

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2023 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

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

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 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
5145			Child Support Guidelines	01/13/2024	Dept of Social Services	Regs and Admin Procedures	Judiciary
5175			Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5111			Campaign Practices and Reports	05/08/2024	State Ethics Commission		
5112			Contested Case Procedure	05/08/2024	State Ethics Commission		
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5180			Definitions	05/08/2024	Dept of Disabilities and Special Needs		
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5183			Article 5, Sewerage Utilities	05/08/2024	Public Service Commission		
5177			Article 3, Electric Systems	05/08/2024	Public Service Commission		
5191			Solid Waste Management Regulation (Solar Projects)	05/08/2024	Dept of Health and Envir Control		
5168			Article 8, Practice and Procedure	05/08/2024	Public Service Commission		
5176			Displaying the Flag	05/08/2024	State Board of Education		
5184			Article 7, Water Utilities	05/08/2024	Public Service Commission		
Committee Request Withdrawal							
5136			Certification of Need for Health Facilities and Services	Tolled	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs

2 EXECUTIVE ORDERS

Executive Order No. 2023-31

WHEREAS, on August 29, 2023, the undersigned issued Executive Order No. 2023-29, declaring a State of Emergency due to the threats posed by Hurricane Idalia, which made landfall along the coast of the State of Florida on August 30, 2023, as a category 3 hurricane before impacting the State of South Carolina, and waiving or suspending certain transportation-related regulations to facilitate emergency preparations and response operations in connection with the same; and

WHEREAS, due to the aforementioned State of Emergency and the forecasted hazardous weather conditions and resulting impacts associated with Hurricane Idalia, and in accordance with the directive set forth in Section 1(H) of Executive Order No. 2023-29 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 August 30, 2023, through August 31, 2023, to ensure the safety of state employees and the general public; and

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 Idalia

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. 2023-29 for state government offices to follow county government closure determinations, in the following counties and on the following dates:

August 30, 2023:

Closed: Allendale County, Beaufort County, Dorchester County, Hampton County

Abbreviated Schedule: Aiken County (closed at 3:00 p.m.), Bamberg County (closed at 3:00 p.m.), Barnwell County (closed at 12:00 p.m.), Berkeley County (closed at 2:00 p.m.), Calhoun County (closed at 12:00 p.m.), Charleston County (closed 1:00 p.m.), Clarendon County (closed at 3:30 p.m.), Colleton County (closed at 12:00 p.m.), Dillon County (closed at 4:00 p.m.), Fairfield County (closed at 3:00 p.m.), Florence County (closed at 3:00 p.m.), Jasper County (closed at 12:00 p.m.), Lee County (closed at 3:00 p.m.), Marion County (closed at 4:00 p.m.), Marlboro County (closed at 12:00 p.m.), Orangeburg County (closed at 12:00 p.m.), Sumter County (closed at 3:30 p.m.), Williamsburg County (closed at 1:00 p.m.)

August 31, 2023:

Closed: Allendale County, Beaufort County, Berkeley County, Charleston County, Colleton County, Dorchester County, Hampton County, Jasper County, Marion County

Abbreviated Schedule: Aiken County (delayed until 10:30 a.m.), Bamberg County (delayed until 11:00 a.m.), Calhoun County (delayed until 11:00 a.m.), Clarendon County (delayed until 10:30 a.m.), Darlington County (delayed until 11:00 a.m.), Dillon County (delayed until 11:00 a.m.), Florence County (delayed until 10:30 a.m.), Georgetown County (delayed until 12:00 p.m.), Horry County (delayed until 10:00 a.m.), Lee County (delayed until 10:30 a.m.), Marlboro County (delayed until 12:00 p.m.), Orangeburg County (delayed until 11:00 a.m.), Sumter County (delayed until 10:00 a.m.), Williamsburg County (delayed until 10:00 a.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 14th DAY OF SEPTEMBER, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No.2023-32

WHEREAS, on November 3, 2022, the undersigned issued Executive Order No. 2022-34, suspending Oscar Jay Foxworth from office as a member of Marion County Council pursuant to article VI, section 8 of the South Carolina Constitution after a Grand Jury convened in Marion County returned an Indictment charging him with one count of Receiving Goods or Services Fraudulently Obtained, in violation of section 16-14-80 of the South Carolina Code of Laws, as amended, and one count of Criminal Conspiracy (to commit Breach of Trust with Fraudulent Intent), in violation of section 16-17-410 of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned's suspension of Oscar Jay Foxworth was effective immediately and "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"; and

WHEREAS, the Office of the Solicitor for the Twelfth Judicial Circuit recently notified the undersigned that the above-referenced Indictment has been dismissed and that the Solicitor has effected a noncriminal disposition of the aforementioned charges, S.C. Code Ann. § 17-22-150; *see Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); *State v. Joseph*, 328 S.C. 352, 358, 359, 491 S.E.2d 275, 278 (Ct. App. 1997); *Op. Att'y Gen.*, 2016 WL 2607249, at *2 (S.C.A.G. Mar. 15, 2016); and

WHEREAS, for the foregoing reasons, and in accordance with the cited authorities and other applicable law, the undersigned is required to rescind the previous suspension of Oscar Jay Foxworth from office as a member of Marion County Council.

4 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 rescind the suspension set forth in Executive Order No. 2022-34 and reinstate Oscar Jay Foxworth as a member of Marion County Council. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 22nd DAY OF SEPTEMBER, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-33

WHEREAS, certain areas in the southeastern region of the United States, including the State of North Carolina, are experiencing or are anticipated to experience hazardous weather conditions in connection with Tropical Storm Ophelia, which was previously designated as Potential Tropical Cyclone No. 16; 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, section 56-5-70(B) of the South Carolina Code of Laws provides that “[w]hen an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. [§] 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. [§] 390.23(a)(1)(A), must be declared in this State by the Governor”; and

WHEREAS, on September 22, 2023, the Governor of North Carolina issued Executive Order No. 288, declaring that an emergency exists in the State of North Carolina and temporarily suspending certain motor vehicle and transportation regulations in connection with the aforementioned weather conditions; and

WHEREAS, 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 North Carolina and those in other States; and

WHEREAS, for the aforementioned and other reasons, the undersigned has determined that it is necessary and appropriate for the State of South Carolina to support current or future emergency management, response, recovery, and relief efforts in the State of North Carolina and in neighboring States by providing additional regulatory flexibility to facilitate the operation of critical transportation services.

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 and direct as follows:

Section 1. Transportation Waivers Due to Tropical Storm Ophelia

A. I hereby determine and declare that the existing and anticipated threats, circumstances, or conditions described herein associated with Tropical Storm Ophelia 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 any emergency declaration issued by the Federal Motor Carrier Safety Administration (“FMCSA”); responding or providing direct assistance, as defined by 49 C.F.R. § 390.5, to any emergency conditions in this State or any declared emergencies in the State of North Carolina or in other States in connection with the forecasted severe weather associated with Tropical Storm Ophelia or the anticipated impacts thereof; providing direct assistance to supplement state and local efforts and capabilities related to the same; or otherwise assisting with the existing or anticipated threats and circumstances associated with Tropical Storm Ophelia, 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, liquid petroleum, and other refined petroleum products and related equipment or assets), 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 a minimum of 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 in Paragraph 5 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.

6 EXECUTIVE ORDERS

4. Except as provided below, any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from DOT's Oversize/Overweight Permit ("OSOW") 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. A special permit for width on the National Network is available on DOT's OSOW 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 and OSOW guidelines relating to oversize/overweight loads operating on South Carolina roadways.

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.

Section 2. General Provisions

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

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

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 thirty (30) days or until the declared emergency in the State of North Carolina is terminated, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 22nd DAY OF SEPTEMBER, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No. 2023-34

WHEREAS, on September 20, 2023, a freight train operated by CSX derailed and caused significant damage to the United States Highway 21 (“US 21”) bridge over the railroad near the Beaufort County–Hampton County line, in Yemassee, South Carolina; and

WHEREAS, due to the derailment, the US 21 bridge sustained substantial damage, which has rendered it unserviceable to the motoring public and required its immediate closure and the diversion of approximately 2,400 vehicles per day to an alternate, detour route; and

WHEREAS, the South Carolina Department of Transportation (“DOT”) has determined that a complete replacement of the US 21 bridge is required, which is beyond the scope of heavy or extraordinary maintenance for purposes of 23 C.F.R. § 668.101; and

WHEREAS, in accordance with 23 U.S.C. § 125, the United States Department of Transportation, through the Federal Highway Administration (“FHWA”), administers an emergency relief (“ER”) program to assist States with the repair or reconstruction of federal-aid highways that have suffered serious damage due to certain extraordinary conditions, such as natural disasters or catastrophic failures from an external cause; and

WHEREAS, pursuant to 23 U.S.C. § 125 and 23 C.F.R. Part 668, a State’s application for ER funding must be made to, and approved by the FHWA Division Administrator and, absent a presidential major-disaster declaration, shall include documentation reflecting that the Governor of the affected State has determined and declared, with the concurrence of the Secretary of Transportation, that the circumstances constitute an emergency; and

WHEREAS, due to the critical need for passenger and freight movement on US 21, which the State has designated as a hurricane-evacuation route, upon consultation with DOT, the undersigned has determined that the expedited replacement of this bridge is necessary to reopen this critical corridor to vehicular traffic, provide for and protect public safety, and maintain the State’s roadways.

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 and direct as follows:

Section 1. Emergency Measures to Replace US 21 Bridge

A. I hereby declare that the existing and anticipated circumstances and conditions referenced and described herein associated with the derailment of a freight train operated by CSX and the resulting serious and significant damage to the US 21 bridge over the railroad near the Beaufort County–Hampton County line constitute an emergency for purposes of 23 U.S.C. § 125 and 23 C.F.R. Part 668, and I have determined that this matter represents an ongoing concern to maintaining vehicular traffic on the roadway.

B. I hereby authorize and direct DOT to initiate and undertake any and all actions or activities DOT deems necessary to provide for the immediate replacement of the damaged US 21 bridge and to ensure the safety and well-being of the traveling public.

C. I further authorize and direct DOT to apply for or otherwise seek the requisite federal approval from the FHWA Division Administrator to make ER funds or other FHWA assistance available to the State of South Carolina in connection with the emergency declared herein.

Section 2. General Provisions

8 EXECUTIVE ORDERS

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.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 25th DAY OF SEPTEMBER, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No. 2023-35

WHEREAS, the undersigned has been notified of the passing of David J. Mack III who previously served as a member of the South Carolina House of Representatives; and

WHEREAS, in addition to his dutiful service as a member of the South Carolina House of Representatives, David J. Mack III previously served the State of South Carolina in various other state and local capacities; and

WHEREAS, David J. Mack III was a dedicated public servant, principled leader, tireless community and civil rights advocate, devoted father and family man, and beloved radio host, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; 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 present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

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 the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, September 30, 2023, in honor of David J. Mack III and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 28th DAY OF SEPTEMBER, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-36

WHEREAS, the undersigned has been notified of the passing of Deputy Jacob Eric Salrin of the Richland County Sheriff’s Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Deputy Salrin dedicated his life to protecting and serving the people of the State of South Carolina and the residents of Richland County, 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 5, 2023, in tribute to Deputy Salrin and in honor of his selfless service 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 3rd DAY OF OCTOBER, 2023.

HENRY MCMASTER
Governor

10 NOTICES

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 27, 2023**, 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 Florence County

Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center-The Leatherman Behavioral Health Pavilion

Construction for the establishment of a new 63-bed psychiatric and substance abuse inpatient specialty hospital of 116,000 sf by transfer of 23 psychiatric beds, the addition of 25 psychiatric beds and the addition of 15 substance abuse inpatient treatment beds at a total project cost of \$99,944,384.00.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than November 27, 2023 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Hart & Hickman, PC

Attn: Matt Bramblett, PE
2923 South Tryon Street, Ste 100
Charlotte, NC 28203

Partner Engineering & Science, Inc.

Attn: Alex Smith, PG
1515 Mockingbird Lane, Ste 840
Charlotte, NC 28209

12 DRAFTING NOTICES

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-11-310, 50-11-350, 50-11-390, 50-11-500, 50-11-530, 50-11-2200 and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-52, “Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day.” The proposed action is to amend the regulation to increase the antlerless deer limit in Game Zone 2 from five to eight. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

This amendment to existing regulations will provide additional harvest opportunity for the deer hunting public and provide greater consistency among game zones with respect to antlerless deer limits. No negative impacts to the public or the environment are expected as a result of this change.

Legislative review is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-9-640, 50-11-300, 50-11-500, 50-11-510, 50-11-525, 50-11-530, 50-11-540, 50-11-544, 50-11-546, 50-11-580 and 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-51, “Turkey Hunting Rules and Seasons.” The subject of the proposed action is to amend the regulations to prescribe seasons, dates, bag limits, and details of hunting and taking of turkeys on existing Wildlife Management Areas. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will establish seasons, dates, bag limits, and details of hunting and taking of turkeys on specific Wildlife Management Areas. This includes removal of restriction of hunting by public draw only for the following properties: Belfast WMA, Bonneau Ferry WMA, Donnelley WMA, Santee Cooper WMA, and Wateree River Heritage Preserve and WMA. In addition, the amended regulations establish the hunting season and days when turkey hunting is allowed at the above properties. Properties included in the amended regulation will have a one bird bag limit.

Legislative review is required.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
CHAPTER 67

Statutory Authority: 1976 Code Sections 42-3-30 and 42-9-450

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend existing Regulation 67-1602 regarding the methods of payment of compensation. Interested persons may submit comments by November 9, 2023, to Gary M. Cannon, Executive Director, South Carolina Workers' Compensation Commission, PO Box 1715, Columbia, SC, 29202-1715, or electronically at gcannon@wcc.sc.gov.

Synopsis:

The South Carolina Workers' Compensation Commission proposes to amend Regulation 67-1602 to modernize the payment of compensation to claimants by codifying circumstances where use of electronic payment is mandatory and where use of a check is permissive.

Legislative review of this amendment is required.

14 PROPOSED REGULATIONS

Document No. 5240
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-71-2200 et seq.

69-77. Pharmacy Benefit Managers.

Preamble:

The Department is proposing to amend Regulation 69-77 to reflect amendments to the laws governing PBMs during the 2023 legislative session and outline the new requirement regarding an external review procedure for Pharmacy Benefit Manager Appeal Denials and Pharmacy Benefit Manager Audits through the Department of Insurance. This regulation supports Section 38-71-2240 and Section 38-71-1810(22) which was amended during the 2023 legislative session and directs the Department to promulgate regulations that outline this procedure.

Section-by-Section Discussion:

- Section I. No change.
- Section II. D. Added language for additional information needed from PBMs during the application process.
- Section III. No change.
- Section IV. Updated language regarding examinations of PBMs.
- Section V. Updates language regarding complaints to the Department.
- Section VI. No change.
- Section VII. No change.
- Section VIII. External Review. All of Section VIII is new language.
 - A. Application of This Section
 - B. Requests for External Review
 - C. External Review Findings
 - D. Confidentiality
 - E. Approval of Independent Review Organizations
 - F. Standards for Approval of Independent Review Organizations
 - G. Liability of Independent Review Organizations and Personnel
 - H. External Review; Written Records; Reports
 - I. PBM to Inform Pharmacy of Rights Related to External Review
- Sections IX through XI. Renumbered to reflect section added above.

The Notice of Drafting was published in the *State Register* on July 28, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 10:00 AM on Monday, December 4, 2023, at the Administrative Law Court, 2nd Floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by 5:00 PM on November 27, 2023, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Legislative Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 PM on November 27, 2023.

Preliminary Fiscal Impact Statement:

The Department of Insurance estimates that the costs incurred by the State and its political subdivisions in complying with the proposed PBM regulations supporting recent statutory amendments will be approximately \$668,907.

Statement of Need and Reasonableness:

These regulations are proposed in accordance with S.C. Code Ann. §§38-71-1810 and 38-71-2200 et seq which were amended during the 2023 legislative session to reflect changes in the laws governing PBMs including changes to information that must be provided to the Department of Insurance by PBMs, changes to examinations of PBMs, updates to the process in which pharmacies may report violations of the law to the Department, and a new section creating a procedure by which pharmacy providers can request an external review for pharmacy benefit manager appeal denials and pharmacy benefit manager audits.

DESCRIPTION OF REGULATION:

Purpose: To update the regulation to be consistent with changes that were made during the 2023 legislative session and to outline the new requirement regarding an external review procedure for Pharmacy Benefit Manager Appeal Denials and Pharmacy Benefit Manager Audits through the Department of Insurance. This regulation supports Sections 38-71-1810 and 38-71-2200 et seq.

Legal Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-71-2200 et seq.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Department of Insurance will notify licensees of the amended regulation and post the amended regulation 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 to ensure consistency between the regulation and the changes that were made to the PBM laws during the 2023 legislative session.

DETERMINATION OF COSTS AND BENEFITS:

The Department would need six additional FTEs for a total of salary, fringe, and operating of \$668,907 to administer the amendments to the Pharmacy Benefits Manager statutes and corresponding regulatory amendments. The Department will also need additional authority, but not funding, for \$800,000 for consultants to perform market exams and external reviews that the Department will bill/invoice to the pharmacy benefits managers being reviewed.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment of this State. The public health of this State will be enhanced by ensuring compliance with PBM laws and regulations.

16 PROPOSED REGULATIONS

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

There will be no detrimental effects on the environment and public health if the regulation is not implemented in this State.

Statement of Rationale:

These amendments are made to ensure consistency between the regulation and changes that were made to the PBM laws during the 2023 Legislative Session.

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. 5241

DEPARTMENT OF INSURANCE CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-71-2200, and 38-71-2210, et seq.

69-78. Pharmacy Services Administrative Organizations. (New)

Preamble:

The Department is proposing to add Regulation 69-78 to outline the new requirement regarding licensure of Pharmacy Services Administrative Organizations with the Department of Insurance. This regulation supports Section 38-71-2210, et seq. which was added during the 2023 legislative session and outlines the process for these companies to apply for licensure with the Department.

Section-by-Section Discussion:

Section I.	Purpose
Section II.	Licensure Requirements
Section III.	Contract Review
Section IV.	Examinations
Section V.	Record Keeping Requirements
Section VI.	Confidentiality
Section VII.	Penalties
Section VIII.	Severability
Section IX.	Conflict

The Notice of Drafting was published in the *State Register* on July 28, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 2:00 PM on Monday, December 4, 2023, at the Administrative Law Court, 2nd Floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by 5:00 PM on November 27, 2023, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Legislative Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000,

Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on November 27, 2023.

Preliminary Fiscal Impact Statement:

The Department of Insurance estimates that the costs incurred by the State and its political subdivisions in complying with the proposed PBM regulations supporting recent statutory amendments will be approximately \$668,907.

Statement of Need and Reasonableness:

The purpose of this regulation is to implement Act No. 30 of 2023 (“the Act”) regarding Pharmacy Services Administrative Organizations (“PSAOs”) and to provide licensing, reporting and activity standards for PSAOs.

DESCRIPTION OF REGULATION:

Purpose: To outline the new requirement regarding licensure of Pharmacy Services Administrative Organizations with the Department of Insurance. This regulation supports Section 38-71-2210 et seq which was added during the 2023 legislative session and outlines the process for these companies to apply for licensure with the Department.

Legal Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-71-2200, and 38-71-2210, et seq.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Department of Insurance will notify licensees of the amended regulation and post the amended regulation 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 order to ensure compliance with the statutes and amendments regarding licensure of Pharmacy Services Administrative Organizations with the Department of Insurance and outlining the process for these companies to apply for licensure with the Department.

DETERMINATION OF COSTS AND BENEFITS:

The Department would need six additional FTEs for a total of salary, fringe, and operating of \$668,907 to administer the amendments to the Pharmacy Benefits Manager statutes and corresponding regulatory amendments. The Department will also need additional authority, but not funding, for \$800,000 for consultants to perform market exams and external reviews that the Department will bill/invoice to the pharmacy benefits managers being reviewed.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment of this State. The public health of this State will be enhanced by ensuring compliance with PBM laws and regulations.

18 PROPOSED REGULATIONS

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

There will be no detrimental effects on the environment and public health if the regulation is not implemented in this State.

Statement of Rationale:

These regulations are added to provide licensing, reporting and activity standards for PSAOs.

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. 5243

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

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

10-7. Building Codes Council.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Building Codes Council, whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

Section-by-Section Discussion:

10-7A. Add “and Special Inspectors.” Add “Application (Initial and Renewal).” Add “biennially” to the fee. Add “Late Renewal Fee (received after June 30).” Add colon. Add the fee of “\$50 in addition to the application fee.”

10-7B. Add colon.

10-7B(1). Add “final” to Modular Building Systems plan review. Add fee of \$200.

10-7B(1)(a)-(e). Strike all.

10-7B(2)-(4). Strike all.

10-7B(5). No change.

10-7B(6). Add \$45 fee.

10-7B(6)(a)-(c). Strike all.

10-7B(7). Add “Application (Initial and Renewal).”

10-7B(7)(a)-(b). No change.

10-7B(8). Add “Application (Initial and Renewal).”

10-7B(9). Strike “Reviewing fee for.” Change “Agencies” to “Agency.” Add “Application (Initial and Renewal).” Add colon. Add “\$200 biennially.”

10-7B(9)(a)-(b). Strike all.

10-7B(10). Add “Approved Modular.”

The Notice of Drafting was published in the *State Register* on July 28, 2023.

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 11:00 a.m. on December 11, 2023. 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 27, 2023. 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:

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will simplify the fee structure for the Building Codes Council.

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 website.

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

The regulation is necessary as it simplifies the fee structure for the Building Codes Council. The regulation is reasonable in the following ways. First, separate fees for each component of the Modular Building System plan review are deleted and replaced with one fee for the final plan review. The amount of the fee, \$200, is the same amount as the existing fee for "Total of all systems." Second, separate fees for modular system labels are deleted and one fee, \$45, is offered. Third, fees for Modular Building Manufacturer, Manufacturer's Representative and Approved Inspection Agency are all clarified to apply to both initial and renewal applications. Finally, initial application and renewal fees for Special Inspectors are added to the fee schedule.

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.

20 PROPOSED REGULATIONS

Statement of Rationale:

The updated regulations will simplify the fee structure for the Building Codes Council. First, separate fees for each component of the Modular Building System plan review are deleted and replaced with one fee for the final plan review. The amount of the fee, \$200, is the same amount as the existing fee for “Total of all systems.” Second, separate fees for modular system labels are deleted and one fee, \$45, is offered. Third, fees for Modular Building Manufacturer, Manufacturer’s Representative and Approved Inspection Agency are all clarified to apply to both initial and renewal applications. Finally, initial application and renewal fees for Special Inspectors are added to the fee schedule.

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. 5248

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-55, 6-9-63, 10-5-250, 23-43-40, 40-1-50, and 40-1-70

- 8-100. Authority.
- 8-105. Definitions.
- 8-110. Registration Required.
- 8-115. Classifications and Qualifications for Registration.
- 8-120. Maximum Time for Certification.
- 8-125. Application Required.
- 8-135. Exemptions.
- 8-140. Renewal.
- 8-145. Fees.
- 8-150. Continuing Education.
- 8-160. Comity.
- 8-165. Conflict of Interest.
- 8-170. Denial, Suspension and Revocation.
- 8-175. Preferring of Charges and Hearing.
- 8-180. Appeal From Action of Council.
- 8-185. Registration Reinstatement and Replacement.
- 8-205. South Carolina Building Codes Council.
- 8-210.1. Purpose.
- 8-215. Definitions.
- 8-220. Powers, Duties, and Responsibilities of Council.
- 8-225. Duties and Responsibilities of Department.
- 8-230. Council Officers.
- 8-235. Council Meetings.
- 8-236. Building Codes Adopted.
- 8-240. Building Codes Modification Procedure.
- 8-245. Qualifications for Local Modifications to Building Codes.
- 8-246. Study Committee.
- 8-247. Public Notice.
- 8-248. Study Committee Meetings.
- 8-250. Energy Standards Variation Procedure.

- 8-255. Energy Standards Appeal Procedure.
- 8-260. Administration of Modular Act.
- 8-261. Administration of Accessibility Act.
- 8-270. Injunctive Relief.
- 8-275. Penalties.
- 8-600. The South Carolina Modular Building Construction Act.
- 8-601. Purpose.
- 8-602. Definitions.
- 8-603. Council Duties and Responsibilities.
- 8-604. Adoption of Model Codes.
- 8-605. Enforcement Authority.
- 8-606. Delegation of Inspection Authority; Approved Inspection Agency’s Qualifications, Acceptance Requirements.
- 8-607. Approved Inspection Agency Authority.
- 8-608. Quality Control Procedures.
- 8-609. Change in Status, Alterations.
- 8-610. Alternate Methods and Materials.
- 8-611. Approved Inspection Agency: Inspection.
- 8-612. Reciprocity.
- 8-613. Multiple Site Manufacturing.
- 8-614. Council Certification Label.
- 8-615. Certification Label Application and Issuance.
- 8-616. Certification Label Denial.
- 8-617. Removal of Certification Labels.
- 8-618. Schedule of Fees.
- 8-619. Appeal Procedures.
- 8-620. License Application Requirements.
- 8-621. Sale of Modular Buildings.
- 8-622. License Issued.
- 8-623. Security Requirement.
- 8-624. Duties and Responsibilities of Council.
- 8-625. Denial, Revocation or Suspension of License.
- 8-626. Erection.
- 8-627. Exemption.
- 8-628. Recertifying.
- 8-629. License Renewal. (New)
- 8-630. Damaged Units or Components. (New)

Preamble:

The South Carolina Building Codes Council proposes to add to, amend and/or repeal certain sections of Chapter 8 of the Code of Regulations.

Section-by-Section Discussion:

- 8-100. No change.
- 8-105. Add “Building” to the term “Code Enforcement” in (6) and add “and/” to clarify that the term is not limited to one role; strike “for new construction or renovation” and add sentence to clarify what the term “Building Code Enforcement” covers. Strike the definition of “Practice of Code Enforcement” as duplicative. Strike the definition of “Single Discipline Inspector” and add definitions for “Plans Examiner” and “Building Codes Enforcement Officer” to provide clarity to the different roles. Renumber.
- 8-110. Strike first sentence as duplicative of what is provided in statute; change references from “individual” to “person” and add “(s)” to classification to show that a person may be registered in more than one classification.

22 PROPOSED REGULATIONS

8-115. Add “or” and strike “contract inspector” to clarify the types of registration issued by the Council. Strike “two”, add “one”, and add a sentence to B. to clarify documentation required for a commercial inspector registration, including scope of practice. Add “one or more of”, “/or” and a sentence to C. to clarify documentation required for a residential inspector, including scope of practice. Add “indicating” to D. Add “indicating”, “one or more of” and a sentence to E. to clarify documentation required for a commercial plans examiner, including scope of practice. Strike the term “Single Discipline Inspector” and add the term “Property Maintenance Inspector” to F. and strike language “the discipline for which employed” and add “property maintenance” to conform to terminology used by building code enforcement. Add “or contracted” to G. Add documentation requirements for a limited registration in H. Strike in I. “for which application is being made including one or more of the following”, along with the 17 items listed, some of which have become obsolete or replaced, and add “pursuant to Chapter 17 of the South Carolina Building Code” where the types of special inspections are addressed in the building codes. Strike all of J. which is not a registration that the Council issues.

8-120. Strike “Maximum Time for Certification” and replace with “Requirements for Provisional Certification”. Add language addressing requirements for the provisional classification of Building Official and requirements for other classifications. Add a sentence to section C. to provide a time limit for requesting an extension of a provisional registration.

8-125. Add section A. to provide general requirements as to all registrants. Add section B. to address application requirements for building code enforcement officers. Strike language providing time constraints on application review and notification. Add section C. to address reinstatement requirements for special inspectors.

8-135. Strike “Exemptions” and all language regarding a limited registration which has become obsolete and replace with “Requirements for Special Inspector Registration for Engineer-In-Training” to clarify the requirements for an engineer-in-training to obtain a special inspector registration.

8-140. Strike confusing language in A. and D. and replace with language to clarify grace period for renewing registration; add language to D. to address reinstatement requirements; add section E. to address consequences of a lapsed registration.

8-145. No change.

8-150. Add section (1), strike “twelve (12)” and “year” and add language to clarify the number of continuing education hours per registration cycle, including the reporting period; add section (2) and language to address credit awarded for passing an ICC examination; add section (3) to address the amount of hours that must be earned in certain topics; assign the existing language of the regulation to section (4); add section (5) to address registration reinstatement; add section (6) to address reimbursement of continuing education costs from the Council; add section (7) to address self-pace courses; add section (8) to address audits; add section (9) to address state of emergency; and add section (10) to address waiver of continuing education requirements.

8-160. No change.

8-165. Strike current language and add section A. with language to address conflict of interest issues for building code enforcement officers and add section B. with language to address conflict of interest issues for special inspectors.

8-170. Strike and add language in first paragraph to comport with the Engine Act; strike “or a crime of moral turpitude”; strike and add language in D. to clarify violation as to practice of code enforcement; strike and add language in E. to clarify violation as to performance of an inspection or inspection report; add section G. to address violation where registration is lapsed, inactive or suspended.

8-175. Strike existing language and add language that comports with the Engine Act.

8-180. Strike “an” and add “a final” and “in accordance with Section 40-1-160” to comport with the Engine Act.

8-185. Strike “Reinstatement and” and the initial sentence of the regulation that conflicts with requirements for reinstatement in 8-140.

8-205. No change.

8-210.1. No change.

8-215. Add “Additional” and language to clarify that the definitions are in addition to those terms already defined in 8-105; strike definitions of “Building Codes”, “Building Official”, “Council”, and “Department” as duplicative of terms already defined in 8-105 or in statute; strike and add language to the definition of “Building Code Cycle” to require code review and adoption at least every four years; strike and add language to broaden the definition of “Professional Association” to allow an entity with a vested interest to propose a statewide building code modification. Renumber.

- 8-220. Delete all of section (D) which is duplicative of statute and change section (E) to (D).
- 8-225. No change.
- 8-230. No change.
- 8-235. No change.
- 8-236. No change.
- 8-240. Strike existing language through section (C) and add language labeled as sections (A) through (E) to address the statewide building codes modification procedure; relabel existing sections (D) and (E) as section (F) and modify and add language to address who may submit a request for a proposed statewide modification; delete existing section (F); change “amendment” to “modification” in section (G); add section (I) to address adoption of codes and approval or disapproval of modification requests; add section (J) which is the current language in section (C)(2); and add section (K) which is a modified version of the current language in section (C)(4).
- 8-245. Add sections (1) through (5) to address local building code modification procedure; change section (A) to section (5)(A) and strike part of the language; change section (B) to subsection (5)(A)(i) and section (C) to subsection (5)(A)(ii); add new sections (5)(B), (5)(C), and (5)(D) to establish requirements for local code modification. Re-letter.
- 8-246. Strike and add language to section (A) to give Study Committee up to a year to consider statewide code modifications, including take classes at Council’s expense; relabel section (B) as section (C) and add new section (B) to address Study Committee’s role during Building Code Cycle; replace “five” with “six”, replace “a period of three years” with “the duration of the code cycle” and add “and must be South Carolina residents” to existing section (B), relabeled as section (C); add “building official or multi-trades inspector” to existing section (B)(1), relabeled as section (C)(1); strike “and” and “structural” in existing section (B)(4) and (5), relabeled as section (C)(4) and (5); add section (C)(6) to include a fire code official on the Study Committee; strike existing section (C) and add section (D) to allow Study Committee Chair to appoint subject matter experts; relabel existing section (D) as section (E) and replace “core” with “Study Committee”; relabel existing section (E) as section (F) and add “for that core” to clarify language; and relabel existing section (F) as section (G) and replace “specialty” with “alternate.”
- 8-247. Repeal regulation as duplicative of statutory notice requirements in Section 6-9-40.
- 8-248. Strike from section (A) “three core members or their alternatives will constitute” to allow a quorum with the increase in membership of the Study Committee to six; strike from section (B) the ten-day requirement for notice of Study Committee meetings.
- 8-250. Strike and add language to section (A) to comport with Section 6-10-40; replace “the issues to be considered” with “the requested variance” in section (C); strike “and nature” in section (C)(3); and add sections (C)(5) through (C)(7) to comport with statutory requirements.
- 8-255. Repeal regulation as conflicting with or duplicative of statutory requirements.
- 8-260. Repeal regulation as duplicative with statute.
- 8-261. Repeal regulation as conflicting with or duplicative of statutory requirements.
- 8-270. Repeal regulation as duplicative with statute.
- 8-275. Repeal regulation as duplicative with statute.
- 8-600. No change.
- 8-601. No change.
- 8-602. Correct scrivener’s error in (3) and strike sentence that is duplicative of statutory requirement; strike definitions for “custom building”, “system recognition”, and “valuation” as terms are not used anywhere in statute or regulation.
- 8-603. No change.
- 8-604. No change.
- 8-605. No change.
- 8-606. No change.
- 8-607. Add “the Act and these regulations” to section (1); replace “three (3) complete sets of scaled” with “one electronic copy of” in section (3)(a) to accommodate easier filing and save resources; strike phrase in section (6) to alleviate confusion; and add section (14) to clarify that plan approval, except for single-family dwellings, is required prior to commencement of construction in the manufacturing facility.
- 8-608. Replace “shall” with “may” and “each” with “a” in section (5) to allow the Council flexibility to conducting an audit.

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- 8-609. Replace “three (3) complete sets of scaled” with “one electronic copy of” in sections (1)(a) and (1)(c) to accommodate easier filing and save resources.
- 8-610. Strike “until such time as approval has been issued by the Council” as exceeding protection granted by law with respect to proprietary information and add section (5) to address process for requesting alternative methods and materials.
- 8-611. No change.
- 8-612. Strike sections (1), (4), and (5) and renumber remaining sections to comport with Section 23-43-170 and remove language that is duplicative with the statute.
- 8-613. Add “plan review” and “each location” and strike “required plan approval designating all locations of manufacture” in section (1)(a); replace “two (2) sets” with “one electronic set” and replace “of manufacturer” with “specifying the location of manufacture” in section (1)(b); and strike “two (2) quality control manuals, plus” and “additional” and add “electronic quality control” to section (1)(d).
- 8-614. No change.
- 8-615. Add “certification”, “serial”, and “on a form approved by the Council” to section (1); add language to create a section (2) addressing single-family dwellings; and add language to create a section (3) addressing display models.
- 8-616. Repeal regulation as duplicative or exceeding the authority granted by Section 23-43-110.
- 8-617. Add section (3) to address situations where certification label is removed after leaving manufacturing site but before a certificate of occupancy is issued.
- 8-618. Strike reference to website that is no longer valid.
- 8-619. No change.
- 8-620. Add section (1)(e) to require documentation of a manufacturer’s legal name as part of the application process and strike section (3) which is addressed in the definition of “manufacturer’s representative.”
- 8-621. No change.
- 8-622. No change.
- 8-623. Strike “designating applicant as principal”; capitalize “c” in Council; add sentence to address coverage period of the bond; and add “biennial” to license period.
- 8-624. Add reference to applicable Engine Act statutes.
- 8-625. Strike and add language to comport with Engine Act.
- 8-626. No change.
- 8-627. No change.
- 8-628. No change.
- 8-629. Add regulation to address license renewal requirements.
- 8-630. Add regulation to address damaged units or components.

A Notice of Drafting was published in the *State Register* on June 23, 2023.

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 15, 2023, at 12:00 PM. Written comments may be directed to Maggie Smith, Board Executive, Building Codes Council, 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 27, 2023. 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:

Following its five-year review of regulations pursuant to S.C. Code Section 1-23-120, the South Carolina Building Codes Council concluded it was reasonable and necessary to update and clarify its regulations, remove material that is duplicative of or conflicts with statute, delete obsolete references, and repeal unnecessary regulations. More specifically, the regulations will clarify requirements for all registrants. It will clarify continuing education requirements, including reflecting biennial licensure, adding options for obtaining continuing education credit for passage of ICC exams, allowing for self-paced coursework, and adding continuing education waivers for states of emergency and for illness and disability. The regulation will update the investigative process to comport with the description in Chapter 1 of Title 40 of the Code of Laws. The proposed regulations will also update the building code modification procedure and amend the requirements for the study committee. The proposed regulations will update the South Carolina Modular Buildings Construction Act to include modernizing requirements for plan submission and amending requirements for certification label application and issuance, among other changes.

DESCRIPTION OF REGULATION:

Purpose: Following its five-year review of regulations pursuant to S.C. Code Section 1-23-120, the South Carolina Building Codes Council concluded it was reasonable and necessary to update and clarify its regulations, remove material that is duplicative of or conflicts with statute, delete obsolete references, and repeal unnecessary regulations.

Legal Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-55, 6-9-63, 10-5-250, 23-43-40, 40-1-50, and 40-1-70.

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 South Carolina Building Codes Council proposes to add to, amend and/or repeal certain sections of Chapter 8 of the Code of Regulations.

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:

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

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Statement of Rationale:

The proposed regulations will update and clarify its regulations, remove material that is duplicative of or conflicts with statute, delete obsolete references, and repeal unnecessary regulations. More specifically, the regulations will clarify requirements for all registrants. It will clarify continuing education requirements, including reflecting biennial licensure, adding options for obtaining continuing education credit for passage of ICC exams, allowing for self-paced coursework, and adding continuing education waivers for states of emergency and for illness and disability. The regulation will update the investigative process to comport with the description in Chapter 1 of Title 40 of the Code of Laws. The proposed regulations will also update the building code modification procedure and amend the requirements for the study committee. The proposed regulations will update the South Carolina Modular Buildings Construction Act to include modernizing requirements for plan submission and amending requirements for certification label application and issuance, among other changes.

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. 5254

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 25**

Statutory Authority: 1976 Code Section 40-9-30(D)(3)

- 25-2. Application for Licensure.
- 25-3. Licensure by Endorsement.
- 25-5. Professional Practices.
- 25-6. Professional Conduct.
- 25-8. Advertising and Solicitation.
- 25-9. Disciplinary Actions and Procedures.

Preamble:

The South Carolina Board of Chiropractic Examiners proposes to amend the following regulations following its five-year regulatory review conducted in accordance with S.C. Code Section 1-23-120(J): R.25-3, R.25-5, R.25-6, R.25-7, R.25-8, and 25-9.

Section-by-Section Discussion:

- 25-2(A)(1)-(2). No change.
- 25-2(A)(3)(a) and (b). Add “another state’s practical exam.”
- 25-2(A)(3)(c). No change.
- 25-2(A)(4)-(7). No change.
- 25-2(B). No change.
- 25-3(A)-(B). No change.
- 25-3(C)(1) and (2). Delete numbering. Strike “substantially equivalent to the National Board examinations” from (1) and strike all of (2).
- 25-3(D)-(H). No change.
- 25-5(A). No change.
- 25-5(B)(1)-(2). No change.

25-5(B)(3). Add section (a) to the section entitled “CE Exemption.” Add sections (b) exempting chiropractors who are at least 60 or older and have been licensed for 30 or more years from CEs and (c) allowing chiropractors who are serving on active duty in the Armed Forces of the United States for periods longer than 180 consecutive days to submit an exemption request in writing to the Board with supporting documentation.

25-5(C). No change.

25-5(D). Changing “Period of Temporary Medical Disability” to “Incapacitation Illness or Extraordinary Hardship.”

25-5(E)-(F). No change.

25-5(G)(1). Change \$2000 fine to \$500 administrative fee.

25-5(G)(2). No change.

25-5(G)(3). New section providing license will be retroactive once requirements have been met.

25-5(H). No change.

25-6(A). Rename Unprofessional Acts as Professional Acts. Strike first sentence stating acts or activities listed are unprofessional, unethical or illegal conduct and are grounds for disciplinary action.

25-6(A)(1). No change.

25-6(A)(2)(a). No change.

25-6(A)(2)(b). Add spinal and extra spinal.

25-6(A)(2)(c). No change.

25-6(A)(3)-(4). No change.

25-6(B). Add new header, “Unprofessional Acts” and restore previously stricken language stating acts or activities listed are unprofessional, unethical or illegal conduct and are grounds for disciplinary action. Renumber (5)-(16) to (1)-(12).

25-6(C). Re-lettered B. No other change.

25-6(D). Re-lettered C. Add the requirement to post closure of or departure from chiropractic practice to websites.

25-6(E)-(G). Re-letter as (F)-(H).

25-8(A). No change.

25-8(B). Add social media platforms as included in digital broadcast.

25-8(C)-(E). No change.

25-9(A). No change.

25-9(A)(1). Strike final sentence. Create new paragraph following stricken language. Create second new paragraph beginning with the word, “Filing.”

25-9(B)-(D). No change.

25-9(E)-(F). New.

A Notice of Drafting was published in the *State Register* on July 28, 2023.

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 on December 11, 2023, at 12:00 P.M. Written comments may be directed to Mack Williams, Administrator, Board of Chiropractic 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., on November 27, 2023. 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.

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Statement of Need and Reasonableness:

The Board of Chiropractic Examiners determined it was necessary to amend its regulations following a regulatory review conducted in accordance with S.C. Code Section 1-23-120(J). The amendments, which the Board concluded were reasonable: would allow applicants to qualify for licensure by passing another state's practical exam; would grant a CE exemption for chiropractors age 60 or older who have been licensed for 30 or more years; would allow chiropractors serving on active duty for more than 180 consecutive days to apply for a CE exemption; would broaden the description of the CE waiver granted for illness or hardship; would replace a \$2000 fine for violating the CE audit with a \$500 administrative fee and would allow retroactive licensure upon satisfying sanctions; would clarify what is considered unprofessional conduct; would modernize office closure procedures to include posting on websites; would include social media platforms within the description of digital broadcast; and would remove a time frame for requesting review of a temporary suspension order.

DESCRIPTION OF REGULATION:

Purpose: The amendments would allow applicants to qualify for licensure by passing another state's practical exam; would grant a CE exemption for chiropractors age 60 or older who have been licensed for 30 or more years; would allow chiropractors serving on active duty for more than 180 consecutive days to apply for a CE exemption; would broaden the description of the CE waiver granted for illness or hardship; would replace a \$2000 fine for violating the CE audit with a \$500 administrative fee and would allow retroactive licensure upon satisfying sanctions; would clarify what is considered unprofessional conduct; would modernize office closure procedures to include posting on websites; would include social media platforms within the description of digital broadcast; and would remove a time frame for requesting review of a temporary suspension order.

Legal Authority: 1976 Code Section 40-9-30(D)(3).

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 Board of Chiropractic Examiners determined it was necessary to amend its regulations following a regulatory review conducted in accordance with S.C. Code Section 1-23-120(J). The amendments, which the Board concluded were reasonable: would allow applicants to qualify for licensure by passing another state's practical exam; would grant a CE exemption for chiropractors age 60 or older who have been licensed for 30 or more years; would allow chiropractors serving on active duty for more than 180 consecutive days to apply for a CE exemption; would broaden the description of the CE waiver granted for illness or hardship; would replace a \$2000 fine for violating the CE audit with a \$500 administrative fee and would allow retroactive licensure upon satisfying sanctions; would clarify what is considered unprofessional conduct; would modernize office closure procedures to include posting on websites; would include social media platforms within the description of digital broadcast; and would remove a time frame for requesting review of a temporary suspension order.

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:

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 would allow applicants to qualify for licensure by passing another state's practical exam; would grant a CE exemption for chiropractors age 60 or older who have been licensed for 30 or more years; would allow chiropractors serving on active duty for more than 180 consecutive days to apply for a CE exemption; would broaden the description of the CE waiver granted for illness or hardship; would replace a \$2000 fine for violating the CE audit with a \$500 administrative fee and would allow retroactive licensure upon satisfying sanctions; would clarify what is considered unprofessional conduct; would modernize office closure procedures to include posting on websites; would include social media platforms within the description of digital broadcast; and would remove a time frame for requesting review of a temporary suspension order.

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. 5244
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE LICENSING BOARD FOR CONTRACTORS
CHAPTER 29
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-11-60

- 29-1. Examination Requirements; Classifications.
- 29-3. Financial Statements.
- 29-5. Construction Management Licensure Requirements.
- 29-10. Mechanical Contractors Licensure Requirements.

Preamble:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to conform to the requirements as set forth in 2023 S.C. Act No. 69, passed by the General Assembly in May 2023 and to make necessary changes following its five-year regulatory review required by S.C. Code Section 1-23-120(J).

Section-by-Section Discussion:

- 29-1. In (a), add "limited" to "building contractor" and add "s" to "contractor." In (b), add "commercial building" and remove "general" from contractor, and add "s" to "contractor."
- 29-1(1)(2)-(6). No change.
- 29-1(7)-(12). Add nonstructural renovation as (7) and renumber all through (12).
- 29-1(12). Strike specialty roofing.
- 29-1(13)-(27). No change.

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29-3(A). Strike public accountant references. Strike “that,” and replace with “only.” Strike “or public accountant provides a statement indicating if the financial statement had been prepared according to ‘General Accepted Accounting Principles’ (GAAP), the financial requirements would be met.” Add “expressly indicates in the financial statement that the financial requirements for licensure would be met if the financial statement had been prepared according to ‘General Accepted Accounting Principles’ (GAAP).”

29-3(B). No change.

29-3(C). Add “or working capital.”

29-3(D). Add “Owner-prepared financial statements must be submitted on the form prescribed by the board. Strike “The latest revision of a financial balance sheet form (FBS) issued by the Department must be completed by an owner filing an owner prepared financial statement. Add “or working capital” after “total net worth”. Add “Internal balance sheets or ledgers are not acceptable forms of financial documentation.”

29-5(A). Strike references to filing a letter in lieu of an application. Add “an” to “application.”

29-5(A)(1). Strike references to filing a letter in lieu of an application. Add “an” to “application.”

29-5(A)(2). Clarify that the entity requesting to act as a construction manager is required to submit a financial statement or surety bond complying with respective statutes. Strike “must be submitted”, “letter or”, and “The financial statement must be for the entity.”

29-5(B). Strike references to filing a letter in lieu of an application. Add “an” to “application.”

29-10(A). No change.

29-10(B). Change to (1). Indent.

29-10(C). Change to (2). Indent.

29-10(D). Change to (B).

29-10(E). Change to (1). Indent.

29-10(F). Change to (2). Indent.

29-10(G). Change to (C). Change references to (B) and (E) to (A)(1) or (B)(1).

29-10(H). Change to (D).

The Notice of Drafting was published in the *State Register* on July 28, 2023.

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 11, 2023 at 2:00 PM. Written comments may be directed to Molly F. Price, Program Director, Contractor’s Licensing Board, 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 27, 2023. 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 South Carolina Contractor’s Licensing Board proposes to amend its regulations to conform to the requirements as set forth in 2023 S.C. Act No. 69, passed by the General Assembly in May 2023 and to make necessary changes following its five-year regulatory review required by S.C. Code Section 1-23-120(J).

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Contractor’s Licensing Board proposes to amend its regulations to conform to the requirements as set forth in 2023 S.C. Act No. 69, passed by the General Assembly in May 2023 and to make necessary changes following its five-year regulatory review required by S.C. Code Section 1-23-120(J).

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-11-60.

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 regulations are necessary and reasonable in that they must conform to the requirements of 2023 S.C. Act No. 69, passed by the General Assembly in May 2023. The regulations will also make necessary and reasonable changes following a review of the Board regulations as required by S.C. Code Section 1-23-120(J).

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:

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 to the requirements of 2023 S.C. Act No. 69, passed by the General Assembly in May 2023. The regulations will also changes following a review of the Board regulations as required by S.C. Code Section 1-23-120(J).

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.

32 PROPOSED REGULATIONS

Document No. 5255
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATORS AND AMUSEMENT RIDES
CHAPTER 71

Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

- 71-4000. Purpose and Definitions.
- 71-4100. Maintenance of On-Site Information.
- 71-4200. Operation Procedures for Amusement Devices; Owners/Operator's Responsibility.
- 71-4300. Operational Testing.
- 71-4400. Maintenance Procedures for Amusement Devices.
- 71-4450. Miscellaneous Safety Requirements for Amusement Rides.
- 71-4475. Additional Rules for Individual Amusement Devices.
- 71-4500. Insurance Bond, or Other Security.
- 71-4600. Permit Required.
- 71-4610. Permit Application Requirements.
- 71-4700. Fee Schedule.
- 71-4800. Qualifications of Approved Special Inspectors.
- 71-4910. Procedure for Hearing Contested Notices of Non-Compliance and Assessments of Penalty.
- 77-4920. Procedure for Applications for Variance.
- 71-4950. Information to be Made Available to Commissioner.
- 71-5000. Purpose and Definitions.
- 71-5100. Safety Standards for New Installations.
- 71-5200. Safety Standards for Existing Facilities.
- 71-5300. Permits and Certificate Required.
- 71-5310. Application for Construction Permit, Elevator Registration, and Operating Certificate.
- 71-5400. Qualification of Special Instructors.
- 71-5500. Inspections.
- 71-5550. Accidents and Dangerous Facilities.
- 71-5600. Fee Schedules.
- 71-5700. Procedure for Hearing Contested Citations and Assessments of Penalty.
- 71-5800. Procedure for Application for Variance.
- 71-5900. Effective Date.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations, appearing in Chapter 71 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J).

Section-by-Section Discussion:

- 71-4000. No change.
- 71-4000(1). Strike "Commissioner of Labor" and replace with "Director of the Department of Labor, Licensing and Regulation may."
- 71-4000(2). Strike language and replace with "Definitions."
- 71-4000(2)(A)-(F). No change.
- 71-4100. Strike "certain" and replace with "the following." Replace period with colon and correct spacing.
- 71-4100(A). Replace period with colon and correct spacing.
- 71-4100(B). Replace period with colon and correct spacing.
- 71-4100(C). Replace period with colon and correct spacing.
- 71-4100(D). Replace period with colon and correct spacing.
- 71-4100(E). Replace period with colon and correct spacing.

- 71-4100(F). Replace period with colon and correct spacing.
- 71-4100(G). Replace period with colon and correct spacing.
- 71-4100(H). Replace period with colon and correct spacing.
- 71-4100(I). Replace period with colon and correct spacing.
- 71-4100(J). Replace period with colon and correct spacing.
- 71-4100(K). Replace period with colon and correct spacing.
- 71-4100(L). Replace period with colon and correct spacing.
- 71-4200(1). No change.
- 71-4200(2). Strike “, where applicable.”
- 71-4200(3)-(4). No change.
- 71-4300(1)-(2). No change.
- 71-4300(3). Replace “Commissioner” with “Director.”
- 71-4400(1)-(4). No change.
- 71-4400(5). Replace “Commissioner of Labor” with “Director.”
- 71-4400(6). Strike language.
- 71-4400(7). Renumber as (6).
- 71-4450(1). No change.
- 71-4450(1)(A). Strike “The following wiring systems are acceptable.” and replace with “Electrical systems shall comply with the NFPA 70, the 2020 National Electrical Code, and any later editions.”
- 71-4450(1)(A)(1)-(2). Strike language.
- 71-4450(1)(B)-(C). Strike language.
- 71-4450(D). Re-letter as B.
- 71-4450(E). Re-letter as C.
- 71-4450(F). Re-letter as D.
- 71-4450(2). Strike period after “Structural.”
- 71-4450(2)(A)-(D). No change.
- 71-4450(2)(E). Correct spacing between “Dark Rides” and colon.
- 71-4450(2)(F)-(G). No change.
- 71-4450(2)(H). Strike “a minimum 10’ clearance from any overhead power lines in both the static and dynamic states” and replace with “a minimum clearance from overhead power lines in compliance with the National Electrical Code.”
- 71-4450(2)(I)-(M). No change.
- 71-4450(3). No change.
- 71-4450(3)(A). No change.
- 71-4450(3)(B). Strike “requested, the operator must halt” and replace with “the operator is requested to stop.” Add “[comma] the operator must follow all manufacturer requirements for emergency evacuation procedures.”
- 71-4450(3)(C)-(F). No change.
- 71-4450(4). Add “as stated by the manufacturer.”
- 71-4450(4)(B). No change.
- 71-4475(1). Strike “1982” and replace with “2022”. Strike “Commissioner” and replace with “Director.”
- 71-4475(2). Correct spelling of Go Karts.
- 71-4475(2)(A)-(B). No change.
- 71-4475(2)(C). Add “Signs shall be posted to notify patrons that helmets are available upon request.”
- 71-4500(1). Strike “Commissioner” and replace with “Director.”
- 71-4500(2)(A). No change.
- 71-4500(2)(B). Strike “Commissioner” and replace with “Director.”
- 71-4500(3). Strike “Commissioner” and replace with “Director.” Strike “The Commissioner shall make available upon request an approved endorsement form.”
- 71-4600(1). No change.
- 71-4600(2). Strike “within South Carolina beginning July 1, 1993,”. Replace “1992” with “2022.”
- 71-4600(3). No change.
- 71-4610(1). Strike “in writing and received by the Commissioner” and replace with “submitted electronically to the Director.”

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- 71-4610(2)(A)-(D). No change.
- 71-4610(2)(E). Replace “Commissioner” with “Director.” Strike “, at his discretion.”
- 71-4610(2)(F). Add “n” to “A”. Strike “notarized.” Strike “by a special inspector or in the alternative, a request for inspection by the Department.”
- 71-4610(3). No change.
- 71-4610(4). Strike “, before the end of the same business day that the number is assigned by the telephone company, if a telephone is located at such site.”
- 71-4700. Strike “Division of Labor.”
- 71-4800(1)-(4). No change.
- 71-4800(5). Replace “division” with “Director.”
- 71-4800(6). Strike “on forms supplied by” and replace with “in a manner as required by”. Strike “the,” add “s” to “inspection” and strike “form.”
- 71-4800(7)-(9). No change.
- 71-4910(1). No change.
- 71-4910(2)(A). No change.
- 71-4910(2)(A)(1)-(2). No change.
- 71-4910(2)(A)(3). Replace “Commissioner” with “Director.”
- 71-4910(3). No change.
- 71-4910(4). Replace “Commissioner” with “Director.”
- 71-4910(5). Replace “Commissioner” with “Director.”
- 77-4920. Repeal.
- 71-4950. Replace “Commissioner” with “Director.”
- 71-5000(1). Strike “Chapter 16 of Title 41, South Carolina Code of Laws, 1976 (as amended) provides that the Commissioner of Labor” and replace with “The Director shall.”
- 71-5000(2). No change.
- 71-5100. Strike duplication “Section” in statutory authority.
- 71-5100(1). Replace “1992” with “2015.”
- 71-5100(2)-(3).
- 71-5100(4)(A). Delete space between 17.1 and the comma.
- 71-5100(B)-(D). No change.
- 71-5200. No change.
- 71-5300(1). Replace “Commissioner” with “Director.”
- 71-5300(2). Replace “Commissioner” with “Director.”
- 71-5310(1). Strike “on a form provided” and replace with “in a manner as required.” Replace “Commissioner” with “Director.”
- 71-5310(1)(A)-(C). No change.
- 71-5310(2). Strike “on a form provided” and replace with “in a manner as required.” Replace “Commissioner” with “Director.”
- 71-5310(2)(A)-(H). No change.
- 71-5310(3)-(4). Strike existing language.
- 71-5400(1). Strike “1984” and replace with “2018.” Strike “supplements” and replace with “any later editions.”
- 71-5400(2). No change.
- 71-5400(3). Replace “division” with “Department.”
- 71-5400(4). Strike “on forms supplied” and replace with “in a manner required.” Strike “Special inspectors shall execute and convey the form in a manner prescribed by the Department.”
- 71-5400(5)-(7). No change.
- 71-5500(1). No change.
- 71-5500(1)(a)-(b). No change.
- 71-5500(1)(c)-(d). Strike existing language.
- 71-5500(2)-(3). No change.
- 71-5500(4). Strike existing language.
- 71-5500(5). Renumber.
- 71-5550. Repeal.

- 71-5600. No change.
- 71-5700(1). No change.
- 71-5700(2). No change.
- 71-5700(2)(A). Replace “Commissioner” with “Director.”
- 71-5700(2)(B)(1)-(2). No change.
- 71-5700(2)(B)(3). Replace “Commissioner” with “Director.”
- 71-5700(3)(A). No change.
- 71-5700(3)(B). Replace “Commissioner” with “Director.”
- 71-5700(3)(C). Replace “Commissioner” with “Director.”
- 71-5800(1). Replace “Commissioner” with “Director.”
- 71-5800(2). Replace “Commissioner” with “Director.”
- 71-5800(2)(A). Strike “He is unable to comply with a rule or regulation because of unavailability of p.” Replace with “P” in “professional.” Strike “needed to come into compliance with the rule or regulation.” Add “are unavailable.”
- 71-5800(2)(B). Strike “He is a.” Replace with “A” in “alternative.” Add “are being taken.”
- 71-5800(3). No change.
- 71-5900. No change.

A Notice of Drafting was published in the *State Register* on July 28, 2023.

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 1:00 P.M. on December 11, 2023. Written comments may be directed to Duane Scott, Sr., Office of Elevators and Amusement Rides, 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 27, 2023. 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:

These regulations are amended to necessary to, among other things: update language reflecting the current structure of the Office; update references to codes applicable to the programs; delete obsolete language; update language regarding forms; incorporate references to amusement ride manufacturer requirements; and correct punctuation.

DESCRIPTION OF REGULATION:

Purpose: The Department is amending the regulations in accordance with its five-year regulatory review pursuant to S.C. Code Section 1-23-120.

Legal Authority: 1976 Code Sections 41-16-140 and 41-18-120.

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 Department’s website.

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

The proposed regulations will, among other things: update language reflecting the current structure of the Office; update references to codes applicable to the programs; delete obsolete language; update language regarding forms; incorporate references to amusement ride manufacturer requirements; and correct punctuation.

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:

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 among other things: update language reflecting the current structure of the Office; update references to codes applicable to the programs; delete obsolete language; update language regarding forms; incorporate references to amusement ride manufacturer requirements; and correct punctuation.

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. 5246

DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-22-50, and 40-22-60

49-201. Professional Land Surveyor Licensure Requirements.

Preamble:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener's error.

Section-by-Section Discussion:

R.49-201B(3). Revised to reference R.49-201C. Strike 201D.
 R.49-201E. should be revised to reference R.49-201D.

A Notice of Drafting was published in the *State Register* on August 25, 2023.

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 27, 2023. Written comments may be directed to Lenora Addison-Miles, Board Executive, Board of Registration for Professional Engineers and Surveyors, 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 27, 2023. 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 of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener’s error. Specifically, R.49-201B(3) should be revised to reference R.49-201C as opposed to 201D and R.49-201E should be revised to reference R.49-201D.

DESCRIPTION OF REGULATION:

Purpose: The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener’s error. Specifically, R.49-201B(3) should be revised to reference R.49-201C as opposed to 201D and R.49-201E should be revised to reference R.49-201D.

Legal Authority: 1976 Code Sections 40-1-50(D), 40-1-70, 40-22-50(B), and 40-22-60.

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 Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener’s error. Specifically, R.49-201B(3) should be revised to reference R.49-201C as opposed to 201D and R.49-201E should be revised to reference R.49-201D.

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.

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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:

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 Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener's error. Specifically, R.49-201B(3) should be revised to reference R.49-201C as opposed to 201D and R.49-201E should be revised to reference R.49-201D.

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. 5245
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD
CHAPTER 51
Statutory Authority: 1976 Code Sections 40-1-70 and 40-23-60

- 51-1. Applications for Certification.
- 51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.
- 51-4. Renewal of License and Permit, Continuing Education.
- 51-5. Operator-in-Training Licenses.
- 51-6. Fees.
- 51-8. Reciprocity. (New)

Preamble:

The South Carolina Environmental Certification Board proposes to amend its regulations in conformance with its practice act following its regulatory review prescribed by S.C. Code Section 1-23-120.

Section-by-Section Discussion:

- 51-1. Strike "Well Driller." Replace "acted upon" with "completed." Replace "become inactive" with "expire."
- 51-3A. Add "except as provided in 51-8."
- 51-3B-C. No change.
- 51-3D. Add "a" before certification. Add "which they do not currently possess" modifying certification.
- 51-3E-J. No change.
- 51-4. Strike "and Permit" from title.
- 51-4A-D. No change.
- 51-4E. Replace "he complies" with "compliance." Replace "he does" with "they do." Replace "he has completed" with "completion of." Replace "his/her" with "their."
- 51-41F. Add new section granting age and experience waiver.

51-5. Strike lettering (A). Strike “that are valid for two (2) years for new personnel with qualifications” and replace with “for new personnel with qualifications.” Strike (B).

51-6. Strike reference to fees on the web page.

51-8. New section establishing terms for licensure through reciprocity.

The Notice of Drafting was published in the *State Register* on April 28, 2023.

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 December 18, 2023, at 10:00 a.m. Written comments may be directed to Johnnie Rose, Board Executive, South Carolina Environmental Certification Board, Department of Labor, Licensing, and Regulation, Post Office Box 11409, Columbia, South Carolina 29211-1409, no later than 5:00 p.m., November 27, 2023. 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 Board proposed to amend its regulations in conformance with its practice act following its regulatory review prescribed by S.C. Code Section 1-23-120.

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations to conform to its practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-23-60.

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 regulations and post the revised 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 Board is proposes to amend its regulations in conformance with its practice act following its regulatory review prescribed by S.C. Code Section 1-23-120.

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.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Board's function of protecting public welfare 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 regulations are updated will conform to the Board's practice act.

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. 5258
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-220.

71-341. Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

Appendix A to Subpart E of Subarticle 3.

Appendix B to Subpart E of Subarticle 3. (New)

Preamble:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend sections of Chapter 71, Article 1, Subarticle 3, Occupational Injury and Illness Recording and Reporting Regulation. Specifically, the Department proposes to amend Subarticle 3 to clarify that certain employers must electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA is amending its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. Establishments with 20 to 249 employees in certain industries will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis.

Section-by-Section Discussion:

71-341(a). No change.

71-341(a)(1). Strike existing language and replace with "Annual electronic submissions of information from OSHA Form 300A summary of Work-Related Injuries and Illnesses.

71-341(a)(1)(i). New section regarding reporting requirements for 20-249 employees in an industry listed in appendix A to subpart E.

71-341(a)(1)(ii). New section regarding reporting requirements for 250 or more employees.

71-341(a)(2). Strike existing language and replace with reporting requirements for 100 or more employees in designated industries, ones listed in appendix B to subpart E.

71-341(a)(3). No change.

71-341(a)(4). No change.

71-341(b). No change.

71-341(b)(1). Strike existing language and replace with question and answer style instructions to employers on three categories of employers who must routinely submit information from Forms 300 and 301 to OSHA.

71-341(b)(2)-(8). No change.

71-341(b)(9). New section. Question and answer style guidance on which information is excepted from the requirement to submit information from the recordkeeping forms, namely the Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B) and Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).

71-341(b)(10). New section. Question and answer style guidance on use of number or codes as the establishment name in the submission, which is allowed although the submission must include a legal company name.

71-341(c). Add “Establishments that are required to submit under paragraph (a)(1) or (2) of this section must submit all of the required information by March 2 of the year after the calendar year covered by the form(s)(for example, by March 2, 2024, for the forms covering 2023).

71-341(c)(1). Strike existing language and associated chart.

71-341(c)(2). Strike existing language.

Appendix A. Strike all. Replace with new Appendix A to Subpart E.

Add Appendix B to Subpart E.

A Notice of Drafting was published in the *State Register* on August 25, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to S. C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:00 A.M. on January 4, 2024. Written comments may be directed to Gwen Thomas, OSHA State Plan Manager, 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 27, 2023. 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 South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend Chapter 71, Article 1, Subarticle 3, to require three groups of establishments to electronically submit information from their injury and illness recordkeeping forms to OSHA once a year to comport with Federal OSHA requirements.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend sections of Chapter 71, Article 1, Subarticle 3, Occupational Injury and Illness Recording and Reporting Regulation. The amendments will require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA is amending its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms

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300 and 301 to OSHA once a year. Establishments with 20 to 249 employees in certain industries will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis. OSHA is also updating the NAICS codes used in Appendix B, which designates the industries required to submit Form 300 and Form 301 data. Additionally, establishments will be required to include their company name when making electronic submissions to OSHA.

Legal Authority: 1976 Code Section 41-15-220.

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 require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation.

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:

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 that certain employers must electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA is amending its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. Establishments with 20 to 249 employees in certain industries will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis. OSHA is also updating the NAICS codes used in Appendix B, which designates the industries required to submit Form 300 and Form 301 data. Additionally, establishments will be required to include their company name when making electronic submissions to OSHA.

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. 5257
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE 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.
- 99-48. Collaborative Pharmacy Practice. (New)

Preamble:

The South Carolina Board of Pharmacy proposes to amend various sections of Chapter 99.

Section-by-Section Discussion:

- 99-43A(1). No change.
- 99-43A(2). Remove period from “et” in “et seq.”
- 99-43A(3)-(4). No change.
- 99-43B. No change.
- 99-43B(1). Remove period from title, “Resident Pharmacy Permit”. Otherwise, no change in B.
- 99-43C. No change.
- 99-43D. No change.
- 99-43D(1). No change.
- 99-43D(1)(a). Add definition for “Outsourcing Facility”, listing elements in new sections (1)-(3).
- 99-43D(2)-(3). No change.
- 99-43E. No change.
- 99-43F. No change.
- 99-43G. No change.
- 99-43G(1). No change.
- 99-43G(2). No change.
- 99-43G(2)(a). No change.
- 99-43G(2)(b). Add “and any federal requirements, including but not limited to the Drug Supply Chain Security Act (DSCSA).” to the end of the sentence establishing purpose of inspection.
- 99-43G(3). No change.
- 99-43G(3)(a). No change.
- 99-43G(3)(a)(1)-4). No change.
- 99-43G(3)(a)(5). Strike “Verified-Accredited Wholesale Distributors certification (if applicable) or a notarized statement certifying that the applicant meets the standards necessary to obtain this certification” and replace with “Drug Distributor Accreditation (if applicable) or a notarized statement certifying that the applicant meets the standards necessary to obtain this accreditation.”
- 99-43G(3)(a)(6). Strike “a sample Transaction History, Transaction Information, and Transaction Statement (“T3”) report” and replace with “produce to the Board policies and procedures establishing that the facility meets all current Drug Supply Chain Security Act (DSCSA) standards.”
- 99-43G(3)(b). Strike “a pharmacist or other” and replace with “an” individual knowledgeable about all aspects of the applicant’s operations. Strike must “answer questions regarding the applicant’s operations” and replace with “respond to operational questions.”
- 99-43H. No change.

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

99-43H(3). No change.

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

99-43H(3)(a)(1)-(4). No change.

99-43H(3)(a)(5). Add as a requirement to obtain a non-resident manufacturer/repackager permit “produce to the Board policies and procedures establishing that the facility meets all current Drug Supply Chain Security Act (DSCSA) standards.”

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

99-43I. No change.

99-43J. No change.

99-43J(1). No change.

99-43((1)(a). Add definition of “Third-Party Logistics Provider” listing elements in new sections (1) and (2).

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

99-43K. No change.

99-43K(1). No change.

99-43K(2). Add “provided it complies with all the requirements set forth in this subsection.”

99-43K(3)-(6). No change.

99-43L. New section providing “All non-resident facilities required by statute or regulation to be permitted must be operational and must have undergone a successful operational inspection before a permit may be issued by the Board.”

99-48. New section establishing Collaborative Pharmacy Practice.

The Notice of Drafting was published in the *State Register* on July 28, 2023.

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, 2023. Written comments may be directed to Traci Collier, Chief Drug Inspector and Board Executive, 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 27, 2023. 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 regulations are both necessary and reasonable in that they will provide clarification and guidance regarding permitting of virtual wholesalers and virtual manufacturers and other new pharmacy business models; provide clarification and guidance on remote work; provide clarification and guidance regarding collaborative practice in pharmacy; provide clarification of reporting requirements mandated by state or federal laws including the Drug Supply Chain Security Act (DSCSA) and provide clarification and guidance regarding compounding that reflect changes to USP Compounding Standards and emerging business models.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulations are both necessary and reasonable in that they will provide clarification and guidance regarding permitting of virtual wholesalers and virtual manufacturers and other new pharmacy business models; provide clarification and guidance on remote work; provide clarification and guidance regarding collaborative practice in pharmacy; provide clarification of reporting requirements mandated by state

or federal laws including the Drug Supply Chain Security Act (DSCSA) and provide clarification and guidance regarding compounding that reflect changes to USP Compounding Standards and emerging business models.

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 regulations are both necessary and reasonable in that they will provide clarification and guidance regarding permitting of virtual wholesalers and virtual manufacturers and other new pharmacy business models; provide clarification and guidance on remote work; provide clarification and guidance regarding collaborative practice in pharmacy; provide clarification of reporting requirements mandated by state or federal laws including the Drug Supply Chain Security Act (DSCSA) and provide clarification and guidance regarding compounding that reflect changes to USP Compounding Standards and emerging business models.

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:

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 clarification and guidance regarding permitting of virtual wholesalers and virtual manufacturers and other new pharmacy business models; provide clarification and guidance on remote work; provide clarification and guidance regarding collaborative practice in pharmacy; provide clarification of reporting requirements mandated by state or federal laws including the Drug Supply Chain Security Act (DSCSA) and provide clarification and guidance regarding compounding that reflect changes to USP Compounding Standards and emerging business models.

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.

46 PROPOSED REGULATIONS

Document No. 5247
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PODIATRY EXAMINERS
CHAPTER 134

Statutory Authority: 1976 Code Sections 40-1-70, 40-51-40, 40-51-67, 40-51-70, and 40-51-210

- 134-10. License to Practice Podiatry.
- 134-20. Fees to Practice Podiatry.
- 134-30. Requirements for Written Examinations.
- 134-40. Fees for Examinations.
- 134-50. Procedure for Re-examination and Review of Examination.
- 134-60. Podiatrist Supervision and Administration of Hyperbaric Oxygen Therapy. (New)

Preamble:

The South Carolina Board of Podiatry Examiners proposes repealing R.134-40 and 134-50, repealing and amending sections of 134-30, amending R.134-10, and adding a regulation regarding hyperbaric oxygen treatments. The Board may amend or repeal additional regulations in accordance with its regulatory review conducted pursuant to S.C. Code Section 1-23-120(J).

Section-by-Section Discussion:

- 134-10(1). Strike language and renumber.
- 134-10(1)(a)-(b). No change.
- 134-10(1)(c). Strike end of the sentence following “Council on Podiatric Medical Education.”
- 134-10(2). No change.
- 134-10(3). Add “The application shall include” and then list each of the documents and all of the information to be included with the application packet in (a)-(j), which currently appears in 134-30.
- 134-10(4). Strike “at the time the application is approved by the Board.”
- 134-10(5). Strike the last sentence.
- 134-20. Update the web address.
- 134-30. Repeal.
- 134-40. Repeal.
- 134-50. Repeal.
- 134-60. Add new section providing guidance for Podiatrist Supervision and Administration of Hyperbaric Oxygen Therapy. (New)

A Notice of Drafting was published in the *State Register* on June 23, 2023.

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 19, 2023, at 2:00 PM. Written comments may be directed to Maggie Murdock, Program Director, Board of Podiatry Examiners, 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 27, 2023. 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 South Carolina Board of Podiatry Examiners proposes repealing R.134-40 and 134-50, repealing and amending sections of 134-30, amending R.134-10, and adding a regulation regarding hyperbaric oxygen treatments.

Legal Authority: 1976 Code Sections 40-1-70, 40-51-40, 40-51-67, 40-51-70, and 40-51-210.

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 regulations 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 Board has concluded the proposed regulations are both reasonable and necessary as they will: repeal R.134-30, 134-40 and 134-50 which are no longer necessary or are modified in separate sections of the regulation; amend section R.134-10 to clarify application requirements; and add a regulation regarding the requirements to supervise or administer hyperbaric oxygen therapy to ensure podiatrists are appropriately trained in this 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.

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 repeal R.134-40 and 134-50, repeal and amend sections of 134-30, amend R.134-10, and add a regulation regarding hyperbaric oxygen treatments.

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.

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Document No. 5256
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF EXAMINERS IN PSYCHOLOGY
CHAPTER 100

Statutory Authority: 1976 Code Sections 40-1-70 and 40-55-40(d)

- 100-1. Application for License to Practice Psychology.
- 100-2. Examinations.
- 100-4. Code of Ethics.
- 100-6. Advertising.
- 100-8. Guidelines for the Employment and Supervision of Unlicensed Persons Providing Psychological Services.
- 100-9. Organization of the Board.
- 100-10. Continuing Education Credits.

Preamble:

The Board of Examiners in Psychology proposes to add to, amend, and/or repeal its regulations in Chapter 100 of the Code of Regulations.

Section-by-Section Discussion:

- 100-1A. No change.
- 100-1A(1)(a). Strike lettering. Strike Appendix A reference.
- 100-1A(1)(b). Strike all.
- 100-1A(2)-(4). No change.
- 100-1A(5). Add “and a minimum of fifty (50) percent of supervision hours must be in-person.”
- 100-1B. No change.
- 100-1C(1)-(5). No change.
- 100-1C(6)(a). Strike parenthetical containing the American Association of State Psychology Boards Education and Credentialing Requirements Data Form.
- 100-1C(6)(b). Strike requirement for three character references.
- 100-1C(7)-(8). No change.
- 100-1D. Strike “competency” and replace with, “those areas of practice.”
- 100-2A(1). Strike existing language in the second sentence after “A passing score on this examination shall be” and replace with “determined by the Association of State and Provincial Psychology Boards (ASPPB)” to the end of the first sentence.
- 100-2B. No change.
- 100-4A-B. No change.
- 100-4C(1)-(6). No change.
- 100-4C(7)(a). No change.
- 100-4C(7)(b). Change five years to seven years for records retention, and add seven years after the age of majority, whichever is later.
- 100-4C(7)(c). No change.
- 100-4C(7)(d). Change five years to seven for records retention in supervision settings.
- 100-4C(8)(a). Add lettering. Clarify that a psychologist should plan for facilitating services in the event that psychological services are interrupted during periods of foreseeable and unforeseeable absences.
- 100-4C(8)(b). Add provision for protection of confidentiality of records should psychologist withdraw from practice.
- 100-4C(8)(c). Add provision requiring psychologist to designate a party to assume responsibility for continuity of care and refer out patients and records.
- 100-4D(1). Correct “reasonable” to read “reasonably.”

- 100-4D(2). Add “Factors that should be considered by the psychologist include” prior to the list of factors. Add “professional” in list.
- 100-4D(3)(a) and (b). Extend the time prohibiting dual relationships from 24 to 60 months.
- 100-4D(4). Add “Factors that should be considered by the psychologist include” prior to the list of factors. Strike “because of.” Add “professional” to the list.
- 100-4E. No change.
- 100-4F(1). No change.
- 100-4F(2). Strike “his/her.”
- 100-4G(1). No change.
- 100-4G(2). Strike the last sentence.
- 100-4G(3)-(9). No change.
- 100-4G(10). Correct spelling of “ensure” from “insure.”
- 100-4G(11)-(12). No change.
- 100-4H(1). Strike “Display of license” and replace with “clearly communicate licensure status to practice psychology in this state by displaying a South Carolina license.” Replace “The psychologist” with “Psychologists.” Strike “the psychologist’s license to practice psychology in the State” and replace with “or providing visual access to their license upon request.”
- 100-4H(2). Replace “The psychologist” with “Psychologists.” Replace “his/her” with “their.”
- 100-4H(3). Replace “The psychologist” with “Psychologists.” Replace “his/her” with “their.” Replace “the psychologist is” with “they are”.
- 100-4H(4). Replace “The psychologist” with “Psychologists.”
- 100-4H(5). Replace “The psychologist” with “Psychologists.” Replace “his/her” with “their.”
- 100-4H(5)(a). No change.
- 100-4H(5)(b). Replace “his/her” with “the psychologist’s.”
- 100-4H(5)(c). Replace “his/her” with “the psychologist’s.”
- 100-4H(6). Replace “The psychologist” with “Psychologists.”
- 100-4I(1). Strike “his/her.”
- 100-4I(2)-(6). No change.
- 100-4J(1)-(2). No change.
- 100-4J(3). Replace “his/her” with “the.”
- 100-4J(4)-(5). No change.
- 100-4K. No change.
- 100-4L(1). Strike his/her.
- 100-4L(2)-(4). No change.
- 100-4M. Strike all.
- 100-6A(1)-(2). No change.
- 100-6A(3). Create new section from Subparagraph 2, beginning at “Public statements.” Re-letter series as (a), (b) and (c) from (i), (ii), (iii) and (iv). Strike unfair in former section (i) and correct punctuation. Strike section (ii).
- 100-8. Add new section (A) defining supervised unlicensed persons. Re-lettering remaining sections (B)-(E).
- 100-8B-C. No change.
- 100-8D(1)-(3). No change.
- 100-8D(4). Correct spelling of “ensure” from “insure.”
- 100-8D(5)-(12). No change.
- 100-8E. No change.
- 100-8E(1)-(2). No change.
- 100-8E(3). Correct spelling of “ensure” from “insure.”
- 100-8E(4)-(5). No change.
- 100-9A(1). Strike “his/her” and replace with “their successors.”
- 100-9A(2). No change.
- 100-9B(1)-(3). No change.
- 100-9B(4). Add “ed” to “Call.”
- 100-9B(5). No change.

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100-9C. No change.
100-10A. No change.
100-10B. No change.
100-10B(1). No change.
100-10B(1)(a). Strike and re-letter subsequent subsections.
100-10B(1)(b)-(e). No change.
100-10B(1)(b)(f). Add “or participating in an editorial review process in a refereed publication.”
100-10B(2). Strike section and renumber.
100-10B(3). Renumbered as (2).
100-10B(3)(a)-(d). No change.
100-10B(3)(e). Add hyphen to self-study.
100-10C-F. No change.
Appendix A. Repeal.

A Notice of Drafting was published in the State Register on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such a hearing will be conducted by the Administrative Law Court on December 20, 2023, at 10:00 A.M. Written comments may be directed to Pam Dunkin, Board Executive, South Carolina Board of Examiners in Psychology, 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 27, 2023. If a qualifying request pursuant to Section 1-23-110(b) 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.

Statement of Need and Reasonableness:

The regulations are amended to following the Board’s five-year regulatory review conducted pursuant to S.C. Code Section 1-23-120.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act following its five-year review conducted pursuant to S.C. Code Section 1-23-120. The amendments include but are not limited to: deleting the provision allowing an applicant to hold a doctoral degree in a closely allied field of psychology; requiring that a minimum of fifty percent of supervision hours must be in-person; adding a requirement that psychologists make plans for continuity of patients’ care should the psychologist become unable for any reason to continue providing care to patients; extending the number of months a psychologist must wait before engaging in a sexual or financial relationship with a client from 24 to 60 months; defining supervised unlicensed persons; clarifying continuing education requirements, and deleting an appendix that stated the criteria used to identify and designate educational programs as psychology programs.

Legal Authority: 1976 Code Sections 40-1-70 and 40-55-40(d).

Plan for Implementation: The revised regulation 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 regulation on the agency’s website.

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

The proposed amendment are necessary to conform to the practice act following its five-year review conducted pursuant to S.C. Code Section 1-23-120. The Board has determined the following amendments to be both necessary and reasonable: deleting the provision allowing an applicant to hold a doctoral degree in a closely allied field of psychology; requiring that a minimum of fifty percent of supervision hours must be in-person; adding a requirement that psychologists make plans for continuity of patients' care should the psychologist become unable for any reason to continue providing care to patients; extending the number of months a psychologist must wait before engaging in a sexual or financial relationship with a client from 24 to 60 months; defining supervised unlicensed persons; clarifying continuing education requirements, and deleting an appendix that stated the criteria used to identify and designate educational programs as psychology programs.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulations will have no effect on the environment. The regulations contribute to the board'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 the regulations are not implemented.

Statement of Rationale:

The updated regulation will conform to the practice act by: deleting the provision allowing an applicant to hold a doctoral degree in a closely allied field of psychology; requiring that a minimum of fifty percent of supervision hours must be in-person; adding a requirement that psychologists make plans for continuity of patients' care should the psychologist become unable for any reason to continue providing care to patients; extending the number of months a psychologist must wait before engaging in a sexual or financial relationship with a client from 24 to 60 months; defining supervised unlicensed persons; clarifying continuing education requirements, and deleting an appendix that stated the criteria used to identify and designate educational programs as psychology programs.

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.

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Document No. 5253
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA REAL ESTATE COMMISSION
CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, 40-57-135, 40-57-320, 40-57-340, and 40-57-740

105-6. Course Curriculum and Attendance.
105-8. Other Operating Procedures.
105-10. Instructors.
105-11. Renewals.
105-13. Fees.

Preamble:

The South Carolina Real Estate Commission proposes to amend various sections of Chapter 105, including but not limited to R.105-6, R.105-8, R.105-10, R.105-11, and R.105-13. Additionally, the Commission intends to promulgate new regulations that provide more clarity regarding broker supervision and that provide re-examination procedures for those applicants who do not pass the respective licensing exam.

Section-by-Section Discussion:

105-6. To the title, add Approval and Verification.

105-6A. Add “For pre-licensing courses.” Strike capital “P” for “providers and replace with lowercase “p”. Remove “qualifying.” Strike “at least.” Strike “number of classroom”. Strike “as follows.” Add “as specified in S.C. Code Sections 40-57-320(A)(1)(a), 40-57-320(A)(2)(a) and 40-57-510(C)(1)(a).”

105-6A(1). Add “Pre-licensing courses must provide students with information on licensing requirements, familiarity with the Commission’s statutes and regulations, and how to apply for licensure with the Commission.”

105-6A(1)-(4). Strike existing language.

105-6B. Add “For continuing education” at the beginning of the sentence. Strike capital “P” for “providers and replace with lowercase “p”. Strike internal reference to continuing education.

105-6B(1). Create new subsection from B, and add numbering. At the end of the sentence, add “In accordance with S.C. Code Section 40-57-340, all active salesperson, broker and broker-in-charge licensees must complete a core course each renewal cycle unless they have been granted a full continuing education waiver by the Commission.”

105-6B(2). Add “including but not limited to topics outlined in S.C. Code Section 40-57-340(G) and (H).”

105-6C. Strike existing language and replace with “Application Requirements for Course Approval.” Add six subsections beneath the application requirements, and an additional seven subsections underneath subsection (5), regarding pre-licensing courses.

105-6D. Strike existing language and replace with “Course Length and Attendance.” Add two subsections underneath course length and attendance, for (1) Pre-licensing courses and (2) Continuing education courses. Additional subsections are added under (1) and (2).

105-6E. Strike existing language and replace with “Verification of Course Completion.” Add that providers must provide verification of course completion for each individual or licensee who competes a course. Add subsections (1) for pre-licensing courses and (2) for continuing education courses, as well as subsections beneath subsection (1).

105-6F-I. Strike existing language.

105-8A(1). Add new section providing, “Pre-licensing and continuing education courses may be conducted via in-person or distance learning. Distance learning courses are those where the licensed instructor and student are physically apart and instruction takes place through interactive classrooms, audio and/or video conferencing, interactive computer modules and other internet platforms.”

- 105-8A(1)(a). Move existing (A)(1) to (A)(1)(a). Add “In-person and in-person courses utilizing synchronous distance learning portions”. Strike “(1) Courses”. Strike “Commission-approved” and replace with instructors “approved by the Commission”. Add “The distance learning portion of the course must adhere to the Commission’s standards for distance learning. Recorded videos used as teaching supplements are not considered distance learning and do not need to meet the distance learning standards.” Strike last sentence. Re-number.
- 105-8A(1)(b). Replace “(2)” with “b.” Add “learning synchronous and asynchronous”. Strike “education”. Add “must be taught by instructors approved with the Commission and”. Strike “must”. Strike “education” and replace with “learning”. Add “In accordance with S.C. Code Section 40-57-340(F), providers and courses must hold ARELLO or IDECC certification.”
- 105-8A(2). New section on course design.
- 105-8B(1). Correct sequence of numbers by deleting parentheticals and adding periods throughout the document. Strike “and are subject to inspection and approval by a representative of the Commission.”
- 105-8B(2). Strike existing language.
- 105-8B(3). Renumber as “2”.
- 105-8B(3). Add “Distance learning courses must adhere to ARELLO or IDECC requirements.”
- 105-8C(1). Strike “Examples may include” and replace with “This includes, but is not limited to.”
- 105-8C(2). Strike existing language and replace with “Advertising for courses must include the provider and course approval number.”
- 105-8C(3). Strike existing language and replace with “Pursuant to S.C. Code Section 40-57-740(D), the Commission may take action against any provider or instructor who has violated the provisions of S.C. Code Section 40-1-10 et seq., or regulations of the Commission. This includes but is not limited to a provider or instruct who:” Add subsections (a) through (g) below describing violations in advertising.
- 105-8C(4)-(8). Strike all.
- 105-8D. Add new section on Recruitment and Solicitation.
- 105-8E. Re-letter prior section (D). Strike “and/.”
- 105-10A. Strike “broker-qualified” and replace with Commission-approved instructors “who are actively-licensed as brokers by the Commission.”
- 105-10B. No change.
- 105-10B(1). No change.
- 105-10B(2). No change.
- 105-10B(2)(a). No change.
- 105-10B(2)(b). Add new section providing “Real Estate Educator Association (REEA) Instructor certification or IDECC Certified Distance Education Instructor certification” as proof of knowledge of the subject matter being taught.
- 105-10B(2)(b)-(e). Re-letter as (c)-(f).
- 105-10B(2)(c). In new section (c), formerly (b), add “or higher” modifying the four-year undergraduate degree requirement.
- 105-10B(2)(d). No change.
- 105-10B(2)(e). In new section (e), formerly (d), add “an” before “assistant” and strike “trainee”. Add “Of the “sixty (60) hours, fifty-five (55) hours must be documented instructing time.
- 105-10B(2)(f). No change.
- 105-10B(3). No change.
- 105-10B(3)(a). No change.
- 105-10B(3)(b). Add “teaching” before “experience”. Strike “teaching the” and add “directly related to the” prior to subject matter.
- 105-10C. Strike “Unit I, Unit II, Unit III, Property Management, and/or other” and replace with “pre-licensing education courses.” Add “courses, or both” to “continuing education.” Strike “subjects.”
- 105-10D. No change.
- 105-10E. Replace “cure any” deficiencies with “rectify the” deficiencies. Replace “found” with “identified and submit for re-evaluation”. Replace “cured” with “fully addressed.”
- 105-10F-G. No change.
- 105-10H. Strike lettering and add space. Begin new paragraph, not numbered or lettered, with “Instructors of approved continuing education courses.” Add “may credit time spent teaching approved courses towards the

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applicable” continuing education requirements. Strike “are exempt from their biennial” continuing education. Add “requirements for maintaining licensure.” Strike “credit.” Add “This credit does not extend to the mandatory four-hour core broker-in-charge course unless the licensee is the instructor of and teaches the four-hour core broker-in-charge course.” Strike “for time spent teaching approved courses.”

105-11. Strike “Renewal forms will be mailed to all approved providers and instructors, and completed forms must be received in the Commission’s office not later than August 15 to insure renewal by August 31. A late fee will be charged for renewals received after August 31.” Add “If an approval has expired, the provider or instructor must reapply and meet all requirements in effect at the time of reapplication in order to receive approval for the expired provider, course, or instructor.”

105-13. Strike web address.

A Notice of Drafting was published in the *State Register* on February 24, 2023.

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 December 18, 2023. Written comments may be directed to Meredith Buttler, Program Director, Real Estate 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 27, 2023. 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 regulations are necessary to address issues including but not limited to instructor qualifications, instructor renewals, the implementation of a core commercial course in addition to a core residential course, and the removal of a reference to an outdated website. The proposed regulations will also provide more clarity regarding broker supervision and re-examination procedures for those applicants that do not pass the respective licensing exam.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Real Estate Commission proposes to amend various sections of Chapter 105, including but not limited to R.105-6, R.105-8, R.105-10, R.105-11, and R.105-13. Additionally, the Commission intends to promulgate new regulations that provide more clarity regarding broker supervision and that provide re-examination procedures for those applicants who do not pass the respective licensing exam.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, 40-57-135, 40-57-320, 40-57-340, and 40-57-740.

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 to address issues including but not limited to instructor qualifications, instructor renewals, the implementation of a core commercial course in addition to a core residential course, and

the removal of a reference to an outdated website. The updated regulations will also provide more clarity regarding broker supervision and re-examination procedures for those applicants that do not pass the respective licensing exam.

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:

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 address issues including but not limited to instructor qualifications, instructor renewals, the implementation of a core commercial course in addition to a core residential course, and the removal of a reference to an outdated website. The updated regulations will also provide more clarity regarding broker supervision and re-examination procedures for those applicants that do not pass the respective licensing exam.

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. 5252
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF SOCIAL WORK EXAMINERS
CHAPTER 110

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-70

110-1. Continuing Education Requirements.

110-20. Principles of Professional Ethics.

110-30. The Practice of Masters Social Work in a Supervised Clinical or Advanced Practice Setting. (New)

Preamble:

The Board of Social Work Examiners proposes to add to, amend, and/or repeal its regulations in Chapter 110 of the Code of Regulations.

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Section-by-Section Discussion:

110-1A-B. No change.

110-1C. Strike existing language regarding continuing education credit for service as a lecturer or discussion leader and replace with language clarifying that a lecturer or discussion leader may receive two hours per hour of presentation time for materials directly related to the profession of social work.

110-D. No change.

110-20. Add period at the end of the title. Otherwise, no change to the section.

110-30. New section on the practice of Masters Social Work in a Supervised Clinical or Advanced Practice Setting.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

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 December 20, 2023. Written comments may be directed to Pam Dunkin, Board Executive, South Carolina Board of Social Work Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 27, 2023, or the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to The Board of Social Work Examiners proposes to add to, amend and/or repeal its regulations in Chapter 110 of the Code of Regulations.

DESCRIPTION OF REGULATION:

Purpose: The Board of Social Work Examiners proposes to update its regulations to clarify continuing education credit granted for lecturing or serving as a discussion leader and to add a regulation addressing the practice of Masters Social Work in a supervised clinical setting or advanced practice setting.

Legal Authority: 1976 Code Sections 40-1-70 and 40-63-70.

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 regulations and post the revised regulations on the agency's website.

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

The Board of Social Work Examiners proposes to amend its regulations to clarify continuing education credit granted for lecturing or serving as a discussion leader and to add a regulation addressing the practice of Masters Social Work in a supervised clinical setting or advanced practice setting.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

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. These regulations contribute to the board’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 clarify continuing education credit granted for lecturing or serving as a discussion leader and will add a regulation addressing the practice of Masters Social Work in a supervised clinical setting or advanced practice setting.

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. 5249
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-204. Additional Regulations Applicable to Specific Properties.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend Regulation 123-204 pertaining to use of Wildlife Management Areas, Heritage Preserves, and other lands owned by the Department. The following is a section-by-section discussion of the proposed changes.

Section-by-Section Discussion:

123-204. Additional Regulations Applicable to Specific Properties.

- FF. Botany Bay Plantation WMA
 - (7) Removes hours of operation for property
- PP. Tall Pines WMA
 - (1) Specifies conditions under which bicycles can be used on the property
- QQ. Bundrick Island
 - (1) Specifies hours of operation and public access
 - (2) Specifies where bicycles may be ridden
 - (3) Prohibits possession of alcoholic beverages
 - (4) Prohibits ATVs and off road vehicles
 - (5) Prohibits firearms and concealable weapons

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(6) Prohibits hunting

The Notice of Drafting was published in Volume 47, Issue No. 9 of the South Carolina *State Register* on September 22, 2023.

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 conducted at 1000 Assembly Street on November 29, 2023, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than November 27, 2023.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-204 is likely to have no fiscal impact to citizens of the state, the Department of Natural Resources, or the State of South Carolina.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

Purpose: These regulations amend Regulations 123-204 to establish rules for use of Wildlife Management Areas, Heritage Preserves, and other lands owned by the Department.

Legal Authority: 1976 Code Sections 50-11-2200 and 50-11-2210.

Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

Periodically, properties are added to the WMA Program through acquisition or availability of additional lease opportunity. New properties require the establishment of regulations through the Administrative Procedures Act. Additionally, changing circumstances sometime require modification of existing regulations. The minor changes proposed below increase public opportunity, reduce conflicts between user groups, and provide for increased user and public safety.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit state and local governments.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting and recreation areas. SCDNR seeks to balance the objectives of resource protection and public use and access. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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. 5250
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-525 and 50-11-1090

123-46. Rules and Regulations Governing the Issuance of Deer Depredation Permits.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend Regulation 123-46 pertaining to Issuance of Deer Depredation Permits as specified in 50-11-1090, SC Code of Laws. The following is a section-by-section discussion of proposed changes.

Section-by-Section Discussion:

123-46. Rules and Regulations governing the Issuance of Deer Depredation Permits.

1. Changes reporting requirement, omits obsolete reference, and inserts correct authorizing statute
2. Changes recipient of applications from Director to the Department
 - b. Simplifies language required for application
 - c. Simplifies application process for applicant
 - d. Provides requirements for identification of permittees
3. Stricken

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4. Changes and expedites interval for response by Department
6. Requires reporting by permittee within 30 days of expiration of permit
9. Stricken
10. Stricken
11. Substitute institution (Department) for individual (Director)

The Notice of Drafting was published in Volume 47, Issue No. 9 of the South Carolina *State Register* on September 22, 2023.

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 conducted at 1000 Assembly Street on November 29, 2023, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than November 27, 2023.

Preliminary Fiscal Impact Statement:

The amendment of Regulation 123-46 will result in a more efficient and effective process for applicants to apply for deer depredation permits to reduce crop damage or property damage. There will be no negative fiscal impacts to the public or the Department. Effective delivery of the program can help to minimize financial losses by farmers experiencing crop damage by deer.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11). The Department is given the authority to issue permits for taking of game animals under 50-11-1090.

Purpose: These regulations amend Regulation 123-46 which provide permit application requirements and reporting requirements for deer depredation permits.

Legal Authority: 1976 Code Sections 50-11-525 and 50-11-1090.

Under Section 50-11-1090 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will implement new regulations by direct contact with applicants who will be provided with a complete set of permit conditions.

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

Periodically, regulations are amended to streamline processes, remove obsolete language, and update requirements for applicants. Update of this regulation is needed as the regulation language serves as the permit conditions for applicants.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the agricultural community.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and assisting the public with wildlife conflicts. Management goals are ever changing, requiring periodic amendments to regulations and processes.

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. 5251
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

Section-by-Section Discussion:

123-40. Wildlife Management Area Regulations.

C. Game Zone 3

2. Crackerneck WMA

f. Changes Hog Hunts with Dogs to Still Hunts for Hogs

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6. Francis Marion National Forest
 - c. Prohibits hunting on Fairlawn portion of Francis Marion National Forest
 7. Moultrie
 - (d)(iii)(3) Changes opening of raccoon season from Feb. 1 to Feb. 9
 29. Add Coosawhatchie WMA and subsequent (a) through (e)
- D. Game Zone 4
16. Santee Delta WMA
 - (a) Removes restriction on hog hunting from impoundments only
 22. Add Santee Island WMA and subsequent (a) through (c)
 23. Add Ramsey Grove WMA and subsequent (a)
 24. Add Bobwhite Hills WMA and subsequent (a) through (e)

WEAPONS

- 3.1 Allows use of broadheads on arrows during small game season

WATERFOWL AND DOVE REGULATIONS

- 10.11 Adds Ramsey Grove as Category I Waterfowl Area
- 10.12 Adds Santee Island, Coosawhatchie, and Francis Marion National Forest as Category II Waterfowl Areas
26. Changes hunt days on Sampson Island
43. Adds Ramsey Grove WMA and subsequent (a) and (b)
44. Adds Francis Marion National Forest and subsequent (a) and (b)
45. Adds Coosawhatchie WMA and subsequent (a) and (b)
46. Adds Santee Island WMA and subsequent (a) and (b)

The Notice of Drafting was published in Volume 47, Issue No. 9 of the South Carolina *State Register* on September 22, 2023.

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 conducted at 1000 Assembly Street on November 29, 2023, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than November 27, 2023.

Preliminary Fiscal Impact Statement:

The amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11). Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity.

Purpose: Amend Regulation 123-40 to set seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas.

Legal Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210.

Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

Periodically, seasons and bag limits are changed to increase public opportunity while meeting management objectives for specific properties. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations. The minor changes proposed below increase public opportunity, reduce conflicts between user groups, and provide for increased user and public safety.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the public and hinder management objectives for specific properties.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. Management objectives for specific properties are continually evaluated for needed changes. Contractual agreements with the landowners provide

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guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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. 5242
PUBLIC SERVICE COMMISSION
CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-23-590, 58-23-1010, 58-23-1070, and 58-23-1130

- 103-102. Definitions of Terms.
- 103-110. Class "A" Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-111. Class "B" Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-112. Class "C" Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-114. Class "E" Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-115. Class "F" Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-130. Applications Required.
- 103-132. Publication of Notice of Filing.
- 103-133. Proof Required to Justify Approving an Application.
- 103-134. When Hearing May Be Held.
- 103-135. Sale, Lease, or Other Transfer of a Certificate of PC&N or FWA.
- 103-136. Protest.
- 103-137. Amendments.
- 103-138. Restrictions, Limitations, and Terms.
- 103-139. Processing of Application by Applicant.
- 103-140. Request for Extension to Comply with Commission Order. (New)
- 103-150. Beginning Operations under a Certificate.
- 103-151. Registration of Motor Vehicles.
- 103-153. Marking or Identification of Vehicles.
- 103-154. License Decals and Vehicle Permit Cards.
- 103-155. Transfer of Certificate of PC&N or Certificate of FWA Without Commission Approval Prohibited.
- 103-157. Duplication of Authority.
- 103-158. Issuance of Bills of Lading.
- 103-159. Contents of Bills of Lading.
- 103-162. Bill of Lading to Accompany Shipment.
- 103-164. Suspension of Operations.
- 103-173. Cargo Insurance or Surety Bond Required of Motor Carrier.
- 103-178. Number of Copies Required.
- 103-190. Tariffs Must Be Approved before Commencement of Operations.
- 103-191. Commission to Establish Rates, etc.
- 103-192. Rates Must Be Just and Reasonable.
- 103-193. Hearing and Publication on New Rate Schedule.
- 103-194. Criteria for Establishment of Rates.
- 103-195. Duties of Class E Household Good Movers As to Service and Regulations.
- 103-196. Maintenance of Copies of Tariffs.
- 103-197. Undue Preference Not Permitted.
- 103-198. Variations in Charges Prohibited.
- 103-199. Allowances Prohibited.

- 103-199.5. Adjustment of Bills.
- 103-210. Applications Must Specifically Set Forth Commodities Applied for.
- 103-220. Use of Leased Vehicles.
- 103-223. Safety Inspection of Leased Equipment.
- 103-230. Accounting.
- 103-231. Annual Reports.
- 103-232. Equipment Record.
- 103-233. Inspection of Vehicles, Books, Records, etc.
- 103-240. Grounds of Revocation of Certificate.

Preamble:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission’s Article 2, Motor Carriers Regulations via written comments and oral comments at its publicly noticed workshops.

Section-by-Section Discussion:

103-102.	Amend	Delete references to “PC&N”, “a Certificate of FWA”, and “Charter Bus Certificate”; delete the definition “Certificate of FWA”; delete reference to “public convenience and necessity”; delete “and which remuneration is determined on an hourly basis”; add definitions for “Class C Non-Emergency Certificate” and “Class C Stretcher Van Certificate”; amend the definition for “Driver”; amend the definition for “Non-Emergency Vehicle”; delete the definition for “Wheelchair Van Patient”; delete the phrase “Wheelchair Van” and replace it with the phrase “Wheelchair-Accessible Vehicle” and amend the definition for the former phrase “Wheelchair Van”; amend the definition for “Equipped to Carry”
103-110.	Amend	Delete “of Public Convenience and Necessity” and delete “of PC&N”
103-111.	Amend	Delete “of Public Convenience and Necessity” and “of PC&N”
103-112.	Amend	Delete “of Public Convenience and Necessity” and “of PC&N”;

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		make a spelling correction; and add “and ‘stretcher vans’”
103-114.	Amend	Delete “of Public Convenience and Necessity”; and delete “of PC&N or FWA”
103-115.	Amend	Delete “of Public Convenience and Necessity” and “of PC&N”
103-130.	Amend	Delete “Certificate of PC&N, Certificate of FWA, Charter Bus Certificate”
103-132.	Delete	Delete Regulation 103-132 due to Act No. 214 of 2022
103-133.	Amend	Delete the constraint that motor carrier applications cannot be amended within forty-eight hours of a scheduled hearing; delete references to “PC&N” and “public convenience and necessity” to conform Regulation to Act No. 214 of 2022; add requirements for the “Fit” element; amend the requirement for the “Able” element; and delete the requirement allowing the motor carrier applicant to file a statement indicating the applicant’s purpose for seeking a Class E Certificate; delete the requirements for filing for a “Certificate of FWA”; require an applicant to file a safety rating with the application if the rating is in the motor carrier’s possession; including gender neutral references; deleting specific references to federal citations; amend the requirements for Non-Emergency Vehicles’ Driver Qualifications/Requirements and Non-Emergency Vehicles’ Vehicle Requirements; delete Non-Emergency Vehicles’ Vehicle Maintenance Requirements; amend Non-Emergency Vehicles’ Minimum Periodic Inspection Standards; delete Class C-Taxis and Class C-Charter Carriers definition “Engaging in Business” and its definition and

		make Identification Badges applicable to Class C-Charter Carriers; delete the words “cab”, “or package delivery” and “or packages”; for Stretcher Vans: delete “wheelchair van”, add “wheelchair-accessible vehicle”, delete “of Public Convenience and Necessity”, include gender neutral references.
103-134.	Amend	Amend regulation to conform Regulation to Act No. 214 of 2022
103-135.	Amend	Delete references to “FWA” and “PC&N”
103-136.	Delete	Delete regulation to conform Regulation to Act No. 214 of 2022
103-137.	Delete	Delete regulation due to Act No. 214 of 2022
103-138.	Amend	Delete references to “of PC&N” and references to “Public Convenience and Necessity”
103-139.	Amend	Delete references to “PC&N, FWA, or a Charter Bus Certificate” and “within 90 days of receipt of the notice of filing” and add “or rejected”
103-140.	Add (New)	Adding requirements for extensions to comply with a Commission Order
103-150.	Amend	Delete references to “PC&N”; delete requirements for beginning operations under a Certificate of FWA; delete the phrase “taxi cab or limousine” and “cab”; add the phrase “motor vehicle”; delete “passenger”; add “person”; amend to allow an ORS representative and other persons to take a motor vehicle “out of service”; and include a gender neutral reference
103-151.	Amend	Delete “provided however, a tractor permit card may not be transferred to a truck” and delete “semiannually, in advance” and “and July 1”

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103-153.	Amend	Delete “place of principal office” and add a new example and delete a gender reference
103-154.	Amend	Add the conjunction “if” and delete “of PC&N”
103-155.	Amend	Delete “of PC&N or Certificate of FWA”
103-157.	Delete	Delete due to contradiction with current law
103-158.	Amend	Delete “of PC&N and FWA”
103-159.	Amend	Add “via paper or electronic means” and “signature of cosignor/shipper”; delete and add the word “and”
103-162.	Amend	Delete “of PC&N or FWA”
103-164.	Amend	Add requirements for applicant to indicate time period for the proposed suspension of service and delete information related to an application for suspension of operations in excess of twelve months
103-173.	Amend	Add criteria for Class E motor carriers’ valuations
103-178.	Amend	Amend title of regulation and delete “in triplicate”
103-190.	Amend	Amend title of regulation; delete “of PC&N”; conform regulation to Act 214 of 2022; reference regulation 103-173 and delete “basic amount” and “insurance for excess” related to Declaration of Value and delete reference to “excess value”; add “if any” to apply to Governing Publications; and add “Motor vehicle carriers need only file maximum rates with the Commission and provide a copy to the ORS.”
103-191.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-192.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-193.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-194.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-195.	Amend	Delete “of PC&N and FWA”
103-196.	Amend	Delete “of PC&N” and “and approved by”

103-197.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-198.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-199.	Delete	Delete Regulation due to enactment of Act 214 of 2022
103-199.5.	Amend	Amend regulation to conform to Act 214 of 2022; delete language governing “Customer Inadvertently Undercharged”; provide S. C. Code Ann. Section 34-31-20(A) governs transactions when a customer is willfully overcharged; and amend to provide the basis of motor carriers’ charges shall be provided to customers in writing and other related issues.
103-210.	Amend	Delete gender reference and “of PC&N”
103-220.	Amend	Amend the number of lease agreements copies filed
103-223.	Amend	Delete gender reference and correct misspelled word
103-230.	Amend	Amend to include manifests and retention period for manifests
103-231.	Delete	Delete as Annual Reports are not required to be filed
103-232.	Amend	Delete “of PC&N and FWA”
103-233.	Amend	Delete “of PC&N and FWA” and delete a gender reference
103-240.	Amend	Delete references to PC&N and Certificate of FWA

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk’s Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments using the methods outlined in Commission Order No. 2019-748. Please reference Docket No. 2023-156-A. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on December 7, 2023.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on January 24, 2024, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

70 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Article 2, Motor Carriers.

Purpose: The purpose of the proposed changes to the Commission's Article 2, Motor Carriers Regulations can be described generally as: deleting references which contradict the substance of Act No. 214 of 2022, including references to "PC&N, Certificate of FWA, public convenience and necessity"; adding new phrases such as "Wheelchair-Accessible Vehicle"; deleting regulations that contain requirements inconsistent with Act 214 of 2022; adding criteria for Class E motor carriers' valuations; referencing state and federal laws; and recommending other amendments that update motor carrier regulatory requirements.

Legal Authority: 1976 Code Sections 58-3-140, 58-23-590, 58-23-1010, 58-23-1070, and 58-23-1130.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register. The Commission's Clerk's Office will also publish a copy of the final regulations on the Commission's Docket Management System in Docket No. 2023-156-A.

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

The purpose of the proposed changes to Article 2, Motor Carriers Regulations is to conform these regulations to Act No. 214 of 2022, to recommend amendments which reflect current state and federal laws, to include gender neutral references, and to update the regulations to reflect motor carrier regulatory requirements.

DETERMINATION OF COSTS AND BENEFITS:

The Commission, the public, and the regulated community will benefit from the proposed changes to Article 2, Motor Carriers Regulations due to conforming the regulations to Act No. 214 of 2022, reflecting current state and federal laws, including gender neutral references, and updating the regulations to reflect motor carrier regulatory requirements.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Changes to Article 2, Motor Carriers Regulations are needed to make the Motor Carriers Regulations consistent with Act 214 of 2022; to reflect current state and federal laws, include gender neutral references; and to include motor carrier regulatory 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.

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Filed: October 5, 2023 4:47pm

Document No. 5239
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas begin immediately, it is necessary to file these regulations as emergency.

Text:

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

A. Game Zone 1

1. US Forest Service WMA lands (Sumter National Forest)

(a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

(b) Primitive Weapons Hunts for Deer

(i) Oct. 1 - Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 through Oct. 16; Oct. 31 - Jan. 1

(d) Archery Hunts for Deer

(i) Oct. 17-Oct. 30

(e) Still Gun Hunts for Bear

(i) Game Zone 1 seasons and bag limits apply

(f) Special Party Dog Hunt for Bear

(i) Game Zone 1 seasons and bag limits apply

(g) Small Game

(i) Game Zone 1 seasons and bag limits apply

(h) Hog Hunts with Dogs

(i) Jan. 2 - Jan. 10, Mar. 20 - Mar. 28

2. Other WMAs

(a) Archery Hunts for Deer

(i) Oct. 17 - Oct. 30

(b) Primitive Weapons for Deer

(i) Oct. 1 through Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 through Oct. 16; Oct. 31 - Jan. 1

- (d) Still Gun Hunts for Bear
 - (i) Game Zone 1 seasons and bag limits apply
 - (e) Special Party Dog Hunt for Bear
 - (i) Game Zone 1 seasons and bag limits apply
 - (f) Small Game
 - (i) Game Zone 1 seasons and bag limits apply
 - (g) Hog Hunts with Dogs
 - (i) Jan. 2 - Jan. 10, Mar. 20 - Mar. 28
 - 3. Glassy Mountain Archery Only Area - Chestnut Ridge Heritage Preserve
 - (a) Archery Hunts for Deer.
 - (i) Oct. 1 - Jan. 1
 - (b) Small Game
 - (i) Game Zone 1 seasons and bag limits apply
 - 4. Long Creek Tract
 - (a) Game Zone 1 seasons and bag limits, except no deer hunting on or after Thanksgiving Day
 - 5. Mill Shoals WMA
 - (a) Archery Hunts for Deer
 - (i) Oct. 1 - Jan. 1
 - (b) Archery Hunts for Bear
 - (i) Oct. 17 - Oct. 23
 - (c) Small Game
 - (i) Game Zone 1 seasons and bag limits apply
- B. Game Zone 2
- 1. US Forest Service WMA lands (Sumter National Forest)
 - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (b) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (c) Primitive Weapons for Deer
 - (i) Oct. 1 through Oct. 10
 - (d) Still Gun Hunts for Deer
 - (i) Oct. 11 through Jan. 1
 - (e) Small Game
 - (i) Game Zone 2 seasons and bag limits apply except for quail and woodcock within the Indian Creek Quail Focal Area on the Enoree Ranger District of the Sumter National Forest
 - (f) Hog Hunts with Dogs
 - (i) Jan. 2 - 10, Mar. 20 - 28
 - 2. Other WMAs
 - (a) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (b) Primitive Weapons for Deer
 - (i) Oct. 1 through Oct. 10
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 11 through Jan. 1
 - (d) Small Game
 - (i) Game Zone 2 seasons and bag limits apply
 - (e) Hog Hunts with Dogs
 - (i) Jan. 2 - 10, Mar. 20 - 28
 - 3. Keowee WMA
 - (a) Designated as a Quality Deer Management Area. No hunting is allowed in research and teaching areas of Keowee WMA posted with white signs except those special hunts for youth or mobility impaired as conducted by the Department.

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(b) North of Hwy 123 and west of the Keowee arm of Lake Hartwell, and west of Hwy 291, small game hunting with shotguns only. All other areas are archery only for small game.

(c) Archery Hunts for Deer

(i) Oct. 15 - Dec. 22

(d) Raccoon and Opossum

(i) Game Zone 2 seasons and bag limits

(e) Other Small Game

(i) Game Zone 2 seasons and bag limits apply.

(ii) No small game hunting during archery deer hunts except for waterfowl, designated dove field hunting, or raccoon and opossum hunting at night.

4. Draper WMA

(a) Data cards required for hunter access, except draw dove hunts. Completed data cards must be returned daily before leaving the WMA.

(b) Archery Hunts for Deer

(i) Sept. 15 - Sept. 30

(c) Primitive Weapons for Deer

(i) Oct. 1 - Oct. 10

(d) Still Gun Hunts for Deer

(i) Oct. 11 - Jan. 1

(e) Quail Hunts

(i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.

(ii) Game Zone 2 bag limit

(iii) Shooting hours end 30 minutes prior to official sunset.

(f) Rabbit Hunts

(i) Wed. and Sat. in Jan. and Feb. except during scheduled quail hunts.

(ii) Game Zone 2 bag limit

(g) Other Small Game (no fox squirrels)

(i) Zone 2 seasons and bag limits apply

5. Fant's Grove WMA

(a) Designated as a Quality Deer Management Area

(b) Archery Deer Hunts

(i) Oct. 15 - Dec. 22

(c) Special Gun Hunts for Deer

(i) Hunters selected by drawing

(ii) Total 1 deer, either sex.

(d) Raccoon and Opossum

(i) Game Zone 2 seasons and bag limits

(e) Other Small Game

(i) Game Zone 2 seasons and bag limits apply

(ii) No small game hunting during archery deer hunts except for waterfowl, designated dove field hunting, or raccoon and opossum hunting at night.

(iii) Waterfowl may be hunted Wed. and Sat. AM only.

6. Rock Hill Blackjacks HP WMA

(a) Archery Deer Hunts

(i) Sept. 15 - Jan. 1

(b) Small Game

(i) No small game hunting

7. Belfast WMA

(a) All terrain vehicles are prohibited. All harvested deer and turkeys must be checked in at the Belfast Check Station. Belfast WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Hunters may not enter the WMA prior

to 5:00 AM on designated hunts. Public visitation is not allowed during scheduled deer and turkey hunts. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Belfast WMA.

(b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

(c) Designated as a Quality Deer Management Area.

(d) Archery Hunts for Deer

(i) Sept. 15 - Sept. 30

(e) Still Gun Hunts for Deer

(i) Hunters selected by drawing

(f) Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 2 bag limits

8. Broad River Waterfowl Management Area

(a) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(b) Small Game

(i) Feb. 8 - Mar. 1

(ii) Game Zone 2 bag limits

9. McCalla WMA

(a) Designated as a Quality Deer Management Area.

(b) Deer Hunts

(i) Game Zone 2 seasons

(c) Small Game

(i) Game Zone 2 seasons and bag limits apply

(d) Hog Hunts with Dogs

(i) Jan. 2 - 10, Mar. 20 - 28

(e) Special Hunt Area for Youth and Mobility Impaired Hunters

(i) No open season except for hunters selected by drawing

(ii) 1 deer per day, either sex

10. Worth Mountain WMA

(a) Designated as a Quality Deer Management Area

(b) Deer Hunts

(i) Game Zone 2 seasons

(c) Small Game

(i) Game Zone 2 seasons and bag limits apply.

11. Liberty Hill WMA

(a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

(b) Designated as a Quality Deer Management Area.

(c) Archery Hunts for Deer

(i) Sept. 15 - Sept. 30

(d) Primitive Weapons for Deer

(i) Oct. 1 - Oct. 10

(e) Still Gun Hunts for Deer

(i) Oct. 11 - Jan. 1

(f) Small Game (no fox squirrels)

(i) Zone 2 seasons and bag limits apply.

12. Delta North WMA

(a) Deer Hunts

(i) Game Zone 2 seasons

(b) Small Game (no fox squirrels)

(i) Game Zone 2 seasons and bag limits apply

13. Delta South WMA

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- (a) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Nov. 1 - Nov. 21, Wednesdays and Saturdays Only.
 - (ii) Special hunts for youth or mobility impaired hunters as published by SCDNR.
 - (c) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 2 bag limits
14. Forty Acre Rock HP WMA
- (a) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (b) Primitive Weapons for Deer
 - (i) Oct. 1 - Oct. 10
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (d) Small Game (no fox squirrels)
 - (i) Game Zone 2 seasons and bag limits apply
15. Indian Creek Quail Focal Area
- (a) The area is defined as that area of the Sumter National Forest Enoree Ranger District in Newberry County, bounded on the south by Old Whitmire Highway, private lands, and SC Highway 176; on the east by Brazzelmans Bridge Road, and private lands; on the northeast by the Enoree River; on the north by Wallace Road and private lands; on the west by SC Highway 121 and private lands; and on the southeast by Indian Creek to its intersection with SC Highway 121.
 - (b) Small Game (except quail)
 - (i) Game Zone 2 seasons and bag limits apply
 - (c) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Daily bag limit for quail is 6 quail per person per day
 - (d) Woodcock hunting is permitted only on designated quail hunting days within the statewide woodcock hunting season.
 - (e) All quail, woodcock, and rabbit hunters must sign in and out at the designated check station.
- C. Game Zone 3
1. Other WMAs
- (a) Archery Deer Hunts
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 1 - Jan. 1
 - (c) Small Game
 - (i) Game Zone 3 seasons and bag limits apply
2. Crackerneck WMA and Ecological Reserve
- (a) All individuals must sign in and out at main gate. Designated as a Quality Deer Management Area. Scouting seasons (no weapons), will be Saturdays only during September, March, and May. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am - 8:30pm; Nov. - Dec., 4:30am - 7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am - 7:00pm. On all raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.
 - (b) Archery Deer Hunts
 - (i) 1st Fri. and Sat. in Oct
 - (c) Primitive Weapons Deer Hunts (no buckshot).
 - (i) 2nd Fri. and Sat. in Oct.
 - (d) Still Gun Hunts for Deer

- (i) 3rd Fri. in Oct. - Jan. 1, Fri., Sat. and Thanksgiving Day only except closed Dec. 25.
- (e) Raccoon and Opossum
 - (i) 3rd Sat. night in Oct. - Jan. 1, Sat. nights only, except closed Dec. 25, 1st Fri. night in Jan. to last Fri. or Sat. night in Feb., Fri. and Sat. nights only.
 - (ii) 3 raccoons per party per night
- (f) Hog Hunts with Dogs (handguns only)
 - (i) 1st Fri. after Jan. 1 - last Fri. in Feb. Fridays only
 - (ii) No limit.
- (g) Other Small Game (except no open season on bobcats, foxes, otters or fox squirrels).
 - (i) 3rd Fri. in Oct. - last Fri. or Sat. in Feb. Fri., Sat. and Thanksgiving Day only except closed Dec. 25.
 - (ii) Game Zone 3 bag limits
- 3. Aiken Gopher Tortoise Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 1 - Jan. 1.
 - (c) Small Game (no fox squirrels).
 - (i) Thanksgiving day - Mar. 1.
 - (ii) Game Zone 3 bag limits.
- 4. Ditch Pond Heritage Preserve WMA
 - (a) Archery Deer Hunts.
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels).
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits
- 5. Henderson Heritage Preserve WMA
 - (a) Archery Deer Hunts.
 - (i) Sept. 15 - Jan. 1
 - (b) No small game hunting allowed
- 6. Francis Marion National Forest
 - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (b) All deer must be checked in by one hour after legal sunset.
 - (c) During deer hunts when dogs are used, buckshot only is permitted. On hunts with dogs, all deer must be checked in by one hour after legal sunset. Individual antlerless deer tags are not valid during dog hunts for deer unless otherwise specified. Tibwin Special Use Area (in Wambaw) is closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older. No fox or coyote hunting with dogs on the Francis Marion.
 - (d) Hog Hunts with Dogs
 - (i) 3rd full week in Mar., 3rd full week in May
 - (e) Still Hog Hunts
 - (i) First full week in Mar.
 - (f) Hellhole WMA
 - (i) Archery Deer Hunts
 - (1) Sept. 15 - Oct. 10
 - (ii) Still Gun Hunts for Deer
 - (1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts
 - (iii) Deer Hunts with Dogs (shotguns only)
 - (1) 1st Sat. in Nov., 1st Sat. in Dec.
 - (a) 2 deer per day, buck only
 - (iv) Youth Only Deer Hunt with Dogs
 - (1) 2nd Sat. in Nov.

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(2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.

(v) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.

(g) Waterhorn WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Muzzleloader Hunts for Deer

(1) Oct. 11 - Oct. 20

(iii) Still Gun Hunts for Deer

(1) Every Friday and Saturday beginning Nov. 1.

(iv) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed to small game and waterfowl hunting during scheduled deer hunt periods.

(h) Wambaw WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Still Gun Hunts for Deer

(1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts west of Hwy 17.

(2) Still gun hunts only East of Hwy 17. No buckshot.

(iii) Deer Hunts with Dogs (shotguns only)

(1) Fri. in Sept. before the last Sat. Northampton dog hunt, Wed. and Thurs. before the 3rd Sat. in Nov. and 2nd Sat. in Oct., first 2 days excluding Sunday after Dec. 25

(a) 2 deer per day, buck only

(2) 2nd Sat. in Dec.

(a) 1 deer per day

(b) All deer must be checked in at designated check stations.

(iv) Youth Only Deer Hunt with Dogs

(1) 3rd Saturday in November.

(2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.

(v) Seewee Special Use Area

(1) Archery Deer Hunts

(2) Sept. 15 - Jan. 1

(vi) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.

(i) Northampton WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Still Gun Hunts for Deer

(1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts.

(iii) Deer Hunts with Dogs (shotguns only)

(1) Last Sat. in Sept., Wed. and Thurs. before the 2nd Sat. in Oct., Fri. before the 4th Sat. in Nov., 3rd day excluding Sunday after Dec. 25

(a) 2 deer per day, buck only

(2) 2nd Sat. in Dec.

(a) 1 deer per day

(b) All deer must be checked in at designated check stations.

- (iv) Youth Only Deer Hunt with Dogs
 - (1) Last Saturday in Nov.
 - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
- (v) Small Game (no open season for fox hunting)
 - (1) Game Zone 3 seasons and bag limits apply.
 - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- (j) Santee WMA
 - (i) Archery Deer Hunts
 - (1) Sept. 15 - Oct. 10
 - (ii) Still Gun Hunts for Deer
 - (1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts
 - (iii) Deer Hunts with Dogs (shotguns only)
 - (1) 2nd Fri. and Sat. in Sept., Wed. and Thurs. before the 4th Sat. in Oct., 1st Fri. in Dec.
 - (a) 2 deer per day, buck only
 - (2) 2nd Sat. in Dec.
 - (a) 1 deer per day
 - (b) All deer must be checked in at designated check stations.
 - (iv) Youth Only Deer Hunt with Dogs
 - (1) 3rd Sat. in Oct.
 - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
 - (v) Small Game (no open season for fox hunting)
 - (1) Game Zone 3 seasons and bag limits apply.
 - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- 7. Moultrie
 - (a) No hunting or shooting within fifty feet of the center of any road during gun hunts for deer except for SCDNR draw youth hunts.
 - (b) Bluefield WMA
 - (i) Open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Youth hunters must carry a firearm and hunt. Adults with youth are allowed to carry a weapon and hunt.
 - (ii) Still Gun Hunts for Deer
 - (1) Sept. 15 - Jan. 1, Wed. and Sat. only
 - (iii) Small Game (no fox squirrels)
 - (1) Game Zone 3 seasons and bag limits apply.
 - (2) No small game hunting during scheduled deer hunts.
 - (c) Greenfield WMA
 - (i) Still Gun Hunts for Deer
 - (1) Sept. 15 - Jan. 1
 - (ii) Small Game (no fox squirrels)
 - (1) Thanksgiving Day - Mar. 1
 - (2) Game Zone 3 bag limits
 - (d) North Dike WMA
 - (i) Still Gun Hunts for Deer
 - (1) Sept. 15 - Oct. 15.
 - (ii) Special Gun Hunts for youth and women
 - (1) Hunters selected by drawing.
 - (2) 1 deer per day
 - (iii) Small Game (no fox squirrels)
 - (1) Jan. 2 - Mar. 1
 - (2) Game Zone 3 bag limits.

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- (3) Sandy Beach Waterfowl Area open for raccoon hunting Feb. 1 - Mar. 1
- (e) Porcher and Hall WMAs
 - (i) Archery Deer Hunts
 - (1) Sept. 15 - Jan. 1
 - (ii) Small Game (no fox squirrels) shotguns only
 - (1) Jan. 2 - Mar. 1
 - (2) Game Zone 3 bag limits
- (f) Cross Station Site
 - (i) Special Gun Hunts for youth and women
 - (1) No open season except hunters selected by drawing
 - (2) 1 deer per day
- 8. Santee Cooper WMA
 - (a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. Hunters limited to two deer/tree stands . No stands may be placed on Santee Cooper WMA prior to Sept. 1. Campground is open during scheduled deer hunts only. All impoundments and posted buffers are closed to all public access Nov. 1 - Feb. 8 except during hunts as prescribed by the Department.
 - (b) Designated as a Quality Deer Management Area
 - (c) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (d) Primitive Weapons Deer Hunts
 - (i) Nov. 1 - Monday before Thanksgiving Day
 - (e) Special Gun Hunts for youth
 - (i) Hunters selected by drawing.
 - (ii) 1 deer per day
 - (f) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits
- 9. Webb WMA
 - (a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving. Designated as a Quality Deer Management Area.
 - (b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (c) Still Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 2 deer, either sex but only 1 buck
 - (d) Hog Hunts with Dogs
 - (i) 1st Thurs. - Sat. in Mar., 2nd Thurs. - Sat. in May, 4th Thurs. - Sat. in June, 4th Thurs. - Sat. in July, and last Thurs. Sat. in August
 - (e) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 3 bag limit
 - (iii) Shooting hours end 30 minutes prior to official sunset
 - (f) Raccoon and Opossum
 - (i) Tues. nights and Sat. nights between Oct. 11 - Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
 - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
 - (iii) Game Zone 3 bag limits
 - (g) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day through the following Sunday, Dec. 15 - Mar. 1
 - (ii) Game Zone 3 bag limits
 - (h) Dove Hunting
 - (i) Designated public dove field only on specified days.

10. Bear Island WMA

- (a) All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only.
- (b) Archery Deer Hunts
 - (i) Oct. 1 - Oct. 10
- (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
- (d) Hog Hunts with Dogs
 - (i) 1st Thurs. - Sat. in March
- (e) Alligator Hunts (Bear Island East and West Units only)
 - (i) Hunters selected by drawing only. Limited season with restricted access.
 - (ii) Limit and size restrictions as prescribed.
- (f) Small Game
 - (i) Feb. 8 - Mar. 1
 - (ii) Game Zone 3 bag limits

11. Donnelley WMA

- (a) All hunters must sign in and out at the check station. Hunting in designated areas only.
- (b) Archery Deer Hunts
 - (i) Sept. 15 - Sept. 30
- (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
- (d) Hog Hunts with Dogs
 - (i) 1st Thurs. - Sat. in March
- (e) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits

12. Hatchery WMA

- (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
- (b) No small game hunting

13. Bonneau Ferry WMA

(a) All terrain vehicles prohibited. Hunting access by boat is prohibited. For hunting, the Adult/youth side is open only to youth 17 years old or younger who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game, regulations for the adult/youth and general use sides of the property will alternate each year as prescribed by the Department. All hunters must sign in and sign out upon entering or leaving. All deer must be checked out at the main entrance. Closed to public access one hour after sunset until one hour before sunrise except for special hunts regulated by DNR. Hunters may not enter WMA prior to 5:00 AM on designated hunts. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 - Feb. 8 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season. Hunted areas are closed to general public access during scheduled deer, turkey and waterfowl hunts. No fox hunting.

(b) Adult/Youth Side

- (i) Still Gun Hunts for Deer
 - (1) Sept. 15 - Jan. 1

(c) General Use Side

- (i) Archery Deer Hunts
 - (1) Sept. 15 - Sept. 30
- (ii) Still Gun Hunts for Deer
 - (1) Hunters selected by drawing
 - (2) Total 3 deer, either sex except only 1 buck.
 - (3) Hunters are required to have permit in possession and must sign in and out (Name, permit # and deer killed each day).

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- (d) Small Game (no fox squirrels or fox)
 - (i) Jan. 2 - Mar. 1
 - (ii) Game Zone 3 bag limits
 - (iii) Dogs allowed during gun seasons only
- (e) Bonneau Ferry Fishing Regulations
 - (i) Open to fishing from Mar. 2 - Oct. 31 during daylight hours only
 - (ii) Adult/youth fishing only. Each youth (17 years and under) must be accompanied by no more than two adults 18 years of age or older.
 - (iii) The youth must actively fish.
 - (iv) Fishing is not allowed during scheduled deer and turkey hunts.
 - (v) Only electric motors may be used.
 - (vi) Creel limits per person per day are: largemouth bass - 2, panfish (bluegill, redear, crappie, pumpkinseed, redbreast) - 10, catfish - 5, species not listed - no limit. Grass carp must be released alive immediately.
- 14. Santee Coastal Reserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (ii) Hunting on mainland only
 - (b) Hog Hunts with Dogs
 - (i) 2nd full week in March
 - (c) Alligator Hunts
 - (i) Hunters selected by drawing only. Limited season with restricted access.
 - (ii) Limit and size restrictions as prescribed
 - (d) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits
- 15. Dungannon Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Jan. 31
 - (ii) Game Zone 3 bag limits
- 16. Edisto River WMA
 - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (d) Raccoon and Opossum
 - (i) Game Zone 3 seasons and bag limits
 - (e) Other Small Game
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits
- 17. Canal WMA
 - (a) Quail Hunts
 - (i) Game Zone 3 season and bag limit
- 18. Palachucola WMA
 - (a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving WMA. Designated as a Quality Deer Management Area.
 - (b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (c) Archery Deer Hunts

- (i) Sept. 15 - Oct. 10
- (d) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
- (e) Hog Hunts with Dogs
 - (i) 1st Thurs. - Sat. in Mar., 2nd Thurs. - Sat. in May, 4th Thurs. - Sat. in June, 4th Thurs. - Sat. in July, and last Thurs. Sat. in August
- (f) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 3 bag limit
 - (iii) Shooting hours end 30 minutes prior to official sunset.
- (g) Raccoon and Opossum
 - (i) Tues. nights and Sat. nights between Oct. 11 - Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
 - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
 - (iii) Game Zone 3 bag limits
- (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day through the following Sunday, Dec. 15 - Mar. 1
 - (ii) Game Zone 3 bag limits
- 19. St. Helena Sound Heritage Preserve WMA
 - (a) Deer hunting by permit only obtained at McKenzie Field Station. Camping by special permit only and on Otter Island only.
 - (b) Ashe, Beet, Warren, Otter, Big, South Williman, North Williman and Buzzard Islands Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (c) No small game hunting
- 20. Tillman Sand Ridge Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits
- 21. Victoria Bluff Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Jan. 2 - Mar. 1
 - (ii) Game Zone 3 bag limits
 - (iii) Shotguns only
- 22. Hamilton Ridge WMA
 - (a) Designated as a Quality Deer Management Area. Horseback riding by permit only. No ATVs allowed. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving the WMA.
 - (b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (c) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (d) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
 - (e) Hog Hunts with Dogs
 - (i) 1st Thurs. - Sat. in Mar., 2nd Thurs. - Sat. in May, 4th Thurs. - Sat. in June, 4th Thurs. - Sat. in July, and last Thurs. Sat. in August.

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- (f) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 3 bag limit
 - (iii) Shooting hours end 30 minutes prior to official sunset.
- (g) Raccoon and Opossum
 - (i) Tues. nights and Sat. nights between Oct. 11 - Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
 - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
 - (iii) Game Zone 3 bag limits
- (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day through the following Sunday, Dec. 15 - Mar. 1
 - (ii) Game Zone 3 bag limits
 - (iii) Dove hunting on designated public dove field only
- 23. Old Island Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) No small game hunting
- 24. Botany Bay Plantation Heritage Preserve WMA
 - (a) Designated as a Quality Deer Management Area. All hunters, fishermen and visitors must obtain and complete a day use pass upon entering the area and follow all instructions on the pass. Botany Bay Plantation WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Area is closed to general public access during special scheduled hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is adult/youth catch and release only on designated days. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older. Adult may also fish.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10, Mon. - Sat. during the week of Thanksgiving, Mon. - Sat. during the week of Christmas.
 - (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) Total 3 deer, either sex but only 1 buck
 - (iii) Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day) at the designated check station. All harvested deer must be checked in at the designated check station.
 - (d) Small Game (no fox squirrels or foxes)
 - (i) Jan. 2 - Mar. 1 (Wed. through Sat. only)
 - (ii) Game Zone 3 bag limits
 - (iii) Dogs allowed during gun seasons only
- 25. Congaree Bluffs Heritage Preserve WMA
 - (a) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing.
 - (ii) Total 1 deer per day, either sex
 - (b) No small game hunting
- 26. Wateree River Heritage Preserve WMA
 - (a) Data cards are required for hunter and fisherman access. Completed data cards must be returned daily upon leaving WMA. All harvested deer and turkeys must be checked in at the Wateree River check station. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Hunted areas are closed to general public access during scheduled deer, turkey and waterfowl hunts. Designated as a Quality Deer Management Area.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Still Gun Hunts for Deer

- (i) Hunters selected by drawing
- (ii) 3 deer, either sex but only 1 buck
- (d) Small Game (no fox squirrels)
 - (i) Jan. 2 - Mar. 1
 - (ii) Game Zone 3 bag limits.
- 27. South Fenwick Island
 - (a) Deer hunting by permit only. Primitive camping is allowed by permit within designated areas. Permits available from DNR through the McKenzie Field Station. Property is closed to other users during scheduled deer hunts.
 - (b) Archery Deer Hunts
 - (i) Hunters selected by drawing.
 - (c) No small game or waterfowl hunting
- 28. Turtle Island
 - (a) No hunting except waterfowl and marsh hens
- 29. Coosawhatchie WMA
 - (a) Designated as a Quality Deer Management Area.
 - (b) Still Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
 - (c) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 3 bag limit
 - (iii) Shooting hours end 30 minutes prior to official sunset
 - (d) Other Small Game
 - (i) Jan. 2 – Mar. 1
- D. Game Zone 4
 - 1. Other WMAs
 - (a) Archery Deer Hunts.
 - (i) Sept. 15 - Oct. 10
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (c) Small Game
 - (i) Game Zone 4 seasons and bag limits apply
 - 2. Marsh WMA
 - (a) All visitors to Marsh WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. No ATVs allowed.
 - (b) Special Hunt Area for Youth and Mobility Impaired Hunters
 - (i) No open season except for hunters selected by drawing
 - (ii) 1 deer per day, either sex
 - (c) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (d) Still Gun Hunts for Deer
 - (i) Nov. 1 - Nov. 30
 - (e) Still Hog Hunts
 - (i) First full week in Mar.
 - (f) Hog Hunts with Dogs
 - (i) 3rd full week in Mar. and 3rd full week in May
 - (g) Raccoon and Opossum Hunts
 - (i) Game Zone 4 seasons and bag limits
 - (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving - Mar. 1

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- (ii) Game Zone 4 bag limits
- (i) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 4 bag limit.
 - (iii) Shooting hours end 30 minutes prior to official sunset.
- 3. Sand Hills State Forest WMA
 - (a) Hunting by the general public closed during scheduled field trials on the Sand Hills State Forest Special Field Trial Area. Hunting allowed during permitted field trials on the Sand Hills State Forest Special Field Trial Area in compliance with R.123-96. No man drives allowed.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (d) Small Game
 - (i) Game Zones 4 seasons and bag limits apply. No daytime fox hunting from Sept. 15 - Jan. 1
- 4. McBee WMA
 - (a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Still Gun Hunts for Deer.
 - (i) Oct. 11 - Saturday before Thanksgiving
 - (d) Quail
 - (i) no open season except hunters selected by drawing. Bag limit 10 birds per hunt party.
 - (e) Other Small Game (no fox squirrels)
 - (i) Jan. 15 - Mar. 1
 - (ii) Game Zone 4 bag limits
- 5. Pee Dee Station Site WMA
 - (a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (c) Primitive Weapons Deer Hunts
 - (i) Nov. 1 - Nov. 30
 - (d) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
- 6. Woodbury WMA
 - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (b) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
 - (c) Designated as a Quality Deer Management Area
 - (d) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (e) Primitive Weapons Deer Hunts
 - (i) Oct. 11 - Oct. 20
 - (f) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1
 - (g) Still Hog Hunts
 - (i) First full week in Mar.
 - (h) Hog Hunts with Dogs

- (i) 3rd full week in Mar. and 3rd full week in May
- (i) Raccoon and opossum
 - (i) Game Zone 4 seasons and bag limits
- (j) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
- 7. Little Pee Dee Complex WMA
 - (a) Includes Little Pee Dee River HP, Tilghman HP, Dargan HP and Ward HP in Horry and Marion Counties. This also includes the Upper Gunter's Island and Huggins tracts in Horry Co. which are part of Dargan HP.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Primitive Weapons Deer Hunts
 - (i) Oct. 11 - Oct. 20.
 - (d) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1.
 - (e) Still Hog Hunts
 - (i) First full week in Mar.
 - (f) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
 - (g) Raccoon and opossum
 - (i) Game Zone 4 seasons and bag limits
 - (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
 - (i) Bear Season
 - (i) October 17 - October 30
- 8. Great Pee Dee Heritage Preserve WMA
 - (a) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
 - (b) For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset.
 - (c) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (d) Still Gun Hunts for Deer
 - (i) Nov. 1 - Nov. 30
 - (e) Still Hog Hunts
 - (i) First full week in March
 - (f) Hog Hunts with Dogs
 - (i) 3rd full week in Mar. and 3rd full week in May
 - (g) Raccoon and opossum
 - (i) Game Zone 4 seasons and bag limits
 - (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
- 9. Longleaf Pine Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (c) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits

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10. Manchester State Forest WMA
 - (a) Archery Deer Hunts
 - (i) September 15 - 30
 - (b) Still Gun Hunts for Deer
 - (i) October 1 January 1 except during scheduled dog drive hunts
 - (ii) No man drives
 - (c) Deer Hunts with Dogs
 - (i) Clubs selected by drawing.
 - (ii) Last Saturday in October, 3rd Friday and Saturday in November, 3rd Friday and Saturday in December.
 - (d) Small Game
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
 - (e) Still Gun Hunts for Hogs
 - (i) First full week of March
 - (f) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
11. Lynchburg Savanna Heritage Preserve WMA
 - (a) Small Game Only (no fox squirrels)
 - (i) Game Zone 4 seasons and bag limits
12. Hickory Top WMA
 - (a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. The Greentree Reservoir is open to hunting during the regular Hickory Top seasons during years when the Greentree Reservoir remains unflooded.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (c) Primitive Weapons Deer Hunts
 - (i) Nov. 1 - Jan. 1
 - (d) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
 - (e) Small Game (no fox squirrels)
 - (i) Game Zone 4 seasons and bag limits apply.
13. Oak Lea WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - 30
 - (b) Still Gun Hunts for Deer
 - (i) October 1 - January 1 except no deer hunting during scheduled quail hunts
 - (ii) No man drives
 - (c) Small Game (except quail)
 - (i) Thanksgiving Day - Mar. 1 except no other small game hunting during scheduled quail hunts
 - (ii) Game Zone 4 bag limits
 - (d) Quail
 - (i) Saturdays 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 4 bag limits
 - (iii) Shooting hours end 30 minutes prior to official sunset
14. Santee Dam WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (b) Primitive Weapons Deer Hunts
 - (i) Nov. 1 - Jan. 1
 - (c) Hog Hunts with Dogs
 - (i) 2nd full week in March

- (d) Small Game (no fox squirrels)
 - (i) Jan. 2 - Mar. 1
 - (ii) Game Zone 4 bag limits
- 15. Wee Tee WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 1 - Jan. 1
 - (c) Still Hog Hunts
 - (i) First full week in March
 - (d) Hog Hunts with Dogs
 - (i) 2nd full week in March
 - (e) Small Game (no fox squirrels, no fox hunting)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
 - (iii) Dogs allowed during small game gun season only
 - (f) Bear Season
 - (i) October 17 - October 30
- 16. Santee Delta WMA
 - (a) Archery Deer Hunts (impoundments only)
 - (i) Sept. 15 - Oct. 10
 - (b) Hog Hunts with Dogs
 - (i) 2nd full week in Mar. (impoundments only)
 - (c) No small game hunting
- 17. Samworth WMA
 - (a) Archery Deer Hunts (impoundments only)
 - (i) Sept. 15 - Oct. 10
 - (b) Hog Hunts with Dogs
 - (i) 2nd full week of Mar. (impoundments only)
 - (c) No small game hunting except dove hunting during scheduled dove hunts
- 18. Cartwheel Bay Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
 - (c) Bear Season
 - (i) October 17 - October 30
- 19. Lewis Ocean Bay Heritage Preserve WMA
 - (a) All deer hunters must sign in and sign out daily and record harvest at the kiosk.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Primitive Weapons Deer Hunts
 - (i) Oct. 11 - Oct. 20
 - (d) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1.
 - (e) Small Game (no fox squirrels).
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
 - (f) Bear Season
 - (i) October 17 - October 30
- 20. Waccamaw River Heritage Preserve WMA
 - (a) Archery Deer Hunts

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- (i) Sept. 15 - Oct. 10
 - (b) Primitive Weapons Deer Hunts
 - (i) Oct. 11 - Oct. 20
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1
 - (d) Still Hog Hunts
 - (i) First full week in March
 - (e) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
 - (f) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 4 bag limits
 - (g) Bear Season
 - (i) October 17 - October 30
21. Liberty Hill WMA
- (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
 - (b) Designated as a Quality Deer Management Area
 - (c) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (d) Primitive Weapons for Deer
 - (i) Oct. 1 - Oct. 10
 - (e) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (f) Small Game (No fox squirrels)
 - (i) Zone 4 seasons and bag limits apply.
22. Santee Island WMA
- (a) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (d) Small Game
 - (i) Thanksgiving Day - Mar. 1
 - (ii) Game Zone 3 bag limits.
23. Ramsey Grove WMA
- (a) Still Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck

GENERAL REGULATIONS

2.1 Except as provided in these regulations, no person may hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) as Wildlife Management Area (WMA) lands.

2.2 Entry onto WMA land is done wholly and completely at the risk of the individual. Neither the landowners nor the State of South Carolina nor the South Carolina Department of Natural Resources accepts any responsibility for acts, omissions, or activities or conditions on these lands which cause personal injury or property damage.

2.3 Entry onto WMA land constitutes consent to an inspection and search of the person, game bag or creel.

2.4 No person may hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license, a valid WMA permit, and other applicable federal or state permits, stamps or licenses.

2.5 No Sunday hunting is permitted on any WMA lands unless otherwise specified.

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited. As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or

scattered and the area remains a baited area for ten (10) days following the complete removal of all bait. Salt/minerals are not considered bait.

2.7 On WMA lands, construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands are permitted provided they are not permanently affixed or embedded in the tree. Excluding deer stands erected by the Department on WMA lands for the purpose of special hunts, no deer stands or temporary climbing devices may be placed on WMA lands prior to August 10 in any given year and must be removed by January 15 of the succeeding calendar year. All deer stands and temporary climbing devices must be labeled with the DNR Customer ID number of the person responsible for the stand or climbing device in a conspicuous location using an identification tag, etching, or permanent marker.

2.8 On WMA lands, any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older). Sight and voice contact must be maintained.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special hunts on any day during the regular hunting season.

2.10 No person may release or attempt to release any animal onto WMA lands without approval from the Department. This regulation does not apply on designated Public Bird Dog Training Areas where pen raised quail and pigeons may be released.

2.11 While participating in a hunt on WMAs, no person may possess, consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

2.12 On WMA lands, during the designated statewide youth deer hunt day, only still hunting is allowed. The limit is two deer total, either sex. Tags are not required

2.13 Taking or destroying timber, other forest products or cutting firewood on WMA lands without written permission from the landowner or his agent is prohibited. Users of WMA lands are prohibited from planting, attempting to plant, burning or otherwise attempting to manipulate crops, natural vegetation or openings without written permission from the landowner or his agent.

2.14 On WMA lands, hunting armadillos and coyotes at night is prohibited. Armadillos and coyotes may be hunted during any open season for game during daylight hours with no bag limit. Weapon(s) used to hunt armadillos and coyotes are limited to the weapon(s) that are allowed for the current open season on WMA.

2.15 On WMA lands during special designated hunts, a WMA may be closed to other public access.

2.16 Still hunting for hogs is permitted on WMAs during any open season for game during daylight hours with only the weapons allowed during the hunting season in progress unless otherwise prohibited. No hog may be transported alive from a WMA. Hogs may not be hunted at night. There is no bag limit on hogs. Hunters must wear a hat, coat, or vest of solid international orange while hog hunting. Buckshot is prohibited. During hog hunts with dogs, no still or stalk hunting is allowed and only handguns are permitted. No hog hunting with dogs is allowed except during special designated seasons. During firearms seasons for deer, hog hunters possessing big game weapons must possess licenses, permits, and tags applicable to deer hunting. Big game weapons include centerfire weapons, archery equipment with broad heads, shot larger than No. 2, and muzzle loading shotguns (larger than 20 gauge) and rifles/muskets (.36 caliber or greater).

2.17 Unless otherwise specified, small game hunting seasons and bag limits on WMA lands are the same as Game Zone seasons and bag limits except no hunting before Sept. 1 or after Mar. 1. The season for hunting beavers on WMA lands shall be October 1 through March 1.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Blow guns, dart guns, drugged arrows or arrows with exploding tips are not permitted. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle loading rifles/muskets of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow, crossbow and muzzle loading shotguns (20 gauge or larger) and rifles/muskets (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro cellulose or nitro glycerin

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components as the propellant charge. There are no restrictions on ignition systems (e.g. flintstone, percussion cap, shotgun primer, disk, electronic, etc.). During primitive weapons season, no revolving rifles are permitted.

3.3 On WMA lands big game hunters are not allowed to use armor piercing, tracer, incendiary, or full metal jacket bullets or .22 or smaller rimfire. Buckshot is prohibited during still gun hunts for deer on WMA lands in Game Zones 3 & 4.

3.4 On WMAs all firearms transported in vehicles must be unloaded and secured in a weapons case, or in the trunk of a vehicle or in a locked toolbox. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle, rimfire rifle or pistol with a shell in the chamber or magazine, or a muzzleloader with a cap on the nipple or a flintlock with powder in the flash pan is considered loaded.

3.5 No target practice is permitted on WMA lands except in specifically designated areas.

3.6 On WMA lands during gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

DEER

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day.

4.2 Unless otherwise specified by the Department, only antlered deer may be taken on all WMA lands. Deer with visible antlers of less than two (2) inches above the hairline are considered antlerless deer and must be tagged with an antlerless deer tag issued by the Department. A point is any projection at least one inch long and longer than wide at some location at least one inch from the tip of the projection.

4.3 On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons.

4.4 For all WMAs combined statewide, the limit for all seasons and methods combined is two deer per day, 5 deer total, no more than two antlered bucks, unless otherwise specified. For WMAs in Game Zone 1, the limit for antlerless deer for all seasons and methods combined is 3. Antlerless deer limit is two deer per day, unless otherwise specified. On special mobility impaired and youth deer hunts sanctioned by the Department and during the statewide youth deer hunt day prescribed by the Department, participants may take two deer total, either sex.

4.5 Individual Antlerless Deer Tags are valid in Game Zone 1 beginning Oct. 1 and in Game Zones 2, 3 & 4 beginning Sept. 15. For all WMAs combined, a maximum of 5 individual antlerless deer tags may be used during primitive weapons or still gun deer seasons in all Game Zones except three individual antlerless deer tags may be used in Game Zone 1. Tags do not alter the daily (2 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.

4.6 All deer must be tagged immediately after harvest as prescribed by the Department and before being moved from the point of kill and the tag must be validated as prescribed by the Department. A valid tag must remain attached until the deer or carcass is quartered or received by a processor.

4.7 For WMAs designated as Quality Deer Management Areas, all antlered bucks must have a minimum 4 points on one side or a minimum 12 inch inside antler spread except during designated special youth hunts. Inside antler spread is measured at a right angle to centerline of the skull at its widest point between the main beams.

4.8 On WMA lands, deer, hogs, or bear may not be hunted with a firearm within 300 yards of a residence.

DOGS

5.1 On all WMA lands, dogs may be used for small game hunting unless otherwise specified.

5.2 Dogs may be trained for quail, rabbit and squirrel hunting from Sept. 1-14 (no guns), except on designated Public Bird Dog Training Areas where bird dog training is allowed from September 15 to March 15 (Sundays excluded).

5.3 On WMA lands, dogs may be used for hunting foxes, raccoons, bobcats or opossums only between thirty (30) minutes after official sunset and 30 minutes before official sunrise.

5.4 Unless otherwise specified, deer hunting with dogs on WMA lands is prohibited. The Department may permit deer hunting with dogs on WMA lands not located in Game Zones 1 and 2. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.

5.5 Dogs may be used to hunt bear on WMA lands in Game Zone 1 during the special party dog bear season.

5.6 On WMA lands, dogs may be used to hunt hogs only during special designated hog hunts with dogs.

VEHICLES

6.1 On all WMA lands, no hunter may shoot from a vehicle unless permitted by the Department.

6.2 On WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor driven land conveyances.

6.3 A person may not obstruct or cause to be obstructed travel routes on WMA lands.

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game hunters must wear either a hat, coat, or vest of solid visible international orange. Archery hunters during archery only deer seasons and hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

CAMPING

8.1 Camping is not permitted on WMA lands except in designated camp sites.

TRAPPING

9.1 Trapping on WMA lands is not permitted.

WATERFOWL & DOVE REGULATIONS

10.1 Unless specially designated by the Department as a Wildlife Management Area for Waterfowl or a Wildlife Management Area for Dove, all Wildlife Management Areas are open during the regular season for hunting and taking of migratory birds except where restricted.

10.2 The Department may designate sections of Wildlife Management Areas and other lands and waters under the control of the Department as Designated Waterfowl Management Areas or Designated Dove Management Areas. All laws and regulations governing Wildlife Management Areas apply to these special areas. In addition, the Department may set special shooting hours, bag limits, and methods of hunting and taking waterfowl and doves on those areas. All State and Federal migratory bird laws and regulations apply. Regulations pertaining to the use of Dove Management Areas will be filed annually.

10.3 On areas where blinds are not provided, only portable blinds which are removed at the conclusion of the hunt or temporary blinds of native vegetation may be used. Temporary blinds once vacated may be used by other hunters.

10.4 On Designated Waterfowl Areas, no species other than waterfowl may be taken during waterfowl hunts. On Designated Dove Management Areas no species other than doves may be taken during dove hunts. Only dove hunting is allowed at Lake Wallace.

10.5 No fishing is permitted in any Category I Designated Waterfowl Area during scheduled waterfowl hunts.

10.6 The Bordeaux Work Center Area is closed to hunting except for special hunts as designated by the SCDNR.

10.7 Impoundments on Bear Island, Beaverdam Creek, Bonneau Ferry, Broad River, Clemson, Donnelley, Samworth, Sandy Beach, Santee Coastal Reserve, Santee Cooper, Wateree River, and Santee Delta WMAs are

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closed to all public access during the period Nov. 1 - Feb. 8 except during special hunts designated by the Department. All public access during the period Feb. 9 - Oct. 31 is limited to designated areas. On Bear Island WMA, Mathews' Canal is closed to all hunting from Nov. 1 - Feb. 15 beyond a point 0.8 mile from the confluence of Mathews' Canal with the South Edisto River.

10.8 Potato Creek Hatchery Waterfowl Area is closed to hunting access and fishing during the period one week prior to and two weeks after the Federal waterfowl season except for scheduled waterfowl hunts. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.9 On Hatchery WMA, hunters must leave the area by 1 PM, except on the last Saturday of the waterfowl season when hunters may hunt until sunset. Each hunter is limited to twenty five Federally approved nontoxic shot shells per hunt. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period Nov. 15 - Jan. 31. No fishing allowed during scheduled waterfowl hunts.

10.10 On Crackerneck WMA, waterfowl may be hunted only on Fri., Sat. and Thanksgiving Day within the regular migratory bird seasons and no hunting on Dec. 25; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons; Palachucola WMA, Tillman Sand Ridge WMA, Hamilton Ridge WMA and Webb WMA are open AM only for waterfowl hunting during the regular migratory bird seasons only on days when small game hunting is allowed and the entire week of Thanksgiving, Sundays excluded.

10.11 Category I Designated Waterfowl Areas include Beaverdam, Bonneau Ferry, Broad River, Clemson, Sandy Beach, Samworth, Santee Coastal Reserve, Ramsey Grove, Santee Delta, Tibwin, Bear Island, Wateree River Heritage Preserve and portions of Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.12 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve, Sumter National Forest, Santee Cooper, portions of Donnelley, and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

1. Biedler Impoundment
 - (a) Sat. AM only during regular season
 - (b) State bag limits
2. Bear Island
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
3. Beaverdam
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
4. Bonneau Ferry
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
5. Broad River
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
6. Carr Creek (bounded by Samworth WMA, no hunting in impoundments)
 - (a) Wed. and Sat. AM only during regular season
 - (b) State bag limits
7. Little Carr Creek (bounded by Samworth WMA, no hunting in impoundments)
 - (a) Wed. and Sat. AM only during regular season
 - (b) State bag limits

8. Clemson
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
9. Ditch Pond
 - (a) Wed. AM only during regular season
 - (b) State bag limits
10. Donnelley
 - (a) Category I Area - Hunters selected by drawing during regular season
 - (b) Category II Area - Wed. AM only during specified dates.
 - (c) State bag limits
11. Dunaway
 - (a) Sat. AM only during regular season
 - (b) State bag limits
12. Duncan Creek
 - (a) Sat. AM only during regular season
 - (b) State bag limits
13. Dungannon
 - (a) Wed. AM only during regular season
 - (b) State bag limits
 - (c) No hunting from the Boardwalk
14. Enoree River
 - (a) Sat. AM only during regular season
 - (b) State bag limits
15. Hatchery
 - (a) Sat. AM only and until sunset on the last Sat. of the regular waterfowl season
 - (b) State bag limits
16. Hickory Top
 - (a) Mon. through Sat. during regular season
 - (b) State bag limits
17. Hickory Top Greentree Reservoir
 - (a) Sat. AM only during regular season
 - (b) State bag limits
 - (c) No hunting from roads and dikes
18. Lake Cunningham
 - (a) Wed. AM only during the regular season
 - (b) State bag limits
19. Lancaster Reservoir
 - (a) Mon. and Fri. AM only during the regular season
 - (b) State bag limits
20. Marsh
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
21. Monticello Reservoir
 - (a) Mon. through Sat. AM only during regular season
 - (b) State bag limits
22. Moultrie
 - (a) Mon. through Sat. during regular season.
 - (b) State bag limits
23. Parr Reservoir
 - (a) Mon. through Sat. during regular season.
 - (b) State bag limits
24. Potato Creek Hatchery
 - (a) Fri. and Sat. only during regular season

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- (b) State bag limits
- 25. Russell Creek
 - (a) Wed. and Sat. AM only during regular season
 - (b) State bag limits
- 26. Sampson Island Unit (Bear Island)
 - (a) Thurs. and Sat. AM only during the regular season
 - (b) State bag limits
- 27. Samworth
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 28. Sandy Beach
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 29. Santee Coastal Reserve
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 30. Santee Cooper
 - (a) Sat. AM only during regular season
 - (b) State bag limits
- 31. Santee Delta
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 32. Tibwin
 - (a) Special hunts by drawing during regular season
 - (b) State bag limits
- 33. Turtle Island
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
- 34. Tyger River
 - (a) Sat. AM only during regular season
 - (b) State bag limits
- 35. Wee Tee
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
- 36. Woodbury
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
- 37. Great Pee Dee
 - (a) Sat. AM only during regular season
 - (b) State bag limits
- 38. Little Pee Dee River Complex
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
- 39. Waccamaw River HP
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
- 40. 40 acre Rock
 - (a) Sat. AM only during regular season
 - (b) State bag limits
- 41. Wateree River HP
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 42. Sumter National Forest

(a) Wednesday and Saturday mornings only during regular season.

(b) State bag limits

43. Ramsey Grove WMA

(a) Hunters selected by drawing during regular season. Youth and mobility-impaired hunters only.

(b) State bag limits

10.13 On Hickory Top WMA public waterfowl hunting without a Wildlife Management Area (WMA) permit is allowed on all land and water below 76.8'. Waterfowl hunting at or above elevation 76.8' requires a WMA permit. A WMA permit is required for waterfowl hunting in the Hickory Top Greentree Reservoir.

10.14 Designated Dove Management Areas include all dove management areas as published by the Department in the annual listing of WMA public dove fields and are subject to regulations filed annually.

10.15 Hickory Top Greentree Reservoir is closed to hunting access November 1 until March 1, except for special hunts designated by SCDNR. All hunters must accurately complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise until 11:00 am. Hunters may not enter the area prior to 5:00 am on hunt days. No open season on roads and dikes. Hunters may only use electric motors on boats.

10.16 On all State owned, US Forest Service and other Federally owned Category I and II Waterfowl Management Areas each hunter is limited to 25 Federally approved non toxic shells per hunt.

10.17 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas.

10.18 Woodbury Waterfowl Management Area includes all SCDNR owned property south of US Hwy 378 and bounded on the west by the Great Pee Dee River and Bluff Road and to the east by the Little Pee Dee River except no waterfowl hunting allowed in the area known as Hass Pond that is bounded on all sides by Hass Pond Road.

10.19 Donnelley Wildlife Management Area Category II Waterfowl Area is open Wednesday mornings only during the November thru January regular waterfowl season. The Category II area is defined as all wetlands east of Donnelley Drive and Blocker Run Road except those areas south of Blocker Run Road between Stocks Creek Road and the intersection of Mary's Island Road and the property boundary. No trailered boats and no electric or gas motors allowed. No entry before 5:00 AM and all users must sign in and sign out at designated check stations. No hunting is allowed from the dikes.

AMPHIBIANS AND REPTILES

11.1 Taking of any amphibian or reptile, except the bullfrog, is prohibited on any Department owned Wildlife Management Areas without written permission of the Department.

PUBLIC BIRD DOG TRAINING AREAS

12.1 The Department may establish Public Bird Dog Training Areas on Wildlife Management Area lands. A valid hunting license and WMA permit is required to train bird dogs on these lands.

12.2 It shall be unlawful to take game by any means while training bird dogs, except during the lawful open seasons for such game; provided, however, that pen raised quail or pigeons may be taken at any time on designated Public Bird Dog Training Areas for training bird dogs.

12.3 It shall be unlawful for any person to have in his or her possession any firearms or other equipment for taking game while training bird dogs, provided that handguns with blank ammunition or shot cartridges may be used for training bird dogs, and shotguns with number eight shot or smaller shot may be used while training bird dogs using pen raised quail and pigeons.

12.4 All participants in bird dog training must wear either a hat, coat, or vest of solid visible international orange.

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Statement of Need and Reasonableness:

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

The amendment of Regulations 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 5189

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-40(F)(3)&(10)

61-63. Radioactive Materials (Title A).

Synopsis:

The Federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations, *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarifications or corrections to Parts II, III, IV, and XII of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

The Department published a Notice of Drafting the February 24, 2023, South Carolina State Register.

Instructions:

Amend R.61-63 pursuant to each individual instruction provided with the text of the amendments below.

Text:

61-63. Radioactive Materials (Title A).

Statutory Authority: Section 13-7-40 et seq., as amended, of the 1976 Code, namely the Atomic Energy and Radiation Control Act

Amend RHA 2.10.10.1.9.1.2 to read:

2.10.10.1.9.1.2 An entity (as that term is defined in 11 U.S.C.101(15) controlling the licensee or listing the license or licensee as property of the estate; or

Amend RHA 2.10.10.1.9.1.3 to read:

2.10.10.1.9.1.3 An affiliate (as that term is defined in 11 U.S.C 101(2)) of the licensee.

Amend RHA 2.22.1 to read:

2.22.1 The transportation of radioactive material shall be in accordance with the requirements in 10 CFR Part 71, which is incorporated by reference, with the exception of the following sections: 71.2, 71.6, 71.11, 71.14(b), 71.17, 71.19, 71.21, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.91(c), 71.91(d), 71.99, 71.100, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(c)(2), 71.101(d), 71.101(e), 71.103(a), 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, and 71.135. The provisions of this section apply to the transportation of radioactive material, or delivery of radioactive material to a carrier for transportation, regardless of whether or not the carrier is also subject to the rules and regulations

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of the Nuclear Regulatory Commission contained in Title 10 CFR Part 71 and other agencies of the United States having jurisdiction.

Delete RHA 2.22.5.

Delete RHA 2.22.6.

Amend RHA 3.26.4 to read:

3.26.4 The licensee shall immediately notify the final delivery carrier and the S.C. Department of Health & Environmental Control, Bureau of Land and Waste Management, (803-545-4400) or (888-481-0125) by telephone, when:

Amend RHA 3.45 to read:

RHA 3.45. Notification of Incidents.

3.45.1 Immediate notification. Notwithstanding any other requirements for notification, each licensee shall immediately notify the S.C. Department of Health & Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201, by telephone (803-545-4400) and confirming letter of any event involving radioactive material possessed by the licensee that may have caused or threatens to cause any of the following conditions—

3.45.1.1 An individual to receive—

3.45.1.1.1 A total effective dose equivalent of 25 rems (0.25 Sv) or more;

3.45.1.1.2 A lens dose equivalent of 75 rems (0.75 Sv) or more;

3.45.1.1.3 A shallow-dose equivalent to the skin or extremities of 250 rads (2.5 Gy) or more; or

3.45.1.2 The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

3.45.2 Twenty-four hour notification. Each licensee shall, within 24 hours of discovery of the event, report any event involving loss of control of licensed material possessed by the licensee that may have caused, or threatens to cause, any of the following conditions:

3.45.2.1 An individual to receive, in a period of 24 hours—

3.45.2.1.1 A total effective dose equivalent exceeding 5 rems (0.05 Sv);

3.45.2.1.2 A lens dose equivalent exceeding 15 rems (0.15 Sv);

3.45.2.1.3 A shallow-dose equivalent to the skin or extremities exceeding 50 rems (0.5 Sv); or

3.45.2.2 The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

3.45.3 The licensee shall prepare any report filed with the Department pursuant to this section so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

3.45.4 Licensees shall make the reports required by RHA 3.45.1 and 3.45.2 of this section by telephone to S.C. Department of Health & Environmental Control, Bureau of Land and Waste Management (803-545-4400 or 888-481-0125).

3.45.5 The provisions of this section do not include doses that result from planned special exposures, that are within the limits for planned special exposures, and that are reported under RHA 3.47.

Delete RHA 3.58.8.

Amend RHA 4.20.3.2 to read:

4.20.3.2 Has experience with the radiation safety aspects of the types of use of radioactive material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new medical use license or new medical use permit issued by a Nuclear Regulatory Commission master material licensee. The individual must also meet the requirements in paragraph 4.20.4 of this section.

Amend RHA 4.22.1.1 to read:

4.22.1.1 Have graduated from a pharmacy program accredited by the Accreditation Council for Pharmacy Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination.

Amend RHA 4.23.2.2 to read:

4.23.2.2 Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the Nuclear Regulatory Commission or an Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Nuclear Regulatory Commission or an Agreement State broad scope license, or a permit issued in accordance with a Commission master material license of broad scope on or before October 24, 2005, need not comply with the training requirements of subparts D through H of this part for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

Amend RHA 4.43.1.1 to read:

4.43.1.1 Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in paragraphs 4.43.2.1 through 4.43.2.5 of this section. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association; and

Amend RHA 4.54.1.1 to read:

4.54.1.1 Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association; and

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Amend RHA 4.54.2.3 to read:

4.54.2.3 Have completed 3 years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in RHA 4.23, 4.54 or equivalent NRC requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by RHA 4.54.2.2; and

Amend RHA 4.74.1.1 to read:

4.74.1.1 Successfully complete a minimum of 3 years of residency training in radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physician and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association; and

Amend RHA 4.74.2.3 to read:

4.74.2.3 Have completed 3 years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements in RHA 4.23, 4.74, or equivalent NRC or Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by RHA 4.74.2.2; and

Amend RHA 12.7.3.1 to read:

12.7.3.1 For the purpose of complying with this subpart, Department licensees shall use an appropriate method listed in 10 CFR 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program, Mail Stop T-07D04M, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to Category 1 or Category 2 quantities of radioactive material. Copies of these forms may be obtained by e-mailing MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at <https://www.nrc.gov/security/chp.html>.

Amend RHA 12.27, Appendix A to read:

Appendix A. Category 1 and Category 2 Radioactive Materials.

Table 1—Category 1 and Category 2 Threshold

Radioactive material	Category 1(TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800

Radium-226	40	1,080	0.4	10.8
Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

**The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

Note: Calculations Concerning Multiple Sources or Multiple Radionuclides

The “sum of fractions” methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this part.

I. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides must be determined to verify whether the activity at the location is less than the Category 1 or Category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this part apply.

II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation. Calculations must be performed in metric values (i.e., TBq) and the numerator and denominator values must be in the same units.

- R₁ = total activity for radionuclide 1
- R₂ = total activity for radionuclide 2
- R_n = total activity for radionuclide n
- AR₁ = activity threshold for radionuclide 1
- AR₂ = activity threshold for radionuclide 2
- AR_n = activity threshold for radionuclide n

$$\frac{R_1}{AR_1} + \frac{R_2}{AR_2} + \dots + \frac{R_n}{AR_n} \geq 1.0$$

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-63, Radioactive Materials (Title A).

Purpose: The Department of Health and Environmental Control proposes amendments to R.61-63 for compliance with federal regulations.

Legal Authority: 1976 Code Section 13-7-40(F)(3)&(10).

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Plan for Implementation: The amendments will take legal effect upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

The Department amends R.61-63 for compliance with the Commission's federal regulatory updates. The federal Atomic Energy Act of 1954 enable the Commission to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. The amendments are needed in order to renew South Carolina's ongoing agreement with the Commission. The amendments are beneficial in that they ensure state oversight of required standards.

DETERMINATION OF COSTS AND BENEFITS:

Neither the state nor its political subdivisions will incur additional costs through implementation of these amendments. Existing staff and resources will be utilized to implement these amendments to the regulation. The amendments will not create any significant additional cost to the regulated community since requirements or changes to the regulations will be substantially consistent with the current guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These proposed amendments seek to ensure an effective regulatory program for radioactive material users under state jurisdiction and protection of the public and worker from unnecessary exposure to ionizing radiation.

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

None. Federal requirements will apply to all affected users. The proposed amendments eliminate possible duplicative or redundant requirements.