**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 1, TITLE 59 OF THE 1976 CODE, RELATING TO FREEDOM OF RELIGION FOR STUDENT ASSOCIATIONS, BY ADDING SECTION 59-1-436, TO PROVIDE THAT NO PUBLIC INSTITUTION OF HIGHER LEARNING SHALL TAKE ANY ACTION OR ENFORCE ANY POLICY THAT DENIES A RELIGIOUS STUDENT ASSOCIATION ANY BENEFIT AVAILABLE TO ANY OTHER STUDENT ASSOCIATION BASED ON THE RELIGIOUS STUDENT ASSOCIATION’S REQUIREMENT THAT ITS LEADERS OR MEMBERS ADHERE TO ITS SINCERELY HELD RELIGIOUS BELIEFS OR STANDARDS OF CONDUCT; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. This act may be cited as the “Student Association Freedom of Religion Act.”

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑436. (A) As used in this section:

(1) ‘Benefits’ include, but are not limited to:

(a) recognition;

(b) registration;

(c) the use of facilities of the public institution of higher learning for meetings or speaking purposes;

(d) the use of channels of communication of the public institution of higher learning; and

(e) funding sources that are otherwise available to any other student association in the public institution of higher learning.

(2) ‘Public institution of higher learning’ shall have the meaning provided in Section 59‑103‑5.

(B) No public institution of higher learning shall take any action or enforce any policy that denies a religious student association any benefit available to any other student association based on the religious student association’s requirement that its leaders or members adhere to its sincerely held religious beliefs or standards of conduct.

(C) This section does not apply to religious student associations that intentionally incite or produce likely and imminent illegal action prohibited by statute or general law.”

SECTION 3. 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 chapter, 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 4. This act takes effect upon approval by the Governor.

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