**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5022**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Bernstein, West, Haddon, Elliott, Hager, M.M. Smith, McGinnis, Caskey, Trantham, Crawford, Calhoon, Guest, Collins, B.J. Cox, Davis, Hartnett, Brittain, Gagnon, Hayes, Herbkersman, Felder, B. Newton, Bauer, Ott, G.M. Smith, Carter and Rose

Companion/Similar bill(s): 148, 4982

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Introduced in the House on February 1, 2024

Currently residing in the House

Summary: Free School Meals

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/1/2024 House Introduced and read first time ([House Journal‑page 13](h:\hj\20240201.docx))

2/1/2024 House Referred to Committee on **Ways and Means** ([House Journal‑page 13](h:\hj\20240201.docx))

2/6/2024 House Member(s) request name added as sponsor: Felder

2/7/2024 House Member(s) request name added as sponsor: B. Newton

3/26/2024 House Member(s) request name added as sponsor: Bauer,
Ott, G.M. Smith

3/27/2024 House Member(s) request name added as sponsor: Carter, Rose

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**VERSIONS OF THIS BILL**

[02/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5022_20240201.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑63‑810 SO AS TO PROVIDE THAT ELIGIBLE SCHOOLS THAT PARTICIPATE IN THE SCHOOL BREAKFAST PROGRAM SHALL PROVIDE BREAKFAST AND LUNCH WITHOUT CHARGE TO ALL STUDENTS AND TO PROVIDE GUIDELINES; AND BY AMENDING SECTION 59‑10‑350, RELATING TO THE LENGTH OF LUNCH PERIODS, SO AS TO REQUIRE SCHOOLS TO PROVIDE THIRTY MINUTE LUNCH PERIODS TO ALL STUDENTS.

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

SECTION 1. Article 7, Chapter 63, Title 59 of the S.C. Code is amended by adding:

Section 59‑63‑810. (A) As used in this section:

(1) “Eligible schools” means those schools that participate in the Community Eligibility Provision authorized under section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759(a)(1)(F)); and

(2) “School Breakfast Program” means the program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the National School Lunch Program authorized pursuant to the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(B) Schools that participate in the school breakfast program shall provide breakfast and lunch without charge to all enrolled students.

(C) Eligible schools that offer school breakfast and school lunch to all students without charge shall receive additional funding in the general appropriations act to support their school meals operations.

(D) Notwithstanding any other provision of law, schools may use the percentage of identified students under section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) for eligibility of other federal programs.

(E) The Department of Education shall reimburse eligible schools the difference between the federal free reimbursement rate established annually by the United States Department of Agriculture for school breakfast and for school lunch, and the federal reimbursement rate received for each school breakfast and school lunch served.

(F) The Department of Education may promulgate regulations necessary for making reimbursements pursuant to this section.

(G) Eligible schools participating in the School Breakfast Program shall seek to achieve the highest level of student participation in free meals and maximize federal reimbursement, which may include the following:

(1) providing breakfast at locations within the school outside of the cafeteria;

(2) making breakfast available to students in classrooms after the start of the school day; and

(3) collaborating with the school’s wellness community advisory council on planning school meals.

SECTION 2. Section 59‑10‑350 of the S.C. Code is amended to read:

Section 59‑10‑350. (A) Each elementary school shall provide students a minimum of twenty minutes to eat lunch once they have received their food. In determining the total length of the lunch period, time to and from the cafeteria, time to go through the line, and time to bus trays at the end of lunch must be considered.Each school shall provide lunch periods that are at least thirty minutes in duration, and no less than twenty minutes of that should be dedicated for students to be seated and consume their lunch. The twenty minutes of seated time shall be separate from the time required for students to navigate from the classroom to the lunchroom, stand in line to receive the lunch meal, get potable water if wanted, clean up after themselves, and return to the classroom after lunch has been consumed.

(B) Each school shall schedule lunch periods for all students between 11:00 a.m. and 2:00 p.m. Exemptions may apply for shortened days, provided, however that schools shall make every effort to provide meals on shortened days if feasible.

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

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