

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the printed version of the State Register and not the online version is the official version and the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published October 28, 2022

Volume 46 Issue No. 10

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.

2022 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

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

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

X-----X-----X

South Carolina State Register Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$90.00 plus applicable sales tax per subscription. Checks payable to: Legislative Council)	
Printed	

Mail this form to:
South Carolina State Register
Deirdre Brevard Smith, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500
Fax: (803) 212-4501

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates 1

EXECUTIVE ORDERS

Executive Order No. 2022-28 Declaring State of Emergency Due to Hurricane Ian2
 Executive Order No. 2022-29 Lowering Flags for Master Police Officer Tyrell Owens-Riley of the
 Columbia Police Department.....7
 Executive Order No. 2022-30 Authorizing Leave with Pay Due to Hurricane Ian7
 Executive Order No. 2022-31 Establishing Electric Vehicle Initiatives and Interagency Working Group.....9
 Executive Order No. 2022-32 Suspending Member of Allendale Town Council13

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Cancellation and Rescheduling of Public Hearing for Document No. 5117.....15
 Certificate of Need.....15

DRAFTING NOTICES

CLEMSON UNIVERSITY

Plant Pests17

ELECTION COMMISSION, STATE

Voting Systems17

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Cosmetology, Board of

Instructor Reciprocity; Instructor Renewal License; General Rules for the Operation of Cosmetology
 Schools; and Party Responsible for a Salon.....17

**Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational
 Specialists, Board of Examiners for Licensure of Professional**

Reinstatement of Lapsed Licenses18

Opticianry, Board of Examiners in

General Licensing Provisions; Continuing Education; and Fees18

NATURAL RESOURCES, DEPARTMENT OF

Use of Electric-Assisted Bicycles (e-bikes) in Certain Areas of SCDNR-Owned
 and SCDNR-Managed Lands.....19

TABLE OF CONTENTS

PROPOSED REGULATIONS

CLEMSON UNIVERSITY

State Livestock-Poultry Health Commission

Document No. 5144 State Meat Inspection Regulation (Exempt) 20
Document No. 5143 State Poultry Products Inspection Regulation (Exempt)..... 21

EMPLOYMENT AND WORKFORCE, DEPARTMENT OF

Document No. 5146 Benefit Ratio for Zero Taxable Wages 23
Document No. 5147 Contributions: Interest..... 24
Document No. 5162 Filing Claims for Benefits and Registration for Work 27
Document No. 5163 Offers of Work 29
Document No. 5148 Public Employment Office..... 31
Document No. 5164 Representation before Appeal Tribunal and the Appellate Panel 33

FINANCIAL INSTITUTIONS, STATE BOARD OF

Consumer Finance Division

Document No. 5140 Check-Cashing Service 35
Document No. 5141 Check-Cashing Service: Purchase of Goods or Services 37
Document No. 5142 Check-Cashing Service: Record-Keeping Requirements..... 39

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Document No. 5152 Corporate Self-Representation at Hearings Before the Department’s
Professional and Occupational Licensing Boards 41
Document No. 5157 Fee Schedule for R.10-3, R.10-14, R.10-30, R.10-33, R.10-40,
and R.10-41 43
Document No. 5160 Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34,
and R.10-42 47

Accountancy, Board of

Document No. 5149 Updating Regulations to Conform with the Enactment of S.812 50

Athletic Commission, State

Document No. 5153 Code of Ethics 54

Barber Examiners, Board of

Document No. 5154 Barber Schools, Managers, Teachers and Instructors 56

Dietetics, Panel for

Document No. 5155 Continuing Education, Licensing, Renewal, and Reinstatement 58

Fire Marshal, Office of State

Document No. 5161 Office of State Fire Marshal..... 61

Medical Examiners, State Board of

Document No. 5150 Establishing Continuing Education for Academic Licenses 72

Nursing, State Board of

Document No. 5151 Handling Patient Records Upon the Death, Disappearance, or Incapacity of a
Licensee..... 74

TABLE OF CONTENTS

Optometry, Board of Examiners in
Document No. 5158 Optometrists’ Office and Code of Professional Ethics75

Pharmacy, Board of
Document No. 5156 Board of Pharmacy77

Pilotage, Commissioners of
Document No. 5159 Commissioners of Pilotage80

SOCIAL SERVICES, DEPARTMENT OF
Document No. 5145 Child Support Guidelines.....83

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
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
---------------------	---------------------	------------------------	----------------	----------------------	---------------	------------------------	-------------------------

2 EXECUTIVE ORDERS

Executive Order No. 2022-28

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Ian, which is currently a category 4 hurricane, is anticipated to make landfall along the coast of the State of Florida today, and is thereafter expected to impact the State of South Carolina and other areas in the southeastern region of the United States; and

WHEREAS, according to preliminary forecasts, Hurricane Ian and the severe weather conditions associated therewith have the potential to cause significant damage to public and private property and to disrupt essential utility services and other critical systems throughout the State of South Carolina; and

WHEREAS, the undersigned has been advised that Hurricane Ian, including the anticipated strong winds, heavy rain, flash flooding, dangerous storm surge, and other hazardous weather conditions, represents a significant threat to the State of South Carolina, which requires that the State proactively prepare for the potential impacts and take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate to take additional proactive action to expedite ongoing preparations and to facilitate future emergency management, response, recovery, and relief efforts in connection with Hurricane Ian and the forecasted severe weather conditions and anticipated impacts associated with the same; 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 . . . 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 25-1-440 of the South Carolina Code of Laws, 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, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, 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, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles travelling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

WHEREAS, the undersigned has determined that the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, such that it is necessary and appropriate for the State of South Carolina to expedite ongoing preparations and support further emergency management, response, recovery, and relief efforts by facilitating the operation of critical transportation services; 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, after conferring with the relevant state and federal agencies, officials, and experts, the undersigned has determined that Hurricane Ian and the forecasted severe weather conditions and anticipated impacts associated therewith constitute an actual or imminent emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the existing or anticipated situation.

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

A. I hereby activate the South Carolina Emergency Operations Plan ("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 prepare for and respond to the forecasted severe weather related to Hurricane Ian and the potential impacts associated with the same. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

B. 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 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, in the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division ("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).

C. I hereby order that all licensing and registration requirements regarding private security personnel or companies contracting 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.

D. I hereby authorize and direct any agency within the undersigned's Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as

4 EXECUTIVE ORDERS

amended, through its respective director or secretary, to waive or “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,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

E. I hereby authorize and direct state agencies and departments to utilize the emergency procurement procedures set forth in section 11-35-1570 of the South Carolina Code of Laws, as amended, and any regulations issued pursuant thereto, as necessary and appropriate, to facilitate and expedite the acquisition of any critical materials, resources, or services during the State of Emergency.

F. 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 the State of Emergency.

G. I hereby waive the requirement of a written mutual aid agreement for law enforcement services authorized by the Law Enforcement Assistance and Support Act, codified as amended in Title 23, Chapter 20 of the South Carolina Code of Laws, during the State of Emergency in accordance with section 23-20-60 of the South Carolina Code of Laws, as amended.

H. I hereby authorize and direct state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule to ensure the safety of state employees and the general public. Emergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State’s preparation for or response to emergency conditions related to Hurricane Ian, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical operations of state government, may still be required to report to work. State agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees. Notwithstanding the foregoing, pursuant to section 25-1-440 of the South Carolina Code of Laws, as well as other applicable law, I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from restricting access by essential state employees to any location or facility that is occupied or utilized, in whole or in part, by any state agency or department. Accordingly, I hereby direct that any such county, municipality, or other political subdivision of the State shall authorize, allow, and provide access to said locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision emergency, essential, or otherwise mission-critical government functions and services during the State of Emergency.

Section 2. Transportation Waivers

A. I hereby determine and declare that the existing and anticipated threats, circumstances, or conditions described herein associated with Hurricane Ian and the potential impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending 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.

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 (“FMCSA”) September 28, 2022 Regional Emergency Declaration No. 2022-013 Under 49

C.F.R. § 390.23, or any future amendments or supplements thereto; providing direct assistance, as defined by 49 C.F.R. § 390.5, to the declared emergency in this State or to any declared emergency in the State of Georgia or the State of North Carolina in connection with the forecasted severe weather associated with Hurricane Ian or the anticipated impacts thereof; or otherwise providing direct assistance to supplement state and local efforts and capabilities related to the same, to include commercial vehicles and operators of commercial vehicles transporting equipment, materials, or persons necessary for the restoration of utility services or debris removal and those 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).

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. 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 or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification 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, and 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 with five (5) weight bearing axles 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 (except as provided below), 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. Except as provided below, 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. In accordance with federal law, vehicles traveling on non-interstate routes within the National Network may not exceed a width of 102 inches or 8.6 feet without a special permit. Information regarding special permits for width on the National Network are available on DOT’s website, and a list of routes on the National Network is set forth in Appendix A to 23 C.F.R. Part 658.

6. 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.

6 EXECUTIVE ORDERS

F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

G. I hereby authorize and direct DPS, including the South Carolina Highway Patrol, as needed, to waive or suspend, in whole or in part, operation of the requisite rules and regulations, to include Regulation 38–600 of the South Carolina Code of Regulations, pertaining to the use of the South Carolina Highway Patrol Wrecker Rotation List.

H. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the 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 of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 3. 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.

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 provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. 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 28th DAY OF SEPTEMBER, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-29

WHEREAS, the undersigned has been notified of the passing of Master Police Officer Tyrell Owens-Riley of the Columbia Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Officer Owens-Riley dedicated his life to protecting and serving the people of the United States and the State of South Carolina, both in the United States Marine Corps and as a decorated law enforcement officer with the Columbia Police Department, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

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 of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Thursday, October 6, 2022, in tribute to Officer Owens-Riley and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 5th DAY OF OCTOBER, 2022.

HENRY MCMASTER
Governor

Executive Order No. 2022-30

WHEREAS, on September 28, 2022, the undersigned issued Executive Order No. 2022-28, declaring a State of Emergency due to the significant threats posed by Hurricane Ian, which made landfall along the coast of the State of South Carolina on October 1, 2022, as a category 1 hurricane, and waiving or suspending certain transportation-related regulations to facilitate emergency preparations and response operations in connection with the same, as well as the prompt restoration of utility services, removal of debris, and delivery of essential goods and materials; and

WHEREAS, due to the aforementioned State of Emergency and the forecasted hazardous weather conditions and resulting impacts associated with Hurricane Ian, and in accordance with the directive set forth in Section 1(H) of Executive Order No. 2022-28 for state government offices to follow county government closure determinations, state government offices in numerous counties throughout the State were closed or operated on an abbreviated schedule on one or more days during the period from September 29, 2022, through September 30, 2022, to ensure the safety of state employees and the general public; and

8 EXECUTIVE ORDERS

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions.”

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. Authorizing Leave with Pay Due to Hurricane Ian

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work during the State of Emergency and due to the aforementioned hazardous weather conditions, and in accordance with the directive set forth in Section 1(H) of Executive Order No. 2022-28 for state government offices to follow county government closure determinations, in the following counties and on the following dates:

September 29, 2022:

Closed: Beaufort County, Charleston County

Abbreviated Schedule: Allendale County (closed at 1:00 p.m.), Barnwell County (closed at 1:00 p.m.), Berkeley County (closed at 12:00 p.m.), Colleton County (closed at 12:00 p.m.), Hampton County (closed at 12:00 p.m.), Jasper County (closed at 12:00 p.m.)

September 30, 2022:

Closed: Allendale County, Bamberg County, Barnwell County, Beaufort County, Berkeley County, Calhoun County, Charleston County, Cherokee County, Chesterfield County, Clarendon County, Colleton County, Darlington County, Dillon County, Dorchester County, Fairfield County, Florence County, Georgetown County, Hampton County, Horry County, Jasper County, Kershaw County, Lee County, Marion County, Marlboro County, Orangeburg County, Richland County, Sumter County, Williamsburg County

Abbreviated Schedule: Chester County (closed at 12:00 p.m.), Laurens County (closed at 2:00 p.m.), York County (closed at 3:30 p.m.)

B. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule during the State of Emergency and due to the aforementioned hazardous weather conditions, I hereby authorize the South Carolina Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures without the need for further Orders.

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. 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.

C. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 10th DAY OF OCTOBER, 2022.

HENRY MCMASTER
Governor

Executive Order No. 2022-31

WHEREAS, the State of South Carolina has significant interests in recognizing and advancing innovative strategies to support the electric vehicle (“EV”) industry, facilitating and encouraging further investment and economic development in this critical sector, and enhancing the availability and reliability of EV-related infrastructure to account for existing and anticipated needs and to accommodate additional commercial activity; and

WHEREAS, in recent years, South Carolina has experienced and cultivated tremendous growth in the automotive sector, which has an annual economic impact of more than \$27 billion and presently includes over 500 companies and over 74,000 professionals in this State; and

WHEREAS, by proactively utilizing and capitalizing on the State’s recent achievements and existing assets in the automotive sector and corresponding workforce, South Carolina is uniquely positioned to attract additional investment in the EV and electric-mobility ecosystem and to foster further EV-related innovation and economic development; and

WHEREAS, the EV and automotive sectors have recently experienced significant innovation and produced a variety of important technological advancements, which have, in turn, increased consumer demand for EVs and expedited further EV-related research, development, and investment; and

WHEREAS, in addition to facilitating further EV-related investment, simultaneously expanding South Carolina’s EV charging network will enhance mobility options for the significant number of South Carolinians who own or operate EVs and increase consumer and industry confidence in South Carolina’s charging infrastructure as additional EVs enter the market; and

WHEREAS, South Carolina’s economy and environment will benefit from a comprehensive strategy to account for existing and anticipated increases in the numbers of, and demand for, EVs, EV charging infrastructure, and electric transportation logistics; and

WHEREAS, in light of the aforementioned considerations, while simultaneously encouraging further EV-related investment and economic activity, the undersigned has determined that it is necessary and appropriate for the State of South Carolina to develop a comprehensive strategic plan regarding the deployment of EV-related resources and infrastructure, which should identify and ignite new opportunities for the State’s automotive, logistics, and technology industries and workforce and serve as an outline and engine for further action; and

WHEREAS, in addition to the foregoing, the Infrastructure Investment and Jobs Act (“IIJA”), Public Law No. 117-58, signed into law on November 15, 2021, established certain federal grant programs pertaining to the development of a national network of EV charging and other alternative fuel infrastructure, which provide an opportunity for the State to accelerate the ongoing efforts to enhance South Carolina’s existing EV-related infrastructure and electric transportation system; and

WHEREAS, in accordance with the IIJA, the United States Department of Transportation and the United States Department of Energy have promulgated the National Electric Vehicle Initiative (“NEVI”)

10 EXECUTIVE ORDERS

Formula Program Guidance, which provides that States shall develop comprehensive plans regarding the deployment of EV-related infrastructure; and

WHEREAS, the South Carolina Department of Transportation (“SCDOT”), as the lead agency responsible for adoption and implementation of the NEVI Formula Program in South Carolina, has produced a preliminary multi-year plan, in consultation with the South Carolina Office of Regulatory Staff and the South Carolina Energy Office (collectively, “ORS”), designed to support a convenient, affordable, reliable, and equitable statewide and national EV network in compliance with the NEVI Formula Program standards and requirements; and

WHEREAS, the undersigned has determined that it is necessary and appropriate to facilitate interagency cooperation, collaboration, and coordination and to encourage public engagement in connection with the further development and refinement of the aforementioned strategic plan regarding the deployment of EV-related resources and infrastructure in South Carolina; and

WHEREAS, as a result of the foregoing, and because South Carolina is uniquely positioned to develop and deploy EV-related products, the undersigned has determined that additional proactive action is warranted to prioritize South Carolina’s EV-related economic development activities, enhance the competitive standing of South Carolina’s EV ecosystem relative to other States, and expand the State’s existing EV-related infrastructure, which will simultaneously reduce the State’s current and future transportation energy burden and reliance on foreign-based fuels, while also encouraging and accelerating further EV-related innovation, investment, research, development, manufacturing, and employment opportunities in this State.

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. Establishing SC EV Economic Development Initiative

A. I hereby authorize and direct the South Carolina Department of Commerce (“Department of Commerce”) to undertake the following actions and initiatives:

1. Designate an EV coordinator to serve as a resource and point of contact for the business community and industry stakeholders, as well as federal, state, and local government entities and members of the general public, on EV-related issues or inquiries—including economic investment, workforce development, emerging technologies, and infrastructure—for purposes of connecting interested parties with the relevant state agency or agencies, facilitating coordination and collaboration related to the same, and establishing an informational webpage to serve as a resource repository and directory in furtherance of the foregoing;

2. Coordinate implementation of a strategic initiative designed to prioritize and enhance ongoing economic development and recruitment efforts by identifying, encouraging, or incentivizing EV and automotive manufacturers and related suppliers and industries, both domestic and international, to locate or expand research, development, and production facilities in the State of South Carolina; and

3. Collaborate with and assist the Interagency EV Working Group established in Section 3 of this Order in developing a comprehensive statewide plan regarding the strategic deployment of EV-related resources and infrastructure in South Carolina.

B. 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 the Department of Commerce to cooperate with, accommodate, and assist the Department of Commerce in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative established herein and to provide the Department of Commerce with any

and all data, information, documents, or materials requested by the Department of Commerce in connection with the same.

Section 2. Enhancing the EV Workforce

A. I hereby authorize and direct the South Carolina Department of Employment and Workforce (“DEW”) to undertake the following actions and initiatives:

1. Evaluate the State’s existing and anticipated EV-related workforce availability and capacity needs and explore opportunities to enhance the State’s existing workforce development policies or mechanisms so as to advance the competitive standing of South Carolina’s EV ecosystem and automotive sector relative to other States and position the South Carolina as a center of growth and global leader with respect to EV-related research, development, and production;

2. Conduct a comprehensive and detailed supply-gap analysis of the EV ecosystem, in consultation with the business community, industry stakeholders, education providers, and other state agencies and departments, to evaluate EV-specific occupations and the projected demand for any relevant training, credentials, or certifications; and

3. Identify and report to the undersigned and the General Assembly any recommended statutory or regulatory changes or enhancements related to the State’s existing workforce development mechanisms that may be necessary or appropriate to facilitate new business and industry investment or expansion in the EV sector.

B. 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, 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 DEW to cooperate with, accommodate, and assist DEW in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative formalized herein and to provide DEW with any and all data, information, documents, or materials requested by DEW in connection with the same.

Section 3. Creating Interagency EV Working Group

A. I hereby authorize and direct SCDOT to convene, and to coordinate the activities of, an Interagency EV Working Group (“Working Group”), which shall develop a comprehensive plan regarding the strategic deployment of EV-related resources and infrastructure in the State of South Carolina. In developing the aforementioned plan and providing any corresponding recommendations, to the greatest extent practicable, the Working Group shall:

1. Prioritize the placement of passenger car EV charging equipment along the interstate highway system to complement completion of the national network, placing initial emphasis on rural portions of the State where the lack of urban facilities makes it less feasible for private-sector investments;

2. Provide recommendations and prioritized locations regarding the deployment of EV charging infrastructure in South Carolina, accounting for, *inter alia*, any applicable state or federal laws, regulations, rules, restrictions, standards, or guidelines; opportunities to realize and maximize the public benefit; present conditions and the location of existing EV infrastructure; current and future commercial considerations; existing and anticipated land use and travel patterns; underserved or unserved communities; preferred alternate fuel corridors; infrastructure capacity adjoining current and proposed alternate fuel corridors; and broader goals related to the deployment of EV infrastructure;

3. Collaborate and confer with the Joint Committee on the Electrification of Transportation and other similar entities to arrive at the best possible outcome for the State;

4. Identify loans, grants, and other funding streams available to the State, or political subdivisions thereof, or to private parties pertaining to EV-related resources, technology, and infrastructure; and

12 EXECUTIVE ORDERS

5. Evaluate potential methods for implementation of the plan, including the use of public-private partnerships and the utilization of federal, state, or other available funds, and provide recommendations regarding the same.

B. In addition to SCDOT, the Working Group shall include representatives from the following agencies and entities:

1. ORS;
2. Department of Commerce;
3. DEW;
4. South Carolina Department of Motor Vehicles;
5. South Carolina Department of Health and Environmental Control; and
6. State Fiscal Accountability Authority.

In consultation with the Office of the Governor, SCDOT may designate additional agencies or entities, or representatives thereof, to participate in the Working Group, or components thereof, as necessary and appropriate.

C. SCDOT and ORS shall provide staff resources and administrative support to the Working Group. 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, 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 the Working Group to cooperate with, accommodate, and assist the Working Group in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative formalized herein and to provide the Working Group with any and all data, information, documents, or materials requested by the Working Group in connection with the same.

D. In addition to considering the South Carolina Elective Vehicle Stakeholder Initiative Report regarding the electrification of transportation, which ORS published on September 21, 2022, in accordance with section 58-27-270 of the South Carolina Code of Laws, as amended, the Working Group shall proactively engage with, and solicit input from, the public to ensure that the Working Group's recommendations and proposals are made in consideration of, and for the benefit of, public needs and purposes. The Working Group should invite participation, comments, or presentations from members of the public and relevant stakeholders or interested parties, including business and industry representatives, state- and investor-owned utilities, electric cooperatives, public power providers, and federal, state, and local government entities or officials, and should consider and incorporate any resulting input as appropriate.

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. 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.

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.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF OCTOBER, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-32

WHEREAS, on October 12, 2022, a Grand Jury convened in Allendale County returned an Indictment charging Earl Morell, a member of the Town Council of the Town of Allendale, with Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655(B)(1) of the South Carolina Code of Laws, as amended, and on October 14, 2022, the undersigned was notified of the aforementioned Indictment; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, Earl Morell, as a member of the Town Council of the Town of Allendale, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Earl Morell with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) (“criminal sexual conduct with a minor in any degree is a crime of moral turpitude”); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Earl Morell from office as a member of the Town Council of the Town of Allendale until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

14 EXECUTIVE ORDERS

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 suspend Earl Morell from office as a member of the Town Council of the Town of Allendale until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Earl Morell and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 14th DAY OF OCTOBER, 2022.**

HENRY MCMASTER
Governor

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

**Notice of Cancellation and Rescheduling of Public Hearing
State Register Document No. 5117**

October 28, 2022

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on August 26, 2022, identified as Document No. 5117, to propose new regulation R.61-107.20, Solar Energy Systems. The aforementioned Notice scheduled a write-in public comment period that closed September 26, 2022, and gave notice of a public hearing scheduled before the Board of Health and Environmental Control (Board) for November 10, 2022.

Due to a desire by the Department to receive additional feedback from stakeholders, the public hearing originally scheduled before the Board for November 10, 2022, has been cancelled and will be rescheduled for a later date.

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 **October 28, 2022**, 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.

Affecting Berkeley County**Roper St. Francis Hospital-Berkeley, Inc. d/b/a Roper St. Francis Berkeley Hospital**

Purchase of a mobile CT unit at a total project cost of \$1,865,209.

Affecting Florence County**Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center**

Expansion of MRI services including renovation of 1480 sf for the addition of a MRI with a 3.0T Magnet at a total project cost of \$3,460,809.

Affecting Georgetown County**Georgetown Hospital System d/b/a Tidelands Health d/b/a/ Tidelands Health Waccamaw Community Hospital**

Renovation of existing 1,858 sf for the addition of a hybrid operating room at a total project cost of \$5,065,912.

Affecting Lexington County**Lexington Health, Inc. d/b/a Lexington Medical Center Cayce**

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,484,316.

Lexington Health Inc. d/b/a Lexington Medical Center

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,328,654.84.

Lexington Health, Inc. d/b/a Lexington Medical Center Saluda Pointe

Purchase of a GE Discovery IQ PET/ CT scanner to be installed at LMC Saluda Pointe at a total project cost of \$2,498,315.

16 NOTICES

Affecting Richland County

Lexington Health, Inc. d/b/a Forest Acres Medical Office Building

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,611,159.

Affecting Spartanburg County

Carolina Orthopaedic & Neurosurgical Associates

Purchase of equipment to include an EOSedge Stereoradiographic unit with room modifications at a total project cost of \$877,328.

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 **October 28, 2022**. "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.

Affecting Florence County

Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,652,572.

Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center

Relocation of an existing outpatient infusion center from the day hospital to a suite in an adjacent medical office building at MUSC Health Florence Medical Center at a total project cost of \$247,100.

Affecting Lexington County

Lexington Health, Inc. d/b/a Lexington Medical Center Cayce

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,484,316.

Affecting Richland County

Lexington Health, Inc. d/b/a Forest Acres Medical Office Building

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,611,159.

CLEMSON UNIVERSITY

CHAPTER 27

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

Notice of Drafting:

Clemson University is considering the deletion, clarification and/or changes to regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 9, certain plant pests in South Carolina to include the Tropical Soda Apple (*Solanum viarum*), Sweet Potato Weevil (*Cylas formicarius*), Bengal Dayflower (*Commelina benghalensis*), and the Emerald Ash Borer (*Agrilus planipennis*).

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than November 30, 2022, the close of the comment period.

Synopsis:

The proposed amendments will remove quarantine requirements for Tropical Soda Apple, Emerald Ash Borer and Benghal Dayflower, while expanding the quarantine area for the Sweet Potato Weevil.

These proposed regulations will require legislative action.

STATE ELECTION COMMISSION

CHAPTER 45

Statutory Authority: 1976 Code Sections 7-13-1490 and 7-13-1655

Notice of Drafting:

The State Election Commission is proposing to repeal Regulations 45-1 through 45-10 in their entirety to remove definitions and instructions no longer relevant to the current voting system used in South Carolina. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, 1122 Lady Street, Suite 500, Post Office Box 5987, Columbia, South Carolina 29250-5987. To be considered, all comments must be received no later than 5:00 p.m. on Monday, November 7, 2022.

Synopsis:

The State Election Commission has determined that Regulations 45-1 through 45-10 are obsolete and cannot be amended to conform to the current voting system. Therefore, the Commission intends to repeal the existing regulations in their entirety.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-70

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to amend its regulations following a review of the same conducted pursuant to S.C. Code Section 1-23-120(J). Specifically, the Board intends to amend, revise or clarify,

18 DRAFTING NOTICES

or possibly repeal the following regulations: R.35-8 regarding instructor reciprocity; R.35-9 regarding renewal of the instructor's license; R.35-10(C)(5) regarding absence of an instructor; R.35-10(E)(7) regarding testing within a prescribed period of time following completion of coursework; and R.35-15(A)(3) regarding the party responsible for a salon. The Board may also add a regulation regarding distance learning during an emergency. Interested persons may submit comments to Theresa Brown, Administrator, Board of Cosmetology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to amend its regulations following a review of the same conducted pursuant to S.C. Code Section 1-23-120(J). Specifically, the Board intends to amend, revise or clarify, or possibly repeal the following regulations: R.35-8 regarding instructor reciprocity; R.35-9 regarding renewal of the instructor's license; R.35-10(C)(5) regarding absence of an instructor; R.35-10(E)(7) regarding testing within a prescribed period of time following completion of coursework; and R.35-15(A)(3) regarding the party responsible for a salon. The Board may also add a regulation regarding distance learning during an emergency.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE
AND FAMILY THERAPISTS, ADDICTION COUNSELORS AND PSYCHO-EDUCATIONAL
SPECIALISTS**

CHAPTER 36

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-75-60

Notice of Drafting:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform the language to statute. Interested parties may submit comments to Pam Dunkin, Interim Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements for reinstatement of a license with the parameters established in S.C. Code Section 40-75-250(D).

Legislative review of this amendment is required

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTICIANRY**

CHAPTER 96

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

Notice of Drafting:

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for continuing education

(CE) courses for licenses and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Examiners in Opticianry South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for CE courses for licenses and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-203 “General Regulation” and 123-204 “Additional Regulations Applicable to Specific Properties.” The subject of the proposed action is to amend the regulations to allow the use of electric-assisted bicycles (e-bikes) in certain areas on SCDNR-owned lands and on SCDNR-managed lands with consent of landowners. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife and Freshwater Fisheries Division, South Carolina Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amendments to existing regulations will allow the use of electric-assisted bicycles (e-bikes) on WMA properties and will establish conditions of their use. Since 50-11-2200 prohibits many uses on DNR lands, regulations are required to allow use and set restrictions and conditions.

Legislative review is of this amendment is required.

20 PROPOSED REGULATIONS

Document No. 5144
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2022, at 9:00 a.m. If no request is received by December 1, 2022, the hearing will be canceled. Written comments may be directed to James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2022.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30 and 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5143
CLEMSON UNIVERSITY
STATE POULTRY-LIVESTOCK HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2022, at 9:00 a.m. If no request is received by December 1, 2022, the hearing will be canceled.

22 PROPOSED REGULATIONS

Written comments may be directed to Dr. James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2022.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5146
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-6. Benefit Ratio for Zero Taxable Wages.

Preamble:

R.47-6 instructs the Department on setting an employer's tax class when that employer has zero taxable wages. The Department proposes deleting obsolete sections that provide for assignment of employers to a tax class in the year 2011 only. The proposed amendment also removes references to the "2012 and subsequent" tax years for clarity, readability, and overall improvement of the text of the regulation.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-6. Benefit Ratio for Zero Taxable Wages.

- A. Deletion of text describing employers to be assigned tax class twelve for the 2011 computation period.
- B. Deletion of text assigning employers to be assigned tax class thirteen for the 2011 computation period.
- C. Renumbered from C to A with language referring to "2012 and subsequent" years removed.
- D. Renumbered from D to B with language referring to "2012 and subsequent" years removed.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-6. Benefit Ratio for Zero Taxable Wages.

Purpose: R.47-6 instructs the Department on setting an employer's tax class when that employer has zero taxable wages. The Department proposes deleting obsolete sections that provide for assignment of employers to a tax class in the year 2011 only.

24 PROPOSED REGULATIONS

Legal Authority: 1976 Code Sections 41-29-110 and 41-29-230.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments are necessary to remove obsolete provisions and outdated text. The regulated community benefits from regulations that reflect current practices and standards, and there is no cost associated with removing outdated text from the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. These amendments remove outdated references and do not impose any new requirements or burdens on the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The proposed regulation would remove obsolete provisions that are only applicable to a tax class in the year 2011. These provisions are no longer needed, and removal of these outdated provisions serves to streamline the regulation for the regulated community.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5147

DEPARTMENT OF EMPLOYMENT AND WORKFORCE

CHAPTER 47

Statutory Authority: 1976 Code Sections 41-31-380, 41-31-390, 41-31-400, and 41-41-40

47-16. Contributions: Interest.

Preamble:

Section 41-31-400 of the Code of Laws of South Carolina, 1976, confers upon the Department of Employment and Workforce all powers for collection of unpaid unemployment taxes, interest, and penalties that are conferred upon the Department of Revenue by Title 12 for the collection of unpaid income taxes. However, R.47-16, as currently written, provides the Department of Employment and Workforce with only the collection remedies set forth in Chapter 54 of Title 12 rather than the entire title. The Department proposes amending this regulation, removing the reference to “Chapter 54,” to allow the Department to exercise all powers and collection remedies conferred by statute. In addition, because Section 41-41-40 of the Code of Laws of South Carolina, 1976, provides for collection of overpaid unemployment insurance benefits in the same manner provided in Sections 41-31-380 through 41-31-400 for the collection of past due employer contributions, the proposed regulation incorporates collection of overpaid unemployment insurance benefits into the text of this regulation.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-16. Contributions: Interest.

A. No change.

B. Addition of a comma for grammatical accuracy and clarity.

C. No change.

D. Addition of “or claimant,” reference to “Chapter 54” of Title 12 amended to refer to Title 12 in its entirety as authorized by Section 41-31-400 of the 1976 Code, and “would” stricken in favor of “may.”

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-16. Contributions: Interest.

Purpose: The proposed regulation would align the collection remedies authorized in regulation with those conferred to the Department in statute. The proposed amendments delete the reference to “Chapter 54” of Title 12 to align the regulation with Section 41-31-400 of the Code of Laws of South Carolina, 1976, which confers upon the Department all collection powers conferred upon the Department of Revenue in Title 12, not just Chapter 54. In addition, the proposed amendments would align the regulation with Section 41-41-40 of the Code of Laws of South Carolina, 1976, which provides for collection of overpaid unemployment insurance benefits in the same manner as the collection of past due employer contributions.

Legal Authority: 1976 Code Sections 41-31-380, 41-31-390, 41-31-400, and 41-41-40.

26 PROPOSED REGULATIONS

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary for the Department to exercise all collection remedies conferred upon the Department in statute to preserve the integrity of the Unemployment Insurance program and the Unemployment Trust Fund. The proposed amendments align the authorities within the regulation with those already provided in statute, there are no increased costs to the state to implement the proposed regulation, and the recovery of improper payments and unpaid contributions decreases the amount needed to be raised from employers to maintain the fund.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the state or its political subdivisions in complying with these proposed amendments. In addition, there are no anticipated cost increases for the business community associated with implementation of these amendments, and recovery of improper payments and unpaid contributions ultimately decreases the amount needed to be raised from employers to maintain the Unemployment Trust Fund.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

Section 41-31-400 of the Code of Laws of South Carolina, 1976, confers upon the Department of Employment and Workforce all powers for collection of unpaid unemployment taxes, interest, and penalties that are conferred upon the Department of Revenue by Title 12 for the collection of unpaid income taxes. However, R.47-16, as currently written, provides the Department of Employment and Workforce with only the collection remedies set forth in Chapter 54 of Title 12 rather than the entire title. The proposed amendments to this regulation would allow the Department to exercise all powers and collection remedies conferred by statute. The proposed amendments also incorporate collection of overpaid unemployment insurance benefits consistent with Section 41-41-40 of the Code of Laws of South Carolina, 1976, which provides for collection of overpaid unemployment insurance benefits in the same manner provided in Sections 41-31-380 through 41-31-400 for the collection of past due employer contributions.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5162
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
 CHAPTER 47
 Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-21. Filing Claims for Benefits and Registration for Work.

Preamble:

R.47-21 provides information and instructions on filing an initial claim for benefits and continuous claims. The Department proposes updating this regulation to be consistent with current practices and procedures and with upgrades in the Department’s technology. The proposed amendments remove references to local, physical offices and incorporate modern usage of the Department’s online benefits system and the SC Works Online Services (SCWOS) system. The amendment also clarifies the procedural differences and claimant obligations when a job attached claim is filed by an employer compared to an individual claimant. Finally, the amendment seeks to resolve questions about a claim’s effective date when it is filed on a Sunday. The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-21. Filing Claims for Benefits and Registration for Work.

- A.1. Revision: Revises for clearer terminology related to filing a claim for benefits, to reflect modern practice by replacing references to local offices with online systems, and to clarify “services”.
- A.2. Revision: Removes references to local offices.
- B.1. Addition: Clarifies the procedure and claimant obligations when a job attached claim is filed by a claimant rather than an employer.
- B.2. Revision: Renumbers to reflect addition of B.1. and to specify “employer filed” initial claims.
- B.3. Technical Correction: Renumbers to reflect addition of B.1.
- B.4. Revision: Adds text relating to notification of ineligibility through the online benefits portal and renumbers to reflect addition of B.1.
- B.5. Revision: Revises provisions related to reporting of earnings and renumbers to reflect addition of B.1.
- B.6. Revision: Specifies “employer filed” claim.
- C.1. Removes references to local offices and replaces with “public employment office”.
- D.1. Technical Correction: Corrects a typographical error.
- D.2. No change.
- D.3. No change.
- D.4. Technical Correction: Corrects a typographical error.
- D.5. No change.
- D.6. No change.
- D.7. No change.
- D.8. No change.
- D.9. No change.
- E.1. Revision: Clarifies effective date for a claim filed on a Sunday.
- E.2. No change.
- F.1. Deletion/Revision: Deletes provision related to local offices, renumbers to reflect that deletion, revises language related to notification of change of address to remove references to local offices and replace with the online benefits system.

Notice of Public Hearing and Opportunity for Public Comment:

28 PROPOSED REGULATIONS

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-21. Filing Claims for Benefits and Registration for Work.

Purpose: The purpose of the proposed amendments is to update this regulation to be consistent with current practices and procedures, clarify the procedural differences and claimant obligations when a job attached claim is filed by an employer compared to an individual claimant, and resolve questions about the effective date of a claim filed on a Sunday.

Legal Authority: 1976 Code Sections 41-29-110 and 41-29-230.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

These amendments will benefit the regulation by modernizing its text to reflect the use of online systems, clarify procedures and responsibilities of claimants, and resolve questions about claims filed on Sunday. There are no significant costs anticipated for implementation of the regulation by the state or regulated community.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. There are no anticipated significant costs to the public or the business community to implement these amendments.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.47-21 provides information and instructions on filing an initial claim for benefits and continuous claims. The Department proposes updating this regulation to be consistent with current practices and procedures, such as referring to initial claims in place of requests for determination, and with upgrades in the Department’s technology. The amendment also clarifies the procedural differences and claimant obligations when a job attached claim is filed by an employer compared to an individual claimant. Finally, the amendment seeks to resolve questions about a claim’s effective date when it is filed on a Sunday.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5163
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
 CHAPTER 47
 Statutory Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-35-130

47-23. Offers of Work.

Preamble:

The Department of Employment and Workforce proposes amendments to R.47-23, Offers of Work, to clarify that offers of work may be made electronically and to replace a certification requirement with submission of competent evidence that an offer of work was communicated to the claimant by reasonable methods. The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

- A. No change.
- B. The certification requirement is removed and replaced with submission of competent evidence that an offer was communicated to the claimant by reasonable methods.
- C. No change.
- D. No change.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

30 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION: 47-23. Offers of Work.

Purpose: The purpose of the proposed amendments to this regulation is to clarify that offers of work may be made electronically and replace the certification requirement with a provision allowing the Department to instead evaluate competent evidence that an offer of available, suitable work was made to a claimant.

Legal Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-35-130.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments are necessary to modernize the regulation and clarify that that an offer of work may be made electronically, and do not need to be made by registered or certified mail, which are methods of communication no longer common to the hiring process in the modern business community. The proposed amendments also remove the certification requirement, which will ease the burden of the process on employers by reducing confusion and allowing them to present competent evidence that the offer was made. There are no anticipated costs to the state or the business community to implement these amendments.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. There are no anticipated additional costs to the regulated community to implement these amendments, and these amendments are expected to make the process easier for the business community by eliminating potentially confusing certification requirements and clarifying that offers of work can be made electronically.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

Pursuant to R.47-23 and under authority of S.C. Code Section 41-35-120(5), claimants may be disqualified from receiving benefits if the claimant refuses to accept available suitable work offered to them by the Department or an employer. The Department proposes updating this regulation to be consistent with modern operations and practices by clarifying its text to specifically mention offers made electronically. The amendment also seeks to allow the agency to evaluate all relevant, competent evidence that an offer of available suitable work was made to a claimant in place of the current requirement of a certification that may not readily be understood by the employer community.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5148
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
 CHAPTER 47
 Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-31. Public Employment Office.

Preamble:

The Department proposes an amendment to R.47-31, which defines and describes the term “public employment office,” to provide that a public employment office may be a virtual office, a physical office, or some combination of virtual and physical. In addition, the proposed amendment updates outdated references to the “South Carolina Employment Security Law.”

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-31. Public Employment Office.

A sentence is added to provide that the public employment office may be virtual or a combination of physical and virtual; outdated references to the “South Carolina Employment Security Law” are updated.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-31. Public Employment Office.

Purpose: R.47-31 defines the term "public employment office" as used in statutes and regulations related to the Department. The proposed amendment to the regulation is intended to reflect modern operations by providing that a public employment office may be virtual or be some combination of physical and virtual. In addition, the proposed amendment updates outdated references to the “South Carolina Employment Security Law.”

Legal Authority: 1976 Code Sections 41-29-110 and 41-29-230.

32 PROPOSED REGULATIONS

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments are necessary to update provisions in accordance with current practices and standards reflecting the availability of virtual platforms and modern technology. There are no costs associated with implementation of the proposed amendment.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments to modernize the regulation will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. There are no anticipated increased costs for claimants or employers associated with the implementation of the proposed amendment.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The Department proposes updating R.47-31, which defines the term "public employment office" as used in statutes and regulations related to the Department, to reflect modern operations and, specifically, that a public employment office may be virtual. In addition, a technical change is proposed to conform with Act No. 146 of 2010, which amended the short title for Chapters 27 through 41 of Title 41 of the Code of Laws of South Carolina, 1976, substituting "Department of Employment and Workforce" for "Employment Security Law." The proposed amendment updates the language of R.47-31 for consistency with the amended statute, but to ensure clarity, the reference in R.47-31 to the "South Carolina Employment Security Law" is proposed to be replaced by "Chapters 27 through 41 of Title 41."

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5164
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
 CHAPTER 47
 Statutory Authority: 1976 Code Sections 41-27-510, 41-35-720, and 41-35-760

47-55. Representation before Appeal Tribunal and the Appellate Panel.

Preamble:

R.47-55 describes how a party may be represented before an Appeal Tribunal or the Appellate Panel. The Department proposes amending this regulation to clarify who can represent individuals, businesses, and other entities before the Appeal Tribunal and Appellate Panel, and to distinguish, for the purposes of representation, between unemployment insurance benefit proceedings and unemployment insurance tax proceedings. The Notice of Drafting was published in the *State Register* on September 23, 2022.

Section-by-Section Discussion:

- A.1. Revision to establish scope of self-representation before Tribunal and Panel.
- A.2. Addition to clarify that Department employees can represent the Department.
- B.1. Revision to clarify business units may be represented by employees or attorneys in benefit hearings.
- B.2. Renumbered (previously part of section A).
- C.1. Addition to expressly require business units to be represented by attorneys in tax hearings.
- D. Renumbered (previously section B).

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-55. Representation before Appeal Tribunal and the Appellate Panel.

Purpose: The purpose of the proposed amendments is to clarify who can represent individuals, businesses, and other entities before the Appeal Tribunal and Appellate Panel, and to distinguish, for the purposes of representation, between unemployment insurance benefit proceedings and unemployment insurance tax proceedings.

Legal Authority: 1976 Code Sections 41-27-510, 41-35-720, and 41-35-760.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department’s website.

34 PROPOSED REGULATIONS

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The amendments are reasonable and necessary to provide the required legal authority to permit a business entity to represent itself in a hearing before the Appeal Tribunal and the Appellate Panel in proceedings related to eligibility for unemployment benefits and to clarify that a business entity must still be represented by an attorney in proceedings related to unemployment taxes.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. Implementation of the proposed regulation would benefit the business community by clarifying that a business entity may represent itself before the Appeal Tribunal and the Appellate Panel in proceedings related to eligibility for unemployment benefits.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.47-55 describes how a party may be represented before an Appeal Tribunal or the Appellate Panel. The Department proposes amending this regulation to clarify who can represent individuals, businesses, and other entities before the Appeal Tribunal and Appellate Panel. The amendment is also needed to distinguish, for the purposes of representation, between unemployment insurance benefit proceedings and unemployment insurance tax proceedings. The amendment recognizes that unemployment insurance tax proceedings are complex and touch on corporate acquisitions, mergers, and employee misclassification. Because agency proceedings are the only opportunity for a party to present testimony and evidence, constituents would be disadvantaged in representing themselves in these proceedings and potentially waive or harm their positions on appeal, where an attorney would be required.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5140
STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
CHAPTER 15

Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

15-65. Check Cashing.

15-66. Check Cashing – Use of the Nationwide Multistate Licensing System. (New)

Preamble:

The State Board of Financial Institutions (Board) seeks to amend R.15-65 and add R.15-66 regarding the use of the Nationwide Multistate Licensing System (NMLS) for check-cashing applications, renewals, and other filings and to pay all fees and costs.

Section-by-Section Discussion:

R.15-65B(2) is amended to clarify that renewal fees must be paid through the NMLS and that such renewal fees must be paid by December 31 immediately before the beginning of the calendar year for which a renewed license is sought.

R.15-66A is added to require all check-cashing licensees and applicants to use the NMLS to submit all applications, renewals, and other filings

R.15-66B is added to clarify that the Board has adopted as its own the forms and content requirements, including any South Carolina-specific requirements, set forth in NMLS.

R.15-66C is added to state that the Consumer Finance Division may request additional information or documentation, if reasonable, after receiving and reviewing a filing.

R.15-66D is added to clarify that applicants and licensees shall pay all fees and costs through NMLS.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments must be sent to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on November 28, 2022.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted in the Governor's Conference Room on the first floor of the Wade Hampton Building at 1200 Senate Street, Columbia, S.C. 29201 on December 7, 2022 at 10:00 A.M.

Preliminary Fiscal Impact Statement:

To implement these regulations, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

36 PROPOSED REGULATIONS

Purpose: Chapter 41 of Title 34 of the 1976 Code gives the Board the authority to license and regulate persons who engage in check-cashing activity in this State. Specifically, Section 34-41-40 states that the Board prescribes the form of the application and that the required fees must accompany the application. The purpose of amending R.15-65B(2) is to clarify the means by which licensees shall pay their license renewal fees and the deadline to pay the renewal fees. The purpose of adding R.15-66 is to clarify that all applicants and licenses shall use NMLS for all filings with the Board and pay all fees and costs in NMLS, that the Board has adopted the forms and content requirements posted in NMLS, and that the Consumer Finance Division may ask for additional information after reviewing a filing.

Legal Authority: 1976 Code Sections 34-41-10 to 34-41-130 give authority to the Board to license and regulate persons who engage in check-cashing services in this State and to promulgate necessary regulations. Section 34-41-130 specifically gives the Board the authority to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41.

Plan for Implementation: The amendment to R.15-65B(2) and the addition of R.15-66 are consistent with current operating policies. Implementation is expected to align easily with current operations for both the State agency and the applicants and licensees. The regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

To gain efficiencies by using technology and to significantly reduce a paper-intensive process, in 2019 the Board approved a motion to require check-cashing applicants and licensees to use of NMLS for all filings and adopted the forms and content requirements set forth in NMLS as the forms and information that applicants and licensees must submit to the Board. In 2020, the Board adopted a policy to implement the use of NMLS for all renewals of applications for 2021 and for all initial applications submitted after December 31, 2020. Therefore, all applicants and licensees are already using NMLS. By amending R.15-65 and adding R.15-66, the Board is setting forth in these regulations activities approved by existing policy and clarifying technical issues.

DETERMINATION OF COSTS AND BENEFITS:

No significant costs have been incurred by the State agency or imposed on applicants and licensees by requiring NMLS. The Consumer Finance Division continues to charge applicants and licensees statutory examination, application, and renewal fees, which continue to cover its costs. Applicants and licensees must pay \$15 per necessary credit report. The efficiencies achieved from using technology to process applications, renewals, and other regulatory matters and to store application materials and other documents has been significant.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulations will have no detrimental effects on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulations will not have a detrimental effect on the environment or public health if they are not implemented.

Statement of Rationale:

Section 34-41-130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The amendment to R.15-65 and the addition of R.15.66 are intended to carry out the purposes of Chapter 41 and to assist applicants and licensees in understanding and complying with the application, renewal, and other processes for licensure.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5141
STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
 CHAPTER 15
 Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

15-68. Check Cashing – Other Consideration. (New)

Preamble:

The State Board of Financial Institutions (Board) seeks to add R.15-68 to state the Board’s interpretation that “other consideration” in Sections 34-41-10 and 34-41-30 includes the mandatory purchase of goods or services, to clarify that a person accepting such other consideration to cash a check is required to have a check-cashing license in this State, and to require a person who accepts other consideration only in the form of a mandatory purchase of goods or services must notify the Consumer Finance Division of this activity by filing affidavits in NMLS.

Section-by-Section Discussion:

Section 15-68A is added to state the Board’s interpretation that “other consideration” in Sections 34-41-10 and 34-41-30 includes the mandatory purchase of goods or services.

Section 15-68B is added to clarify that a person who does not charge a check-cashing fee or service charge but accepts other consideration only in the form of a mandatory purchase of goods or services to cash a check is required to have a check-cashing license in this State.

Section 15-68C is added to require a person, who does not charge a fee or a service charge but accepts other consideration only in the form of a mandatory purchase of goods or services, to file affidavits of such activity in NMLS.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments must be sent to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on November 28, 2022.

38 PROPOSED REGULATIONS

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted in the Governor's Conference Room on the first floor of the Wade Hampton Building at 1200 Senate Street, Columbia, S.C. 29201 on December 7, 2022, at 10:00 A.M.

Preliminary Fiscal Impact Statement:

To implement this regulation, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Chapter 41 of Title 34 of the 1976 Code gives the Board the authority to license and regulate persons who engage in check-cashing activity in this State. Pursuant to Section 34-41-10, a required element of check-cashing service in this State is cashing a check "for a fee, service charge, or other consideration." "Other consideration" is not defined in Chapter 41, but the Board recently adopted a policy and the Consumer Finance Division has held a longstanding position that "other consideration" includes the mandatory purchase of goods or services. The purpose of adding R.15-68 is to establish this interpretation of "other consideration" in a regulation, to clarify that a person who accepts only a mandatory purchase of goods or services needs to have a check-cashing license in this State, and to require the check casher to notify the Consumer Finance Division through NMLS that it does not charge a fee or service charge for cashing a check and that the only form of "other consideration" that it receives is a mandatory purchase of goods and services.

Legal Authority: 1976 Code Sections 34-41-10 to 34-41-130 give authority to the Board to license and regulate persons who engage in check-cashing services in this State and to promulgate necessary regulations. Section 34-41-130 specifically gives the Board the authority to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41.

Plan for Implementation: The addition of R.15-68 is consistent with current operating policies. Implementation is expected to align easily with current operations for both the State agency and the applicants and licensees. The regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

"Other consideration" is an important term in Chapter 41, but it is not defined in statute. The Consumer Finance Division has held a longstanding position that "other consideration" includes the mandatory purchase of goods and services. The Board has adopted a policy that agrees with the Consumer Finance Division's position on "other consideration." R.15-68 is needed to establish the Board's interpretation of "other consideration" in the law. It is also appropriate and reasonable for R.15-68 to clearly establish that a check casher who does not charge a fee or a service charge for cashing a check but receives other consideration only in the form of a mandatory purchase of goods and services needs to have a South Carolina check-cashing license and needs to inform the Consumer Finance Division by filing an affidavit in NMLS that the only form of "other consideration" it receives is a mandatory purchase of goods or services.

DETERMINATION OF COSTS AND BENEFITS:

No significant costs have been incurred by the State agency or imposed on applicants and licensees by adding R.15-68.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulation will have no detrimental effects on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulation will not have a detrimental effect on the environment or public health if it is not implemented.

Statement of Rationale:

Section 34-41-130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The addition of R.15-68 is intended to carry out the purposes of Chapter 41 and to assist applicants and licensees in interpreting and complying with Chapter 41's licensure requirements.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5142
STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
CHAPTER 15
Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

15-67. Check Cashing – Required Records and Retention Period. (New)

Preamble:

The State Board of Financial Institutions (Board) seeks to add R.15-67 to establish by regulation the records that a person required to be licensed under Chapter 41 must keep and maintain and the corresponding records retention period.

Section-by-Section Discussion:

Section 15-67A is added to establish by regulation the ten types of records that most persons required to be licensed under Chapter 41 must keep and maintain.

Section 15-67B is added to establish by regulation the five types of records that persons required to be licensed under Chapter 41, because they cash checks in exchange for only a mandatory purchase of goods or services, must keep and maintain

Section 15-67C is added to establish by regulation that a licensee must keep and maintain the required records for two-years.

40 PROPOSED REGULATIONS

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments must be sent to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on November 28, 2022.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted in the Governor's Conference Room on the first floor of the Wade Hampton Building at 1200 Senate Street, Columbia, S.C. 29201 on December 7, 2022, at 10:00 A.M.

Preliminary Fiscal Impact Statement:

To implement this regulation, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Chapter 41 of Title 34 of the 1976 Code gives the Board the authority to license and regulate persons who engage in check-cashing activity in this State. Section 34-41-70(A) specifically gives the authority to the Board to identify the books, accounts, and records that a person required to be licensed under Chapter 41 must keep and maintain and to establish the length of time that a person must keep and maintain these required books, accounts, and records. The purpose of adding R.15-67 is to set forth by regulation the Board's decisions concerning required records and the corresponding retention period.

Legal Authority: 1976 Code Sections 34-41-10 to 34-41-130 give authority to the Board to license and regulate persons who engage in check-cashing services in this State and to promulgate necessary regulations. Section 34-41-70(A) gives the authority to the Board to establish what records must be kept and maintained and the corresponding records retention period for the required records. Section 34-41-130 specifically gives the Board the authority to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41.

Plan for Implementation: The addition of R.15-67 is generally consistent with current Board policies. Implementation is expected to align easily with current operations for both the State agency and the applicants and licensees. The regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

By statute, only the Board has the authority to establish what records a person must keep and maintain under Chapter 41 and the retention period for such records. The Board has a written policy concerning required records but has not previously established a records retention period. It is proper to codify both into law by regulation. Further, examiners of the Consumer Finance Division, who perform exams of licensees, state that licensees often ask about required records and the retention period. It is also reasonable to require fewer records to be kept and maintained by persons who cash checks only in exchange for a mandatory purchase of goods and services. Licensees who cash checks only in exchange for a mandatory purchase of goods and services do not collect a fee or service charge from a customer; hence, the records concerning the amount of the fee and information necessary to refund any unlawful or excessive fee are not needed.

DETERMINATION OF COSTS AND BENEFITS:

No significant costs have been incurred by the State agency or imposed on applicants and licensees by the addition of R.15-67. The required records are consistent with the compliance requirements imposed on licensees by Chapter 41. Further, without these records, the Consumer Finance Division would be unable fulfill its duties by examining the licensees and determining compliance with Chapter 41.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulation will have no detrimental effects on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulation will not have a detrimental effect on the environment or public health if it is not implemented.

Statement of Rationale:

Section 34-41-130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The addition of R.15-67 is intended to satisfy each of these three reasons to promulgate a regulation. First, Chapter 41 gives the Board the authority to identify required records and the corresponding retention period. Further, Chapter 41 requires the person required to be licensed to process, review, or otherwise handle some of these records. Second, keeping these records protects the public because, for example, some of the required records provide a means to verify that the person did not charge an unlawful or excessive check-cashing fee and because the person will be able to refund any such unlawful or excessive fees. Third, the records allow the person required to be licensed to comply with Chapter 41 and for the Consumer Finance Division to test such compliance with Chapter 41.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5152
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Section 40-1-50

10-50. Representation before Department Boards and Commissions. (New)

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add a regulation for corporate self-representation at hearings before the Department's professional and occupational licensing boards.

Section-by-Section Discussion:

42 PROPOSED REGULATIONS

10-50. New Section. Representation before Department Boards and Commissions.

The Notice of Drafting was published in the *State Register* on September 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 20, 2022. Written comments may be directed 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, South Carolina 29211-1329, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of this regulation.

Statement of Need and Reasonableness:

The proposed regulation is reasonable and necessary to provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in-house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.

DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation is to add legal authority for corporate self-representation at hearings before the Department's professional and occupational licensing boards.

Legal Authority: 1976 Code Section 40-1-50.

Plan for Implementation: The new regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the new regulation through its Office of Disciplinary Counsel when corporate representation is needed in disciplinary hearings or through the licensing boards when corporate representation is needed in application hearings.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulation is reasonable and necessary to provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in-house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no detrimental effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The regulation will provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in-house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5157
DEPARTMENT OF LABOR, LICENSING AND REGULATION
 CHAPTER 10
 Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

- 10-3. Board of Architectural Examiners.
- 10-14. Board of Registration for Professional Engineers and Surveyors.
- 10-30. Board of Physical Therapy Examiners.
- 10-33. Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.
- 10-40. Soil Classifiers Advisory Council.
- 10-41. Board of Examiners in Speech-Language Pathology and Audiology.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The affected sections will be Regulations 10-3, 10-14, 10-30, 10-33, 10-40, and 10-41.

Section-by-Section Discussion:

- 10-3(1)(a). Strike \$105 and replace with \$90.
- 10-3(1)(b). Strike \$85 and replace with \$75.
- 10-3(1)(c) Strike \$115 and replace with \$100.
- 10-3(1)(d-f). No change.
- 10-3(2)-(3). No change.
- 10-14(1)(a). No change.
- 10-14(1)(b). Strike \$75 and replace with \$60.

44 PROPOSED REGULATIONS

- 10-14(1)(c). Strike \$65 and replace with \$55.
- 10-14(1)(d). Strike \$100 and replace with \$80.
- 10-14(1)(e). No change.
- 10-14(1)(f). Strike \$65 and replace with \$55.
- 10-14(1)(g). Strike \$75 and replace with \$60. Capitalize “c” in Comity.
- 10-14(1)(h). Strike \$75 and replace with \$60.
- 10-14(2). No change.
- 10-14(3). Strike all.
- 10-14(4). Renumber as (3). Strike \$85 and replace with \$70.
- 10-14(4)(a). Strike \$170 and replace with \$135.
- 10-14(5). Renumber as (4).
- 10-14(6). Renumber as (5).
- 10-14(7). Renumber as (6).
- 10-14(8). Renumber as (7).
- 10-30(1). Strike \$120 and replace with \$110.
- 10-30(2). No change.
- 10-30(2)(a). Strike \$90 and replace with \$80.
- 10-30(2)(b). Strike \$80 and replace with \$70.
- 10-30(3) No change.
- 10-30(4) No change.
- 10-30(5) No change.
- 10-30(6) No change.
- 10-30(7). New section entitled Miscellaneous Fees.
- 10-30(7)(a). Name Change and New License. \$10.
- 10-30(7)(b). Duplicate License. \$10.
- 10-30(7)(c). Duplicate Certificate. \$10.
- 10-33A. No change.
- 10-33B. No change.
- 10-33B(1). No change.
- 10-33B(2). No change.
- 10-33B(3). No change.
- 10-33B(4). No change.
- 10-33B(5). No change.
- 10-33B(6). No change.
- 10-33B(7). No change.
- 10-33B(8). New section. Addiction Counselor Supervisors fees, \$100.
- 10-33C. No change.
- 10-33C(1). No change.
- 10-33C(2). No change.
- 10-33C(3). New section. Addiction Counselors renewal fee, \$150. Prior section (3) is re-numbered as (4).
- 10-33C(4). Renumber as 5.
- 10-33C(5). Renumber as 6.
- 10-33C(6). Renumber as 7.
- 10-33C(7). New section. Addiction Counselor Supervisors renewal fee, \$100.
- 10-33D. Strike language.
- 10-33E. Re-letter as D.
- 10-33F. Re-letter as E.
- 10-33F(1). Strike exam provider name and replace with “provider”.
- 10-33F(2). Strike exam provider name and replace with “provider”.
- 10-33G. Re-letter as F.
- 10-33H. Re-letter as G.
- 10-33I. Re-letter as H.
- 10-33J. Re-letter as I.

- 10-33J(1) No change.
- 10-33J(2) No change.
- 10-33K. Re-letter as J.
- 10-33L. Re-letter as K.
- 10-37. No change.
- 10-40(A). Strike \$25 and replace with \$40.
- 10-40(B). No change.
- 10-40(B)(1). Strike \$25 and replace with \$40.
- 10-40(B)(2). Strike \$200 and replace with \$300.
- 10-40(C). Strike \$200 and replace with \$300.
- 10-40(D). Strike \$40 and replace with \$60.
- 10-40(E). Strike \$250 and replace with \$375
- 10-41(A). No change.
- 10-41(A)(1). Strike \$220 and replace with \$200.
- 10-41(A)(2). Strike \$110 and replace with \$100.
- 10-41(A)(3). Strike \$100 and replace with \$90.
- 10-41(A)(4). Strike \$50 and replace with \$40.
- 10-41(B). No change.
- 10-41(B)(1). Strike \$160 and replace with \$140.
- 10-41(B)(2). Strike \$110 and replace with \$100.
- 10-41(B)(3). Strike \$100 and replace with \$90.
- 10-41(B)(4). Strike \$40 and replace with \$30.
- 10-41(C)-(F). No change.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2022. Written comments may be directed 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, South Carolina 29211-1329, no later than 5:00 p.m., on November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Need and Reasonableness:

South Carolina Code Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions at the end of the fiscal year 2021-22, the Director concluded that fees for certain boards included hereinabove must be adjusted to comport with Section 40-1-50(D).

Specifically, fees for the Soil Classifiers Advisory Council must be increased in order to ensure sufficient revenue is collected to cover the costs to the State to operate the board. Fees for the following boards must be decreased in order to ensure revenue in excess of that which is needed to operate the boards is not collected: the

46 PROPOSED REGULATIONS

Board of Architectural Examiners, Board of Registration for Professional Engineers and Surveyors, the Board of Physical Therapy Examiners, and the Board of Speech-Language Pathology and Audiology. Other fee corrections are also included in this proposed regulation.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to comply with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulations and post the regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary to carry out the requirements of statute which establish that the Agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulation will comport with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5160
DEPARTMENT OF LABOR, LICENSING AND REGULATION
 CHAPTER 10
 Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

- 10-17. Board of Funeral Service.
- 10-20. Liquefied Petroleum Gas Board.
- 10-24. Board of Medical Examiners.
- 10-27. Board of Examiners in Opticianry.
- 10-32. Board of Podiatry Examiners.
- 10-34. Board of Examiners in Psychology.
- 10-42. Board of Veterinary Medical Examiners.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The affected sections will be Regulations 10-17, 10-20, 10-24, 10-27, 10-32, 10-34, and 10-42.

Section-by-Section Discussion:

- 10-17(1)-(5). No change.
- 10-17(6). Add “National and State” and add “Actual fee charged by examination provider.”
- 10-17(6)(a)-(c). Strike all.
- 10-17(7). New section for Miscellaneous Fees, including Duplicate License/Certificate - \$10 and Change of Manager applications for Funeral Establishment - \$100.
- 10-20. Strike “Reserved” and add LP Gas fee schedule.
- 10-24(A)-(C). No change.
- 10-24(D)(1)-(2). No change.
- 10-24(D)(3). Strike “Limited License Renewal and \$25 fee.
- 10-24(D)(4). Renumber as (3).
- 10-24(D)(4). New section. Fee for Reactivation Application - \$160.
- 10-24(E)(1)-(6). No change.
- 10-24(E)(7). New section. Exemption for Ventilation by Non-RCP - \$50.
- 10-24(F). New section. Registered Cardiovascular Invasive Specialist.
- 10-24(F)(1). New section. Registered Cardiovascular Invasive Specialist application fee, \$160.
- 10-24(F)(2). New section. Registered Cardiovascular Invasive Specialist renewal fee, \$80.
- 10-24(F). Re-letter as (G).
- 10-24(F)(1). Section is re-lettered as G. No change.
- 10-24(F)(2). Section is re-lettered as G. Reduce fee for Wall Certificate, duplicate – from \$50 to \$25.
- 10-24(F)(3). Section is re-lettered as G. New section and fee. Duplicate wallet cards, \$10.
- 10-24(F)(3). Section is re-lettered as G. Renumber as (4). No change.
- 10-24(F)(4). Section is re-lettered as G. Renumber as (5).
- 10-24(F)(5). Section and fee are stricken.
- 10-27(A)-(B). No change.

48 PROPOSED REGULATIONS

- 10-27(C). No change.
- 10-27(C)(1). Strike “Resident.”
- 10-27(C)(2). Strike “Nonresident or.”
- 10-27(C)(3). Strike “Resident.”
- 10-27(C)(4). Strike “Nonresident or.”
- 10-27(D)-(E). No change.
- 10-32(A). New section. Initial application, \$500.
- 10-32(A). Re-letter prior section (A) as (B). No change.
- 10-32(B). Re-letter prior section (B) as (C). No change.
- 10-32(C). Re-letter prior section (C) as (D). Strike “plus a \$5 per day penalty to be assessed starting three months form the date of notification by the Secretary that said fee is due.”
- 10-32(E)-(F). New section for duplicate wall certificate and duplicate wallet card fees, \$25 and \$10, respectively.
- 10-34(A). No change.
- 10-34(B). Strike “Not to exceed \$500.” Add “Paid to the Examination Provider.”
- 10-34(C). Strike all.
- 10-34(D). Re-letter as (C). No change except moving \$75 to the appropriate box, separate from the narrative explanation.
- 10-34(E). Re-letter as (D). No change.
- 10-34(F). Re-letter as (E). No change.
- 10-34(F)(1). Section is re-lettered as (E). No change.
- 10-34(F)(2). Section is re-lettered as (E). Strike all.
- 10-34(F)(3). Section is re-lettered as (E). Strike all.
- 10-34(F)(4). Section is re-lettered as (E). Sub-section is re-numbered as (2). No change.
- 10-34(F)(5). Section is re-lettered as (E). Strike all.
- 10-34(F)(6). Section is re-lettered as (E). Strike all.
- 10-34(F)(7). Section is re-lettered as (E). Sub-section is re-numbered as (3). Strike \$25, replace with \$30.
- 10-34(F)(8). Section is re-lettered as (E). Sub-section is re-numbered as (4). Add “and new pocket license.”
- 10-34(F)(9). Section is re-lettered as (E). Sub-section is re-numbered as (5). No change.
- 10-42(A). No change.
- 10-42(A)(1)-(2). No change.
- 10-42(A)(3). Strike all.
- 10-42(A)(4). Section is renumbered as (3). Strike “by March 31.”
- 10-42(A)(5). Section is renumbered as (4). Strike “after April 1.”
- 10-42(A)(6). Section is renumbered as (5). Strike “after April 30.”
- 10-42(B). No change.
- 10-42(B)(1)-(2). No change.
- 10-42(B)(3). Strike “by March 31.”
- 10-42(B)(4). Strike “after April 1.”
- 10-42(B)(5). Strike “after April 30.”
- 10-42(C). No change.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2022. Written comments may be directed 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, South Carolina 29211-1329, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Need and Reasonableness:

The proposed regulation is necessary and reasonable as it will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to correct errors in the boards' and commissions' fee schedules that were discovered during a comprehensive review of all fee schedules during the 2022 legislative session. The proposed regulation will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulations and post the regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary and reasonable as it will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulation will correct errors in the boards' and commissions' fee schedules that were discovered during a comprehensive review of all fee schedules during the 2022 legislative session. Specifically, it will

50 PROPOSED REGULATIONS

eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5149
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ACCOUNTANCY

CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

- 1-01. General Requirements for Licensure as a CPA.
- 1-02. Examinations.
- 1-05. Firm registration, resident managers, firm names.
- 1-06. Reinstatement.
- 1-07. Return of Certificate.
- 1-08. Continuing Professional Education.
- 1-09. Peer Review.
- 1-10. Professional Standards.
- 1-11. Application for Licensure as an Accounting Practitioner.
- 1-12. Safeguarding Client Records When a Licensee is Incapacitated, Disappears, or Dies.
- 1-13. CPA Retired. (New)

Preamble:

The South Carolina Board of Accountancy proposes to amend Chapter 1 of the Code of Regulations following the enactment of S.812, Act No. 174 of the 2022 legislative session, and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J).

Section-by-Section Discussion:

- 1-01(A). No change.
- 1-01(B). No change.
- 1-01(C). Strike all. Add that a candidate who applies for a license more than three (3) years after the date upon which the candidate passed the last section of the Uniform CPA Exam must complete the required 120 hours of CPE within the previous three years.
- 1-01(D). New section. Add that the licensee verifying qualifying experience must have been actively licensed in some state or territory of the US or District of Columbia for the duration of the qualifying experience.
- 1-02(A). No change.
- 1-02(B). Strike all.
- 1-02(C). Strike all.
- 1-05(A)(1). Add to the list of uses “electronic file, metadata tag or other” devices.
- 1-05(A)(2). Strike all.
- 1-05(A)(3). Strike all.
- 1-05(A)(4). Strike all.
- 1-05(B). No change.
- 1-05(C). No change.
- 1-05(C)(1). Remove numbering. No other change.
- 1-05(C)(2). Strike all.

- 1-05(C)(3). Strike all.
- 1-06. No change.
- 1-06(A). Remove lettering. Strike 18 months and replace with 3 years.
- 1-06(B). Strike all.
- 1-07. Strike title. Replace with “Display of Certificate”. Strike “return of his or her certificate to the Board” and replace with “not publicly display their certificate”.
- 1-08. No change.
- 1-08A. No change.
- 1-08A(1). Replace “his or her” with “the licensee’s”.
- 1-08A(1)(a). Strike all.
- 1-08A(1)(b). Remove lettering. No other change.
- 1-08A(1)(c). Strike all.
- 1-08A(1)(d). No change.
- 1-08A(2). No change.
- 1-08A(2)(a). Replace one-half credit hour with one-fifth. Replace twenty-five minutes with ten.
- 1-08A(2)(b). No change.
- 1-08A(2)(c). Add that licensees participating in only part of a CPE program must claim hours for only the they portion they attend or complete and only if the credit hours claimed are greater than the minimum required credit hours for the course.
- 1-08(A)(2)(d). No change.
- 1-08(A)(2)(e). Replace ten credit hours with twelve.
- 1-08(A)(2)(f). Strike all.
- 1-08(A)(3)(a)-(d). No change.
- 1-08(A)(3)(e). Strike “may” and replace with “will”.
- 1-08(B). Strike all.
- 1-08(C). Re-letter as (B).
- 1-08(C)(1). No change.
- 1-08(C)(1)(a). No change.
- 1-08(C)(1)(a)(1)-(3). No change.
- 1-08(C)(1)(a)(4). New section. Add that online instruction programs must include adequate participation markers.
- 1-08(C)(1)(a)(4). Renumber as 5. No other change.
- 1-08(C)(1)(b). No change.
- 1-08(C)(1)(b)(1). No change.
- 1-08(C)(1)(b)(2). Strike all.
- 1-08(C)(1)(b)(3). Strike all.
- 1-08(C)(1)(b)(4). Renumber as (2).
- 1-08(C)(1)(b)(5). Renumber as (3).
- 1-08(C)(1)(b)(6). Strike all.
- 1-08(C)(1)(c). No change
- 1-08(C)(1)(c)(1)-(2). No change.
- 1-08(C)(1)(c)(3). Strike 5 percent and replace with 10 percent. Strike 4 hours and replace with 2 hours.
- 1-08(C)(1)(c)(4). Strike all.
- 1-08(C)(1)(c)(5). Renumber as (4). No other change.
- 1-08(C)(2). No change.
- 1-08(C)(2)(a). No change.
- 1-08(C)(2)(a)(1). Strike all.
- 1-08(C)(2)(a)(2). Renumber as (1).
- 1-08(C)(2)(a)(2)(a). Renumber as (1). No change.
- 1-08(C)(2)(a)(2)(i)-(ii). No change.
- 1-08(C)(2)(a)(2)(iii). Strike all.
- 1-08(C)(2)(a)(2)(b). Strike all.

52 PROPOSED REGULATIONS

- 1-08(C)(2)(a)(3). Renumber as (2). No change.
- 1-08(C)(2)(a)(3)(a)-(b). No change.
- 1-08(C)(2)(a)(3)(c). Add comma and “ten”.
- 1-08(C)(2)(a)(3)(d)-(e). No change.
- 1-08(C)(2)(b). No change.
- 1-08(C)(2)(b)(1). No change.
- 1-08(C)(2)(b)(1)(a)-(b). No change.
- 1-08(C)(2)(b)(1)(c)-(d). Strike all.
- 1-08(C)(2)(c). Add “Service on a” and add “acceptance body”.
- 1-08(C)(2)(c)(1). Strike all.
- 1-08(C)(2)(c)(2). Renumber as (1). Strike “participation in QVR” and capitalize “s” in Service. Strike qualify and replace with qualifies.
- 1-08(C)(2)(c)(3). Renumber as (2).
- 1-08(C)(2)(d). Strike “Staff Meetings” in the title.
- 1-08(C)(2)(d)(1). Strike explanation that CPE credit can only be given for portions of staff meetings designed as a program of learning and complying with the requirements of CPE credit hours in regulation. Add that employer provided in-house CPE must comply with the requirements in this regulation to qualify for CPE credit hours.
- 1-08(C)(2)(e). No change.
- 1-08(C)(2)(e)(1). Strike language prohibiting carryover of CPE hours for participation in technical sessions at meetings of recognized national and state accounting organizations.
- 1-08(C)(2)(f). No change.
- 1-08(D). No change.
- 1-08(D)(1). No change.
- 1-08(D)(2). No change.
- 1-08(D)(2)(a). No change.
- 1-08(D)(2)(a)(1)-(2). No change.
- 1-08(D)(2)(a)(3)-(4). Strike all.
- 1-08(D)(2)(a)(5)-(6). Renumber. No change.
- 1-08(D)(2)(a)(7). Renumber. Remove passage that must be read at the beginning of Live Instruction program. Replace with reminder to participants that should subtract time from overall CPE total if they engage in activities that would denigrate the learning objective of the course.
- 1-08(D)(3). Strike 1-08(C)(1)(b)(5) and replace with (B)(1)(b)(3).
- 1-09(A)-(C). No change.
- 1-09(D). Strike “in order to cover costs of program administration”.
- 1-09(E). No change.
- 1-09(F)-(G). No change.
- 1-10. No change.
- 1-10(A)-(B). No change.
- 1-10(C). Strike all.
- 1-10(D). Re-letter. Add “knowingly” to employing a person whose license is revoked or suspended by the Board or a board in another jurisdiction.
- 1-11(A). No change.
- 1-11(A)(1). No change.
- 1-11(A)(2). Strike semi-colon and “and”. Add period.
- 1-11(A)(3). Strike all.
- 1-11(B). No change.
- 1-11(B)(1). No change.
- 1-11(B)(2). Add “Taxation and” before “Regulations” and “formerly known as Regulations (REG)” after “Regulations”.
- 1-12. No change.
- 1-12(A). Add a comma and “CPA-prepared records, CPA workpapers, and CPA work products”. Replace “client records” with “them”.

- 1-12(B). No change.
- 1-12(C). No change.
- 1-12(C)(1). Add “client” before “records.” Add a comma and “CPA-prepared records, CPA workpapers, and CPA work products”.
- 1-12(C)(2). No change.
- 1-12(C)(3). No change.
- 1-12(C)(4). No change.
- 1-12(C)(5). No change.
- 1-12(C)(6). No change.
- 1-13. New Section, CPA Retired.

The Notice of Drafting was published in the *State Register* on May 27, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 12, 2022. Written comments may be directed to Susanna Sharpe, Administrator, Board of Accountancy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The board is amending its regulations following the enactment of S.812, Act No. 174 of the 2022 legislative session, and in accordance with the five-year review of its regulations as required by S.C. Code Section 1-23-120(J).

DESCRIPTION OF REGULATION:

Purpose: The board proposes to amend its regulations following the enactment of S.812, Act No. 174 of the legislative session, and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J).

Legal Authority: 1976 Code Sections 40-1-70 and 40-2-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will conform to the requirements of S.812, Act No. 174 of the 2022 legislative session, and will amend and repeal existing regulations as required by S.C. Code Section 1-23-120(J) following the Board’s five-year regulatory review.

DETERMINATION OF COSTS AND BENEFITS:

54 PROPOSED REGULATIONS

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will conform the existing regulations to the requirements of S.812, Act No. 174 of the 2022 legislative session, and will amend and repeal existing regulations as required by S.C. Code Section 1-23-120(J) following the Board's five-year regulatory review.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5153
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION

CHAPTER 20

Statutory Authority: 1976 Code Section 40-81-70(A)(3), (6)

20-28.01. Code of Ethics.

Preamble:

The South Carolina Athletic Commission proposes to amend R.20-28.01, the code of ethics, to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters.

Section-by-Section Discussion:

20-28.01(A). No change.

20-28.01(B)(1)-(2). No change.

20-28.01(B)(3). Add that "Significant monetary value" will be defined as \$10 or more.

20-28.01(B)(4) - (7). No change.

20-28.01(B)(8). Strike "with" and replace with "via."

20-28.01(B)(9)-(14). No change.

20-28.01(B)(15). Strike "will" and replace with "could."

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2022. Written comments may be directed to Bob Horner, Counsel, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) of the 1976 Code are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The South Carolina Athletic Commission promulgated into regulation a code of ethics applicable to contestants and to officials during the 2022 legislative session. The Commission now seeks to amend R.20-28.01 to provide a more definite statement for officials on what is meant by the section prohibiting them from accepting or soliciting gifts of “significant monetary value” from promoters, managers, trainers or fighters. “Significant monetary value” will be defined as \$10 or more, which is the threshold amount state employees are allowed to receive from promotional, informational or education items given to them as a result of their state employment. Scrivener’s errors will also be corrected.

DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation is to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters.

Legal Authority: 1976 Code Section 40-81-70(A)(3), (6).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website. The code of ethics is currently posted on the website and will be updated if the proposed regulations are approved.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations are necessary to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters. The proposed regulations are reasonable in that “Significant monetary value” will be defined as \$10 or more, which is the threshold amount state employees are allowed to receive from promotional, informational or education items given to them as a result of their state employment.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

56 PROPOSED REGULATIONS

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters. "Significant monetary value" will be defined as \$10 or more, which is the threshold amount state employees are allowed to receive from promotional, informational or education items given to them as a result of their state employment. Scrivener's errors will also be corrected.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5154
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-7-50 and 40-7-60

17-3. Barber Schools, Teachers and Instructors; Teachers and Instructors to Devote Full Time.

Preamble:

The South Carolina Board of Barber Examiners proposes to amend R.17-3 to clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

Section-by-Section Discussion:

17-3. Add "while they are working in the school setting" to existing language.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 p.m. on December 19, 2022. Written comments may be directed to Theresa Brown, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The proposed regulation is necessary in that it clarifies language approved by the General Assembly during the 2022 legislative session. The current language states that teachers and instructors in barber schools or colleges cannot perform any professional work during school hours, and the Board wishes to clarify that this is meant only to apply while the teacher or instructor is in the school setting. In other words, if instructors are not scheduled to be working in a school setting during certain hours of the day typically considered to be school hours, then they may work in their professional capacity. The regulation is reasonable in that the clarification ensures instructors are able to earn income during periods when they are not scheduled to work in school settings.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Barber Examiners proposes to amend R.17-3 to clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

Legal Authority: 1976 Code Sections 40-7-50 and 40-7-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary in that it clarifies language approved by the General Assembly during the 2022 legislative session. The current language states that teachers and instructors in barber schools or colleges cannot perform any professional work during school hours, and the Board wishes to clarify that this is meant only to apply while the teacher or instructor is in the school setting. In other words, if instructors are not scheduled to be working in a school setting during certain hours of the day typically considered to be school hours, then they may work in their professional capacity. The regulation is reasonable in that the clarification ensures instructors are able to earn income during periods when they are not scheduled to work in school settings.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

58 PROPOSED REGULATIONS

The updated regulations will clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5155
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PANEL FOR DIETETICS
CHAPTER 40
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50

- 40-1. Definitions.
- 40-5. Licensing Provisions.
 - 40-5.1. Licensure by Examination.
 - 40-5.2. Licensure by Registration.
 - 40-5.3. Licensure by Endorsement.
 - 40-5.4. Foreign Educated Applicants.
 - 40-5.5. Change of Address or Name.
 - 40-5.6. Applications Property of Panel.
- 40-6. Requirements for Renewal.
- 40-7. Reinstatement/Reactivation of Expired, Lapsed Licenses.
- 40-8. Continuing Competency; Continuing Education Credits.
- 40-9. Fees.
- 40-10. Misconduct Defined.
- 40-16. Licensure Timeframes.

Preamble:

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

Section-by-Section Discussion:

- 40-1. No change.
- 40-1(A)-(B). No change.
- 40-1(C). Strike “Professional” from, strike “hour” from, and add “Unit” to “Continuing Professional Education (CPE) hour” so that it now reads, “Continuing Education Unit (CEU).”
- 40-1(D)-(N). No change.
- 40-5. Replace capital “E” in “Examination” and “R” in “Registration” and strike “or Endorsement”.
- 40-5.1. Replace “the” with “an” before “examination”. Replace “based on” with “by” in the second reference to the “examination”.
- 40-5.1(1). No change.
- 40-5.1(2). Strike language.
- 40-5.1(3). Renumber as (2). Add “passage of” before “examination”. Strike “eligibility by the Commission of Dietetic Registration” and add “from a Panel-approved examination provider”.
- 40-5.1(3). New section regarding transcripts to be sent directly to the Panel.
- 40-5.1(4). New section requiring license verifications to be sent directly to the Panel from states where applicant holds licenses.
- 40-5.1(4). Renumber as (5).

- 40-5.1(5). Strike language.
- 40-5.2. No change.
- 40-5.2(1). No change.
- 40-5.2(2). Strike language.
- 40-5.2(3). Renumber as (2).
- 40-5.2(3). New section requiring license verifications to be sent directly to the Panel from states where applicant holds licenses.
- 40-5.2(4). No change.
- 40-5.3. Strike all and repeal section.
- 40-5.4. Add hyphen in title, “Foreign-educated”. No other change.
- 40-5.5. Add, in two places, that the Panel must be notified of a request for change of name or address within 30 days of the change occurring.
- 40-5.6. Strike all and repeal.
- 40-6. No change.
- 40-6(1). Strike “professional” from, strike “hour” from, and add “units” to “continuing professional education (CPE) hour” so that it now reads, “continuing education units (CEUs)”.
- 40-6(2). No change.
- 40-6(3). Strike “lapsed or expired” and replace with “inactive”.
- 40-7. Add “of Inactive” to title and strike “/Reactivation of Expired, Lapsed”.
- 40-7(A). Replace “An” with “A”. Strike “expired” and add “that has not been timely renewed”. Strike “lapse” and replace with “be placed in inactive status”. Strike “the” before June 30. Add a period after “year” and strike and “is subject to reinstatement at the discretion of the panel”. Strike colon.
- 40-7(1). Re-letter as (B). Replace “a lapsed” with “an inactive”.
- 40-7(2). Strike all.
- 40-7(B). Re-letter as (C). Strike “lapsed” and replace with “been inactive.” Add “including but not limited to complying with S.C. Code Section 40-2-60’s requirements”. Remove colon, add period.
- 40-7(B)(1)-(3). Strike all.
- 40-7(C). Re-letter as (D).
- 40-8. Strike “Credits” in title and replace with “Units”.
- 40-8(A). Add “proof of”, strike “a,” strike “report” and add “units” regarding continuing education requirements. Strike “on a form approved by the panel”. Strike period, add colon and “by” at the end of the sentence.
- 40-8(A)(1) and (2). New section adding requirements for demonstrating continuing professional competency, a condition of renewal, by an active CDR registration or completion of thirty hours of CE.
- 40-8(B). Strike all – section encompassed in 40-8(A).
- 40-8(C). Re-letter as (B). Strike “professional”.
- 40-9. Add “The Panel may charge fees as shown in South Carolina Code of Regulations Chapter 10-13”.
- 40-10(1). No change.
- 40-10(2). Strike “principles of dietetic.” Add “Code of”. Replace “e” with “E” in “Ethics.”
- 40-16. Strike all and Repeal.

The Notice of Drafting was published in the *State Register* on March 25, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court on December 13, 2022, at 10:00 a.m. Written comments may be directed to Meredith Buttler, Administrator, Panel for Dietetics, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

60 PROPOSED REGULATIONS

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The proposed regulations are both reasonable and necessary in that they eliminate redundancies and more closely align the regulations with the South Carolina Dietetics Licensure Act regarding initial licensing, renewal, reinstatement and continuing education.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations are both reasonable and necessary in that they eliminate redundancies and more closely align the regulations with the South Carolina Dietetics Licensure Act regarding initial licensing, renewal, reinstatement and continuing education.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5161
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
 CHAPTER 71

Statutory Authority: 1976 Code Section 23-9-20

- 71-8300. Fire Prevention and Life Safety.
- 71-8301. Fire Prevention and Life Safety for Special Occupancies.
- 71-8302. Explosives.
- 71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems.
- 71-8304. Liquefied Petroleum (LP) Gas.
- 71-8305. Fireworks and Pyrotechnics.
- 71-8306. Hydrogen Facilities.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal, proposes to add to, amend and repeal certain regulations appearing in R.71-8300 through R.71-8306.

Section-by-Section Discussion.

- 71-8300. Add sections 23-9-20 and 23-9-30 before existing code sections under Statutory Authority. Strike “23-9-60” as it was repealed by Act No. 170 of 2022.
- 71-8300.1. No change.
- 71-8300.1(A)–(B). No change.
- 71-8300.1(C)(1). No change.
- 71-8300.1(C)(2). Add “and all equipment or systems therein” after “premises” and “with the latest adopted codes promulgated by the South Carolina Building Codes Council and” after “conformance.” Add commas after “premises” and after “therein.” Strike “with” before “these regulations.”
- 71-8300.1(C)(3). Strike all and replace with new language specifying that all buildings must be maintained in accordance with current South Carolina Building Codes Council regulations and that existing buildings may continue to operate under the code applicable at the time of construction.
- 71-8300.1(C)(4). No change.
- 71-8300.1(C)(5). Strike period after “et.”
- 71-8300.1(C)(6). Strike first “or” and replace with “and.”
- 71-8300.1(D). Strike all.
- 71-8300.1(E). Re-letter as (D).
- 71-8300.1(E)(1)–(4). No change.
- 71-8300.1(E)(5). Strike all and replace with new language defining “Community Fireworks Display.”
- 71-8300.1(E)(6)–(9). No change.
- 71-8300.1(E)(10). Add new section defining “Engineered Special Hazard Fire Suppression System.”
- 71-8300.1(E)(10). Renumber as (11).
- 71-8300.1(E)(11). Renumber as (12).
- 71-8300.1(E)(12). Renumber as (13).
- 71-8300.1(E)(13). Renumber as (14).
- 71-8300.1(E)(14). Strike all.
- 71-8300.1(E)(15). Add language further defining “Fixed Fire Extinguishing System” and noting exceptions to the definition.
- 71-8300.1(E)(16). Add new section defining “Flame Effects.”
- 71-8300.1(E)(16). Renumber as (17).
- 71-8300.1(E)(17). Renumber as (18).
- 71-8300.1(E)(18). Renumber as (19).

62 PROPOSED REGULATIONS

- 71-8300.1(E)(19). Renumber as (35). Strike all and replace with new language defining the South Carolina Building Code.
- 71-8300.1(E)(20). No change.
- 71-8300.1(E)(21). Renumber as (36). Strike all and replace with new language defining the South Carolina Fire Code.
- 71-8300.1(E)(22). Renumber as (37). Strike all and replace with new language defining the South Carolina Fuel Gas Code.
- 71-8300.1(E)(23). Renumber as (38). Strike all and replace with new language defining the South Carolina Residential Code.
- 71-8300.1(E)(24). Renumber as (21). Add “S.C. Code Ann. Section.”
- 71-8300.1(E)(25). Renumber as (22).
- 71-8300.1(E)(26). Renumber as (23). Strike “MS” from “MSDS(s)” and strike “Material.”
- 71-8300.1(E)(27). Renumber as (24).
- 71-8300.1(E)(28). Renumber as (25). Add “also known as SC State Fire,” preceded by a comma, after “Regulation.”
- 71-8300.1(E)(29). Renumber as (26).
- 71-8300.1(E)(30). Renumber as (27).
- 71-8300.1(E)(31). Renumber as (28).
- 71-8300.1(E)(29). Add new section defining “Primary Qualifying Party.”
- 71-8300.1(E)(32). Renumber as (30).
- 71-8300.1(E)(33). Renumber as (31).
- 71-8300.1(E)(34). Renumber as (32).
- 71-8300.1(E)(33). Add new section defining “Qualifying Party.”
- 71-8300.1(E)(35). Renumber as (34).
- 71-8300.1(E)(36). Renumber as (39).
- 71-8300.1(E)(37). Renumber as (40).
- 71-8300.1(E)(38). Renumber as (41).
- 71-8300.1(E)(39). Renumber as (42).
- 71-8300.2. No change.
- 71-8300.2(A). Strike “I” from “IFC” and replace with “SC” so that it reads “SCFC.”
- 71-8300.2(B). New sentence before existing first sentence adopting latest edition of nationally recognized codes. Strike comma after “6-9-5” and strike period after “et.” Add “2021 edition of the” before “IFC” at end of final sentence of the paragraph.
- 71-8300.2(B)(1)–(2). No change.
- 71-8300.2(B)(3). Strike “103.4” and replace with “104.7.”
- 71-8300.2(B)(4). Strike all.
- 71-8300.2(B)(5). Renumber as (4).
- 71-8300.2(B)(5). Add new section: “Service Utilities (Section 110).”
- 71-8300.2(B)(6). Add new section: “Stop Work Orders (Section 113).”
- 71-8300.2(B)(6). Renumber as (7). Strike “Buildings” and replace with “Structures or Equipment.” Strike “110” and replace with “114.”
- 71-8300.2(C). Strike all and replace with new language stating that codes adopted in S.C. Code § 6-9-5 shall be enforced as applicable.
- 71-8300.2(D)–(V). Strike all.
- 71-8300.2(W). Re-letter as (D). Strike “as referenced within the adopted ICC codes.”
- 71-8300.2(X). Strike all.
- 71-8300.2(Y). Re-letter as (E). Strike “as referenced within the adopted ICC codes.”
- 71-8300.2(Z)–(CC). Strike all.
- 71-8300.3. No change.
- 71-8300.4. Strike all and replace with “Submittals for Plan Review.”
- 71-8300.4(A). No change.

- 71-8300.4(B). Strike initial “construction documents” as title for subsection. Strike first “and.” Add “and supporting documentation for plan review” after “shop drawings.” Add commas between “documents” and “shop” and after “drawings.”
- 71-8300.4(B)(1). Strike “Submittals” and “Construction.” Capitalize “documents.”
- 71-8300.4(B)(2). No change.
- 71-8300.4(B)(2)(a)–(c). Strike all.
- 71-8300.4(B)(3). No change.
- 71-8300.4(B)(4). Strike “Examination of documents.”
- 71-8300.4(B)(5). Strike “Information on construction documents” as title for subsection. Strike first instance of “construction documents” thereafter and replace with “Drawings.” Strike “upon suitable material.” Strike “Electronic media [...] OSFM” and replace with new sentence specifying acceptable electronic media formats and requirement for approval of non-electronic media documents by OSFM. Strike “Construction” at beginning of next sentence and capitalize “documents.”
- 71-8300.4(B)(5)(a). Strike “Fire protection system shop drawings.” Strike “Shop” at beginning of next sentence and capitalize “drawings.” Add “and other documents” after “drawings.” Strike “for fire protection system(s).” Add “applicable statutes” followed by a comma between “with” and “these regulations.” Add new sentence after “installation” and before “Shop drawings” regarding automatic revocation of requests for OSFM review if a permitting authority authorizes installation prior to written approval of OSFM.
- 71-8300.4(B)(5)(b). Add “and shop drawings” after “construction documents.”
- 71-8300.4(B)(5)(c). No change.
- 71-8300.4(B)(6). Strike “Applicant responsibility.” Strike “construction” and replace with “submitted.”
- 71-8300.4(B)(7). Strike “Approved documents.” Strike initial “Construction” and replace with “Submitted.”
- 71-8300.4(B)(7)(a). Strike “Phased approval.”
- 71-8300.4(B)(7)(b). Strike “Compliance with code.”
- 71-8300.4(B)(8). Strike “Corrected documents.”
- 71-8300.4(B)(9). Strike “Revocation.” Strike “or shop” between “documents” and drawings.” Add commas after “construction documents” and “drawings.” Add “or other submitted documentation” after “drawings.”
- 71-8300.4(B)(9)(a)–(c). No change.
- 71-8300.4(B)(9)(d). Strike “plans.” Add “plans and other documents,” followed by a comma, after “submitted.”
- 71-8300.4(B)(9)(e)–(g). No change.
- 71-8300.5. Strike all. Add “Repealed.”
- 71-8300.6. Strike all. Add “Repealed.”
- 71-8301. Strike “23-9-60” and replace with “23-9-20(A)(5)” as 23-9-60 was repealed in Act 170.
- 71-8301.1. No change.
- 71-8301.1(A). No change.
- 71-8301.1(B). Strike terminal comma and replace with period. Add “new and existing foster homes” after “to.”
- 71-8301.1(B)(1). Strike all.
- 71-8301.1(B)(2). Strike all.
- 71-8301.1(C). Strike all.
- 71-8301.2. No change.
- 71-8301.3. No change.
- 71-8301.3(A). No change.
- 71-8301.3(B). Strike all.
- 71-8302. Strike “23-9-40” and replace with “23-9-20,” and strike “23-9-60” as it was repealed by Act No. 170 of 2022 and replace with “23-9-50” under Statutory Authority.
- 71-8302.1. No change.
- 71-8302.2. Add “Definitions,” followed by a comma, before “Codes.”
- 71-8302.2(A). Add “definitions and” after “All.” Strike “refer to the editions adopted” and replace with “are promulgated.” Strike “and are” and replace with “unless.”
- 71-8302.2(B). Strike all.
- 71-8302.3. No change.
- 71-8302.3(A). Strike all and replace with fee requirement citing S.C. Code Ann. Section 23-36-40.

64 PROPOSED REGULATIONS

- 71-8302.3(A)(1)–(8). Add fees.
- 71-8302.3(B)–(D). Strike all.
- 71-8302.3(E). Re-letter as (E).
- 71-8302.3(E)(1). No change.
- 71-8302.3(E)(2)–(3). Strike all.
- 71-8302.3(F). Re-letter as (C).
- 71-8302.4. No change.
- 71-8302.4(A). No change.
- 71-8302.4(B). No change.
- 71-8302.4(B)(1). Add “or accepted” after “administered.”
- 71-8302.4(B)(2). Strike all.
- 71-8302.4(B)(3). Renumber as (2).
- 71-8302.4(B)(4). Renumber as (3).
- 71-8302.4(B)(5). Renumber as (4). Strike “New” and replace with “All.”
- 71-8302.4(B)(5)(a). Strike “a new.” Strike “license” and replace with “licensure.” Add “as prescribed by OSFM” after “licensure.”
- 71-8302.4(B)(5)(b). Strike all.
- 71-8302.4(B)(5)(c). Re-letter as (b). Add “copies of” after “Provide.” Strike “the” after “Provide.” Add “all” before “appropriate.”
- 71-8302.4(B)(5)(d). Re-letter as (c). Strike “one million” and replace with “five hundred thousand.” Strike “1,000,000” and replace with “500,000.”
- 71-8302.4(B)(6). Strike all.
- 71-8302.4(B)(6)(a)–(c). Strike all.
- 71-8302.4(B)(6)(d). Add “Each applicant renewing a license shall” before “Attend.” Change “Attend” to lower case.
- 71-8302.4(B)(6)(e)–(f). Strike all.
- 71-8302.4(C). No change.
- 71-8302.4(C)(1). Strike “application forms shall be available on the OSFM website” and replace with “shall be requested online through the OSFM Information Management System (IMS).”
- 71-8302.4(C)(1)(a)–(d). No change.
- 71-8302.4(C)(1)(e). Strike all.
- 71-8302.4(C)(1)(f). Re-letter as (e).
- 71-8302.4(C)(1)(g). Re-letter as (f).
- 71-8302.4(C)(1)(h). Re-letter as (g).
- 71-8302.4(C)(2). Strike all.
- 71-8302.4(C)(2)(a). Re-letter as (h).
- 71-8302.4(C)(2)(b). Strike all.
- 71-8302.4(C)(2)(c). Re-letter as (i).
- 71-8302.4(C)(2)(d). Re-letter as (j).
- 71-8302.4(C)(2)(e). Re-letter as (k).
- 71-8302.4(C)(3). Renumber as (2).
- 71-8302.4(C)(4). Renumber as (3).
- 71-8302.4(D). No change.
- 71-8302.4(D)(1). Strike all and replace with language that Magazine Permits shall be requested online and contain information deemed appropriate by the OSFM.
- 71-8302.4(D)(2)–(3). Strike all.
- 71-8302.4(D)(4). Renumber as (2).
- 71-8302.4(D)(5). Renumber as (3).
- 71-8302.5. No change.
- 71-8302.5(A)–(B). No change.
- 71-8302.5(C). Add “O” to “SFM” so that it reads “OSFM.”
- 71-8302.5(C)(1)–(4). No change.
- 71-8302.5(D). No change.

- 71-8302.6. No change.
- 71-8302.6(A). No change.
- 71-8302.6(B). Strike “under any” and replace with “prescribed in.”
- 71-8302.6(C)–(D). No change.
- 71-8302.6(E). Strike “must” and replace with “shall.” Add “injuries,” followed by a comma, after “any” and before “fires.” Add a comma after “fires.” Add “property damage, or deaths caused by the deaths of explosive materials” after “thefts.” Strike “involving explosives.”
- 71-8302.6(F). No change.
- 71-8302.6(G). Add “digital or hard” between “A” and “copy.” Strike “kept” and replace with “made available.”
- 71-8302.6(H). Strike all and replace with “The following sequence shall be followed for each blast.”
- 71-8302.6(H)(1)–(2). No change.
- 71-8302.7. Strike all. Add “Repealed.”
- 71-8302.8. No change.
- 71-8303. Change “23-9-40” to “23-9-20” under Statutory Authority.
- 71-8303.1. No change.
- 71-8303.1(A). Strike “leasing, renting, reselling, servicing and testing” and replace with “inspection, testing and maintenance.” Strike “servicing” in second half of sentence and replace with “maintenance.”
- 71-8303.1(B). No change.
- 71-8303.1(B)(1). No change.
- 71-8303.1(B)(2). Strike “servicing” and replace with “maintenance.”
- 71-8303.1(B)(3). Strike “servicing” and replace with “maintenance.”
- 71-8303.1(B)(4). Add new section: “The installation, testing and maintenance of all Engineered Special Hazard Fire Suppression Systems.”
- 71-8303.1(C). Strike all.
- 71-8303.2. Add “Definitions,” followed by a comma, before “Codes.”
- 71-8303.2(A). Strike all and replace with new language referring to definitions and references promulgated in R.71-8300.
- 71-8303.2(B). Strike all.
- 71-8303.3. Strike initial comma and “Testing, and Inspections” and replace with “and Permitting.”
- 71-8303.3(A). Strike all and replace with new section (with subsections (1)–(3)) establishing fee schedule for licenses and permits.
- 71-8303.3(B). Strike all.
- 71-8303.3(C). Re-letter as (B). Strike “testing” (and associated comma) and “inspection.”
- 71-8303.3(D). Re-letter as (C).
- 71-8303.4. No change.
- 71-8303.4(A) No change.
- 71-8303.4(A)(1). Strike “firm” and replace with “dealer.” Strike first instance of “servicing” and replace with “performing maintenance on.” Strike second instance of “servicing” and replace with “performing maintenance on.” Strike “or hydrostatic testing portable fire extinguishers or portions of fixed fire extinguishing systems must” and replace with “or engineered special hazard fire suppression systems shall.”
- 71-8303.4(A)(2). Strike “firm’s” and replace with “dealer’s.”
- 71-8303.4(A)(3). Strike both instances of “firm” and replace with “dealer” in both places.
- 71-8303.4(A)(4). Add new section requiring dealers to employ and identify primary qualifying party.
- 71-8303.4(A)(5). Renumber as (4). Strike first instance of “firm” and replace with “dealer.” Strike second instance of “firm” and replace with “dealer.” Strike “State of South Carolina” and replace with “Office of State Fire Marshal.”
- 71-8303.4(A)(6). Renumber as (5). Strike “firm” and replace with “dealer.” Strike second and third sentences.
- 71-8303.4(A)(7). Renumber as (6).
- 71-8303.4(A)(8). Renumber as (7). Strike “biennially” and replace with “every three (3) years.”
- 71-8303.4(A)(9). Add new section stating that licenses are suspended if no appropriate primary qualifying party is employed by the dealer.
- 71-8303.4(A)(10). Add new section requiring each dealer to furnish notarized affidavit.

66 PROPOSED REGULATIONS

- 71-8303.4(A)(8). Strike all.
- 71-8303.4(B). No change.
- 71-8303.4(B)(1). Strike “servicing” and replace with “performing maintenance.” Add comma after “extinguishers” and strike “or” after “extinguishers.” Add comma after “systems,” followed by the addition of “or engineered special hazard fire suppression systems.”
- 71-8303.4(B)(2). Strike “in writing on a form available from” and replace with “as prescribed by.”
- 71-8303.4(B)(3). Strike all.
- 71-8303.4(B)(4). Renumber as (3).
- 71-8303.4(B)(5). Renumber as (4). Strike all of first sentence after “pass” and strike entire second sentence. Add “provide proof of a current National Association of Fire Equipment Dealers (NAFED) certification through ICC for the applicable permit classification” after “Applicants shall.”
- 71-8303.4(B)(4)(a)–(d). Add new sections specifying appropriate certifications.
- 71-8303.4(B)(4)(d)(i). New subsection listing applicable certification for Engineered Systems.
- 71-8303.4(B)(6). Strike all.
- 71-8303.4(B)(5). Add new section requiring applicants to furnish notarized affidavits.
- 71-8303.4(B)(7). Renumber as (6).
- 71-8303.4(B)(8). Renumber as (7). Strike “show” and replace with “display.” Strike “on” and replace with “at.”
- 71-8303.4(B)(9). Renumber as (8). Add “and shall not perform maintenance or repair on systems not covered by the permit for which they are trained” after third instance of “permit.”
- 71-8303.4(B)(10). Renumber as (9). Strike “not” before “transferable.” Strike “and specifically identify the” and replace with “to another licensed.” Change “employ” to “employment.” Strike “and must be surrendered to the OSFM within 15 business days” and replace with “until transferred to another licensed dealer.”
- 71-8303.4(B)(11). Renumber as (10). Strike “biennially” and replace with “every three (3) years.”
- 71-8303.4(12). Strike all.
- 71-8303.4(C). No change.
- 71-8303.4(C)(1). Add “perform maintenance,” followed by a comma, after “service.” Add “as applicable,” followed by a comma, between “and” and “to conduct.” Add “with a current retester identification number (RIN) issued by DOT or its designated agency” after “extinguishers” at end of original sentence.
- 71-8303.4(C)(2). Strike all after “Class ‘B’” and reserve.
- 71-8303.4(C)(3). Strike all after “Class ‘C’” and reserve.
- 71-8303.4(C)(4). Strike all after “may” and replace with “install, respect, repair, recharge, service, maintain or test all types of pre-engineered fire extinguishing systems.”
- 71-8303.4(C)(5). Strike all after “Class ‘E’” and replace with “may install, inspect, repair, recharge, service, maintain or test engineered special hazard fire suppression systems.”
- 71-8303.4(D). Strike “Firms” and replace with “Dealers.” Strike “‘B’, or ‘C’” and preceding comma after “‘A.’” Strike “must” and replace with “shall.”
- 71-8303.4(E). Strike “Firms” and replace with “Dealers.” Strike “must” and replace with “shall.”
- 71-8303.4(E)(1). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(E)(2). Add new section: “Employ a minimum of one (1) full time employee permitted by the OSFM.”
- 71-8303.4(E)(3). Renumber as (2).
- 71-8303.4(E)(4). Renumber as (3). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(E)(5). Renumber as (4). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(F). Strike “‘B’, or ‘C’” and preceding comma after “‘A.’” Strike “must” and replace with “shall.”
- 71-8303.4(G). No change.
- 71-8303.4(G)(1). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(G)(2). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(G)(3). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(H). Strike all.
- 71-8303.5. Strike all. Add “Repealed.”
- 71-8303.6. Strike “Class D.”
- 71-8303.6(A). Strike “firm” and replace with “dealer.” Add “inspecting, repairing, recharging,” followed by a comma, between “installing” and “testing.” Strike “servicing Class D” and replace with “performing maintenance on.” Strike second and third instances of “Class D.”

- 71-8303.6(B). Strike “or service” and replace with “inspect, repair, recharge, perform maintenance or test,” preceded by a comma after “install.” Strike “Class D.” Add “or for which they do not have manufacturer training or certification to install, inspect, repair, recharge, perform maintenance or test” after “permit.”
- 71-8303.7. Strike “Licensing Requirements: For Firms” and replace with “Dealers.”
- 71-8303.7(A). Strike “firm” and replace with “dealer.”
- 71-8303.7(B). Strike “attend a” and replace with “maintain.” Strike “refresher course every three years.” Strike “completion” and replace with “request.”
- 71-8303.8. No change.
- 71-8303.9. Strike all. Add “Repealed.”
- 71-8303.10. No change.
- 71-8303.10(A). No change.
- 71-8303.10(A)(1). Strike “firms” and replace with “dealers.” Strike first and second instances of “servicing” and replace both with “maintaining.” Add “and installing, testing and maintaining engineered special hazard fire suppression systems” after “systems,” preceded by a comma after “systems.”
- 71-8303.10(A)(2). Strike all.
- 71-8303.10(A)(3). Renumber as (2).
- 71-8303.10(A)(3). Add new section: “To issue administrative citations in accordance with S.C. Code Ann. § 23-9-20;”
- 71-8303.10(A)(4). Strike “suspend or.” Add “in accordance with S.C. Code Ann. § 23-9-45” after “permits.”
- 71-8303.10(A)(5). No change.
- 71-8303.10(B). Strike “conduct hearings or proceedings concerning the suspension, revocation, or refusal to issue or renew licenses or permits issued under this subarticle or the application to.” Strike “the same” and replace with “licenses or permits in accordance with the Administrative Procedures Act.”
- 71-8303.10(C)–(D). Strike all.
- 71-8303.11. Strike “or if” after “Fire Equipment Dealer” and replace with “or permit holder based on.” Strike “is” in first instance of “complaint is filed.” Change “an” located between “alleging that” and “licensed person” to “a.” Strike “holding him or herself out” and replace with “representing themselves.” Add “or permit holder,” incorporating after “holder” the comma originally following “Dealer,” after the second instance of “Fire Equipment Dealer.” Strike “per the procedures of Title 40, Chapter 1” and replace with “to determine if violations of these provisions exist.”
- 71-8303.12. No change.
- 71-8303.12(A). Strike “has violated these regulations” and replace with “if a person is practicing without a license or permit.”
- 71-8303.12(B). Strike all and replace with new language establishing that OSFM may revoke a fire equipment dealer license/permit or issue an administrative citation if the license or permit holder has committed a violation of the affidavit referenced in S.C. Code Ann. § 23-9-45(B).
- 71-8303.13. Strike all. Add “Repealed.”
- 71-8303.14. Strike all. Add “Repealed.”
- 71-8303.15. Strike “Cease and Desist” in title and replace with “Stop Work.” Add “or dealer” between “any person” and “is.” Strike “or has been violating [...] thereto” and replace with “practicing without a license or permit.” Add “or dealer” between “such person” and “an order.” Strike “cease and desist such violation or to correct such hazardous condition” and replace with “stop work, pursuant to Subarticle 1.”
- 71-8303.16. Strike all. Add “Repealed.”
- 71-8303.17. Strike all. Add “Repealed.”
- 71-8303.18. Strike “firm, or corporation” and comma preceding “person” and replace with “or dealer.” Add “or permitted” between “licensed” and “under.” Add “or failed to install, inspect, repair, recharge, maintain or test Fire Equipment to applicable codes and standards” after “subarticle.” Strike “at not more than two thousand (\$2000) per violation” and replace with “per S.C. Code Ann. § 23-9-20 et seq.”
- 71-8304. Strike “23-9-40” and “23-9-60” as both were repealed by Act No. 170 of 2022.
- 71-8304.1. No change.
- 71-8304.2. No change.
- 71-8304.3. No change.

68 PROPOSED REGULATIONS

71-8304.4. No change.

71-8304.5. No change.

Subarticle 6. Strike “Fireworks and” and replace with “Use of” in title of subarticle. Add “and Special Effects” after “Pyrotechnics.”

71-8305. Strike “Fireworks and.” Add “and Special Effects” after “Pyrotechnics.” Change “23-9-10 et seq.” to “23-9-20(4)” under Statutory Authority.

71-8305.1. No change.

71-8305.1(A). Add “and” between “handling” and “use.” Strike “transportation, and storage,” as well as the preceding comma following “use.” Add a comma after “pyrotechnics,” followed by the addition of “flame effects, pyrotechnic simulation equipment/special effects.” Add “public” before “fireworks” and “displays” after “fireworks.”

71-8305.1(B). No change.

71-8305.1(B)(1). Add “pyrotechnics and” between “use of” and “fireworks.” Add “a” between “for” and “public.”

71-8305.1(B)(2)–(3). No change.

71-8305.1(B)(4)–(5). Strike all.

71-8305.1(B)(6). Renumber as (4).

71-8305.1(B)(7). Renumber as (5).

71-8305.1(B)(8). Renumber as (6).

71-8305.1(B)(9). Renumber as (7).

71-8305.1(C). No change.

71-8305.1(C)(1)–(6). No change.

71-8305.1(C)(7). Add new section stating that a person who purchases and uses consumer fireworks on their own property does not constitute a public fireworks display.

71-8305.2. Add “Definitions,” followed by a comma, before “Codes.”

71-8305.2(A). Strike all and replace with new language referring to codes and standards promulgated in R.71-8300.

71-8305.2(B). Strike all.

71-8305.3. No change.

71-8305.3(A)–(B). No change.

71-8305.3(C). Strike all.

71-8305.3(D). Re-letter as (C). Add “Licensure” before “Fees.” Strike “shall be” and replace with “are.” Strike “for the following” and replace with “as follows.”

71-8305.3(D)(1)–(5). Strike all and replace with new language specifying different categories of pyrotechnic operator and the licensure fees associated with each.

71-8305.3(D)(6)–(7). Strike all.

71-8305.3(E). Strike all.

71-8305.3(D). Add new section (with subsections (1) through (9)) specifying permit fees for different types of displays.

71-8305.3(F). Re-letter as (E).

71-8305.4. No change.

71-8305.4(A). Add new section (with subsections (1) through (5)) outlining pyrotechnic operator classifications.

71-8305.4(A). Re-letter as (B).

71-8305.4(A)(1). No change.

71-8305.4(A)(2)–(3). Strike all.

71-8305.4(A)(4). Renumber as (2).

71-8305.4(A)(5). Renumber as (3). Strike “biennially on” and replace with “every three (3) years prior to.”

71-8305.4(A)(6). Renumber as (4).

71-8305.4(A)(7). Renumber as (5). Add “In accordance with the Administrative Procedures Act,” followed by a comma, before the initial “the.” Change the “The” before “OSFM” to lower case. Add “petition an Administrative Law Judge to” between “may” and “revoke.” Strike the comma after “revoke” and add “or.” Strike the comma after “suspend.” Strike “or deny.”

71-8305.4(A)(7)(a)–(g). No change.

- 71-8305.4(B). Strike all.
- 71-8305.4(B)(1). Renumber as (8). Add “Pyrotechnic Operator – Restricted Outdoor” between “for” and “licensing.” Strike “must” and replace with “shall.” Strike “South Carolina.” Strike “while holding a valid pyrotechnic operator trainee license” and replace with “and is adequately trained to NFPA 1123, and referenced standards as applicable.”
- 71-8305.4(B)(2). Renumber as (9).
- 71-8305.4(C). Strike all.
- 71-8305.4(C)(1). Renumber as (10). Add “Pyrotechnic Operator – Unrestricted” between “for” and “licensing.” Strike “must” and replace with “shall additionally.” Strike “South Carolina.” Add “and trained” between “participated” and “in the set-up.” Strike “while holding a valid pyrotechnic operator trainee license” and replace with “in accordance with NFPA 1126 and referenced standards.” Strike the comma after “seeking” and replace with a period. Strike “and the” after “seeking” and replace with “The” (capitalized). Strike entire final sentence.
- 71-8305.4(C)(2). Renumber as (11). Remove “the” and “his or her”. Add new sentence to end of paragraph: “Assistants that handle and discharge fireworks shall possess proper ATF clearance, where required.”
- 71-8305.4(C)(2)(a)–(f). Strike all.
- 71-8305.5. No change.
- 71-8305.5(A) No change.
- 71-8305.5(A)(1). Strike “or a” after first instance of “Display” and “Proximate,” and add a comma after “Display.” Add a comma after second instance of “Display.” Strike “must” and replace with “Special Effects Display, or Flame Effects Display in front of an audience shall.”
- 71-8305.5(A)(2)–(3). Strike all.
- 71-8305.5(A)(4). Renumber as (2).
- 71-8305.5(A)(4)(a). Strike terminal “or.”
- 71-8305.5(A)(4)(b). Strike terminal “or.”
- 71-8305.5(A)(4)(c). Strike terminal “or.”
- 71-8305.5(A)(4)(d). Strike terminal period and change to semicolon.
- 71-8305.5(A)(4)(e). Add new section: “Failure to follow applicable codes and standards;”.
- 71-8305.5(A)(4)(f). Add new section: “Incident causing injury or death.”
- 71-8305.5(A)(5)–(7). Strike all.
- 71-8305.5(A)(8). Renumber as (3).
- 71-8305.5(B). Strike all.
- 71-8305.5(B)(1)–(2). Strike all.
- 71-8305.5(A)(4). Add new section: “Permits shall be requested through the OSFM IMS.”
- 71-8305.5(B)(3). Renumber as (5). Add “South Carolina” before “Board.” Strike “Public Display” and replace with “South Carolina Pyrotechnic.” Add “the” between “supervise” and “firing.”
- 71-8305.5(B)(4). Renumber as (6).
- 71-8305.5(C). Strike all.
- 71-8305.5(C)(1). Renumber as (7). Add “(COI)” between “insurance” and “in.” Add new sentence to end of paragraph: “The COI shall contain the display dates or period.”
- 71-8305.5(C)(2). Strike all.
- 71-8305.5(C)(3). Renumber as (8).
- 71-8305.6. Strike “General.”
- 71-8305.6(A). No change.
- 71-8305.6(A)(1)–(2). No change.
- 71-8305.6(A)(3). Strike all.
- 71-8305.6(A)(4). Renumber as (3).
- 71-8305.6(A)(5). Renumber as (4). Strike “or” between “fires” and “thefts” and add commas after “fires” and “thefts.” Add “injuries or deaths” after “thefts.”
- 71-8305.6(A)(6). Renumber as (5). Strike “purchase the appropriate permit, pay the appropriate license fee, if any are required, and.”
- 71-8305.6(A)(6)(a). Strike all and replace with “S.C. Code Ann. § 23-9-20.”
- 71-8305.6(A)(6)(b). Strike “1976, as amended” and the comma after “-150.”

70 PROPOSED REGULATIONS

- 71-8305.6(A)(7). Strike all.
- 71-8305.6(A)(8). Renumber as (6). Change “material” to “materials.” Add “at the display site” after “materials.”
- 71-8305.6(A)(8)(a). Strike “1976, as amended” as well as commas after “23-36-10” and “seq.” Add comma after closed parentheses. Strike “or” before “Title” and replace with “NFPA 495, and.”
- 71-8305.6(A)(8)(b). Add “when at the display site” after “standard.”
- 71-8305.6(A)(9). Renumber as (7).
- 71-8305.6(B). Strike “Public Fireworks” and replace with “Outdoor.”
- 71-8305.6(B)(1). No change.
- 71-8305.6(B)(2). Strike “kept at the firing station” and replace with “accessible on site.”
- 71-8305.6(B)(3). No change.
- 71-8305.6(B)(4). Strike entire final sentence.
- 71-8305.6(B)(5)–(7). No change.
- 71-8305.6(C). No change.
- 71-8305.7. Strike all and replace with “Community Fireworks Displays.”
- 71-8305.7(A). Add new section stating that the regulation does not apply to a person who purchases consumer fireworks and discharges them on their own property.
- 71-8305.7(A). Re-letter as (B).
- 71-8305.7(A)(1). Strike existing language. Add new section: “Hold a Community Fireworks Display using consumer fireworks, without an approved permit from the OSFM.”
- 71-8305.7(A)(2). Strike “75” and replace with “300.”
- 71-8305.7(A)(3). Add new section: “Explode or ignite fireworks for a community fireworks display less than 200 ft. from spectators, occupied buildings, and parking;”
- 71-8305.7(A)(3). Renumber as (4).
- 71-8305.7(A)(4). Renumber as (5).
- 71-8305.7(B)–(C). Strike all.
- 71-8305.8. Strike all. Add “Repealed.”
- 71-8306. No change.
- 71-8306.1. No change.
- 71-8306.1(A). Strike “with the handling, use, storage, transfer and dispensing at a hydrogen facility” and replace with “with Hydrogen fuel facilities intended for retail purchase by the general public to power motor vehicles.”
- 71-8306.1(B). Add new section stating that permitting of hydrogen facilities must be by the State Fire Marshal or a qualifying county or municipal official to whom he delegates that authority.
- 71-8306.1(B)–(C). Strike all.
- 71-8306.2. Strike all. Add “Repealed.”
- 71-8306.3. Strike all. Add “Repealed.”
- 71-8306.4. Strike all. Add “Repealed.”
- 71-8306.5. Add “OSFM” before “Licensing.”
- 71-8306.5(A)–(E). No change.
- 71-8306.5(E)(1). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$10.00.”
- 71-8306.5(E)(2). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$250.00.”
- 71-8306.5(E)(3). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$100.00.”
- 71-8306.5(E)(4). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$100.00.”
- 71-8306.5(F)–(G). No change.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court on December 13, 2022, at 2:00 p.m. Written comments may be directed to Jonathan Jones, Fire Marshal, S.C. Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m. on November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to amend sections in Chapter 71, Article 8 for the implementation of licensing, permitting and certification programs and for fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.

Legal Authority: 1976 Code Section 23-9-20.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations are necessary in light of the passage of Act No. 170 of the 2022 legislative session. The proposed regulations are reasonable as they implement licensing, permitting and certification programs and support fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

These regulations are designed to implement licensing, permitting and certification programs of the State Fire Marshal, and to enhance fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards. Failure to implement these regulations may result in a less fire-safe environment for the state's citizens.

72 PROPOSED REGULATIONS

Statement of Rationale:

The Office of State Fire Marshal proposes to amend sections in Chapter 71, Article 8 related for the implementation of licensing, permitting and certification programs and for fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5150
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF MEDICAL EXAMINERS
CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-32, 40-47-33, and 40-47-40

81-401. Continued Professional Education for Academic Licenses. (New)

Preamble:

The South Carolina Board of Medical Examiners proposes adding a regulation establishing continuing education for academic licenses.

Section-by-Section Discussion:

81-401. New Section establishing continuing education requirements for academic licenses.

The Notice of Drafting was published in the *State Register* on February 25, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on January 3, 2023. Written comments may be directed to Bob Horner, Counsel, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The proposed regulation is reasonable as it establishes continuing competency requirements for license holders authorized to practice medicine in clinical settings within their academic setting. The proposed regulation is necessary as S.C. Code Section 40-47-10(I)(2) tasks the Board with the duty to develop minimum standards for continued competency of licensees continuing in or returning to practice.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Medical Examiners proposes adding a regulation establishing continuing education for academic licenses.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-32, 40-47-33, and 40-47-40.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is reasonable as it establishes continuing competency requirements for license holders authorized to practice medicine in clinical settings within their academic setting. The proposed regulation is necessary as S.C. Code Section 40-47-10(I)(2) tasks the Board with the duty to develop minimum standards for continued competency of licensees continuing in or returning to practice.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health, generally, if these regulations are not implemented. Lack of continuing competence could impact patients of academic licensees if the prescribed continuing education is not required.

Statement of Rationale:

The regulation will establish continuing competency requirements for academic license holders in this state.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

74 PROPOSED REGULATIONS

Document No. 5151
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING
CHAPTER 91
Statutory Authority: 1976 Code Section 40-33-10(E)

91-33. Safeguarding Patient Records. (New)

Preamble:

The South Carolina Board of Nursing proposes to amend its regulations regarding the handling of patient records upon the death, disappearance or incapacity of a licensee.

Section-by-Section Discussion:

91-33. Safeguarding Patient Records. New language.

The Notice of Drafting was published in the *State Register* on March 25, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 9:30 A.M. on January 4, 2023. Written comments may be directed to Carol Moody, Administrator, Board of Nursing, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The proposed regulation is both reasonable and necessary in that it addresses the issue of handling patient records upon the death, disappearance or incapacity of a licensee. Certain licensees, including physicians who are licensees of the Board of Medical Examiners, currently have this same provision in regulation, and it provides direction to medical practices and to family members of physicians in the event a physician is unable to provide continuity of care, appropriate referral or patient medical records upon a valid request of the patient. The proposed regulation is a necessary extension of the aforementioned regulation as certain licensees of the Board of Nursing, specifically Advanced Practice Registered Nurses (APRNs), maintain patient records for their own patients in the same manner as physicians.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Nursing proposes to amend its regulations regarding the handling of patient records upon the death, disappearance or incapacity of a licensee.

Legal Authority: 1976 Code Section 40-33-10(E).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is both reasonable and necessary in that it addresses the issue of handling patient records upon the death, disappearance or incapacity of a licensee. Certain licensees, including physicians who are licensees of the Board of Medical Examiners, currently have this same provision in regulation, and it provides direction to medical practices and to family members of physicians in the event a physician is unable to provide continuity of care, appropriate referral or patient medical records upon a valid request of the patient. The proposed regulation is a necessary extension of the aforementioned regulation as certain licensees of the Board of Nursing, specifically Advanced Practice Registered Nurses (APRNs), maintain patient records for their own patients in the same manner as physicians.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health, generally, of this State if these regulations are not implemented. The health of patients of APRNs who die, disappear or become incapacitated and are not required to have a plan in place for patient medical records, should this regulation not be approved, may be

Statement of Rationale:

The updated regulations will provide guidance for the handling of patient records upon the death, disappearance or incapacity of a licensee.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5158
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 95

Statutory Authority: 1976 Code Sections 40-1-70, 40-37-40(A)(7), and 40-37-320

95-4. Continuing Education.

95-7. Optometrists' Offices. General Requirements, Patient Records Handling, and Sanitary Standards. (New)

95-8. Ethics. (New)

76 PROPOSED REGULATIONS

Preamble:

The South Carolina Board of Examiners in Optometry proposes to amend Chapter 95 of the Code of Regulations to add regulations for optometrists' offices, which include mobile units, as authorized by S.C. Code Section 40-37-320, and to adopt a code of professional ethics appropriate to the profession of optometry.

Section-by-Section Discussion:

95-4(A)-(D). No change.

95-4(E). Strike ten and replace with fifteen hours of CE to be obtained from online courses. Add "s" to "course". Add that no more than ten of the fifteen online courses may be pre-recorded.

95-7. New text. Optometrists' Offices. General Requirements, Patient Records Handling, and Sanitary Standards.

95-8. New text. Ethics.

A Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on January 4, 2023. Written comments may be directed to Meredith Buttler, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation is to provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulation also provides guidance on the proper handling of patient records. The Board is providing guidance to ensure consistency across all office facilities in the interest of patient care and safety. Additionally, the Board is providing guidance on ethics for licensees and is increasing the number of online CE hours licensees can obtain.

Legal Authority: 1976 Code Sections 40-1-70, 40-37-40(A)(7), and 40-37-320.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The regulation is reasonable as it will provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulation will also provide guidance on the proper handling of patient records. The regulation is providing guidance that is necessary to ensure consistency across all office facilities in the interest of patient care and safety. The regulation is also

reasonable as it will provide guidance on ethics for licensees and will increase the number of online CE hours licensees can obtain.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulations will also provide guidance on the proper handling of patient records. The Board is providing guidance to ensure consistency across all office facilities in the interest of patient care and safety. The updated regulations will also provide guidance on ethics for licensees and will increase the number of online CE hours licensees can obtain.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5156
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY
CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c)

99-43. Facility Permit Classifications.

99-45. Administrative Citations and Penalties.

Preamble:

The South Carolina Board of Pharmacy proposes to amend various sections in Chapter 99 to provide clarification and guidance regarding permitting of clinics as well as clarify reporting requirements mandated by state or federal laws and regulations.

Section-by-Section Discussion:

78 PROPOSED REGULATIONS

99-43A. No change.

99-43B(1)-(2). No change.

99-43B(3). New section. Resident Central Fill Pharmacy Permit.

99-43B(4). New section. Non-Resident Central Fill Pharmacy Permit.

99-43C-F. No change.

99-43G. No change.

99-43G(1). Add that a wholesale Distributor Permit is required for virtual wholesale distributors defined a business entity that arranges for the distribution of a drug or device, and contract with others for the distribution purchase and sale.

99-43G(2). No change.

99-43H. No change.

99-43H(1). Add that a Manufacturer/Repackager Permit is required for Virtual Manufacturers or any company that sells their own prescription drug products and/or medical devices but outsources the manufacturing and distribution operations.

99-43H(2)-(3). No change.

99-43I. No change.

99-43I(1). Add “/or” before “distribute.”

99-43I(2). New section. Add that a FQHC Drug Outlet Permit is required for an FQHC delivery site to store and/or administer any legend drug or device.

99-43I(3). Renumber previous section 2. No change.

99-43J. No change.

99-43K. New section. Hospital-Owned Health System – Non-Dispensing Drug Outlet Permit.

99-45. No change.

99-45(1)-(15). No change.

99-45(16). New section. Penalty for failure to renew permit and operating with a lapsed permit, 1st offense (permit holder). Amount in addition to any other fines and penalties as referenced in S.C. Code Section 40-43-90(D), \$500.

The Notice of Drafting was published in the *State Register* on May 27, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 16, 2022. Written comments may be directed to Traci Collier, Chief Drug Inspector and Administrator, Board of Pharmacy, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The proposed regulation is both necessary and reasonable in that it is required to carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required.

Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1st offense and a corresponding fine.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is both necessary and reasonable in that it is required to carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required. Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1st offense and a corresponding fine.

Legal Authority: S.C. Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify permittees of the revised regulation and post the revised regulations on the agency’s website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is both necessary and reasonable in that it is required to carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required. Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1st offense and a corresponding fine.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

80 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required. Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility that performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1st offense and a corresponding fine.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5159

DEPARTMENT OF LABOR, LICENSING AND REGULATION

COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

- 136-014. Apprentice Citizenship and Physical Requirements.
- 136.015. Previous Maritime Experience, Apprentice Applicants.
- 136-016. Apprentice Training Course Curriculum.
- 136-020. Short Branch Qualification.
- 136-035. Fees.
- 136-040. Pilot Vessel Operation.
- 136-045. Pilot Charges and Fees.
- 136-070. Pilot Functions and Responsibilities.
- 136-090. Pilot Response.

Preamble:

The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations following a comprehensive review of their regulations conducted pursuant to S.C. Code Section 1-23-120(J): Regulations 136-014, 136-015, 136-016, 136-020, 136-035, 136-040, 136-045, 136-070, 136-075 and 136-090.

Section-by-Section Discussion:

- 136-014(A). Update citations to Code of Federal Regulations, replacing 10.223 with 10.225 and 10.301-10.306.
- 136-014(B)-(C). No change.
- 136.015(A)-(B)(1)-(9)(a)-(b). No change.
- 136.015(B)(9)(c). Correct spelling of “cannot”.
- 136.015(B)(10). No change.
- 136-016.(A). Update citations to the Code of Federal Regulations, replacing 10.307 with “Part 10 Subpart D”.
- 136-016(B)-(E). No change.
- 136-020(A)-(C)(1)-(3). No change.
- 136-020(C)(4). Replace “shall” with “to”. Strike “deepest draft applicable to merchant vessels whose movements ae not draft restricted under Regulation 136-071” with “deep draft limit applicable in subparagraph (1) above, plus twelve feet”.
- 136-020(D). No change.
- 136-020(E). Strike existing language. Add language stating records for short branch pilot assignments shall be maintained and made available upon request of the Commissioners for up to one year after the fourth short branch period terminates.
- 136-035(A). Strike all and replace with language establishing how the Commissioners will establish fees.
- 136-035(B). Strike existing language. Establish new fee structure for short branch license and full branch license.
- 136-035(C). Replace \$25 application fee with a \$50 application fee.
- 136-035(D). Strike \$50 exam fee and replace with language stating the Commissioners will set the exam fee in an amount not to exceed the fee paid for issuance of the license for which the examinee is being evaluated.
- 136-040(A) – (C). No change.
- 136-040(D). New section providing that response in support of port or vessel emergencies is considered duty under the role of pilotage.
- 136-040(E). New section providing pilot vessels are engaged in the mission of state law enforcement when transporting and transferring state licensed pilots in the performance of pilotage.
- 136-040(F). New section providing when approved pilot vessels in the fleet may temporarily provide maritime services to the port or to vessels in the vicinity.
- 136-045(A). No change.
- 136-045(B). Add that when payment has not been made within the 45-day term, interest may be charged, compounded at the rate of 1.5% monthly, for any portion of a month overdue.
- 136.045(C)-(D). No change.
- 136-070(A)-(B). No change.
- 136-070(C). Add hyphen to “self-propelled”.
- 136-070(D)(1)-(2). No change.
- 136-070(D)(3). Strike existing language. Add language regarding dredged channels and safe speed.
- 136.070(D)(4). Adding section providing that nothing shall prevent a pilot from piloting any vessel when the vessel’s or port’s safety would be further impaired by refusal to provide pilotage.
- 136-070(E). No change.
- 136.070(F). Strike maximum draft of less than “eleven” and replace with “twelve”.
- 136.070(G)-(H). No change.
- 136-090(A). Striking requirement to act upon requests for pilot service without delay if three-hour notification of vessel’s intended movement is given. Replace with “as follows”.
- 136-090(A)(1). Adding that for vessels entering the Port of Charleston, notification is required six hours in advance of the required pilot boarding time.

82 PROPOSED REGULATIONS

136-090(A)(2). Adding that for vessels departing or shifting within the Port of Charleston, notification is required three hours prior to any vessel's intended movement.

136-090(A)(3). Adding that for movements in ports other than Charleston, notification of seventy-two (72) hours in advance of the requested pilot boarding time, sailing time, or other movement is required.

136-090(B). No change.

136-090(C). New section providing that vessels arriving at the bar and waiting for pilotage may be assigned pilots in the order that best facilitates safe and efficient movements within the entrance channel and the harbor.

The Notice of Drafting was published in the State Register on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 P.M. on February 22, 2023. Written comments may be directed to Laura Smith, Administrator, Commissioners of Pilotage, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 P.M. on November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The Commissioners of Pilotage, Lower Coastal Area, propose to amend the aforementioned regulations to clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

DESCRIPTION OF REGULATION:

Purpose: The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations following a comprehensive review of their regulations conducted pursuant to S.C. Code Section 1-23-120(J): Regulations 136-014, 136-015, 136-016, 136-020, 136-035, 136-040, 136-045, 136-070, 136-075 and 136-090.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Commissioners of Pilotage, Lower Coastal Area, propose to amend the aforementioned regulations to clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5145
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D), and 45 CFR 302.56

- 114-4710. Use of the Guidelines.
- 114-4720. Determination of Child Support Awards.
- 114-4730. Unusual Custody Arrangements.
- 114-4740. Periodic Review.
- 114-4750. Child Support Guidelines Schedule and Worksheets.

Preamble:

The Department of Social Services is required to perform a quadrennial review of Regulation 114-4710 through 114-4750, known as the Child Support Guidelines. The Guidelines are used to calculate the appropriate amount of child support to be paid and they are used to review and adjust existing orders for support. The following proposed regulation is the product of the most recent Guidelines Review Committee, which included representatives from the Department of Social Services, members of the private bar, advocates for both primary residential parents and the parents with a legal duty to pay support, and representatives from the judiciary and Court Administration. Issues covered include the update, and expansion, of the support table and charts themselves, correction of clerical mistakes, imputation of income to incarcerated individuals, imputation of income to unemployed or underemployed individuals, factors the court may consider for the verification of income, amending the current self support reserve amount to reflect changes in economic factors, adding a paragraph to define extraordinary medical expenses, modification of terminology concerning health insurance,

84 PROPOSED REGULATIONS

adding emphasis to existing language in regard to child care costs, revision of the adjustment to child care costs for qualified tax credits, and an enhancement of the language concerning the application of the Worksheet C in shared parenting arrangements. The issues concerning incarceration, imputation of income, verification of income, and modification of terminology concerning health insurance were prompted by the 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule as they relate to 45 CFR §302.56.

Section-by-Section Discussion:

- 114-4710, A., A.1., A.2. There were no changes to this section, which covers the general application of the Guidelines and addresses the minimum support obligation.
- 114-4710, A.3. The combined household income covered by the tables has been increased from \$360,000 per year to \$480,000 per year.
- 114-4710, B., B.1.-B.12. There were no changes to this section, which delineate circumstances under which the court may deem it appropriate to deviate from the Guidelines.
- 114-4720, A., A.1., A.2., A.3. There were no changes to this section, which covers definitions used within the Guidelines and defines “Gross Income.”
- 114-4720, A.4. A clerical mistake has been corrected to remove “of” and replace it with “or.”
- 114-4720, A.5. Wording was added here to ensure compliance with the Federal Office of Child Support Enforcement (FOCSE) as it relates to a prohibition of imputing wages to an incarcerated individual pursuant to 45 CFR §302.56(c)(3).
- 114-4720, A.5.A. There were no changes to this section.
- 114-4720, A.5.B. These changes, which delineate the factors the court may use when imputing income to a parent is unemployed or underemployed, provide an increased number of factors for consideration and mirrors 45 CFR §302.56(c)(1)(iii).
- 114-4720, A.6. Oral testimony has been added as a method in which the court may verify income. While this method of verification is used throughout South Carolina, it has not been previously enumerated within the Guidelines.
- 114-4720, A.7. – A.10. There were no changes to these sections.
- 114-4720, A.11. The self support reserve amount was revised to reflect the increased cost of living and increased federal poverty line that has occurred since the last review of the Guidelines.
- 114-4720, A.12. The term “insurance” has been replaced with “coverage” to allow for inclusion of public health plans and assistance as envisioned by 45 CFR §302.56(c)(2). The term “parent” was replaced with “party.” Clarification was added to clearly explain how the Guidelines incorporate the first \$250.00 per child per year of uninsured medical expenses. The term “orthodontia” and “professional counseling” were removed to allow the court to make a determination of “reasonable and necessary unreimbursed medical expenses.”
- 114-4720, A.13. (new) This section has been added and is entitled “Extraordinary Medical Expenses.” The Child Support Worksheets include a “line item” for extraordinary medical expenses; however, there is no definition, or explanation, of the term in the existing Guidelines. The new section defines and describes examples of extraordinary medical expenses while leaving the determination for the same with the court.

114-4720, A.14. (former A.13.)	This section was formerly 11-4720, A13; however, it has been renumbered due to the addition of “Extraordinary Medical Expenses” as noted above. This section was modified to emphasize that child care from an unlicensed provider may be considered by the court. The section was also modified in regard to the adjustment for tax credits as there have been changes to the Tax Code since the last review of the Guidelines. A clerical mistake has been corrected by removing the numeral “1” that was erroneously included in the fourth (4 th) sentence of section. The term “day care” has been replaced with “child care.”
114-4720, A.15. (former A.14.)	This section was formerly 11-4720, A14; however, it has been renumbered due to the addition of “Extraordinary Medical Expenses” as noted above. There have been no changes other than the renumbering.
11-4730, A.	The term “advisory and not compulsory” have been removed to allow the court to determine whether Worksheet C should be used in shared physical custody cases.
11-4730, A.1.-A.5.	There were no changes to these sections.
11-4730, B.	There were no changes to this section.
11-4740	There were no changes to this section.
11-4750	There were no changes to the language contained in this section or the worksheets referenced therein; however, the Guidelines Schedule referenced in the section has been revised to reflect the changes in economic factors and applicable Tax Codes. The revised Guidelines Schedule is available from the Child Support Services Division of the South Carolina Department of Social Services @ https://dss.sc.gov/about/data-and-resources/child-support-proviso-3826/

The Notice of Drafting was published in the *State Register* on April 22, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to the South Carolina Department of Social Services, Child Support Services Division, Attn: James Swick, PO Box 1469, Columbia, SC 29202-1469. Comments must be received by 5:00 P.M. on November 28, 2022. Should a hearing be requested, pursuant to Section 1-12-110(A)(3) of the S.C. Code, as amended, such hearing will be held beginning at 10:00 A.M. on Friday, February 24, 2023, at the offices of the Administrative Law Court, located at 1205 Pendleton Street, Edgar A. Brown Building, Suite 224, Columbia, South Carolina 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Social Services estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 114, Sections 4710-4750.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Child Support Guidelines.

86 PROPOSED REGULATIONS

Purpose: Every four years, the Department of Social Services is required to review the Guidelines that are used to calculate child support amounts for support and review hearings.

Legal Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D), and 45 CFR 302.56.

Plan for Implementation: The proposed amendments will be incorporated into Chapter 114 upon approval by the General Assembly and upon publication in the State Register. The South Carolina Department of Social Services will make the new regulations available to its staff, the judiciary, and the public.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Guidelines were last updated in 2014. Changes in the cost of living, the IRS Tax Code related to child care tax credit, and Federal requirements that Child Support Guidelines adequately address incarceration, imputation of income, verification of income, and modification of terminology concerning health insurance, have changed. These updated regulations will ensure that child support is calculated in an appropriate, reasonable and effective matter. Further, these updated regulations will ensure that the Child Support Guidelines comply with Federal requirements.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health is the regulations are not implemented.

Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Services Division to, “serve South Carolina by promoting the safety, permanency, and well-being of children and vulnerable adults, helping individuals achieve stability and strengthening families.” The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by ongoing assessment and reassessment of the numerous issues inherent in the formula. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina. Further, these regulations have been updated to reflect changes in the cost of living, Tax code, as well as Federal requirements.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.