

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

# ***SOUTH CAROLINA STATE REGISTER***

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

## **STYLE AND FORMAT**

Documents are arranged within each issue of the *State Register* according to the type of document filed:

**Notices** are documents considered by the agency to have general public interest.

**Notices of Drafting Regulations** give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

**Proposed Regulations** are those regulations pending permanent adoption by an agency.

**Pending Regulations Submitted to the General Assembly** are regulations adopted by the agency pending approval by the General Assembly.

**Final Regulations** have been permanently adopted by the agency and approved by the General Assembly.

**Emergency Regulations** have been adopted on an emergency basis by the agency.

**Executive Orders** are actions issued and taken by the Governor.

## **2021 PUBLICATION SCHEDULE**

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

## **REPRODUCING OFFICIAL DOCUMENTS**

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

## **PUBLIC INSPECTION OF DOCUMENTS**

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## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

## **EMERGENCY REGULATIONS**

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

## **EFFECTIVE DATE OF REGULATIONS**

**Final Regulations** take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

**Emergency Regulations** take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

## SUBSCRIPTIONS

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
4980	SR45-5		Transfers and Withdrawals	05/12/2021	State Board of Education	Regs and Admin Procedures	Education
4981	SR45-5		Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	05/12/2021	State Board of Education	Regs and Admin Procedures	Education
4982	SR45-5		Records of Charitable Trust	05/12/2021	Office of the Attorney General	Regs and Admin Procedures	Judiciary
4983	SR45-5		Fees to Accompany Request for Confirmation of Solicitation Exemption	05/12/2021	Office of the Attorney General	Regs and Admin Procedures	Labor, Commerce and Industry
4991	SR45-5		Credential Classification	05/12/2021	State Board of Education	Regs and Admin Procedures	Education
4969	SR45-5		Protection of Consumer Data	05/12/2021	Public Service Commission	Regs and Admin Procedures	Judiciary
4992	SR45-5		Consumer Protection for the Lease of Renewable Energy Generation Facilities	05/12/2021	Office of Regulatory Staff	Regs and Admin Procedures	Judiciary
4975	SR45-5		Hazardous Waste Management Regulations	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4997	SR45-5		Standards for the Permitting of Agricultural Animal Facilities	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5011	SR45-5		Wildlife Management Area Regulations; and Turkey Hunting Rules and Seasons	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
4995	SR45-5		Statement of Policy; and Specific Project Standards for Tidelands and Coastal Waters	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Fish, Game and Forestry
4970	SR45-5		South Carolina National Guard College Assistance Program	05/12/2021	Commission on Higher Education	Regs and Admin Procedures	Education
4996	SR45-5		Athletic Trainers	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4985	SR45-5		Continuing Education; Elections; and Use of Lasers in a Dental Setting	05/12/2021	LLR-Board of Dentistry	Regs and Admin Procedures	Medical Affairs
4986	SR45-5		Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission	05/12/2021	LLR-Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
4987	SR45-5		Administrator-in-Training Program Requirements	05/12/2021	LLR-Board of LTHC Administrators	Regs and Admin Procedures	Medical Affairs
5008	SR45-5		Fee Schedule for Bulk Licensure Verification	05/12/2021	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5009	SR45-5		Fees for the Real Estate Appraisers Board	05/12/2021	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5013	SR45-5		Recording and Reporting Occupational Injuries and Illnesses	05/12/2021	LLR-OSHA	Regs and Admin Procedures	Labor, Commerce and Industry
5016	SR45-5		Marine Resources Division	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5017	SR45-5		Restrictions on the Use of Watercraft in Certain Areas and No Wake Zones	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5018	SR45-5		Freshwater Fisheries	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5019	SR45-5		Sea Turtle Protection	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5020	SR45-5		Alexander Sprunt, Jr., Wildlife Refuge and Sanctuary	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5021	SR45-5		Boating	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5024	SR45-5		Fees Assessed by the State Athletic Commission	05/12/2021	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5025	SR45-5		Fees Assessed by the Auctioneers' Commission	05/12/2021	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5010	SR45-5		Auctioneers' Commission	05/12/2021	LLR-Auctioneers' Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5012	SR45-5		Board of Registrations for Foresters	05/12/2021	LLR-Board of Registration for Foresters	Regs and Admin Procedures	Fish, Game and Forestry
5004	SR45-5		LIFE Scholarship Program and LIFE Scholarship Enhancement	05/12/2021	Commission on Higher Education	Regs and Admin Procedures	Education
5006	SR45-5		South Carolina HOPE Scholarship	05/12/2021	Commission on Higher Education	Regs and Admin Procedures	Education
4994	SR45-5		Sale or Lease of Renewable Energy Facilities	05/12/2021	Department of Consumer Affairs	Regs and Admin Procedures	Judiciary

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5002	SR45-5	Truck Driver Schools; and Driver Training Schools	05/12/2021	Department of Motor Vehicles	Regs and Admin Procedures	Transportation
5022	SR45-5	Residential Group Care Facilities for Children	05/12/2021	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5023	SR45-5	Licensure for Foster Care	05/12/2021	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5005	SR45-5	Palmetto Fellows Scholarship Program	05/13/2021	Commission on Higher Education	Regs and Admin Procedures	Education
4979	SR45-5	Septic Tank Site Evaluation Fees; Onsite Wastewater Systems; License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets; and Licensing of Onsite Wastewater Systems Master Contractors	05/13/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5003	SR45-5	Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals	05/13/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
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5029		Credit for Reinsurance	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5027	R.29 SR45-5	Regulations for Nonnative Wildlife	02/20/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5033		Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products	03/14/2022	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5032		Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034		Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
5037		Licensing Provisions; and Continuing Education	05/08/2022	LLR-Board of Funeral Service	Regs and Admin Procedures	Labor, Commerce and Industry
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4993		South Carolina Jobs-Economic Development Authority	Tolled	SC Jobs-Economic Development Auth	Regs and Admin Procedures	Labor, Commerce and Industry
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4984		Board of Architectural Examiners		LLR-Board of Architectural Examiners	Regs and Admin Procedures	Labor, Commerce and Industry
4988		Role of the Qualified Independent Third-Party Consultant and Expert and the Commissioners' Reliance on the Contents of the Qualified Independent Third-Party Consultant and Expert's Report		Public Service Commission	Regs and Admin Procedures	Judiciary

**Executive Order No. 2021-25**

**WHEREAS**, the State of South Carolina has taken, and must continue to take, any and all necessary and appropriate actions in confronting and coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), which now present different, additional, and evolving emergency conditions and extraordinary circumstances that necessitate the State taking further coordinated actions and maximizing state and federal intergovernmental and interagency financial and operational resources and collaborative response efforts, while also simultaneously expediting and enhancing ongoing recovery and revitalization activities and initiatives and ensuring that any restrictions imposed by or on behalf of the State or the political subdivisions thereof are narrowly tailored to serve a legitimate and compelling public health or other necessary and appropriate purpose and are properly limited in scope and duration so as not to needlessly restrict or infringe upon recognized rights or liberty interests without sufficient justification and the requisite consideration of improving circumstances and conditions related to COVID-19; and

**WHEREAS**, in preparing for and responding to the threats posed by COVID-19, the State must remain flexible to account for new and distinct circumstances—to include not only the evolving public health threats associated with COVID-19 but also modifications to the State’s allocated supplies of authorized COVID-19 vaccines and further expansion of COVID-19 vaccine eligibility—and focus on utilizing and expanding intergovernmental and interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19; minimize the resulting strain on healthcare facilities and resources; address emerging and amplifying issues associated with the presence of COVID-19 variants in the State and the potential emergence of additional COVID-19 variants; enhance testing capacity; accelerate deployment of the State’s vaccine distribution program to ensure that allocated supplies of authorized and available vaccines are administered in an efficient, equitable, and expedited manner; stabilize and reinvigorate the State’s economy; and enable businesses, industries, and government agencies and departments to safely resume normal operations; and

**WHEREAS**, in furtherance of the foregoing, and in preparing for and responding to the various and evolving threats posed by COVID-19, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020, and more recently, on February 24, 2021, the President of the United States published a notice in the *Federal Register* that the national emergency shall continue and remain in effect beyond March 1, 2021; and

**WHEREAS**, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying specific extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and

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to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03, 2021-07, 2021-08, 2021-10, 2021-13, 2021-15, 2021-18, 2021-20, and 2021-22; and

**WHEREAS**, the Supreme Court of South Carolina has likewise issued various Orders in response to, and addressing the impacts of, COVID-19, and in doing so, the Court has expressly recognized that the extraordinary circumstances associated with COVID-19 differ from previous emergencies in many respects, as “in the prior emergencies, the circumstances giving rise to the emergency involved a single event with a beginning and a predictable end,” which “is not the case for the coronavirus,” *In re Operation of the Trial Courts During the Coronavirus Emergency*, App. No. 2020-000447, Am. Order No. 2021-03-04-01, ¶ (a) (S.C. Sup. Ct. filed March 4, 2021); and

**WHEREAS**, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, since the President of the United States first declared that a major disaster exists in the State of South Carolina due to “emergency conditions . . . resulting from the Coronavirus Disease 2019 (COVID-19) pandemic,” the Federal Emergency Management Agency (“FEMA”) has periodically amended the terms of such disaster declaration to provide, authorize, or otherwise make available to the State different and additional federal funds and resources to facilitate emergency assistance and response operations; and

**WHEREAS**, on May 18, 2020, the undersigned approved and signed Act No. 135 of 2020 (H. 3411, R-140), as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged “the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)” and recognized that “given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus”; *see also* Act No. 133 of 2020 (R-138, S. 635); Act No. 142 of 2020 (R-148, H. 5202); Act No. 143 of 2020 (R-149, H. 5305); Act No. 154 of 2020 (R-170, H. 3210); Act No. 2 of 2021 (H. 3707, R-4); and

**WHEREAS**, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remained in effect; and

**WHEREAS**, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 2020-50 and amending and consolidating certain emergency measures to ensure that the remaining measures were targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, on November 25, 2020, the undersigned issued Executive Order No. 2020-73, superseding, rescinding, and replacing Executive Order No. 2020-63 and further modifying and amending certain emergency measures to ensure that the remaining initiatives and limited restrictions were targeted and narrowly tailored to address the current circumstances and public health and other threats associated with COVID-19; and

**WHEREAS**, on March 1, 2021, the undersigned issued Executive Order No. 2021-11, superseding, rescinding, and replacing Executive Order No. 2020-73 and memorializing additional modifications and amendments to certain emergency measures to account for recent significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19 and to ensure that the remaining targeted restrictions or initiatives were necessary and appropriate and narrowly tailored to address and mitigate the public health and other threats and impacts associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, on March 5, 2021, the undersigned issued Executive Order No. 2021-12, superseding, rescinding, and replacing Executive Order No. 2021-11 and memorializing further modifications and amendments to certain emergency measures as part of the process of regularly reviewing the same to confirm that the State's actions are narrowly tailored to address the evolving needs and circumstances and the various public health and other threats and impacts associated with COVID-19; and

**WHEREAS**, on April 28, 2021, the undersigned approved and signed Act No. \_\_ of 2021 (S. 147, R-39), as passed by the General Assembly on April 23, 2021, and ratified on April 28, 2021, which is known as the South Carolina COVID-19 Liability Immunity Act and provides certain liability protections for covered entities and individuals "that follow public health guidance in response to the coronavirus public health emergency" and applies to claims "that arise between March 13, 2020, and June 30, 2021, or one hundred eighty days after the final state of emergency is lifted for COVID-19 in this State, whichever is later"; and

**WHEREAS**, on May 11, 2021, the undersigned issued Executive Order No. 2021-23, superseding, rescinding, and replacing Executive Order No. 2021-12 and, *inter alia*, memorializing further modifications and amendments to various emergency measures; preempting and declaring invalid certain remaining mandates issued by counties, municipalities, or other political subdivisions of this State related to face coverings; directing DHEC, in consultation with the Superintendent of Education, to develop and distribute a standardized form for the parent, guardian, legal custodian, foster-care provider, or other representative authorized to provide consent for or on behalf of a student in any public school in the State of South Carolina to opt out a student from a face covering requirement imposed by any public school official or public school district pertaining to school operations and facilities; and prohibiting any agency, department, official, or employee of the State of South Carolina, or any political subdivision thereof, from developing, issuing, or requiring presentation of a vaccine passport; and

**WHEREAS**, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same, while also ensuring that any restrictions imposed by or on behalf of the State or the political subdivisions thereof are narrowly tailored to serve a legitimate and compelling public health or other necessary and appropriate purpose and are properly limited in scope and duration so as not to needlessly restrict or infringe upon recognized rights or liberty interests without sufficient justification and the requisite consideration of improving circumstances and conditions related to COVID-19; and

**WHEREAS**, as of May 22, 2021, DHEC has identified at least 490,176 confirmed cases of COVID-19 in the State of South Carolina, including 8,517 deaths due to COVID-19; and

**WHEREAS**, although COVID-19 continues to pose a serious threat to the State of South Carolina and present new and distinct emergency circumstances, the State has recently noted and documented significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19, which are due in large part to the implementation of previous emergency measures and the expedited distribution and administration of the available supplies of authorized and allocated COVID-19 vaccines, as well

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as the continued diligence, resilience, and persistence of South Carolinians in making responsible choices to protect themselves and their communities; and

**WHEREAS**, for example, as of the date of this Order, DHEC and its public and private partners have conducted more than 7,770,000 tests for COVID-19 and have administered over 3,280,000 doses of vaccines for COVID-19, and as a result, DHEC continues to document measured progress and downward or declining trends associated with the average rate of cases of COVID-19 per 100,000 individuals, the percentage of positive tests for COVID-19, and the number of new hospital admissions and deaths associated with or related to COVID-19; and

**WHEREAS**, notwithstanding the aforementioned measured progress in addressing COVID-19, according to the latest public health data, approximately 67% of the counties in South Carolina are experiencing high or substantial levels of community transmission of COVID-19 and certain other geographic regions of the United States have recently reported significant increases in the number of cases of COVID-19; and

**WHEREAS**, because DHEC has noted that increased testing of both symptomatic and asymptomatic individuals remains a critical component in the fight against COVID-19 and because DHEC has also continued to identify additional “hot spots” in certain areas of South Carolina, the State must remain focused on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing and further expand associated contact tracing initiatives; and

**WHEREAS**, the State of South Carolina must also continue to take proactive action to utilize, maximize, and coordinate state and federal intergovernmental and interagency resources, operations, and response efforts to facilitate and expedite the distribution and administration of authorized COVID-19 vaccines allocated to the State, particularly in view of the recent further expansion of vaccine eligibility to include younger populations; and

**WHEREAS**, in addition to implementing certain emergency measures designed to limit community spread and transmission of COVID-19, in further proactively preparing for and promptly responding to the evolving threats posed by COVID-19, the State of South Carolina must also simultaneously confront the significant economic impacts and other consequences associated with COVID-19 and undertake efforts to stabilize and reinvigorate the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, accessing and utilizing federal funds and resources to assist with emergency operations, and maximizing interagency or intergovernmental coordination, cooperation, and collaboration to enhance the State’s response to COVID-19; and

**WHEREAS**, in light of the foregoing, and due to, *inter alia*, the continued spread of COVID-19 and the need to enhance testing availability and expedite the administration of authorized and allocated vaccines, the State of South Carolina must promptly take any and all necessary and appropriate steps to utilize, maximize, and coordinate state and federal intergovernmental and interagency financial and operational resources and response efforts; and

**WHEREAS**, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is

imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

**WHEREAS**, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

**WHEREAS**, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

## 8 EXECUTIVE ORDERS

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” *Op. Att’y Gen.*, 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at \*1 (S.C.A.G. Sept. 5, 1980); and

**WHEREAS**, the State of South Carolina has made meaningful progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms, to include by utilizing and maximizing state and federal intergovernmental and interagency financial and operational resources and response efforts and facilitating further coordination, cooperation, and collaboration; and

**WHEREAS**, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the aforementioned and other different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, address emerging and amplifying issues associated with COVID-19, such as the presence of new variants of COVID-19 in the State and the potential emergence of additional variants of COVID-19; enhance existing testing capacity; facilitate and expedite the large-scale administration of authorized vaccines allocated to the State, particularly in view of the recent expansion of vaccine eligibility to include younger populations; and implement other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

**WHEREAS**, for the foregoing and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State, the detection of cases associated with new variants of COVID-19 in South Carolina, and the other circumstances referenced herein, represent the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

**WHEREAS**, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional state and federal intergovernmental and interagency financial and operational resources and collaborative response efforts to address the current and anticipated circumstances; and

**WHEREAS**, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

**WHEREAS**, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective “social distancing” practices and implement targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; 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, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants appropriate proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

**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 declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

**Section 1. Emergency Measures**

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the significant economic and other impacts associated with the same, while also simultaneously protecting recognized rights or liberty interests, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take further proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threats posed by the COVID-19 pandemic and to address the significant economic and other impacts associated with the same, to include the continued utilization and coordination of state and federal intergovernmental and interagency financial and operational resources and collaborative response efforts to facilitate and accelerate the large-scale administration of the current supplies of authorized COVID-19 vaccines allocated to the State, particularly in view of the recent expansion of vaccine eligibility to include younger populations.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby authorize DHEC to utilize and exercise, as necessary and appropriate, the emergency powers set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the

## 10 EXECUTIVE ORDERS

Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

F. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2021-23 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

### Section 2. Transportation Waivers

To expedite the State of South Carolina’s preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s February 17, 2021 Expansion and Extension of the Modified Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; responding to declared emergencies in the State of North Carolina or the State of Georgia; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver

is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

### **Section 3. Enforcement**

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

## **12 EXECUTIVE ORDERS**

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

### **Section 4. 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. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 22nd DAY OF MAY, 2021.**

**HENRY MCMASTER  
Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **June 25, 2021**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Aiken County****Aiken Regional Medical Centers, Inc., d/b/a Aiken Regional Medical Centers**

Purchase of a da Vinci XI surgical system at a total project cost of \$1,944,100.

**Affecting Anderson County****AnMed Health d/b/a AnMed Health Medical Center**

Transfer of 38 inpatient psychiatric beds from AnMed Health Medical Center to the current Women's & Children's Hospital at a total project cost of \$17,518,836.

**Affecting Greenwood County****Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Greenwood County at a total project cost of \$69,686.

**Affecting Lancaster County****Carolina Surgery Center, LLC d/b/a The Surgery Center at Edgewater**

Renovation of existing space for the establishment of a 2,670-sf ambulatory surgery center to include 2 operating rooms at a total project cost of \$4,629,919.

**Affecting McCormick County****Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in McCormick County at a total project cost of \$69,686.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **June 25, 2021**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Calhoun County****InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Calhoun County at a total project cost of \$3,550.

**Affecting Charleston County****Medical University Hospital Authority d/b/a MUSC Health West Ashley Medical Pavilion**

Renovation of existing space and addition of 1,926 sf to add an outpatient vascular lab at a total project cost of \$2,278,962.

## 14 NOTICES

### Affecting Jasper County

#### **Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital**

Construction for the expansion of the surgical department to add 1 operating room for a total of 4 operating rooms and the addition of 3,489 sf at a total project cost of \$5,627,831.

### Affecting Florence County

#### **Regency Hospital Company of South Carolina, LLC d/b/a Regency Hospital of Florence**

Renovation for the addition of 4 acute care beds for a total of 44 long term acute care beds at a total project cost of \$436,080.

#### **US Advocate Care, LLC d/b/a US Advocate Care**

Establishment of a Home Health Agency in Florence County at a total project cost of \$7,500.

### Affecting Greenville County

#### **Prisma Health-Upstate d/b/a Greenville Memorial Hospital**

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,108,500.

### Affecting Lancaster County

#### **Medical University Hospital Authority d/b/a MUSC Health Lancaster Medical Center**

Purchase of a da Vinci XI surgical system at a total project cost of \$2,233,350.

### Affecting Lexington County

#### **InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Lexington County at a total project cost of \$3,550.

### Affecting Orangeburg County

#### **InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Orangeburg County at a total project cost of \$3,550.

### Affecting Richland County

#### **InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Richland County at a total project cost of \$11,550.

### Affecting Sumter County

#### **Prisma Health Tuomey Hospital**

Purchase of a da Vinci Xi surgical system at a total project cost of \$2,077,811.

## DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

### NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina:

Mandatory codes include the:

- 2021 Edition of the International Building Code;
- 2021 Edition of the International Residential Code;
- 2021 Edition of the International Fire Code;
- 2021 Edition of the International Plumbing Code;
- 2021 Edition of the International Mechanical Code;

2021 Edition of the International Fuel Gas Code;  
2020 Edition of the National Electrical Code.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Molly F. Price, Council Administrator, at PO Box 11329 Columbia, SC 29211-1329, or to [contact.bcc@llr.sc.gov](mailto:contact.bcc@llr.sc.gov) on or before September 22, 2021. Additional information may be found on the Council's website at [www.llr.sc.gov/bcc](http://www.llr.sc.gov/bcc).

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BUILDING CODES COUNCIL**

**NOTICE OF GENERAL PUBLIC INTEREST**

**NOTICE OF PUBLIC HEARING**

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the South Carolina Code of Laws, as amended, that a public hearing will be held on July 27, 2021, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, at 10:30 A.M., at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2021 Edition of the International Building Code;  
2021 Edition of the International Residential Code;  
2021 Edition of the International Fire Code;  
2021 Edition of the International Plumbing Code;  
2021 Edition of the International Mechanical Code;  
2021 Edition of the International Fuel Gas Code;  
2020 Edition of the National Electrical Code.

Additional meetings, if needed, will be held August 19, 2021, and September 28, 2021, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, at 10:30 A.M.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to Molly F. Price, Administrator of the Building Codes Council, at the physical address stated below, or to the email address also provided below, by or before Friday, July 23, 2021, at 5:00 p.m.

Molly F. Price  
S.C. Building Codes Council  
SC Department of Labor, Licensing and Regulation  
PO Box 11329  
Columbia, SC 29211-1329  
[Molly.Price@llr.sc.gov](mailto:Molly.Price@llr.sc.gov)

If any person chooses not to attend the hearing but wishes to submit evidence or comments for the Committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before Friday, July 23, 2021, at 5:00 p.m.

## 16 NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE ATHLETIC COMMISSION

#### CHAPTER 20

Statutory Authority: 1976 Code Section 40-81-70(A)(6)

#### **Notice of Drafting:**

The South Carolina Athletic Commission proposes to amend its regulations to add a code of ethics. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina Athletic Commission proposes to amend its regulations to add a code of ethics.

Legislative review of this amendment is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF BARBER EXAMINERS

#### CHAPTER 17

Statutory Authority: 1976 Code Sections 40-7-60 and 40-7-355

#### **Notice of Drafting:**

The South Carolina Board of Barber Examiners proposes to amend Chapter 17 of the Code of Regulations to add regulations for mobile barbers as required by Act No. 65 of 2021. Interested persons may submit comments to Theresa Brown, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### **Synopsis:**

The South Carolina Board of Barber Examiners proposes to amend Chapter 17 of the Code of Regulations to add regulations for mobile barbers as required by Act No. 65 of 2021.

Legislative review of this amendment is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF SOCIAL WORK EXAMINERS

#### CHAPTER 110

Statutory Authority: 1976 Code Section 40-63-70

#### **Notice of Drafting:**

The South Carolina Board of Social Work Examiners proposes to amend Chapter 110 of the Code of Regulations to add definitions for statutory terms and to add supervision guidelines. Interested persons may submit comments to Roselind Bailey-Glover, Administrator, Board of Social Work Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Board of Social Work Examiners proposes to amend Chapter 110 of the Code of Regulations to add definitions for statutory terms and to add supervision guidelines.

Legislative review of this amendment is required.

## 18 FINAL REGULATIONS

Document No. 5015  
**CLEMSON UNIVERSITY**  
**STATE CROP PEST COMMISSION**  
CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

27-58. Asian Longhorned Beetle Quarantine.

### **Synopsis:**

An Asian Longhorned Beetle quarantine is necessary in South Carolina to aid eradication efforts, prevent additional pest spread, and save the many more yet to be affected trees in the state. These new regulations will define the quarantine area and process for containing and eradicating the Asian Longhorned Beetle. Specifications for how some regulated articles may still move are also provided, as well as guidance for inspection and disposal.

A Notice of Drafting regarding the subject matter of the proposed regulation was published in the *State Register* on September 25, 2020.

### **Instructions:**

Print new Regulation 27-58 et al. as shown below.

### **Text:**

27-58. Asian Longhorned Beetle Quarantine.

58.1. Definitions.

A. "Asian Longhorned Beetle" (ALB) means the insect known as Asian longhorned beetle (*Anoplophora glabripennis*) in any living stage of development.

B. "Certificate" means a document or permit, electronic or otherwise, issued or authorized to be issued by the Department or USDA-APHIS inspector to allow the movement of regulated articles to any destination.

C. "Compliance agreement" means a written agreement between an individual or concern engaged in growing, dealing in, or moving regulated articles and a state or USDA-APHIS, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of Asian Longhorned Beetle.

D. "Department" means the Clemson University Department of Plant Industry, or its representatives, acting on behalf of the South Carolina Crop Pest Commission or the Director and acting as the plant regulatory representative of South Carolina.

E. "Director" means the Director of Regulatory and Public Service Programs at Clemson University.

F. "Firewood" means any wooden material less than four feet in length that is gathered and used for fuel when species present are not labeled and/or readily identifiable.

G. "Inspector" means any authorized employee or agent of the State Crop Pest Commission, state, or USDA-APHIS, or any other person authorized by the Director to enforce the provisions of these regulations.

H. "Moved" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

I. "Movement documents" means any certificates and/or compliance agreements applicable to these regulations issued by the Department, state, or USDA-APHIS representatives.

J. "Nursery stock" means all fruit, nut and shade trees, all ornamental plants and trees, bush fruits, buds, grafts, scions, vines, roots, bulbs, seedlings, slips or other portions of plants (excluding true seeds) grown or kept for propagation, sale or distribution. Also includes any other plant included by the Director, if regulating its movement is necessary to control any plant pest.

K. "Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

L. "Quarantined area" means the designated area set by the South Carolina Crop Pest Commission to isolate all known occurrences of the Asian longhorned beetle in one geographical area.

M. "Regulated Articles" means those articles that require a movement document(s) year-round except as indicated.

N. "USDA-APHIS" means the United States Department of Agriculture's Animal and Plant Health Inspection Service.

#### 58.2. Regulated Articles.

A. The Asian longhorned beetle in any life stage.

B. Firewood (all hardwood species), and green lumber and other material living, dead, cut, or fallen, inclusive of nursery stock, logs, stumps, roots, branches, and debris of half an inch or more in diameter of the following genera: *Acer* (maple), *Aesculus* (horse chestnut), *Albizia* (mimosa), *Betula* (birch), *Cercidiphyllum* (katsura), *Fraxinus* (ash), *Koelreuteria* (golden rain tree), *Platanus* (sycamore), *Populus* (poplar), *Salix* (willow), *Sorbus* (mountain ash), *Ulmus* (elm), and any other genus of plant confirmed by the Department and/or USDA-APHIS to be a host of ALB.

C. Any other article, product, or means of conveyance not listed in paragraph (2) of this section may be designated as a regulated article if an inspector determines that it presents a risk of spreading ALB and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

#### 58.3. Conditions Governing the Movement of Regulated Articles.

A. Regulated articles may not at any time be moved from quarantined parts of South Carolina or any other state into or through non-quarantined parts of South Carolina or any other state without a state- or federally-issued certificate and/or compliance agreement allowing for such movement provided that no other state or federal provisions prevent it.

B. Regulated articles may be moved from quarantined parts of South Carolina or any other state into or through quarantined parts of South Carolina or any other state without state- or federally-issued certificates and/or compliance agreements provided that no other state or federal provisions prevent it.

C. Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is securely attached to the container of such articles or to the article itself. Scientific permits may be supplied by the Department or USDA-APHIS.

#### 58.4. Issuance of Movement Documents.

A. Certificates - An inspector from the Department or USDA-APHIS, or their representatives, will issue certificates for movement of regulated articles when it has been deemed that ALB is not apparently present and risk of movement of ALB from a quarantined area to a non-quarantined area has been mitigated. In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

B. Compliance Agreements - The Department or USDA-APHIS may enter into compliance agreements with persons growing, handling, or moving regulated articles once an inspector has reviewed all provisions of the compliance agreement and each agrees to comply with the provisions of this subpart and any conditions imposed under this subpart. As a condition of issuance of certificates for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infection and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles.

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C. Attachment — Movement documents must be attached to or accompany shipments of all regulated articles or containers carrying regulated articles and such articles must be clearly marked with the name and address of the consignor and consignee.

D. Cancellation — Certificates and/or Compliance Agreements may be canceled orally or in writing by an inspector or representative of the Department or USDA-APHIS whenever the inspector determines that the holder of the certificate or compliance agreement has not complied with this subpart or any conditions imposed under this subpart.

### 58.5. Inspection and Disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that non-permitted or non-certified regulated articles are present; and, such inspector is authorized to seize, destroy or otherwise dispose of articles found to be moving in violation of these regulations.

### 58.6. Removal of Areas from Regulation.

When satisfactory evidence has been presented that ALB has been eradicated from an area affected by this quarantine, the Department may remove regulated areas from the quarantine.

### 58.7. Waiver of Liability.

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

### 58.8. Regulated Areas.

The areas declared to be regulated areas where the pest is known to exist at a level or within proximity of a level which poses a risk of spreading the pest to non-infested areas of South Carolina and other states shall be maintained on a list that is made publicly available on Clemson's website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives)

### **Fiscal Impact Statement:**

None.

### **Statement of Rationale:**

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.