**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑485 SO AS TO PROVIDE THAT A PUBLIC K‑12 SCHOOL MAY NOT PROVIDE A CATERING SERVICE OR A FOOD OR BEVERAGE VENDING SERVICE TO THE PUBLIC FROM A NONACADEMIC FOOD SERVICE OF THE SCHOOL OR THROUGH A CULINARY ARTS PROGRAM OR SIMILAR ACADEMIC PROGRAM OFFERED BY THE SCHOOL, REGARDLESS OF WHETHER THE SERVICE IS PROVIDED ON‑SITE OR OFF‑SITE, TO EXEMPT PENDING CONTRACTS FOR THESE SERVICES IF PROVIDED WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT, TO PROVIDE LIMITED EXCEPTIONS FOR FOOD AND BEVERAGES SOLD AS FUNDRAISERS FOR SCHOOL ORGANIZATIONS AND AT INTERSCHOLASTIC ACTIVITIES, AND TO DEFINE NECESSARY TERMINOLOGY.

Whereas, the General Assembly finds that the purpose of public schools is to educate children, not to compete with private enterprise in providing nonacademic services and products; and

Whereas, the General Assembly finds that using taxpayer‑funded resources, such as a cafeteria or a culinary arts program, to provide nonacademic services, such as a public meeting venue or catering service, would give a public school an unfair competitive advantage over the very taxpaying businesses that pay for these resources; and

Whereas, the General Assembly finds that requiring a business to essentially fund its competition is unconscionable and contrary to the purpose of government. Now, therefore,

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

SECTION 1. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑485. (A) A public school may not compete with a private business to provide a catering service or a food or beverage vending service to the public from a nonacademic food service of the school or through a culinary arts program or similar academic program offered by the school, regardless of whether the service is provided on‑site or off‑site.

(B) A contract for a public high school to provide a catering service or food or beverage vending service that is pending on the effective date of this act is not rendered invalid by the provisions of this section if the contracted service is provided within six months after the effective date of this section.

(C) The provisions of this section do not apply to food or beverages:

(1) served to students, employees, or occasional guests of a public school as part of a nonacademic food service; or

(2) sold in connection with a fundraising event for a school organization or an interscholastic activity.

(D) For purposes of this section:

(1) ‘nonacademic food service program’ means those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs, including the facilities, equipment, food, beverages, and related supplies;

(2) ‘catering’ means to provide food and drink, typically at a site such as a conference facility, banquet hall, or similar venues in a professional capacity in exchange for compensation;

(3) ‘public school’ means a public school as defined in Section 59‑1‑120 that offers any combination of kindergarten through twelfth grade; and

(4) ‘vending’ means to offer small food items for sale at a stall or from a slot machine.”

SECTION 2. This act takes effect upon approval by the Governor.

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