

WHAT YOU NEED TO KNOW ABOUT H. 4605



What is banned by H. 4605?

H. 4605 claims the following concepts, among others, are inherently discriminatory and violate the right of an individual in a free society and are likely banned in any state-funded entity:

- A group or individual, by virtue of his or her race, ethnicity, sex, sexual orientation, national origin, heritage, culture, religion, or political belief, is inherently racist, sexist, bigoted, ignorant, biased, fragile, oppressive, or contributive to any oppression, whether consciously or unconsciously.
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of his or her race, ethnicity, sex, sexual orientation, national origin, heritage, culture, religion, or political belief.
- Meritocracy or traits and behaviors such as hard work ethic, punctuality, or use of standard English language are racist or sexist, or were created by a particular race or group to oppress another race or group.

Who is covered under H. 4605?

H. 4605 is expansive in its reach. This legislation would apply to any “state-funded entity;” the bill defines state-funded entity to include:

- Public, charter, and private schools;
- Public and private institutions of higher learning;
- Preschool and childcare providers;
- Public and private institutions;
- State and local governments;
- Businesses and non-for-profit organizations; and
- Contractors, subcontractors, consultants, subconsultants, vendors, labor unions directly or indirectly performing state-funded contracts.

This legislation could hinder businesses, educational institutions, and other organizations in the way they promote an inclusive culture, train employees, and prevent bias and inequality.

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- H. 4605 prohibits compelling an individual to affirm, accept, adopt, or adhere to particular language usage or definitions not universally accepted, or to what it characterizes as controversial and theoretical concepts, such as:
 - ▶ The existence of genders other than male and female and gender fluidity;
 - ▶ Nonbinary pronouns, honorifics, or related speech;
 - ▶ Unconscious or implicit bias; or
 - ▶ That race and sex are social constructs.
- H. 4605 prohibits discomfort on the basis of political belief. This could make it difficult to have any company or organization-wide discussion about current events. Legislation that may silence conversation between those with different beliefs could impede efforts to foster more diverse, equitable, and inclusive work and school environments.

H. 4605 also bans subjecting minors to any discussions, presentations, or materials that involve what is characterized as age-inappropriate topics, which are limited to discussions with parents and legal guardians in accordance with their family values:

- Sexual lifestyles, acts, or practices; and
- Gender identity or lifestyles.

H. 4605 prohibits instruction of students in a manner that:

- Repeatedly distorts or misrepresents verifiable historical facts, without explaining what “distorts” or “misrepresents” mean;

- Omits relevant and important context;
- Interjects the instructor’s personal views; or
- Creates an atmosphere hostile to open and respectful inquiry and discussion.

What are the penalties for violating H. 4605?

- This bill establishes a hotline and email address by which members of the public can report violations to the Attorney General. The Attorney General is required to promptly investigate all reported violations.
- If, after investigation, a state-funded entity is found to be in violation of H. 4605, the entity must lose its state funding, tax exemption status, and any other state-provided accommodation of privilege until it demonstrates compliance to the Attorney General.
- Funding withheld as a result of found violation is forfeited and may not be repaid.
- If an entity fulfilling a state contract is found to be in violation, the contract is suspended and must be terminated if the violation is not rectified within 30 days of being notified of noncompliance.

This vague and overly broad legislation may limit and censor the free speech and free exchange of ideas of students, educators, and private citizens. This bill’s potential silencing of honest discussions of our country’s history and ongoing problems with systemic inequalities could deny the experiences of Black, Indigenous, and other people of color, women and LGBTQ+ individuals.



Defend all South Carolinian’s freedom of speech by voting NO on H. 4605.