement of food allowed under this section;

 (b) a second violation incurs a fine of up to $5,000 per supplier. The fine must be paid to the school and used for the purpose of improving or establishing a vegetable garden on school grounds. The school shall report expenditures to the State Department of Education;

 (c) a third violation may disqualify the supplier from providing school meals for one fiscal year; and

 (d) each violation must be reported by the school to its respective school district immediately upon notice of a violation.

 (E) Review:

 (1) Every five years, the State Department of Education, in consultation with the State Department of Agriculture, shall review scientific evidence and international regulations to determine if additional additives should be prohibited.

 (2) Any recommended changes must be submitted to the State Board of Education for approval and codified by means of regulation.

 (F) The State Department of Education shall oversee implementation and ensure compliance with this section. The department also shall issue a model policy and promulgate regulations as it deems necessary to comply with this section.

SECTION 3. The General Assembly finds that:

 (1) childhood obesity, hyperactivity, and long‑term health risks are matters of statewide concern; (2) ultraprocessed foods with synthetic additives contribute to these issues and undermine the nutrition of students in public schools; and

 (3) taxpayer‑funded school meal programs should prioritize student health by eliminating harmful additives.

SECTION 4. 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 5. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑