**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5187**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Williams

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Introduced in the House on February 29, 2024

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Minimum wage

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/29/2024 House Introduced and read first time (House Journal‑page 5)

 2/29/2024 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 5)

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**VERSIONS OF THIS BILL**

[02/29/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5187_20240229.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 41‑10‑35 SO AS TO PROVIDE THAT THE MINIMUM WAGE IN THIS STATE IS THE GREATER VALUE OF EITHER TEN DOLLARS OR THE MINIMUM WAGE SET BY THE FAIR LABOR STANDARDS ACT; BY AMENDING SECTION 6‑1‑130, RELATING TO THE SCOPE OF AUTHORITY TO SET MINIMUM WAGE RATES, SO AS TO PROVIDE THAT A POLITICAL SUBDIVISION OF THIS STATE MAY NOT REQUIRE A MINIMUM WAGE THAT EXCEEDS THE MINIMUM WAGE ESTABLISHED IN THIS ACT; BY AMENDING SECTION 44‑22‑160, RELATING TO THERAPEUTIC PATIENT EMPLOYMENT, SO AS TO PROVIDE THAT A PATIENT EMPLOYEE MUST BE PAID THE MINIMUM WAGE ESTABLISHED IN THIS ACT; AND BY AMENDING SECTIONS 53‑1‑100 AND 53‑1‑110, BOTH RELATING TO SUNDAY WORK IN MACHINE SHOPS AND SUNDAY WORK IN MANUFACTURING OR FINISHING OF TEXTILE PRODUCTS, RESPECTIVELY, BOTH SO AS TO PROVIDE THAT SUNDAY WORK MUST BE COMPENSATED AT A RATE OF NO LESS THAN THE MINIMUM WAGE ESTABLISHED IN THIS ACT.

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

SECTION 1. Chapter 10, Title 41 of the S.C. Code is amended by adding:

 Section 41‑10‑35. An employer shall pay to an employee who performs any work, wages of at least ten dollars per hour or the minimum wage provided in Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206, whichever is greater.

SECTION 2. Section 6‑1‑130(B) of the S.C. Code is amended to read:

 (B) A political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate that exceeds the federal minimum wage rate set forth in Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206 Section 41‑10‑35. Also, a political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate related to employee wages that are exempt under 29 U.S.C. 201, et seq., the Fair Labor Standards Act of 1938.

SECTION 3. Section 44‑22‑160(A) of the S.C. Code is amended to read:

 (A) Each A patient may refuse nontherapeutic employment within the facility. The department shall establish policies and guidelines to determine what constitutes therapeutic employment. The record and justification of eacha patient’s employment must be sent immediately to the attending physician for review and entered into the patient’s record. Patient employment must be compensated in accordance with the Fair Labor Standards Act, except that a patient employee shall receive no less than the minimum wage provided in Section 41‑10‑35.

SECTION 4. Section 53‑1‑100 of the S.C. Code is amended to read:

 Section 53‑1‑100. Notwithstanding any otheranother provision of law, the operation of machine shops and rubber molding and plastic injection molding facilities shallmust be exempt from the provisions of this chapter. No person shallmay be required to work on Sunday who is conscientiously opposed to Sunday work. If any person refuses to work on Sunday because of conscientious or physical objections, he shalldoes not jeopardize his seniority rights by such refusal orand may not be discriminated against in any manner. Sunday work shallmust be compensated at a rate no less than that required by the Fair Labor Standards ActSection 41‑10‑35.

SECTION 5. Section 53‑1‑110 of the S.C. Code is amended to read:

 Section 53‑1‑110. Notwithstanding any otheranother provision of law, the manufacture and finishing of textile products shall beare exempt from the provisions of Chapter 1, Title 53, as amended. Provided, however, that no person shallmay be required to work on Sunday who is conscientiously opposed to Sunday work. If anya person refuses to work on Sunday because of conscientious or physical objections, he shalldoes not jeopardize his seniority rights by such refusal orand may not be discriminated against in any manner. Sunday work shallmust be compensated at a rate no less than that required by the Fair Labor Standards ActSection 41‑10‑35.

SECTION 6. This act takes effect upon approval by the Governor.

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