

EXECUTIVE ORDER NO.

2025-30

WHEREAS, on February 13, 2025, the President of the United States issued Executive Order No. 14212, titled “Establishing the President’s Make America Healthy Again Commission,” which established “the policy of the Federal Government to aggressively combat the critical health challenges facing our citizens, including the rising rates of mental health disorders, obesity, diabetes, and other chronic diseases”; and

WHEREAS, to implement the aforementioned policy, the Executive Order announced new initiatives and mandated certain actions by the federal government, as well as the health- or healthcare-related agencies thereof, to include requiring such agencies to “focus on reversing chronic disease”; “ensur[ing] that United States food is the healthiest, most abundant, and most affordable in the world”; and establishing the “Make Our Children Healthy Again Strategy,” which shall address “appropriately restructuring the Federal Government’s response to the childhood chronic disease crisis, including by ending Federal practices that exacerbate the health crisis”; and

WHEREAS, the undersigned has consistently advocated for and supported initiatives designed to improve the health and welfare of South Carolinians; and

WHEREAS, the Supplemental Nutrition Assistance Program (“SNAP”), codified as amended at 7 U.S.C. §§ 2011–2036d, is a federal program administered by the State of South Carolina, through the Department of Social Services (“DSS”), which was initially intended to provide food assistance to lower-income South Carolinians and to facilitate participants’ adoption of a more nutritious diet, *see* 7 U.S.C. § 2011; and

WHEREAS, although SNAP was intended to reduce food insecurity and enhance the nutritional quality of foods available to lower-income households, according to a 2016 United States Department of Agriculture (“USDA”) assessment of purchase data, sweetened beverages and candy accounted for approximately 11.4% of SNAP household expenditures; and

WHEREAS, according to data from the National Health and Nutrition Examination Survey, SNAP enrollees consume significantly more sugary drinks than nonrecipients, with children enrolled in SNAP consuming 43% more than children not enrolled in SNAP with similar incomes; and

WHEREAS, the USDA has reported that 41% of participating SNAP households include children; and

WHEREAS, studies have shown that the overconsumption of sugary or sweetened beverages, including soda, is associated with weight gain and obesity and other obesity-related conditions or diseases, such as heart disease, type 2 diabetes, and hypertension; and

WHEREAS, according to the National Center for Health Statistics, heart disease is the leading cause of death in South Carolina; and

WHEREAS, according to the Centers for Disease Control and Prevention, South Carolina has one of the highest adult obesity rates in the United States, with approximately 36% of adults in the State classified obese; and

WHEREAS, according to a recent report by the Annie E. Casey Foundation, 38% of children in South Carolina between the ages of 10 and 17 were considered obese, placing them at significant risk for the development of serious chronic conditions that affect their long-term health and productivity; and

WHEREAS, section 43-5-10 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that the Director of DSS “shall be responsible for maintaining uniformity in the administration of public welfare throughout the State”; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, and welfare of the people of the State of South Carolina, the undersigned has determined that it is necessary and appropriate to take certain additional action.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Directing Submission of Healthy Food Choice Demonstration Waiver

A. I hereby authorize and direct DSS to prepare and submit, within fourteen (14) days of the date of this Order, an application for a waiver, or request for the State to conduct a pilot project under 7 U.S.C. § 2026(b), to the USDA, through the USDA’s Food and Nutrition Service, authorizing DSS’s Division of Economic Services to exclude candy, energy drinks, soft drinks,

and sweetened beverages from the definition of eligible foods under 7 U.S.C. § 2012(k) and 7 C.F.R. § 271.2. If or when DSS's application or request is approved or granted by USDA, the Director of DSS shall promptly prohibit the utilization of SNAP benefits to purchase candy, energy drinks, and soft drinks. In the event that USDA does not grant, in whole or in part, the authorization sought by DSS in its application or request, DSS shall promptly revise and resubmit the same within ten (10) days until such time as the application or request is approved by USDA.

B. For purposes of this Order, the terms or phrases set forth below shall be subject to the following definitions or exclusions, as applicable:

1. "Candy" is defined as and shall mean a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients in the form of bars, drops, or pieces. "Candy" shall not include the following: protein bars, granola bars, or baking ingredients such as sprinkles, chocolate melting wafers, toffee bits, or chocolate chips, or items primarily identified and sold as bakery or bread products, such as baked goods, cakes, crackers, cookies, muffins, brownies, pastries, bread, or similar products.
2. "Energy drinks" is defined as and shall mean beverages containing at least sixty-five (65) milligrams of caffeine per eight (8) fluid ounces that are advertised as being specifically designed to provide metabolic stimulation or an increase to the consumer's mental or physical energy. "Energy drinks" shall not include coffee or tea or any substantially coffee- or tea-based beverage.
3. "Soft drinks" is defined as and shall mean any nonalcoholic beverage made with carbonated water and flavored or sweetened, or both, with sugar or other natural or artificial sweeteners.
4. "Sweetened beverages" is defined as and shall mean any sweetened beverage, flavored or sweetened or both, with five (5) grams or more of added sugar or other natural or artificial sweeteners, ready for consumption without further processing, such as sweetened coffee, tea, lemonade, and other noncarbonated drinks.
5. "Soft drinks" and "sweetened beverages" shall not include (i) a beverage that contains milk, milk products, soy, rice, or other milk substitutes; (ii) any beverage consisting of 50% or more natural fruit or vegetable juice with no added caloric sweetener; (iii) any product commonly referred to as "infant" or "baby" formula; (iv) sports or rehydration beverages; (v) carbonated water beverages; or (vi) any beverage for medical use meaning any beverage suitable for human consumption and manufactured for use as a source of necessary nutrition due to a medical condition or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness.

C. I hereby authorize the Director of DSS to initiate and undertake any additional or supplemental administrative or regulatory action that the Director of DSS deems necessary or appropriate to comply with this Order and the initiatives contained herein or to ensure an expeditious and faithful implementation of any and all waivers or requests submitted in connection with this Order.

D. In addition to the foregoing, I hereby authorize and direct the Director of DSS to provide to the undersigned any current or future recommendations to exclude additional items from the definition of eligible foods under 7 U.S.C. § 2012(k) and 7 C.F.R. § 271.2, specifically considering items commonly understood to have low nutritional value and a positive correlation with weight gain and obesity and obesity-related diseases and conditions, such as heart disease, type 2 diabetes, and hypertension. In developing any such recommendations, DSS shall consider any recommendations promulgated by the President's Make America Health Again Commission, as established by Executive Order No. 14212. DSS shall submit these recommendations to the undersigned in a written report, accompanied by a proposed request for waiver, or request for modification of any existing waiver, immediately upon formulation and completion.

E. I further authorize and direct the Director of DSS to provide quarterly progress reports to the undersigned until such time as the directives set forth in this Order have been fully implemented.

F. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by DSS to cooperate with, accommodate, and assist DSS in conducting or performing the activities required by this Section or otherwise undertaken to advance the interests and initiatives identified herein and to provide DSS with any and all data, information, documents, or materials requested by DSS in connection with the same.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order 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 Order, as the undersigned would have issued this Order, 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.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

September 3, 2025

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 3rd DAY OF
SEPTEMBER, 2025.**

HENRY DARGAN MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State