

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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Published October 25, 2024

Volume 48 Issue No. 10

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2024 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	1/12	2/9	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/26	2/23	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

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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2 EXECUTIVE ORDERS

Executive Order No. 2024-22

WHEREAS, South Carolina has been richly blessed with a plentiful supply of groundwater and surface water; and

WHEREAS, the need for and demand on South Carolina’s natural resources, including groundwater and surface water, continues to grow due to the State’s success in attracting new businesses, industries, and residents; and

WHEREAS, the State of South Carolina has been recognized as a model for commerce, conservation, and preservation, and consistent with these principles, sound long-term management of South Carolina’s water resources is vital to the continued economic prosperity of the State and to the well-being of its citizens and environment; and

WHEREAS, the South Carolina Water Resources Planning and Coordination Act, S.C. Code Ann. §§ 49-3-10 *et seq.* (“Planning Act”); the South Carolina Surface Water Withdrawal and Reporting Act, S.C. Code Ann. §§ 49-4-10 *et seq.* (“Surface Water Act”); and the Groundwater Use and Reporting Act, S.C. Code Ann. §§ 49-5-10 *et seq.* (“Groundwater Act”) (collectively, “the Acts”), define policies and substantive requirements for water planning, use, and control in South Carolina; and

WHEREAS, pursuant to section 49-3-50 of the South Carolina Code of Laws, in exercising its responsibilities under the Planning Act, the Department of Environmental Services (“DES”) must consider certain statutory factors, such as the need for adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial; water quality; water availability; hydroelectric power; flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses; land stabilization measures; drainage measures; watershed protection and management measures; recreational and fish and wildlife opportunities; studies on saltwater intrusion into groundwater and surface water; and protection of the State’s fisheries and aquatic resources, as well as any other means to promote economic development, preserve the State’s water resources, and ensure the well-being of South Carolinians; and

WHEREAS, in section 49-5-20 of the South Carolina Code of Laws, the General Assembly declared that the general welfare and public interest require that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources; and

WHEREAS, pursuant to section 49-4-80 of the South Carolina Code of Laws, DES must consider various factors when determining whether an applicant’s proposed use for a surface water withdrawal permit is reasonable, including the instream flow and safe yield for the surface water source at the location; the anticipated effect of the applicant’s proposed use on existing users of the same surface water source; the reasonably foreseeable future need for the surface water, such as for agricultural, municipal, industrial, electrical generation, and instream uses; any foreseeable impact of the withdrawals on navigation, fish and wildlife habitat, or recreation; the applicant’s reasonably foreseeable future water needs from that surface water; the beneficial impact on the State and its political subdivisions from a proposed withdrawal; the impact of applicable industry standards on the efficient use of water, if followed by the applicant; and the effect of the applicant’s proposed use on public health and economic development, as well as any other reasonable criteria DES promulgates by regulation; and

WHEREAS, pursuant to section 49-3-40 of the South Carolina Code of Laws, as amended, prior to July 1, 2024, the South Carolina Department of Natural Resources (“DNR”) was, and after July 1, 2024, DES is, charged with advising and assisting the undersigned and the General Assembly in formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, and recommending to the

General Assembly any changes of law or regulation required to implement the policy declared in the Planning Act; and

WHEREAS, the State Water Advisory Planning Committee and the South Carolina River Basin Councils, both established by DNR, have worked diligently to develop river basin-specific water plans, and two of these eight plans are complete, with the remaining six plans to be completed under the direction of DES; and

WHEREAS, the State of South Carolina has invested and continues to invest significant resources in statewide water planning; and

WHEREAS, pursuant to Proviso 117.184 of the 2024–25 Appropriations Act, Act No. 226 of 2024, the General Assembly established a Surface Water Study Committee to study the current state of surface water in South Carolina and provide a report on its work and findings to the General Assembly by March 1, 2025; and

WHEREAS, groundwater and surface water are inextricably connected and must be considered together when defining state water policy; and

WHEREAS, the State Water Plan, first published in 1998, was last updated in 2004, and many of the policies and substantive requirements of the Acts have not been revised in over a decade; and

WHEREAS, state water policy must balance the economic, environmental, and social priorities of South Carolina; ensure the reasonable and appropriate use of water in the State; increase, to the extent possible, availability of water resources through technology, conservation, and public education; and be guided by what is in the best interest of all current and future South Carolinians; and

WHEREAS, water is a shared resource and stakeholders share the responsibility to inform the development of a state water policy and plan; and

WHEREAS, pursuant to section 49-3-40(A)(7) of the South Carolina Code of Laws, DES shall advise and assist the undersigned and the General Assembly in connection with such other water resources planning, policy formulation, and coordinating functions as the undersigned and the General Assembly may designate; and

WHEREAS, in recognition of the foregoing considerations and authorities, and in furtherance of the cited policies and priorities, the undersigned has determined that it is necessary and appropriate to initiate additional proactive action to prioritize and facilitate focused intergovernmental coordination and cooperation, as well as collaboration with other ongoing efforts and existing initiatives, to assist with the development and enhancement of South Carolina’s water resources policy and plan and to ensure the reliability, resiliency, sustainability, and sufficiency of the State’s water resources for all existing and future uses.

NOW, THEREFORE, by the 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 do hereby order and direct as follows:

Section 1. Establishing “WaterSC” Water Resources Working Group

A. In furtherance of the State of South Carolina’s significant interests in the development of a state water resources policy and plan that will balance the State’s economic, environmental, and social needs; ensure the reliability, resiliency, sustainability, and sufficiency of the State’s water resources for all existing and future uses, while simultaneously protecting the environment; and support and facilitate additional collaboration with ongoing efforts and existing initiatives, I hereby authorize and direct DES to convene, and to coordinate the activities of, the WaterSC Water Resources Working Group (“WaterSC”), which shall undertake the following actions and initiatives:

4 EXECUTIVE ORDERS

1. On or before October 31, 2024, WaterSC shall adopt and publish a Stakeholder Engagement Plan for the development of the updated State Water Plan.

2. On or before January 31, 2025, WaterSC shall provide a report to the Surface Water Study Committee, based on a consensus of the membership, informing the Committee of the current state of surface water in South Carolina and making recommendations regarding any necessary additions or changes to current law to ensure sustainable surface water withdrawal practices and procedures.

3. Advise and assist DES regarding the comprehensive water resources policy for the State such that DES may issue an updated State Water Plan on or before December 31, 2025. WaterSC shall inform DES concerning recommendations regarding any changes in law or regulation that may be required to implement the updated State Water Plan, including any changes related to the use and control of surface water and groundwater in the State.

B. Myra Reece, Interim Director of DES, shall serve as the Chair of WaterSC by virtue of said office. WaterSC shall also be comprised of the following additional *ex officio* participants:

1. Director of the Office of Resilience, *ex officio*, or designee;
2. Commissioner of Agriculture, *ex officio*, or designee;
3. Director of the Department of Parks, Recreation and Tourism, *ex officio*, or designee;
4. Director of the Department of Natural Resources, *ex officio*, or designee; and
5. Secretary of Commerce, *ex officio*, or designee.

DES shall identify and designate up to twenty-five (25) additional participants from among the following sectors and categories:

1. Academia;
2. Public water suppliers;
3. Conservation, water and land;
4. Agriculture;
5. Forestry;
6. Industry;
7. Energy;
8. Tourism and hospitality;
9. Historic preservation; and
10. Individuals with relevant professional expertise.

Upon the recommendation of the above-referenced WaterSC participants, DES shall also designate up to three (3) additional participants who have relevant professional, academic, or research expertise or subject-matter experience, including engineering, public planning, hydrology, environmental protection, farming, or climatology.

C. DES shall invite members of the Surface Water Study Committee, or their designees, to attend and participate in all WaterSC meetings. In consultation with the Office of the Governor, DES may designate additional individuals or agencies, departments, organizations, or other entities, or representatives thereof, to participate in WaterSC, or components thereof, as necessary and appropriate.

D. DES shall provide staff resources and administrative support to WaterSC as necessary and appropriate. The Chair may form committees or subcommittees of the participants as necessary. WaterSC meetings shall be held regularly, be publicly noticed, and appropriately broadcast. Minutes of meetings shall be recorded for archival record.

E. WaterSC, or representatives or components thereof, shall proactively engage with, and solicit input from, the public to ensure that any recommendations or proposals are made in consideration of, and for the benefit of, public needs and purposes. WaterSC should invite input from members of the public and relevant

stakeholders or interested parties, including environmental and conservation organizations, private industry, nonprofits, academia, and federal, state, and local government entities, and should consider and incorporate the same as appropriate. WaterSC shall call upon federal agencies, including the United States Geological Survey (“USGS”), to assist with the initiatives identified herein and may call upon other individuals or entities to participate, as necessary and appropriate, and to provide relevant information and expertise.

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

Section 2. General Provisions

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

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

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

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

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

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24th DAY OF SEPTEMBER, 2024.**

**HENRY DARGAN MCMASTER
Governor**

6 EXECUTIVE ORDERS

Executive Order No. 2024-23

WHEREAS, on September 16, 2024, certain portions of the State of South Carolina were forecasted to experience severe weather conditions associated with Potential Tropical Cyclone No. 8, including significant rainfall and dangerous thunderstorms with the potential for tornadoes and damaging winds and wind gusts; and

WHEREAS, due to the aforementioned hazardous weather conditions and resulting impacts, and in accordance with county government closures and the normal state procedure associated with the same, state government offices in Horry County were closed 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 Severe Weather

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following county and on the following date:

September 16, 2024:

Closed: Horry County

B. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule 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 24th DAY OF SEPTEMBER, 2024.

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2024-24

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Helene, which is currently situated in the Gulf of Mexico, is anticipated to undergo further intensification before making landfall along the coast of the State of Florida as a major hurricane on September 26, 2024, and is thereafter expected to impact the State of South Carolina and other areas in the southeastern region of the United States with strong winds, significant rainfall, and flash flooding, as well as other severe weather conditions, including an enhanced risk for isolated tornadoes; and

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

WHEREAS, the undersigned has been advised that Hurricane Helene—including the anticipated strong winds, substantial rainfall, flash flooding, tornadoes, and other severe weather conditions associated therewith—represents a significant threat to the State of South Carolina, which requires that the State proactively prepare for the potential impacts and take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate for the State to take additional proactive action to expedite ongoing preparations and to facilitate future emergency management, response, recovery, and relief efforts in connection with Hurricane Helene and the forecasted hazardous weather conditions and anticipated impacts associated with the same; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

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

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

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state,

8 EXECUTIVE ORDERS

county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a State may suspend federal hours of service 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 24, 2024, the Governor of Georgia issued an Executive Order declaring that an emergency exists in the State of Georgia in connection with then-Tropical Storm Helene and temporarily suspending certain motor vehicle and transportation regulations; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that additional regulatory flexibility is warranted to assist proactively in facilitating and supporting the operation of critical utility and transportation services and mitigating or preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from any impacted areas in the State of South Carolina or in neighboring States; and

WHEREAS, recognizing that the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, the undersigned has concluded that it is necessary and appropriate for the State of South Carolina to expedite ongoing preparations and support further emergency management, response, recovery, and relief efforts by facilitating the operation of critical transportation services; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, after conferring with the relevant state and federal agencies, officials, and experts, the undersigned has determined that Hurricane Helene and the forecasted severe weather conditions and anticipated impacts associated therewith constitute an actual or imminent emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the existing or anticipated situation.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures to Prepare for and Respond to Hurricane Helene

A. I hereby activate the South Carolina Emergency Operations Plan (“Plan”), as approved by Executive Order No. 2023-11, and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to prepare for and respond to the forecasted severe weather related to Hurricane Helene and the potential impacts associated with the same. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency. In accordance with Section 1(E) of Executive Order No. 2023-11, “[a]ll departments or agencies of the State shall execute, without delay, the emergency functions so designated in the Plan, or as further ordered or otherwise directed by the undersigned, during any emergency or disaster through the initial use of existing department or agency appropriations and all necessary department or agency personnel, regardless of normal duty assignment.”

B. I hereby place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue any supplemental orders he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment, in the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division (“EMD”), to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 status or State Active Duty status, or both).

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

D. I hereby authorize and direct any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

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

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

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

H. I hereby authorize and direct state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government

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

Section 2. Transportation Waivers to Facilitate Emergency Management

A. I hereby determine and declare that the existing and anticipated threats, circumstances, or conditions associated with Hurricane Helene, as further described herein, 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 hours of service for 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 the State of Georgia or in other States in connection with the forecasted severe weather associated with Hurricane Helene 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 Hurricane Helene, 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.

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.

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

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

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South

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Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

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

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

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

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

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 25th DAY OF SEPTEMBER, 2024.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2024-25

WHEREAS, on September 25, 2024, the undersigned issued Executive Order No. 2024-24, declaring a State of Emergency in connection with Hurricane Helene, which made landfall along the coast of the State of Florida as a major hurricane and subsequently impacted the State of South Carolina and other areas in the southeastern region of the United States with strong winds, significant and sustained rainfall, flash flooding, tornadoes, and other dangerous conditions, causing extensive damage to public and private property and critical utility infrastructure; and

WHEREAS, while South Carolina continues to respond to and recover from the devastating and ongoing impacts associated with Hurricane Helene, at least 41 South Carolinians lost their lives in connection with this extraordinary natural event, unfortunately surpassing the number of lives lost in 1989 as a result of Hurricane Hugo; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “[u]pon the occurrence of an extraordinary event resulting in death . . . , 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 all flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Friday, October 4, 2024, in tribute to, and as a mark of respect for the memories of, the innocent South Carolinians who lost their lives as a result of Hurricane Helene. I request that the flags over state buildings and 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, 2024.

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2024-26

WHEREAS, the undersigned has been notified of the passing of Chief Chad Satcher of the Circle Fire Department, who dutifully served as a firefighter in this State and died in the line of duty; and

WHEREAS, Chief Satcher volunteered his time to protecting and serving the people of the State of South Carolina as a thirty-five-year veteran of the Circle Fire Department, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

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

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any firefighter 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 firefighter 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 Saturday, October 5, 2024, in tribute to Chief Satcher and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 4th DAY OF OCTOBER, 2024.

HENRY DARGAN MCMASTER
Governor

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Executive Order No. 2024-27

WHEREAS, the undersigned has been notified of the passing of Firefighter Landon Cale Bodie of the Circle Fire Department, who dutifully served as a firefighter in this State and died in the line of duty; and

WHEREAS, Firefighter Bodie dedicated his time to protecting and serving the people of the State of South Carolina by volunteering with the Circle Fire Department, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

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

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any firefighter 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 firefighter 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 Sunday, October 6, 2024, in tribute to Firefighter Bodie and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF OCTOBER, 2024.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2024-28

WHEREAS, on September 25, 2024, the undersigned issued Executive Order No. 2024-24, declaring a State of Emergency in anticipation of Hurricane Helene, which made landfall along the coast of the State of Florida as a major hurricane and subsequently impacted the State of South Carolina and other areas in the southeastern region of the United States with strong winds, significant and sustained rainfall, flash flooding, tornadoes, and other dangerous conditions, causing extensive damage to public and private property and critical utility infrastructure; and

WHEREAS, on September 26, 2024, pursuant to Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”), as implemented by 44 C.F.R. § 206.35, the undersigned requested that the President of the United States issue an emergency declaration for all 46 counties in South Carolina based on the projected impacts and corresponding costs associated with Hurricane Helene, and the President granted this request on September 26, 2024; and

WHEREAS, on September 28, 2024, the undersigned requested that the President of the United States declare an expedited major disaster for the State of South Carolina pursuant to Section 401 of the Stafford Act,

as implemented by 44 C.F.R. § 206.36, and the President granted this expedited request on September 29, 2024, for an incident period beginning on September 25, 2024, and continuing; and

WHEREAS, in addition to Hurricane Helene’s immediate, short-term impacts—which included strong winds, numerous tornadoes, significant rainfall, and dangerous river, flash, and urban flooding, as well as other hazardous weather conditions—the storm also caused unanticipated loss of life, extensive damage to public and private property and critical infrastructure, widespread disruption of utility services, and interruptions in the transportation of essential goods, equipment, and products to and from the impacted areas in South Carolina and in neighboring States, and the aforementioned circumstances warrant the State continuing to take any and all necessary and appropriate actions in responding to and recovering from the significant impacts associated with Hurricane Helene and in protecting and preserving property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, while assessment and validation activities remain ongoing, preliminary reports indicate that Hurricane Helene damaged over 5,500 homes and businesses statewide, including over 2,000 homes that were destroyed or incurred major damage; necessitated significant debris-removal operations in all 46 counties; caused nearly half of all South Carolinians to lose power; required the repair or replacement of approximately 13,500 utility poles; damaged or required the closure of public infrastructure in at least 42 counties; and most tragically, resulted in at least 49 weather-related deaths; and

WHEREAS, in addition to and contemporaneous with the aforementioned circumstances and ongoing response and recovery operations, the National Weather Service has determined that Hurricane Milton, which is currently anticipated to make landfall as a major hurricane along the western coast of the State of Florida either late on October 9, 2024, or early on October 10, 2024, may subsequently impact the State of South Carolina and other areas in the southeastern region of the United States with storm surge and flooding along the coast, as well as strong winds and wind gusts throughout most of the State; and

WHEREAS, the undersigned is advised that the forecasted high winds and wind gusts associated with Hurricane Milton may further destabilize trees and structures damaged or weakened by Hurricane Helene, which could disrupt or otherwise adversely impact ongoing efforts to complete the restoration of power and other critical utility services in certain portions of the State; and

WHEREAS, the State of South Carolina continues to address the devastating impacts associated with Hurricane Helene by expediting the completion of ongoing emergency response operations, maximizing intergovernmental collaboration and coordination, and promptly transitioning state personnel, resources, and other assets to prioritize expedited recovery and relief initiatives, while also responding to requests for appropriate mutual aid from the State of Florida and the State of North Carolina in accordance with the terms of the Emergency Management Assistance Compact (“EMAC”), S.C. Code Ann. §§ 25-9-420 *et seq.*; and

WHEREAS, in light of the confluence of the foregoing events, and because the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declaration have since evolved and now present different and additional threats that must be dealt with on their own terms, the undersigned has determined that it is necessary and appropriate to maintain activation of the South Carolina National Guard and to take additional proactive action to facilitate current and future emergency management, response, recovery, and relief efforts to support the health, safety, and welfare of the public; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State

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and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

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

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

WHEREAS, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a State may suspend federal hours of service 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 25, 2024, the Governor of North Carolina issued Executive Order No. 315, declaring a State of Emergency in the State of North Carolina in connection with then-Tropical Storm Helene and temporarily suspending certain motor vehicle and transportation regulations related to the same; and

WHEREAS, on October 8, 2024, the Governor of Georgia issued two Executive Orders, the first declaring that an emergency exists in the State of Georgia in connection with Hurricane Milton, and the second renewing his previous emergency declaration associated with then-Tropical Storm Helene, with both Executive Orders temporarily suspending, or continuing the suspension of, certain motor vehicle and transportation regulations; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that additional regulatory flexibility is warranted to assist proactively in facilitating and supporting the operation of critical utility and transportation services and mitigating or preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from any impacted areas in the State of South Carolina or in neighboring States; and

WHEREAS, recognizing that the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, the undersigned has concluded that it is necessary and appropriate for the State of South Carolina to expedite ongoing initiatives and preparations and to support additional emergency response, recovery, and relief efforts by facilitating the operation of critical transportation services; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, after conferring with the relevant state and federal agencies, officials, and experts, the undersigned has determined that the threats and circumstances described herein, to include the ongoing and evolving impacts associated with Hurricane Helene and the forecasted severe weather conditions associated with Hurricane Milton, constitute an actual or imminent emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the existing or anticipated situation.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures to Address Impacts Associated with Hurricane Helene and Hurricane Milton

A. I hereby activate the South Carolina Emergency Operations Plan ("Plan"), as approved by Executive Order No. 2023-11, and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to prepare for and respond to the threats and circumstances described herein, to include the ongoing and evolving impacts associated with Hurricane Helene and the forecasted severe weather conditions associated with Hurricane Milton. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency. In accordance with Section 1(E) of Executive Order No. 2023-11, "[a]ll departments or agencies of the State shall execute, without delay, the emergency functions so designated in the Plan, or as further ordered or otherwise directed by the undersigned, during any emergency or disaster through the initial use of existing department or agency appropriations and all necessary department or agency personnel, regardless of normal duty assignment."

B. I hereby place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue any supplemental orders he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment, in the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division ("EMD"), to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 status or State Active Duty status, or both).

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

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D. I hereby authorize and direct any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

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

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

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

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

Section 2. Transportation Waivers to Facilitate Emergency Management

A. I hereby determine and declare that the existing, ongoing, evolving, and anticipated threats, circumstances, impacts, or conditions associated with Hurricane Helene and Hurricane Milton, as further described herein, 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

hours of service for 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 the State of Georgia or in other States in connection with the circumstances described herein; providing direct assistance to supplement state and local efforts and capabilities related to the same; or otherwise assisting with the existing or anticipated threats, circumstances, or impacts associated with Hurricane Helene or Hurricane Milton, 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.

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.

20 EXECUTIVE ORDERS

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.

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

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

Section 3. General Provisions

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

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

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

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

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

EXECUTIVE ORDERS 21

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 9th DAY OF OCTOBER, 2024.**

**HENRY DARGAN MCMASTER
Governor**

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

On September 24, 2024, Governor McMaster issued Executive Order No. 2024-22 establishing the “WaterSC” Water Resources Working Group and directing WaterSC to provide a report to the Surface Water Study Committee established pursuant to Proviso 117.184 of the 2024-25 Appropriations Act, Act No. 226 of 2024, to inform the Committee of the current state of surface water in South Carolina and make recommendations regarding any necessary additions or changes to current law to ensure sustainable surface water withdrawal practices and procedures. Additionally, WaterSC will advise and assist the South Carolina Department of Environmental Services (SCDES) regarding the comprehensive water resources policy of the State and inform SCDES concerning recommendations regarding any changes in law or regulation that may be required to implement an updated State Water Plan, including any changes related to the use and control of surface and groundwater in the State. As part of these efforts, WaterSC and SCDES seek public comment.

Therefore, the public is hereby notified of the opportunity to provide written comments regarding (1) the current state of surface water in South Carolina; (2) any necessary additions or changes to current law to ensure sustainable surface water withdrawal practices and procedures; (3) the comprehensive water resources policy of the State; (4) the current State Water Plan; and (5) any recommended changes in law or regulation that may be required to implement an updated State Water Plan, including any changes related to the use and control of surface and groundwater in the State.

The initial comment period will remain open until December 31, 2024. Written comments may be submitted to SCDES, Bureau of Water, Attn: Robert Devlin, 2600 Bull Street, Columbia, South Carolina 29201, or by email to WaterSC@des.sc.gov. Additional information about WaterSC may be found at des.sc.gov/WaterSC.

DEPARTMENT OF PUBLIC HEALTH

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 25, 2024**, 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, 2100 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Anderson, Kershaw, Lexington, Newberry, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter Counties
Coram Alternate Site Services, Inc.

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Anderson, Kershaw, Lexington, Newberry, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter Counties at a total project cost of \$3,141.14.

Affecting Beaufort County

Novant Health Hilton Head Medical Center d/b/a Novant Health Bluffton Medical Center

Construction for the establishment of a new 50 acute care bed hospital, with associated services, of 196,500 sf by transfer of 33 acute care beds and the addition of 17 acute care beds at a total project cost of \$320,049,946.79.

Affecting Pickens County

Prisma Health-Upstate d/b/a Prisma Behavioral Health Hospital

Construction for the establishment of a new 112 inpatient psychiatric bed hospital of 135,470 sf by transfer of 65 psychiatric beds and the addition of 47 psychiatric beds at a total project cost of \$137,790,070.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than 90 days, from **October 25, 2024**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2100 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department’s decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email coninfo@dph.sc.gov.

Affecting ALL 46 Counties

Masters Infusion, LLC d/b/a Vital Care of North Augusta

Establishment of a Specialty Home Health Agency to provide home infusion services in all 46 Counties at a total project cost of \$21,945.00.

Affecting Horry County

PruittHealth - Conway, LLC d/b/a PruittHealth – Conway

Construction and relocation of a nursing home with 88 nursing home beds and the addition of 12 nursing home beds for a total of 100 nursing home beds at a total project cost of \$34,717,662.00.

Affecting Orangeburg County

Orangeburg Community Healthcare, LLC, d/b/a Oaks Post Acute

Renovation of an existing 122 bed nursing home facility and the addition of 42 nursing home beds for a total of 164 bed nursing home facility at a total project cost of \$800,909.00.

24 DRAFTING NOTICES

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-26-10, 59-26-30, and 59-26-40

Notice of Drafting:

The Department of Education proposes to amend Regulation 43-234, Defined Program, Grades 9-12 and Graduation Requirements. Interested persons may submit their comments in writing by mail or by email to Kristi Austin, kdaustin@ed.sc.gov, Director, Office of Assessment and Standards, Division of College, Career, and Military Readiness, SC Department of Education, 428 Wholesale Lane, West Columbia, SC 29172. To be considered, comments must be received no later than 5:00 p.m. on December 5, 2024, the closing of the comment period.

Synopsis:

Amendments to Regulation 43-234 will bring it into alignment with statutory changes. Specifically, Code Section 59-29-120 requires that “public high schools must give instruction in the essentials of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers. No student in any such school may receive a certificate of graduation without previously passing a course that includes instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers.” Additionally, Act 26 of 2021 removed the following phrase: “including the study of and devotion to American institutions and ideals.” The proposed changes would add the Emancipation Proclamation and remove “American institutions and ideals” from the regulation.

Legislative review is required.

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority: 1976 Code Section 57-25-830

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to update and amend Chapter 63-339 of the Code of Regulations to be in compliance with new language and requirements of the latest version of the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD). All references to the Department have been changed to SCDOT. In addition, SCDOT proposes to amend the regulations to provide clarification on the following items:

Amendments provide clarification on the following:

- (1) Business located in un-annexed properties within municipal boundaries are not eligible to participate in the program;
- (2) Eligibility of businesses located on primary routes; and
- (3) Allowing participation for business that have a typical operating season versus a defined minimum number of months of operation.

In addition, the latest version of the MUTCD eliminate the requirement for businesses to provide a public telephone. This requirement was removed from the regulation to be in compliance with the MUTCD.

Interested parties should submit written comments to John N. Boozer, PE, State Traffic Operations Engineer, 955 Park Street, Columbia, SC 29202. To be considered, comments should be received no later than 5:00 pm on November 5, 2024, the close of the drafting comment period.

Synopsis:

All references to the Department have been changed to SCDOT. In addition to updating the regulations to be in compliance with the latest version of the MUTCD, the majority of the amendments provide clarification on issues that have come up in recent years and provide guidance on these issues based on current practice agreed upon by the Tourist-Oriented Signage (TODS) Program Oversight Committee.

Legislative review of these updates and amendments is required.

DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-25-170

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to update and amend Chapter 63-338 of the Code of Regulations to be in compliance with new language and requirements of the latest version of the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD). In addition, the SCDOT proposes to amend the criteria for the Food category to include the requirement of serving prepared food as well as adding reference to South Carolina Code of Regulations, Section 61-25. All references to the Department have been changed to SCDOT.

MUTCD related updates and amendments include:

- (1) Revising the reference for individual business signs from “logo sign panels” to “business identification signs panels”;
- (2) Eliminating the requirement of a public telephone at participating businesses;
- (3) Reducing the number of Attraction business identification panels allowed on Specific Service Sign from six (6) to four (4); and
- (4) Adding provisions and criteria for electric vehicle charging.

Interested parties should submit written comments to John N. Boozer, PE, State Traffic Operations Engineer, 955 Park Street, Columbia, SC 29202. To be considered, comments should be received no later than 5:00 pm on November 5, 2024, the close of the drafting comment period.

Synopsis:

All references to the Department have been replaced with SCDOT. The majority of the updates and amendments are necessary to bring program regulations in compliance with the latest version of the MUTCD which was recently released. The update to the Food category criteria provides direct reference to the appropriate regulation for prepared foods.

Legislative review of these updates and amendments is required.

26 PROPOSED REGULATIONS

Document No. 5316
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify, and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program where federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 3, 2024, at 9:00 a.m. If no request is received by November 26, 2024, the hearing will be canceled. Written comments may be directed to James Hollis, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, SC 29229 not later than November 25, 2024.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes not greater than 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

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

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 5317
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program where federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

28 PROPOSED REGULATIONS

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 3, 2024, at 9:00 a.m. If no request is received by November 26, 2024, the hearing will be canceled. Written comments may be directed to Dr. James Hollis, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, SC 29229 not later than November 25, 2024.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes not greater than 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

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

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 5318
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, 59-18-110, 59-18-300, 59-18-310(B), 59-18-320(C), 59-25-110, 59-26-10 et seq., 59-29-10 et seq., 59-33-30, 59-53-1810, 20 U.S.C. Section 1232(g), 20 U.S.C. Section 6301 et seq., and Pub. L. No. 114-95

43-64. Requirements for Certification at the Advanced Level.

Preamble:

The State Board of Education proposes to amend R.43-64: Requirements for Certification at the Advanced Level to update and streamline requirements for educators to become certified in leadership and administrative fields and in instructional service fields.

Section-by-Section Discussion:

- Section I (A) Sections I (A) and I (B) are replaced with new section I (A). Revised requirements will transition School Principal certification from Elementary and Secondary grade spans to encompass pre-Kindergarten (PK) through Grade 12. This change is consistent with standards for the preparation of school leaders and aligns with the certification of school leaders in other states.
- Section I (B) New section I (B) addresses requirements to advance from Tier 1 to Tier 2 principal certification. Requirements for advancement have not been amended. The new section includes text that appeared in previous sections I (A) and I (B).
- Section I (C) New section I (C) establishes options for school leaders currently certified in Elementary or Secondary grade spans to add certification in the revised PK-Grade 12 certification field for school leaders.
- Section I (D) New section I (D) replaces previous section I (C) and addresses the revised grade span for principal certification. Requirements for certification as a school leader through the Career Changers Alternative Principal Pathway (CCAPP) have not been changed; text has been revised for clarity.
- Section I (E) Renumbered Section I (E) was previously Section I (D) and establishes requirements for individuals to earn the specialized certification endorsement for participation in the School Transformational Leaders Academy. Revisions address scrivener’s errors in the original text and expand eligibility for participation in the academy to additional educators working in a school setting.
- Section I (F) Renumbered Section I (F) replaces previous Section I (E) and establishes requirements for certification as a District Superintendent. Requirements have not been amended; text has been revised for clarity.

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- Section I (G) Renumbered Section I (G) amends previous Section I (F) and establishes requirements for individuals to become certified as a District Superintendent through an alternative route for career changers. Requirements are not amended; text has been revised for clarity.
- Section I (H) Renumbered section I (H) amends previous Section I (G) and establishes requirements to add certification as a leader in a career and technology education (CTE) center. Requirements have been revised for clarity to reflect updated terms and certification field titles.
- Section II The revision updates text to reflect current terminology for professionals working in instructional service fields.
- Section II (A) Section II (A) is amended to update the certification field title of Guidance Counselor to the preferred term School Counselor, consistent with current State Board of Education guidelines, and to reflect the standard preparation of school counselors for work in PK-Grade 12 settings. The amended text allows the State Board of Education to approve guidelines for individuals certified in Elementary or Secondary School Counselor to add certification in the complementary and/or PK-Grade 12 age spans and to establish program approval standards for institutions of higher education to develop pathways for other types of professional counselors to become certified as school counselors.
- Section II (B) Revisions reflect updated terminology and edits for clarity.
- Section II (C) Revisions reflect the updated title for this certification field and align with provisions of Section 40-67-5 et. seq., related to Speech Language Pathologists.
- Section II (D) Section II (D) is amended to reflect the updated certification field title of School Librarian, consistent with State Board of Education guidelines.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 3, 2024, at 1:00 p.m. in Room A-111 of the South Carolina Department of Education, 428 Wholesale Lane, West Columbia, SC, 29172. The proposed amendments to the regulation will be posted on the State Board of Education website for review and comment.

Written comments should be submitted to Mary Hipp, Director, Office of Educator Services, Division of College, Career, and Military Readiness, 428 Wholesale Lane, West Columbia, SC, 29172 or by e-mail to mhipp@ed.sc.gov on or before 5:00 p.m. on November 25, 2024.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-64.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Requirements for Certification at the Advanced Level.

Purpose: State Board of Education Regulation 43-64 governs the requirements for educators to become certified in leadership and administrative fields and in instructional service fields.

Legal Authority: 1976 Code Sections 59-5-60, 59-5-65, 59-18-110, 59-18-300, 59-18-310(B), 59-18-320(C), 59-29-10 et seq., 59-33-30, 59-53-1810, 20 U.S.C. Section 1232(g), 20 U.S.C. Section 6301 et seq., and Pub. L. No. 114-95.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The purpose of this updated regulation is to clarify requirements for educators seeking to add certification in leadership and administrative fields as well as instructional service fields.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

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

Statement of Rationale:

Amendments to the regulation will update certification field titles and terminology to conform with current practice and State Board of Education guidelines, streamline principal certification to encompass a Pre-kindergarten through grade 12 grade span, and clarify other certification requirements at the advanced level.

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. 5319
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-21-510, 59-33-10, and 59-33-120

43-243.2. Educational Interpreters for Students Who Are Deaf. (New)

Preamble:

The State Board of Education proposes to add R.43-243.2, Educational Interpreters for Students Who Are Deaf. This will establish the Regulation for Code of Laws Section 59-33-120.

The Notice of Drafting was published in the *State Register* on July 26, 2024.

Section-by-Section Discussion:

Section I: Common definitions regarding terms used throughout the regulation.

Section II: Minimum qualifications and requirements for Educational Interpreters.

Section III: Monitoring and Implementation of this regulation.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 3, 2024, at 1:00 p.m. in Room A-111 of the South Carolina Department of Education Board Room, 428 Wholesale Ln., Columbia, SC 29172. The proposed regulation will be posted on the State Board of Education website for review and comment.

Written comments should be submitted to Lisa McCliment, Team Lead for Policy, Guidance and Community Engagement, Office of Special Education Services, 428 Wholesale Ln., Columbia, SC 29172 or by e-mail to lmcccliment@ed.sc.gov on or before 5:00 p.m. on November 25, 2024.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed Regulation 43-243.2.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Educational Interpreters for Students Who Are Deaf.

Purpose: Code of Laws Section 59-33-120 requires the State Board of Education to establish regulations for the appropriate credentialing of sign language interpreters in the public and special schools of the State.

Legal Authority: 1976 Code Sections 59-21-510, 59-33-10, and 59-33-120.

Plan for Implementation: School and district personnel will be informed of the new procedures through electronic correspondence, guidance documents and bi-weekly virtual update meetings that include LEA special education directors.

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

This regulation proposes to establish regulations for the appropriate credentialing of sign language interpreters in the public and special schools of the State. No previous credentialing existed; therefore, these standards provide deaf students with the best opportunity to access the general education curriculum.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

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

Statement of Rationale:

Code of Law 59-33-120 requires the South Carolina Department of Education to establish regulations for the conditions for employment of educational interpreters for Deaf and Hard of Hearing students in our South Carolina schools.

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. 5325

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-87-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

61-62. Air Pollution Control Regulations and Standards.

61-86.1. Standards of Performance for Asbestos Projects.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.61-62.1. Definitions and General Requirements; R.61-62.3. Air Pollution Episodes; R.61-62.4. Hazardous Air Pollution Conditions; R.61-62.5. Standard 4, Emissions from Process

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Industries; R.61-62.96. Nitrogen Oxides (NO_x) Budget Program; and the SIP, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

SCDES also proposes amending R.61-62.60. South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.63. National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and R.61-62.70. Title V Operating Permit Program, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

SCDES also proposes amending R.61-86.1. Standards of Performance For Asbestos Projects, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-62		
61-62.1(I)(11)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-62.1(I)(20)	Revision	Updated to remove obsolete references due to the abolishment of DHEC and creation of SCDES.
61-62.1(I)(25)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-62.1(II)(K)(5)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-62.3. Section I, Un-numbered initial paragraph	Revision	Updated to remove obsolete references due to the abolishment of DHEC and creation of SCDES.
61-62.3. Section I, Paragraph 1	Revision	Updated to remove obsolete references due to the abolishment of DHEC and creation of SCDES.
61-62.4. Section E.	Revision	Updated to remove obsolete references due to the abolishment of DHEC and creation of SCDES.
61-62. 5. Standard 4, Section VIII, Footnote to Table B, Title	Revision	Updated to reflect the abolishment of the DHEC Board.
61-62.60. Subpart Cf, Section (C)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-62.60. Subpart DDDD, Section (F)(12)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-62.63. Initial Paragraph (titled "Note")	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-62.70.2(h)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-62.96.2(q)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-86.1		
61-86.1. Section I, Paragraph 36	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

61-86.1. Section III, Paragraph A.2.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-86.1. Section XVI, Paragraph B.1.a.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-86.1. Section XVI, Paragraph B.1.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-86.1. Section XXII.	Revision	Updated citation of S.C. Code, in two instances, to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled.

Should a hearing be requested pursuant to 40 CFR 51.102, as amended, such hearing will be conducted at SCDES Headquarters, 2600 Bull Street, Columbia, S.C. 29201, on Wednesday, December 4, 2024, at 10:00 a.m. in Room 2151 of the Sims Building. If a qualifying request pursuant to 40 CFR 51.102 is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at least one week prior to the scheduled hearing at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update. Interested persons may also contact Mary Peyton Wall via phone at (803) 898-4064 or email at marypeyton.wall@des.sc.gov for more information or to find out if the hearing has been cancelled.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.61-62. Air Pollution Control Regulations and Standards, and R.61.86.1. Standards of Performance for Asbestos Projects.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is

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vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending R.61-62 and R.61-86.1, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 44-87-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to R.61-62 and R.61-86.1 will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created,

effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5327

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

- 30-1. Statement of Policy.
- 30-2. Applying for a Permit.
- 30-4. Decisions on a Permit.
- 30-6. Appeals of Permit Decisions.
- 30-8. Enforcement.
- 30-10. Critical Area Boundaries.
- 30-11. General Guidelines for all Critical Areas.
- 30-12. Special Project Standards for Tidelands and Coastal Waters.
- 30-15. Activities Allowed Seaward of Baseline.
- 30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4).

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.30-1. Statement of Policy; R.30-2. Applying for a Permit; R.30-4. Decisions on a Permit; R.30-6. Appeals of Permit Decisions; R.30-8. Enforcement; R.30-10. Critical Area Boundaries; R.30-11. General Guidelines for all Critical Areas; R.30-12. Special Project Standards for Tidelands and Coastal Waters; R.30-15. Activities Allowed Seaward of Baseline; and R.30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4), to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

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Section	Type of Change	Purpose
R.30-1		
30-1.A(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-1D(16), (38), and (49)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-2		
30-2.B(7)(a) and (b)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-2.C	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-2.D	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-2.F	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-4		
30-4.C	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-4.E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-4.H	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-6		
30-6.A	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-8		
30-8.F(4)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-10		
30-10.A(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-11		
30-11.E(1), (2) (4), and (5)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-12		
30-12.A(4)(f)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-12.O(3)(b)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.30-15		
30-15.A	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-15.B	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-15.C	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-15.D	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-15.E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-15.F(6)(b)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

R.30-17		
30-17.A(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
30-17.A(2), second paragraph	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.30-1. Statement of Policy; R.30-2. Applying for a Permit; R.30-4. Decisions on a Permit; R.30-6. Appeals of Permit Decisions; R.30-8. Enforcement; R.30-10. Critical Area Boundaries; R.30-11. General Guidelines for all Critical Areas; R.30-12. Special Project Standards for Tidelands and Coastal Waters; R.30-15. Activities Allowed Seaward of Baseline; and R.30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4).

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending the above-referenced regulations, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

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Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted in South Carolina.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5328

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 44-2-10 et seq., 44-56-10 et seq., 44-93-10 et seq., 44-96-10 et seq., 48-1-10 et seq., 48-6-10 et seq., 48-60-5 et seq., and 2023 Act No. 60, effective July 1, 2024

- 61-33. Drycleaning Facility Restoration Trust Fund.
- 61-63. Radioactive Materials (Title A).
- 61-64. X-Rays (Title B).
- 61-65. Particle Accelerators (Title C).
- 61-79.124. Permit Administration.
- 61-79.260. Hazardous Waste Management System; General.
- 61-79.261. Identification and Listing of Hazardous Waste.
- 61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
- 61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
- 61-79.270. Permit Requirements.
- 61-83. Transportation of Radioactive Waste Into or Within South Carolina.
- 61-92. Underground Storage Tank Control Regulations.
- 61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation.
- 61-104. Hazardous Waste Management Location Standards.
- 61-105. Infectious Waste Management Regulation.
- 61-106. Tanning Facilities.
- 61-107.2. Solid Waste Management: Full Cost Disclosure.
- 61-107.3. Solid Waste Management: Waste Tires.
- 61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals.
- 61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste.
- 61-107.6. Solid Waste Management: Solid Waste Processing Facilities.
- 61-107.7. Solid Waste Management: Transfer of Solid Waste.
- 61-107.8. Solid Waste Management: Lead Acid Batteries.
- 61-107.9. Solid Waste Management: White Goods.
- 61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria.
- 61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.
- 61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification.
- 61-107.15. Solid Waste Management: Land Application and Solid Waste.
- 61-107.17. Solid Waste Management: Demonstration-of-Need.
- 61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil.
- 61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill.
- 61-107.279. Solid Waste Management: Used Oil.
- 61-124. Consumer Electronic Equipment Collection and Recovery.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created,

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effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-33.		
61-33.2(B)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-33.2(D)	Revision	Updated to remove obsolete references due to the abolishment of DHEC and creation of SCDES.
61-33.4(A)(3)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-63.		
61-63. RHA 1.2.8	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 1.13.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES and clarify the identity of the department.
61-63. RHA 1.16. Schedule A.	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 2.4.2.3.15	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 2.4.8.3.5	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 2.7.14.8.1	Revision	Updated to clarify the identity of the department.
61-63. RHA 2.22.8.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-63. RHA 2.32.3.1	Revision	Updated to clarify the identity of the department.
61-63. RHA 2.32.3.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.26.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-63. RHA 3.44.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.45.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.45.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-63. RHA 3.46.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.47	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.

Section	Type of Change	Purpose
61-63. RHA 3.49.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 4.7.2.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.7.3.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.7.3.1.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.11.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.117.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 4.117.4	Revision	Updated to clarify the identity of the department.
61-63. RHA 4.118.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 4.118.4	Revision	Updated to clarify the identity of the department.
61-63. RHA 4.118.6.1	Revision	Updated to clarify the identity of the department.
61-63. RHA 4.119	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 5.25.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 6.5.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 6.9.1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES, and updated, in two instances, to remove obsolete references.
61-63. RHA 12.2.9	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 12.23.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-64.		
61-64. RHB 1.16	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
61-64. RHB 10.57	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-64. RHB 11.4.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-64. RHB 11.9	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-65.		
61-65. RHC 1.10.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-65. RHC 2.4.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-65. RHC 2.5.2.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-65. RHC 2.6.3	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
61-65. RHC 8.7	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

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Section	Type of Change	Purpose
R.61-79.124.		
61-79.124.5(b)	Revision	Updated with citation of S.C. Code to reflect the abolishment of the DHEC Board.
61-79.124.15(c)(2)	Revision	Updated with citation of S.C. Code to reflect the abolishment of the DHEC Board.
61-79.124.19(a) and (b)	Revision	Updated citation of S.C. Code, in each paragraph, to reflect the abolishment of DHEC and creation of SCDES.
R.61-79.260.		
61-79.260.10	Revision	Updated, in two instances, to reflect the abolishment of the DHEC Board. Updated to reflect the abolishment of DHEC and creation of SCDES, and updated to remove obsolete references.
61-79.260.41(a)	Revision	Updated with citation of S.C. Code for clarity, to reflect the abolishment of DHEC and creation of SCDES.
R. 61-79.261.		
61-79.261.151. APPENDIX A-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX A-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX B	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX C	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX D	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX G-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX H	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX I	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX I, 2(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX J	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX K	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX K, 3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX L-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX L-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX M-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
R. 61-79.264.		
61-79.264.151. APPENDIX A-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.

Section	Type of Change	Purpose
61-79.264.151. APPENDIX A-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX B	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX C	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX D	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX F	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX G	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX H	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX I	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX J	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX K	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX L	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX M-1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX M-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX N-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX N-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-79.266.		
61-79.266.510. Appendix IX, Section 2.0, Note to Paragraph 2.2.4.1.2,	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.266.510. Appendix IX, Section 3.0, Note to Paragraph 3.2.3.1.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.266.510. Appendix IX, Section 3.0, Paragraph 3.2.4.4.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.266.510. Appendix IX, Section 3.0, Paragraph 3.4.8.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-79.270.		
61-79.270.30(a)	Revision	Updated to reflect the abolishment of the DHEC Board, and updated to remove an obsolete reference.
61-79.270.155	Revision	Updated, in four instances, to reflect the abolishment of the DHEC Board.

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Section	Type of Change	Purpose
61-79.270.215(c) and (d)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and updated to reflect the abolishment of the DHEC Board.
R.61-83.		
61-83.2.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.3.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-83.4.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.4.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.4.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.4.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.1.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-92.		
61-92.280.12(s)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.92(e)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.96(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.99(b)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.103(b)(1), Paragraph 2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.103, Section 3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.302, Paragraphs (a) and (b)	Revision	Updated citation of S.C. Code, in each paragraph, to reflect the abolishment of DHEC and creation of SCDES.
R.61-98.		
61-98.I.A.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-104.		
61-104.I.B	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-105.		
61-105.D(1)(b), (f), and (j)	Revision	Updated three paragraphs to reflect the abolishment of DHEC and creation of SCDES and the abolishment of the DHEC Board, and updated to remove an obsolete reference.

Section	Type of Change	Purpose
61-105.E(2)(d)	Revision	Updated to remove an obsolete reference.
61-105.M(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-105.BB(1)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-105.EE (1) and (2)	Revision	Updated citation of S.C. Code, in each paragraph, to reflect the abolishment of DHEC and creation of SCDES.
R.61-106.		
61-106.1.2.5	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-106.1.11	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-106.1.12.2	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-106.2.2.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-106.2.6.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-106.2.6.1.2	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-106.3.8.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
R.61-107.		
61-107.2.B.4 and B.22	Revision	Updated two paragraphs to reflect the abolishment of DHEC and creation of SCDES.
61-107.3.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.4.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.5.B.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.6.B.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.7.B.5	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.8.B.2, B.5, and B.6	Revision	Updated three paragraphs to reflect the abolishment of DHEC and creation of SCDES.
61-107.9.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.10.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.12.B.6	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.14.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.15.B.15	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.17.B.6 and B.15	Revision	Updated each paragraph to reflect the abolishment of DHEC and creation of SCDES.
61-107.17.F.2	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.

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Section	Type of Change	Purpose
61-107.18.B.12	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.18.E.2.c.(12)(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.18.G.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.B.17	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.D.1.c.	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-61-107.19, Part I.E.4.i.(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.I.1	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part IV.C.12.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part V.A.258.1.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part V.C.258.36.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.1.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.42.b..	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.51.b.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.62.b.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.73.b.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-124.		
61-124.B.11	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated *State Register* documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.61-33. Drycleaning Facility Restoration Trust Fund; R.61-63. Radioactive Materials (Title A), R.61-64. X-Rays (Title B), R.61-65. Particle Accelerators (Title C); R.61-79.124. Permit Administration; R.61-79.260. Hazardous Waste Management System; General; R.61-79.261. Identification and Listing of Hazardous Waste, R.61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; R.61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities; R.61-79.270. Permit Requirements; R.61-83. Transportation of Radioactive Waste Into or Within South Carolina; R.61-92. Underground Storage Tank Control Regulations; R.61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation; R.61-104. Hazardous Waste Management Location Standards; R.61-105. Infectious Waste Management Regulation; R.61-106. Tanning Facilities; R.61-107.2. Solid Waste Management: Full Cost Disclosure; R.61-107.3. Solid Waste Management: Waste Tires; R.61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals; R.61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste; R.61-107.6. Solid Waste Management: Solid Waste Processing Facilities; R.61-107.7. Solid Waste Management: Transfer of Solid Waste; R.61-107.8. Solid Waste Management: Lead Acid Batteries; R.61-107.9. Solid Waste Management: White Goods; R.61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria; R.61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities; R.61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator’s Certification; R.61-107.15. Solid Waste Management: Land Application and Solid Waste; R.61-107.17. Solid Waste Management: Demonstration-of-Need; R.61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil; R.61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill; R.61-107.279. Solid Waste Management: Used Oil; and R.61-124. Consumer Electronic Equipment Collection and Recovery.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending the above-referenced regulations, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 13-7-10 et seq., 44-2-10 et seq., 44-56-10 et seq., 44-93-10 et seq., 44-96-10 et seq., 48-1-10 et seq., 48-6-10 et seq., 48-60-5 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development

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Update (accessible at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to the above-referenced regulations will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5333

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 46-45-80, 48-1-10 et seq., 48-6-10 et seq., 49-4-10 et seq., 49-5-10 et seq., and 2023 Act No. 60, effective July 1, 2024

- 61-9. Water Pollution Control Permits.
- 61-43. Standards for the Permitting of Agricultural Animal Facilities.
- 61-44. Individual Residential Well and Irrigation Well Permitting.
- 61-58. State Primary Drinking Water Regulations.
- 61-67. Standards for Wastewater Facility Construction.
- 61-68. Water Classifications and Standards.
- 61-82. Proper Closeout of Wastewater Treatment Facilities.
- 61-87. Underground Injection Control Regulations.
- 61-101. Water Quality Certification.
- 61-110. Total Maximum Daily Loads for Pollutants in Water.
- 61-113. Groundwater Use and Reporting.
- 61-119. Surface Water Withdrawal, Permitting, Use and Reporting.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.61-9. Water Pollution Control Permits; R.61-43. Standards for the Permitting of Agricultural Animal Facilities; R.61-44. Individual Residential Well & Irrigation Well Permitting; R.61-58. State Primary Drinking Water Regulations; R.61-67. Standards for Wastewater Facility Construction; R.61-68. Water Classifications and Standards; R.61-82. Proper Closeout of Wastewater Treatment Facilities; R.61-87. Underground Injection Control Regulations; R.61-101. Water Quality Certification; R.61-110. Total Maximum Daily Loads (TMDLs) for Pollutants in Water; R.61-113. Groundwater Use and Reporting; and R.61-119. Surface Water Withdrawal, Permitting, Use and Reporting, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-9		
61-9.122.2(b), “Application” definition	Revision	Updated to reflect the abolishment of the DHEC Board.
61-9.122.2(b), “Board” definition	Deletion	Removed to reflect the abolishment of the DHEC Board.
61-9.122.2(b), “Commissioner” definition	Deletion	Removed to reflect the abolishment of DHEC.

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61-9.122.2(b), “Department” definition	Revision	Updated to reflect the abolishment of DHEC and the DHEC Board as well as the creation of SCDES.
61-9.122.2(b), “NPDES” definition	Revision	Updated to reflect the abolishment of the DHEC Board.
61-9.122.41(e)(4)(ii)	Revision	Updated to reflect the abolishment of DHEC.
61-9.124.19(a)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-9.124.19(b)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-9.503.22(a)(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-9.504.22(a)(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-9.505.6(a)(3)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-9.505.41(e)(4)(ii)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-9.600.2 “Department” definition	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-9.610.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-43		
Part 50 “Confined Animal Manure Management (Camm) Certification” definition	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
Part 50 “Department” definition	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-44		
61-44(A)(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-58		
61-58 General(B)(14)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-58 General(B)(29)	Revision	Updated to reflect the abolishment of DHEC.
61-58 General(B)(43)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-58 General(C)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-58.1(H)(4)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-58.1(I)(3)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-58.1(N)(3)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-58.1(O)(4)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
R.61-67		
61-67.100(D) “Department” definition	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

61-67.100(D) “NPDES Permit” definition	Revision	Updated to reflect the abolishment of the DHEC Board.
R.61-68		
61-68(B)(31)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-68(E)(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-82		
61-82, Section I, (6)	Addition	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section II, (1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section II, (1)(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section II, (3)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section II, (4)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section IV	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section V, (1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section V, (2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section V, (3)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section V, (4)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-82, Section V, (5)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-87		
61-87.2	Revision	“Department” defined in response to creation of SCDES and remaining definitions re-lettered for consistency.
R.61-101		
61-101(A)(6)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-101(B)	Revision	Updated to reflect the abolishment of DHEC and the DHEC Board as well as the creation of SCDES. Definition list re-numbered to reflect above changes.
61-101(F)(4)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-101(G) section heading	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-101(G)(1)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-101(G)(3)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
R.61-110		

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R.61-110(E)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-110(F)(1)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
61-110(F)(2)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
R.61-113		
61-113(B)(10)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-113(B)(11)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-113(B)(17)	Revision	Updated to reflect the abolishment of DHEC and the DHEC Board as well as the creation of SCDES.
61-113(E)(2)(e)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-113(M)(3)(g)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-113(M)(5)(a)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-113(N)(3)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-119		
61-119(B)(6)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-119(P)(1)(a)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-119(Q)(4)(b)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-119(Q)(4)(d)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated *State Register* documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.61-9. Water Pollution Control Permits; R.61-43. Standards for the Permitting of Agricultural Animal Facilities; R.61-44. Individual Residential Well & Irrigation Well Permitting; R.61-58. State Primary Drinking Water Regulations; R.61-67. Standards for Wastewater Facility Construction; R.61-68. Water Classifications and Standards; R.61-82. Proper Closeout of Wastewater Treatment Facilities; R.61-87. Underground Injection Control Regulations; R.61-101. Water Quality Certification; R.61-110. Total Maximum Daily Loads (TMDLs) for Pollutants in Water; R.61-113. Groundwater Use and Reporting; and R.61-119. Surface Water Withdrawal, Permitting, Use and Reporting.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections, 44-55-10 et seq., 44-55-2310 et seq., 46-45-80, 48-1-10 et seq., 48-6-10 et seq., 49-4-10 et seq., 49-5-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

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UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5337

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 72

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-14-10 et seq., 49-11-240, and 2023 Act No. 60, effective July 1, 2024

72-1 through 72-9. Dams and Reservoirs Safety Act Regulations.

72-300 through 72-316. Standards for Stormwater Management and Sediment Reduction.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.72-1 through 72-9, Dams and Reservoirs Safety Act Regulations, and R.72-300 through 72-316, Standards for Stormwater Management and Sediment Reduction, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.72-1		
72-1(A)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
72-1(B)	Revision	Updated to reflect the abolishment of the DHEC Board.
R.72-2		
72-2(D)(5)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.72-9		
72-9(B)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language as well as the abolishment of the DHEC Board.
72-9(C)	Revision	Updated to reflect the abolishment of the DHEC Board.
R.72-301		
72-301(10)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.72-304		
72-304(G)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
72-304(K)(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
72-304(M)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.72-309		
72-309(B)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
72-309(C)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
72-309(D)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
72-309(E)(8)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.72-313		
72-313(B) through (Q)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

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Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated *State Register* documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.72-1 through 72-9, Dams and Reservoirs Safety Act Regulations, and R.72-300 through 72-316, Standards for Stormwater Management and Sediment Reduction.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending R.72-1 through 72-9, Dams and Reservoirs Safety Act Regulations, and R.72-300 through 72-316, Standards for Stormwater Management and Sediment Reduction, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 48-6-10 et seq., 48-14-10 et seq., 49-11-240, and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office with SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to

promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5343

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 89**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-20-10 et seq., and 2023 Act No. 60, effective July 1, 2024

89-10 through 89-350. Office of the Governor – Mining Council of South Carolina.

Preamble:

60 PROPOSED REGULATIONS

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.89-170		
89-170.B	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R. 89-330		
89-330.D(3)(d)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
89-330.I	Revision	Updated in two instances to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.89-10 through 89-350. Office of the Governor – Mining Council of South Carolina.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 48-6-10 et seq., 48-20-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at <https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to R.89-10 through 89-350 will provide continued protection of the environment and public health.

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

62 PROPOSED REGULATIONS

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5323

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 121

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-43-10 et seq., and 2023 Act No. 60, effective July 1, 2024

121-8.0 through 121-8.28. Oil and Gas Exploration, Drilling, and Production.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.121-8.23	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

South Carolina State Register Vol. 48, Issue 10
October 25, 2024

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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.121-8.0 through 121-8.28. Oil and Gas Exploration, Drilling, and Production.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending R.121-8.0 through 121-8.28, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 48-6-10 et seq., 48-43-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (<https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update>) (accessible at <https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

64 PROPOSED REGULATIONS

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to R.121-8.0 through R.121-8.28 will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5324

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-610 et seq., 44-55-825, 44-55-827, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

61-56. Onsite Wastewater Systems.

61-81. State Environmental Laboratory Certification Program.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.61-56. Onsite Wastewater Systems, and R.61-81. State Environmental Laboratory Certification Program, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-56		
61-56.101	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.102.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.204.2(3)(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix A	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix C	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix D	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix F	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix G	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix H	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix I	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix J	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix K	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix L	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

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61-56.400. Appendix M	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix N	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix O	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix P	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.400. Appendix R	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.800.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-56.800.4(2)(a) through (c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
R.61-81		
61-81.D(2) and (7)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-81.K	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-81.L	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with 2023 Act No. 60 to restructure the agencies. These amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

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.61-56. Onsite Wastewater Systems, and R.61-81. State Environmental Laboratory Certification Program.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending the above-referenced regulations, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 44-55-610 et seq., 44-55-825, 44-55-827, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at <https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to R.61-56 and R.61-81.1 will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted in South Carolina.

68 PROPOSED REGULATIONS

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5326

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 19

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 49-1-10, and 2023 Act No. 60, effective July 1, 2024

19-450. Permits for Construction in Navigable Waters.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.19-450. Permits for Construction in Navigable Waters, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.19-450		
19-450.1(A)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
19-450.1(B)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
19-450.2	Revision	Updated to reflect the abolishment of the DHEC Board. Updated to reflect the abolishment of DHEC and creation of SCDES.

		Definition list re-lettered to reflect above changes.
19-450.5(B)(6)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
19-450.5(D)(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
19-450.5(E)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
19-450.7(C)(1)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
19-450.7(C)(2)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
19-450.9(C)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
19-450.10 section heading	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
19-450.10(A)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
19-450.10(B)	Revision	Updated to reflect newly promulgated S.C. Code of Laws Section 48-6-30 language.
19-450.11	Revision	Updated to reflect the abolishment of the DHEC Board.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, December 9, 2024, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

SCDES publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated *State Register* documents at des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

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):

70 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION: R.19-450. Permits for Construction in Navigable Waters.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending R.19-450. Permits for Construction in Navigable Waters, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 49-1-10, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at <https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with the Act, and these amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical 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. 5321
STATE COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Sections 59-149-10 et seq.

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, regulation is being updated to reflect the passage of Act 156 of 2024, allowing for the awarding of LIFE Scholarship Enhancements to students in approved STEM and Education Degree programs. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

Section-by-Section Discussion:

- Section 62-1200.1: Language added to include Act 156 and approved education and accounting majors for scholarship enhancement eligibility.
- Section 62-1200.5:
 - L. “Declared major” Language added to clarify that a minor cannot be used in place of a declared major for enhancement eligibility.
 - M. “Degree-seeking student” Language added to clarify that all programs must be approved by CHE for purposes of awarding scholarship enhancements.
 - P. “Eligible degree program/Qualifying degree program” Language added to include approved education and accounting programs for purposes of awarding scholarship enhancements.

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II. “Program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree” Language added to clarify that all programs must be approved by CHE for purposes of awarding scholarship enhancements.

Section 62-1200.10: A.(3)(b). Language added to allow CHE flexibility in adjusting later test score equivalency changes initiated by testing companies.

O.(2). Language added to include approved education and accounting programs for purposes of awarding scholarship enhancements.

O.(4). Language added to clarify that education majors do not have to meet the 14 credit hour requirement for enhancement eligibility.

O.(8). Language added to include approved education and accounting programs for purposes of awarding scholarship enhancements.

O.(9). Language added to clarify that students receiving an education enhancement based on their enrollment in approved education program must enter into a contractual agreement. Allows for use of third parties to carry out processing of contractual agreements and collections.

Q. Language added to clarify that CHE shall notify school counselors of eligible enhancement majors.

Section 62-1200.60: O.(17) Language added to include documentation of enrollment in the contractual agreement in student files maintained at the institutional level.

Section 62-1200.70: F. Language added to ensure that when invoicing for enhancement recipients, institutions shall invoice separately from the invoice for the base LIFE or Palmetto Fellows Scholarship.

Section 62-1200.75: G. Language added to ensure that in reporting enhancement recipients, institutions indicate whether the student is receiving the award on the basis of being enrollment in an eligible math, science, accounting or education major.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 5, 2024, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation to publiccomments@che.sc.gov at the attention of Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received in writing no later than 5:00 p.m. on November 27, 2024. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 5, 2024, as noticed above. Comments received by the deadline shall be submitted to the Commission for consideration at the public hearing.

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 South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, regulation is being update to reflect the passage of Act 156 of 2024, allowing for the awarding of LIFE Scholarship Enhancements to students in approved STEM and Education Degree programs. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program, and allow for clarity with awarding.

Legal Authority: SC Commission on Higher Education has general authority to promulgate regulations, pursuant to 59-149-10 et seq.

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public 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 agency is updating the regulations to assist institutions with determining eligibility, and provide clarity with awarding.

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 or public health.

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

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

Statement of Rationale:

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These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

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. 5322
STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, regulation is being updated to reflect the passage of Act 156 of 2024, allowing for the awarding of Palmetto Fellows Scholarship Enhancements to students in approved STEM and Education Degree programs. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

Section-by-Section Discussion:

- Section 62-300: B. Language added to include ACT 156 and approved education and accounting majors for the scholarship enhancements eligibility.
- Section 62-310: C. Language removed to clarify approved five-year bachelor's degree programs.
- E. Language added to Classification of Instructional Program (CIP) Code to include CIP codes identified by CHE and education degree programs.
- K. Language included clarify that minoring in a program does not meet the eligibility requirements of a declared major for scholarship enhancement eligibility.
- L. Language added to clarify that programs must be approved by CHE for scholarship enhancement eligibility.
- M. Language added to clarify "Eligible degree program" to include education approved accounting programs for purposes of awarding scholarship enhancements.
- HH. Language added to clarify that programs must be approved by CHE for scholarship enhancement eligibility.

- Section 62-318: B. Language added to that education majors do not have to meet the 14-credit hour requirement for enhancement eligibility.
- D. Language added to include approved education and accounting programs for purposes of awarding scholarship enhancements.
- E. Language added to clarify that students receiving an education enhancement based on their enrollment in approved education program must enter into a contractual agreement. Allows for use of third parties to carry out processing of contractual agreements and collections.
- G. Language added to clarify that CHE shall notify school counselors of eligible enhancement majors.
- Section 62-320: C.(1-2) Language added to allow CHE flexibility in adjusting later test score equivalency changes initiated by testing companies.
- D.(1-2) Language added to allow CHE flexibility in adjusting later test score equivalency changes initiated by testing companies.
- I. Language added to allow CHE flexibility in adjusting later test score equivalency changes initiated by testing companies.
- L. Language added to allow CHE flexibility in adjusting later test score equivalency changes initiated by testing companies.
- Section 62-330: J.(14) Language added to include documentation of enrollment in the contractual agreement in student files maintained at the institutional level.
- Section 62-335: H.(5) Language added to include approved accounting courses for purposes of renewing scholarship enhancement awards.
- Section 62-370: G. Language added to ensure that when invoicing for enhancement recipients, institutions shall invoice separately from the invoice for the base LIFE or Palmetto Fellows Scholarship.
- Section 62-375: D. Language added to ensure that in reporting enhancement recipients, institutions indicate whether the student is receiving the award on the basis of being enrollment in an eligible math, science, accounting or education major.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 5, 2024, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation to publiccomments@che.sc.gov at the attention of Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received in writing no later than 5:00 p.m. on November 27, 2024. Comments received shall be considered

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by the staff in formulating the final proposed regulation for the public hearing on December 5, 2024, as noticed above. Comments received by the deadline shall be submitted to the Commission for consideration at the public hearing.

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 South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship & Palmetto Fellows Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, regulation is being updated to reflect the passage of Act 156 of 2024, allowing for the awarding of Palmetto Fellows Scholarship Enhancements to students in approved STEM and Education Degree programs. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program and to allow for clarity with awarding.

Legal Authority: 1976 Code Section 59-104-20.

Plan for Implementation: the revised regulations will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. CHE will notify the public 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 agency is updating the regulations to assist institutions with determining eligibility and provide clarity with awarding.

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 or public health.

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

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

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

Instructions:

Modify and replace in its entirety R.62-300 through 62-375 with the following.

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. 5320
SOUTH CAROLINA DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2), and 38-21-300

69-14. Insurance Holding Company Systems.

Preamble:

The Department is proposing to make changes to Regulation 69-14 to implement a group capital calculation and liquidity stress test framework to provide the Department, as a solvency regulator, additional tools for conducting group-wide supervision. Changes will also establish receivership provisions to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities and further clarify ownership of data and records of the insurer. These amendments are proposed as part of an accreditation standard of the National Association of Insurance Commissioners and are necessary in order for the South Carolina Department of Insurance to maintain its accreditation.

Section-by-Section Discussion:

- Section I. No change.
- Section II. Corrected scrivener’s error.
- Section III. No change.
- Section IV. No change.
- Section V. No change.
- Section VI. No change.
- Section VII. No change.
- Section VIII. No change.
- Section IX. No change.
- Section X. No change.
- Section XI. No change.
- Section XII. No change.
- Section XIII. New section addressing amendments to Form B.
- Section XIV. Renumbered. Adds provision addressing unauthorized insurers.
- Section XV. Renumbered.
- Section XVI. Renumbered. Addresses records and data ownership.
- Section XVII. Renumbered.
- Section XVIII. New Section addressing Group Capital Calculation.
- Section XIX. New Section. Extraordinary dividends and other distributions.

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Section XX. New Section. Adequacy of Surplus.
Section XXI. Renumbered. Severability clause.
Forms No change.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

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 Wednesday, December 11, 2024, 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 25, 2024, 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 25, 2024.

Preliminary Fiscal Impact Statement:

The Department of Insurance estimates that there would be no costs incurred by the State and its political subdivisions in complying with the proposed amendments.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To implement a group capital calculation and liquidity stress test framework to provide the Department, as a solvency regulator, additional tools for conducting group-wide supervision. Changes will also establish receivership provisions to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities and further clarify ownership of data and records of the insurer. These amendments are proposed as part of an accreditation standard of the National Association of Insurance Commissioners and are necessary in order for the South Carolina Department of Insurance to maintain its accreditation.

Legal Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2), and 38-21-300.

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 amendments will give the Department additional tools for ensuring solvency.

DETERMINATION OF COSTS AND BENEFITS:

None.

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 or public health of this State.

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 will provide the Department, as a solvency regulator, additional tools for conducting group-wide supervision. Changes will also establish receivership provisions to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities and further clarify ownership of data and records of the insurer.

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. 5348
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

- 10-4. Athletic Commission.
- 10-10. Contractor's Licensing Board.
- 10-12. Board of Dentistry.
- 10-21. Long Term Health Care Administrators Board.
- 10-36. Real Estate Appraisers Board.
- 10-43. Board of Genetic Counselors. (New)

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

Section-by-Section Discussion:

- 10-4(1)(a)(k). No change.
- 10-4(1)(l). New fee for National Registry, \$25.
- 10-4(2)-(6). No change.
- 10-10(A). No change.
- 10-10(A)(1)-(4). No change.
- 10-10(A)(5)-(6). Strike language and fees.
- 10-10(A)(7). Renumber as (5).
- 10-10(A)(7)(a). Add "Construction Manager" after Biennial.
- 10-10(A)(7)(b)-(c). No change.
- 10-10(B). No change.
- 10-10(B)(1). No change.
- 10-10(B)(1)(a). No change.

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- 10-10(B)(1)(b). Add “Burglar Alarm” before “Branch Office.”
- 10-10(B)(1)(c). No change.
- 10-10(B)(1)(d). Add “Burglar Alarm Registered Employee” and “\$25 each.”
- 10-10(B)(2). No change.
- 10-10(B)(2)(a). Change \$85 to \$200.
- 10-10(B)(2)(b). Add “Burglar Alarm” before “Branch Office.”
- 10-10(B)(2)(c). Add “each” after \$10.
- 10-10(B)(3)-(5). No change.
- 10-10(C). No change.
- 10-10(C)(1). No change.
- 10-10(C)(2)(a). Change \$85 to \$200.
- 10-10(C)(2)(b)-(c). No change.
- 10-10(C)(3)-(4). No change.
- 10-10(C)(5). Strike all.
- 10-10(C)(6). Renumber as (5). Otherwise, no change.
- 10-12(1). No change.
- 10-12(1)(a). No change.
- 10-12(1)(b)-(g). Move the title of the licensee one column to the left so they appear in the same column as “General Dentist.”
- 10-12(2). No change.
- 10-12(2)(a). No change.
- 10-12(2)(b). Strike existing language and replace with \$280 + \$10 per specialty.
- 10-12(2)(c). Strike abbreviation and spell out Infiltration Anesthesia.
- 10-12(2)(d)-(f). No change.
- 10-12(2)(g). Strike language. Add new line, “Late Renewal.”
- 10-12(2)(g)(1). “Add January 1 – January 31”. Add “Renewal fee is doubled.”
- 10-12(2)(g)(2). “Add February 1 – last day of February”. Add “Additional \$5 per day.”
- 10-12(3)-(4). No change.
- 10-12(5). Add “e” to “Fees” to correct misspelling.
- 10-12(5)(a)-(b). No change.
- 10-12(6)(a)-(c). No change.
- 10-12(6)d). Strike “download form.”
- 10-12(6)(e). Strike “mailing labels” and fee.
- 10-12(6)(f). Re-letter as (e). Strike “see list below.”
- 10-12(g). Re-letter as (f). Strike lettering of (g)-(j) and replace with numbering (1)-(4).
- 10-21(A). No change.
- 10-21(A)(1)-(3). No change.
- 10-21(A)(4). Strike “period”. Strike “ur” in “Licensure” so it reads “License.”
- 10-21(A)(5). Strike “Annual” and replace with “Biennial.”
- 10-21(A)(5)(a). Strike \$175 and replace with \$350.
- 10-21(A)(5)(b). Strike \$135 and replace with \$270.
- 10-21(A)(5)(c). Replace “Late” with “Reactivation.” Strike \$50 and replace with \$100.
- 10-21(B). No change.
- 10-21(B)(1)-(3). No change.
- 10-21(B)(4). Strike “period”. Strike “ur” in “Licensure” so it reads “License.”
- 10-21(B)(5). Strike “Annual” and replace with “Biennial.”
- 10-21(B)(5)(a). Strike \$150 and replace with \$300.
- 10-21(B)(5)(b). Strike \$115 and replace with \$230.
- 10-21(B)(5)(c). Replace “Late” with “Reactivation.” Strike \$50 and replace with \$100.
- 10-21(C). No change.
- 10-21(C)(1)-(3). No change.
- 10-21(C)(4). Strike “ur” in “Licensure” so it reads “License.”
- 10-21(C)(5). Strike “Annual” and replace with “Biennial.”

- 10-21(C)(5)(a). Strike \$325 and replace with \$650.
- 10-21(C)(5)(b). Strike \$250 and replace with \$500.
- 10-21(C)(5)(c). Replace “Late” with “Reactivation.” Strike \$50 and replace with \$100.
- 10-21(D). No change.
- 10-21(D)(1). Strike “Penalty per month, not to exceed twelve months”. Add “\$300 + renewal fee.”
- 10-21(D)(1)(a)-(b). Strike description and fees.
- 10-21(D)(2). Strike “Transfer of Information to Another State.” Replace with “Primary Source Verification of Licensure:”
- 10-21(D)(3). Strike “Record Change” and replace with “Duplicate License/Name Change. Replace \$25 with \$10.
- 10-21(D)(4). Replace “Record Change and Reissue of Certificate” with “Duplicate License. Replace \$50 with \$10.
- 10-21(D)(5). Strike “Copy of”. Strike “s” on “Lists”. Add “Request.”
- 10-21(D)(6). Strike NSF. Replace with “Returned Check.”
- 10-21(D)(7). Strike “Copy of Regulations.” Strike \$5.
- 10-21(D)(8). Re-number as (7).
- 10-21(D)(8)(a)-(c). No change.
- 10-36(1). Replace “permit” with “license.”
- 10-36(2). Replace “permit” with “license.” Add “biennial.
- 10-36(3). Add biennial.
- 10-36(4). No change.
- 10-36(5). Add “biennial.”
- 10-36(6). Change \$100 to \$500.
- 10-36(7). Add “annual”. Change \$100 to \$500.
- 10-36(8). Strike “inactive status.”
- 10-36(8)(a)-(c). No change.
- 10-36(9). No change.
- 10-36(10)-(13). Strike all.
- 10-36(14). Renumber as (10).
- 10-36(15). Renumber as (11).
- 10-36(16). Renumber as (12).
- 10-36(17). Renumber as (13). Add “biennial.”
- 10-36(18). Renumber as (14).
- 10-36(19). Renumber as (15).
- 10-36(20). Renumber as (16). Add “biennial.”
- 10-36(21). Renumber as (17).
- 10-36(22). Renumber as (18).
- 10-36(23). Renumber as (19).
- 10-36(24). Renumber as (20).
- 10-36(25). Renumber as (21).
- 10-36(26). Renumber as (22).
- 10-36(27). Renumber as (23). Replace “annual” with “biennial.” Strike “licenses and certification.” Add “Licensed and Certified appraisers.” Strike “and shall be collected on a biennial basis (\$80).
- 10-36(28). Renumber as (24). Strike “annual”. Strike “biennially” and replace with “annually.”
- 10-43. Establish fee schedule for Board of Genetic Counselors. All new descriptions and fees.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 PM on December 11, 2024. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South

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Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulation is necessary and reasonable as it will eliminate fees that are no longer charged, correct errors in the fee schedules and add fees where necessary. Additionally, the regulation will establish a fee schedule for Genetic Counselors, a new board within the agency.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to make corrections in the boards' and commissions' fee schedules. The proposed regulation will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees where necessary as well as fees for a new board underneath the agency's umbrella.

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

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

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

The proposed regulation is necessary and reasonable as it will eliminate fees that are no longer charged, correct errors in the fee schedules and add fees where necessary as well as fees for a new board underneath the agency's umbrella.

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 but funding the processes necessary for licensure.

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 make corrections to the boards' and commissions' fee schedules. Specifically, it will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees where necessary as well as fees for a new board under the agency's umbrella.

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. 5349

DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10

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

- 10-17. Board of Funeral Service.
- 10-24. Board of Medical Examiners.
- 10-32. Board of Podiatry Examiners.
- 10-33. Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.
- 10-42. Board of Veterinary Medical Examiners.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

Section-by-Section Discussion:

- 10-17(1). No change.
- 10-17(1)(a). Change \$50 to \$65.
- 10-17(1)(b). Change \$50 to \$65.
- 10-17(1)(c). Change \$100 to \$130.
- 10-17(1)(d). Change \$100 to \$130.
- 10-17(1)(e). Change \$150 to \$195.
- 10-17(1)(f). Change \$150 to \$195.
- 10-17(1)(g). Change \$100 to \$130.
- 10-17(1)(h). Change \$150 to \$195.
- 10-17(1)(i). No change.
- 10-17(1)(j). No change.
- 10-17(1)(k). Change \$200 to \$260.
- 10-17(1)(l). Change \$200 to \$260.
- 10-17(2). No change.
- 10-17(2)(a). Change \$300 to \$390.
- 10-17(2)(b). Change \$300 to \$390.
- 10-17(2)(c). Change \$320 to \$415.
- 10-17(2)(d). Change \$350 to \$450.
- 10-17(2)(e). Change \$350 to \$450.
- 10-17(2)(f). Change \$350 to \$450.
- 10-17(2)(g). Change \$350 to \$450.

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- 10-17(2)(h). Change \$350 to \$450.
- 10-17(3). No change.
- 10-17(3)(a). Change \$100 to \$130.
- 10-17(3)(b). Change \$100 to \$300.
- 10-17(3)(c). Change \$50 to \$65.
- 10-17(3)(d). Change \$50 to \$65.
- 10-17(4). Change \$120 to \$150.
- 10-17(5). Change \$120 to \$150.
- 10-17(6). No change.
- 10-17(6)(a). No change.
- 10-17(6)(b). No change.
- 10-17(6)(c). No change.
- 10-17(7). New section. Add Miscellaneous fees.
- 10-17(7)(a). New section. Add Change of Manager Application at \$200.
- 10-17(7)(b). New section. Add Change of Location Application at \$200.
- 10-24(A). No change.
- 10-24(A)(1). No change.
- 10-24(A)(1)(a). No change.
- 10-24(A)(2). Change \$150 to \$130.
- 10-24(A)(2)(a). Change \$150 to \$130.
- 10-24(A)(2)(b). Change \$75 to \$70.
- 10-24(A)(3). Change \$580 to \$500.
- 10-24(A)(3)(a). Change \$155 to \$140.
- 10-24(A)(3)(b). No change.
- 10-24(A)(4). No change.
- 10-24(A)(4)(a). No change.
- 10-24(B). Change \$111 to \$100.
- 10-24(B)(1). Change \$145 to \$130.
- 10-24(C). Change \$300 to \$260.
- 10-24(C)(1). Change \$295 to \$260.
- 10-24(D). Change \$120 to \$110.
- 10-24(D)(1). No change.
- 10-24(D)(2). No change.
- 10-24(D)(3). No change.
- 10-24(D)(4). No change.
- 10-24(E). No change.
- 10-24(E)(1). Change \$120 to \$110.
- 10-24(E)(2). Change \$75 to \$65.
- 10-24(E)(3). No change.
- 10-24(E)(4). No change.
- 10-24(E)(5). No change.
- 10-24(E)(6). No change.
- 10-24(E)(7). No change.
- 10-24(F). No change.
- 10-24(F)(1). Change \$160 to \$150.
- 10-24(F)(2). Change \$80 to \$75.
- 10-24(G). No change.
- 10-24(G)(1). No change.
- 10-24(G)(2). No change.
- 10-24(G)(3). No change.
- 10-24(G)(4). No change.
- 10-24(G)(5). No change.
- 10-32(A). No change.

- 10-32(B). Change \$200 to \$275.
- 10-32(C)–(F). No change.
- 10-33(A). No change.
- 10-33(B). No change.
- 10-33(B)(1). Change \$150 to \$130.
- 10-33(B)(2). Change \$150 to \$130.
- 10-33(B)(3). Change \$150 to \$130.
- 10-33(B)(4). Change \$150 to \$130.
- 10-33(B)(5). Change \$150 to \$130.
- 10-33(B)(6). Change \$100 to \$80.
- 10-33(B)(7). Change \$100 to \$80.
- 10-33(B)(8). Change \$100 to \$80.
- 10-33(C). No change.
- 10-33(C)(1). No change.
- 10-33(C)(2). No change.
- 10-33(C)(3). No change.
- 10-33(C)(4). No change.
- 10-33(C)(5). No change.
- 10-33(C)(6). No change.
- 10-33(C)(7). No change.
- 10-33(D). Change \$300 to \$100.
- 10-33(E). No change.
- 10-33(E)(1). No change.
- 10-33(E)(2). No change.
- 10-33(F). No change.
- 10-33(G). No change.
- 10-33(H). No change.
- 10-33(I). No change.
- 10-33(J). No change.
- 10-33(J)(1). No change.
- 10-33(J)(2). No change.
- 10-33(K). No change.
- 10-42(A). No change.
- 10-42(A)(1). No change.
- 10-42(A)(2). No change.
- 10-42(A)(3). Change \$300 to \$340.
- 10-42(A)(4). No change.
- 10-42(A)(5). No change.
- 10-42(B). No change.
- 10-42(B)(1). No change.
- 10-42(B)(2). No change.
- 10-42(B)(3). Change \$60 to \$80.
- 10-42(B)(4). No change.
- 10-42(B)(5). No change.
- 10-42(C). No change.
- 10-42(C)(1). No change.
- 10-42(C)(2). No change.
- 10-42(C)(3). No change.
- 10-42(C)(4). No change.
- 10-42(C)(5). No change.
- 10-42(C)(6). No change.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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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 AM on December 11, 2024. 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 November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

South Carolina Code Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions at the end of the fiscal year 2023-24, the Director concluded that fees for certain boards included herein must be adjusted to comport with Section 40-1-50(D). The fee adjustments are necessary to comply with S.C. Code Section 40-1-50(D), and are reasonable because they are increased or decreased in the amounts projected to cover the boards' direct and indirect costs only.

DESCRIPTION OF REGULATION:

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

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

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

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

The proposed regulation is necessary to carry out the requirements of S.C. Code Section 40-1-50(D) which provides that the Agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

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

Text:

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

Document No. 5351
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION

CHAPTER 20

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

- 20-3.8. Use of Drugs and Stimulants.
- 20-3.14. Refreshment Containers.
- 20-3.17. Boxer's Record; Suspension.
- 20-4.8. Permit Application and Fee.
- 20-5.2. Age.
- 20-5.18. Facial Hair and Jewelry.
- 20-7.2. Number Limitation.
- 20-8.13. Stopping a Bout.
- 20-23.9. Permit Applications and Fees.
- 20-24.4. When No Regulations Exist.
- 20-27.03. Requirements for mixed martial arts contestants.
- 20-27.04. Weigh in procedures.
- 20-27.09. Appearance, Attire and Protective Equipment.
- 20-27.14. Types of bout results.
- 20-27.18. Seconds' and Managers' duties when working in a corner.
- 20-27.19. Disciplinary action.

Preamble:

The South Carolina State Athletic Commission proposes to amend regulations in Chapter 20 of the Code of Regulations following its five-year regulatory review conducted pursuant to S.C. Code Section 1-23-120.

Section-by-Section Discussion:

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20-3.8. Add new section regarding the classification of substances, broken down into Classes A and B. Add section describing disciplinary action up to four offenses.

20-3.14. Strike “No”. Capitalize “R” for Refreshments. Strike “or” and replace with “and”. Strike “except paper or plastic containers.” Add “It is at the discretion and mutual understanding between the promoter and venue owner to regulate the distribution of such refreshments.”

20-3.17(1). No change.

20-3.17(2). Add “medically.”

20-3.17(3). No change.

20-4.8(1). Strike “required by law” and add “of twenty-five (\$25) dollars each day exceeded.”

20-4.8(2)-(5). No change.

20-5.2. Strike “forty” and replace with “thirty-five”. Strike “40” and replace with “35.” Add a comma and “unless otherwise set by statute.”

20-5.18. Add a semi-colon and “contact lenses prohibited.” in title. Add Boxers must not have corrective/contact lenses when they participate in competition.

20-7.2. Add “Four (4) corners may be allowed in the corner for title fights, while only two (2) may enter the ring.”

20-8.13(1)-(2). No change.

20-8.13(3). Strike “in the first or second round.” Add “before the completion of half of the scheduled rounds.” in two places. Strike “after the second round.”

20-23.9(1). Strike “required by law” and add “of twenty-five (\$25) dollars each day exceeded.”

20-23.9(2)-(5). No change.

20-24.4. Add semicolon in (1); Add “the” and a semicolon and “or” in (2); and strike “that” and replace with “the”, strike “the” and add “rules or”, and strike “of a licensed school be used” and replace with “established by the Association of Boxing Commissions’ Unified Rules or other promotional rules approved by the Commission.”

20-27.03(A) and (B). Strike “thirty-five (35)” and replace with “forty (40).” Add “unless otherwise set by statute.” Add “surface antigen”, strike “and”, add “Hepatitis” and add “antibody.”

20-27.03 (C). Strike “thirty-five (35)” and replace with “forty (40).” Add “unless otherwise set by statute.” Add “surface antigen”, strike “and”, add “Hepatitis” and add “antibody.” Replace six (6) with five (5).

20-27.03(D). Add ECG. Strike “A”. Add “B surface antigen”, strike “and”, add “Hepatitis” and add “antibody.”

20-27.04(A) and (B). No change.

20-27.04(C). Replace “shall” with “must”. Add “or approved.”

20-27.04(D). No change.

20-27.04(D)(1). No change.

20-27.04(D)(2). Add comma. Strike “but not including”. Strike “super.”

20-27.04(D)(3). No change.

20-27.04(D)(4). No change.

20-27.04(D)(5). Add “over” before 206. Strike “to 265”. Strike “Super Heavyweight” and “over 265 lbs.”

20-27.09(A)-(G). No change.

20-27.09(H). Add “and” and strike “and ankle.”

20-27.09(I). Add “Supports cannot have Velcro, straps, clips, or zippers.”

20-27.09(J)-(M). No change.

20-28.09(N). Add “No contact or corrective lenses may be worn during an event.”

20-27.14(A). No change.

20-27.14(A)(1). No change.

20-27.14(A)(2). Add “as a result of a strike to the body or head.”

20-27.14(A)(3)-(10). No change.

20-27.18(A). Add “Except for title fights”. Replace uppercase “T” with lowercase “t” on “there.” Add “Four (4) corners may be allowed in the corner for title fights.”

20-27.18(B)-(K). No change.

20-27.19(A). No change.

20-27.19(B). Add “as established in Regulation 20-3.8.”

20-27.19(C)-(K). No change.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

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 AM on December 10, 2024. Written comments may be directed to Bob Horner, Counsel, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 25, 2024. If qualifying requests pursuant to Section 1-23-110(A)(3) of the 1976 Code are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Athletic Commission has concluded it is necessary to update requirements for regulated athletics to conform to industry standards and to provide guidance for safety of the athletes. These regulations will identify substances not authorized for use by fighters and establish disciplinary actions up to four offenses for drug tests detecting the presence of these substances. They will loosen requirements for refreshments at events, clarify that suspension rules relate to boxers who are medically suspended, establish the fine for failing to timely apply for a permit to hold a boxing match or wrestling event, conform maximum age limitations to statute, establish that contacts or corrective lenses are prohibited in boxing, clarify blood testing requirements, and provide certain guidance regarding rules for the events themselves, including weight classes. The regulations will also clarify the regulation of events that are not described in the Code.

DESCRIPTION OF REGULATION:

Purpose: The Commission desires to update its regulations following the five year review required by S.C. Code Section 1-23-120. These regulations will identify substances not authorized for use by fighters and establish disciplinary actions up to four offenses for drug tests detecting the presence of these substances. They will loosen requirements for refreshments at events, clarify that suspension rules relate to boxers who are medically suspended, establish the fine for failing to timely apply for a permit to hold a boxing match or wrestling event, conform maximum age limitations to statute, establish that contacts or corrective lenses are prohibited in boxing, clarify blood testing requirements, and provide certain guidance regarding rules for the events themselves, including weight classes. The regulations will also clarify the regulation of events that are not described in the Code.

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

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

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

The proposed regulations are necessary to update requirements for regulated athletics to conform to industry standards and to provide guidance for safety of the athletes. These regulations will identify substances not authorized for use by fighters and establish disciplinary actions up to four offenses for drug tests detecting the presence of these substances. They will loosen requirements for refreshments at events, clarify that suspension

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rules relate to boxers who are medically suspended, establish the fine for failing to timely apply for a permit to hold a boxing match or wrestling event, conform maximum age limitations to statute, establish that contacts or corrective lenses are prohibited in boxing, clarify blood testing requirements, and provide certain guidance regarding rules for the events themselves, including weight classes. The regulations will also clarify the regulation of events that are not described in the Code.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The updated regulations will detail unauthorized substances and establish disciplinary actions up to four offenses for drug tests detecting the presence of these substances. They will loosen requirements for refreshments at events, clarify that suspension rules relate to boxers who are medically suspended, establish the fine for failing to timely apply for a permit to hold a boxing match or wrestling event, conform maximum age limitations to statute, establish that contacts or corrective lenses are prohibited in boxing, clarify blood testing requirements, and provide certain guidance regarding rules for the events themselves, including weight classes. The regulations will also clarify the regulation of events that are not described in the Code.

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. 5334

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE
AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL
SPECIALISTS
CHAPTER 36**

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

36.15. Reinstatement of Lapsed Licenses.

Preamble:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform the language to statute. Additionally, the Board proposes to review and update Chapter 36 generally to conform to current standards and requirements regarding Psycho-Educational Specialists, particularly but not limited to R.36-13, 36-17 and 36-25.

Section-by-Section Discussion:

36-15(1). Add “or addiction counselor supervisor”. Strike “at least three (3) months, but.”

36-15(2). No change.

36-15(3). No change.

A Notice of Drafting was published in the *State Register* on April 26, 2024.

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 AM on December 12, 2024. Written comments may be directed to Pam Dunkin, Board Executive, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 25, 2024. 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 Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists has determined it is necessary to amend R.36-15 to conform requirements for reinstatement of a license to the parameters established in S.C. Code Section 40-75-250(D). Section 250(C) provides that licenses must be renewed every two years. Section 250(D) provides that a licensee who allows a license to lapse by failing to renew the license may be reinstated by the board upon payment of a reinstatement fee and the current renewal fee. There is no grace period for late renewal established in statute. The regulation, however, allowed a grace period up to three months during which time a licensee was not required to reinstate and could, instead, renew late. Therefore, the regulation must be amended to conform to statute until such time as the statute is amended to allow for late renewal should that be the will of the General Assembly. Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

DESCRIPTION OF REGULATION:

Purpose: The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements for reinstatement of a license to the parameters established in S.C. Code Section 40-75-250(D). Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

Legal Authority: 1976 Code Sections 40-1-70 and 40-75-60.

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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 Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists has determined it is necessary to amend R.36-15 to conform requirements for reinstatement of a license to the parameters established in S.C. Code Section 40-75-250(D). Section 250(C) provides that licenses must be renewed every two years. Section 250(D) provides that a licensee who allows a license to lapse by failing to renew the license may be reinstated by the board upon payment of a reinstatement fee and the current renewal fee. There is no grace period for late renewal established in statute. The regulation, however, allowed a grace period up to three months during which time a licensee was not required to reinstate and could, instead, renew late. Therefore, the regulation must be amended to conform to statute until such time as the statute is amended to allow for late renewal should that be the will of the General Assembly. Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

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 Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements for reinstatement of a license to the parameters established in S.C. Code Section 40-75-250(D). Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

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. 5354

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

CHAPTER 36

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

- 36-04. Licensing Provisions for Professional Counselor Associate.
- 36-07. Licensing Provisions for Marriage and Family Therapy Associates.
- 36-09. Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.
- 36-16. Continuing Education Requirements for Professional Counselors, Addiction Counselors and Marriage and Family Therapists.
- 36-17. Continuing Education Requirements for Psycho-Educational Specialists.

Preamble:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-04 and R.36-07 regarding educational requirements for Licensed Professional Counselor associates and Marriage and Family Therapist associates, and to amend continuing education requirements for licensees of the Board to conform to Act 158 of the 2024 legislative session.

Section-by-Section Discussion:

- 36-04. Add “s” to “Associates.”
- 36-04(1). No change.
- 36-04(2). Add “minimum sixty (60) graduate semester hours” and strike “the” before CACREP.
- 36-04(3)-(5). No change.
- 36-04(6). Strike through all text.
- 36-07. No change.
- 36-07(1). No change.
- 36-07(2). Add “minimum of a sixty (60) graduate semester hours” before COAMFTE and CACREP.
- 36-07(3). Strike “or from a marriage, couple, and family counseling specialty program accredited by CACREP.”
- 36-04(4)-(5). No change.
- 36-04(6). Strike through all text.
- 36-09. No change.
- 36-09(1)-(2). No change.
- 36-09(3). Add “either (a) or (b).”
- 36-09(3)(a). Add “hold a doctoral degree in marriage and family therapy or in a CACREP accredited marriage, couple and family counseling specialty, or.”
- 36-09(b). Add “provide:”
- 36-09(b)(i). Take existing language and add numbering. Strike submit.
- 36-09(ii). Take existing language and add numbering. Strike submit.
- 36-09(iii). Renumber (5). Strike submit.
- 36-16. No change.
- 36-16. Reduce 34 hours to 33, and 44 hours to 43, and add one hour of suicide assessment, treatment and management treatment.
- 36-16(2)-(6). No change.
- 36-17. No change.
- 36-17(1). Reduce 34 hours to 33 and 44 hours to 43, and add one hour of suicide assessment, treatment and management treatment.
- 36-17(2)-(3). No change.

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A Notice of Drafting was published in the *State Register* on June 28, 2024.

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 PM on December 12, 2024. Written comments may be directed to Pam Dunkin, Board Executive, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 25, 2024. 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 Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists has determined it is necessary and reasonable to amend the regulations regarding licensure requirements to clarify the requirement for at least a 60-hour graduate degree and to strike the grandfathering provision that is no longer needed. Similar changes are necessary and reasonable for licensed professional supervisors to allow those with doctoral degrees a more direct pathway to licensure as a supervisor. The regulation also adds an hour of continuing education in suicide assessment, treatment and management treatment to conform to Act 158 of the 2024 legislative session.

DESCRIPTION OF REGULATION:

Purpose: The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend its regulations regarding licensure requirements to clarify the requirement for at least a 60-hour graduate degree and to strike the grandfathering provision that is no longer needed. Similar changes are proposed for licensed professional supervisors to allow those with doctoral degrees a more direct pathway to licensure as a supervisor. The regulation also adds an hour of continuing education in suicide assessment, treatment and management treatment to conform to Act 158 of the 2024 legislative session.

Legal Authority: 1976 Code Sections 40-1-70 and 40-75-60.

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 Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists has determined it is necessary and reasonable to amend the regulations regarding licensure requirements to clarify the requirement for at least a 60-hour graduate degree and to strike the grandfathering provision that is no longer needed. Similar changes are necessary and reasonable for licensed professional supervisors to allow those with doctoral degrees a more direct pathway to licensure as a supervisor. The regulation also adds an hour of continuing education in suicide assessment, treatment and management treatment to conform to Act 158 of the 2024 legislative session.

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 Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to its regulations regarding licensure requirements to clarify the requirement for at least a 60-hour graduate degree and to strike the grandfathering provision that is no longer needed. Similar changes are proposed for licensed professional supervisors to allow those with doctoral degrees a more direct pathway to licensure as a supervisor. The regulation also adds an hour of continuing education in suicide assessment, treatment and management treatment to conform to Act 158 of the 2024 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. 5355
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF DENTISTRY
CHAPTER 39
Statutory Authority: 1976 Code Section 40-15-40

39-5. Registration of Licenses or Certificates.

39-19. Temporary Restricted License for Live Patient Continuing Education. (New)

Preamble:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Proposed changes include, but are not limited to, continuing education credit for dental instructors, updated procedures allowed by dental hygienists, dental assistants and enhanced dental assistants, and temporary live-patient CE dental license.

Section-by-Section Discussion:

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39-5(A)-(E). No change.

39-5(F). Strike “a” and replace with “the.” Strike relicensure“/”reregistration and replace slash with “or.” Strike “continuous” and replace with “renewal.”

39-5(F)(1). Add “continuing education hours” where missing after fourteen (14) over two years for dental hygienists.

39-5(F)(1)(a). Add definition of one continuing education hour.

39-5(F)(1)(b). Re-letter prior section (a). Replace two hours with one hour of CE for sterilization and infection control.

39-5(F)(1)(c). Re-letter prior section (b). Replace two hours with one hour of CE for sterilization and infection control.

39-5(F)(1)(d). New section awarding CE credit to dentists and hygienists teaching in a CODA-approved dental college or hygiene program, respectively.

39-5(F)(1)(e). New section awarding CE credit to dentists and hygienist teaching an approved CE seminar.

39-5(F)(1)(f). Establishing limitation on CE to be awarded dentists and hygienists for teaching.

39-5(F)(2)(a)-(e). No change.

39-5(F)(3). Add “The maximum allowable number of CE hours for a CPR course is four (4) hours.”

39-5(F)(4)-(8). No change.

39-19. New section creating temporary restricted license for live patient continuing education.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

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 9, 2024. Written comments may be directed to Amy Holleman, Board Executive, Board of Dentistry, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulation is both necessary and reasonable in that they will provide additional licensing opportunities for dentists licensed in another state who seek to participate in continuing education live patient procedures and to South Carolina-licensed dentists willing to teach the continuing education course and supervise these temporary licensees. The regulation will further allow low-income residents to receive dental care when they otherwise may not have the financial means to do so. The regulation will provide a licensure category of shorter duration than the one year currently available to dentists who seek continuing education within the state, and the regulation will allow continuing education providers in South Carolina to provide valuable education and training to dentists who seek to advance their clinical skills while increasing the ease by which dentists may participate in these continuing education seminars.

DESCRIPTION OF REGULATION:

Purpose: The regulation creates a temporary restricted live patient continuing education license for qualified out-of-state dentists so that they may travel to South Carolina and learn advanced clinical skills, while providing low-income residents dental care that may not otherwise be available; the regulation imposes certain requirements on the continuing education providers to protect the public.

Legal Authority: 1976 Code Section 40-15-40.

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

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

The proposed regulation is both necessary and reasonable in that they will provide additional licensing opportunities for dentists licensed in another state who seek to participate in continuing education live patient procedures and to South Carolina-licensed dentists willing to teach the continuing education course and supervise these temporary licensees. The regulation will further allow low-income residents to receive dental care when they otherwise may not have the financial means to do so. The regulation will provide a licensure category of shorter duration than the one year currently available to dentists who seek continuing education within the state, and the regulation will allow continuing education providers in South Carolina to provide valuable education and training to dentists who seek to advance their clinical skills while increasing the ease by which dentists may participate in these continuing education seminars.

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 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 South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Proposed changes include, but are not limited to, continuing education credit for dental instructors, updated procedures allowed by dental hygienists, dental assistants and enhanced dental assistants, and temporary live-patient CE dental license.

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. 5353
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.
- 71-4500. 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.
- 71-4920. 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)-(7). No change.
- 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 and received by the Director.”
- 71-4610(2)(A)-(D). No change.
- 71-4610(2)(E). Replace “Commissioner” with “Director.” Strike “, at his discretion,”.

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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(1)(A). No change.

71-4700(1)(B). Replace “\$75” with “\$150.00.”

71-4700(1)(C). Replace “\$50.00” with “\$150.00.”

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(1-3). No change.

71-5500(4). Strike existing language.

71-5500(5). Renumber.

71-5550(1). Strike first sentence. Replace “Commissioner” with “Director.”

71-5550(2). Replace “Commissioner” with “Director.”

71-5600(1)(A). No change.

71-5600(1)(B). Replace “75.00” with “\$150.00.”

- 71-5600(1)(C). No change.
- 71-5600(2)(A). No change.
- 71-5600(2)(B). Replace “\$50.00” with “150.00.”
- 71-5600(2)(C). Replace “\$75.00 with \$150.00.”
- 71-5600(3). 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 May 24, 2024.

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 AM on January 16, 2025. 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 25, 2024. 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; amend fees; 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.

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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.

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; amend fees; 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; amend fees; 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. 5335

DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA STATE BOARD OF FUNERAL SERVICE
CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70, 40-19-60, and 40-19-70

57-01. Definitions.

57-04. General Licensing Provisions for Embalmers.

57-05. General Licensing Provisions for Funeral Directors.

57-06.1. Apprenticeship Requirements.

- 57-08. Licensure by Endorsement.
- 57-10. Provisions for Permitting of Funeral Establishments.
- 57.11. Continuing Education Requirements for Embalmers and Funeral Directors.
- 57-12. Fees.
- 57-13.1. Code of Ethics.
- 57-13.2. Websites.
- 57-14.1. Records.
- 57-14.2. Equipment and practices.
- 57-14.3. Training of Crematory Operators.
- 57-14.4. Training of Certified Crematory Trainer/Preceptors.
- 57-15. Inspection guidelines.

Preamble:

The South Carolina State Board of Funeral Service proposes to amend various sections of Chapter 57 of the Code of Regulations, including but not limited to changes necessary to conform to H.4116, which passed during the 2024 legislative session.

Section-by-Section Discussion:

- 57-01. No change.
- 57-01(A). Strike language requiring supervisor to be on premises and add direct supervision is required.
- 57-01 (B) and (C). No change.
- 57-01 (D). Add new definition for Direct Supervision.
- 57-01 (E). Re-letter from (D). No change.
- 57-01 (F). Re-letter from (E). Add “cremated remains” and “recovered after the completion of a cremation” to include statutory citation.
- 57-01 (G). Re-letter from (F). Strike gas-fired cremation and add “or an alkaline hydrolysis chamber.” Add “for” and “the.”
- 57-01 (H). Re-letter from (G). No change.
- 57-01 (I). Re-letter from (H). Strike “cremation chamber” and replace with “retort.”
- 57-01 (J). Add definition of alkaline hydrolysis.
- 57-01 (K). Add definition of alkaline hydrolysis chamber.
- 57-01 (L). Add definition of retort or cremation chamber.
- 57-04 (A)-(D). Strike all. Replace with new sections (A), (B) and (C) describing requirements for licensure of submitting an application, meeting statutory qualifications and submitting evidence of a passing score on an examination approved by the Board.
- 57-05 (A)-(D). No change.
- 57-05(E). Strike semi-colon and “and”.
- 57-05(F). Strike section.
- 57-06.1 (1)-(9). No change.
- 57-06.1(10). Strike preceptor and replace with supervisor.
- 57-08. Strike existing language. Add new (A), (B) and (C), breaking down the requirements for licensure by endorsement based upon licensure for at least five years (A), and for less than five years (B), and adding that the Board can require the applicant to satisfy any South Carolina requirements to ensure experience and education are substantially similar for applicants with less than five years of licensure in another jurisdiction.
- 57-10. No change.
- 57-10(A). No change.
- 57-10(B). No change.
- 57-10(B)(1)-(2). No change.
- 57-10(B)(3). Strike existing language and replace with “Means of showing photographs of other representations of available caskets and other necessary funeral supplies; and”
- 57-10(B)(4)-(5). No change.

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57-10(C)-(D). No change.

57-11(A). Replace “persons” with “individuals”. Replace six hours of formal CE during every licensure period with four hours of CE each year. Add that one of the four must be an ethics in funeral service course and that two of the four hours must be in person. Replace “or” with “and” for requirements to obtain CE waiver.

57-11(B). Strike “submitted on forms approved by the Board and shall be” and replace with “accompanied by documentation.”

57-11(C). No change.

57-12(A). Strike “and on the South Carolina Board of Funeral Service website at <http://llr.sc.gov/POL/Funeral>.”

57-13. No change.

57-13.1 (A)-(F). No change.

57-13.1 (G). New section, including (1)-(7) specifying responsibilities regarding the deceased.

57-13.2. Add “or registration.” Add “licensed.” Add “and registered cremator operators”. Add “license”. Strike “or”. Add “or crematory operator’s registration.” Add “or registered.”

57-14.1(A)(1)-(8) No change.

57-14.1(A)(9). New section adding the name of the registered crematory operator to the crematory log.

57-14.1(B). No change.

57-14.1 (C) and (D). Add “or alkaline hydrolysis chamber.”

57-14.1 (E) and (F). No change.

57-14.2(A). No change.

57-14.2(B). Add “For cremation by heat and flame”. Join phrase to existing sentence and strike uppercase E and replace with lowercase. Strike “cremation unit.”

57-14.2(B)(1)-(5). No change.

57-14.2(C). New section adding equipment required for alkaline hydrolysis chambers.

57-14.2(D). Re-letter from (C). Strike “cremation.” Add “or alkaline hydrolysis chamber.” Replace cross-reference from (E) to (F).

57-14.2(E) Re-letter from (D). Add “Each crematory must have a”.

57-14.2(F) Re-letter from (E). No change.

57-14.2(G) Re-letter from (F). No change.

57-14.2(H) Re-letter from (G). Add “cremated.” Add “or alkaline hydrolysis chamber.”

57-14.2(I) Re-letter from (H). Replace “person” with “an individual registered with the Board as a crematory operator in accordance with Section 32-8-385, South Carolina Code of Laws, 1976, as amended.” Strike “listed on the official roster of the Board as a Certified Crematory Operator.”

57-14.2(J) Re-letter from (I). No change.

57-14.2(K) Re-letter from (J). Replace “cremains” with “cremated remains.”

57-14.3. Repeal.

57-14.4. Repeal.

57-15(1)-(6). No change.

57-15 (7). Strike existing language and replace with “Means of showing photographs of other representations of available caskets and other necessary funeral supplies.”

A Notice of Drafting was published in the *State Register* on May 24, 2024.

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 PM on December 16, 2024. Written comments may be directed to Matalie Mickens, Board Executive, Board of Funeral Service, 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 25, 2024. If qualifying requests pursuant to Section 1-23-110(A)(3) of the 1976 Code are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are necessary to conform to laws passed during the 2023 and 2024 legislative sessions, including Act No. 13 of the 2023 legislative session and Act No. 223 of the 2024 legislative session. The regulations are reasonable in that they track the language of the legislation and do not expand upon the authority granted therein.

DESCRIPTION OF REGULATION:

Purpose: The Board is amending its regulations to conform to Act No. 13 of the 2023 legislative session and Act No. 223 of the 2024 legislative session. Those changes include, but are not limited to: updating definitions to include terms related to cremation; clarifying licensure requirements for embalmers; removing prohibitions from licensure for conviction of a violent crime or crime of moral turpitude; clarifying requirements for licensure by endorsement; updating requirements for a funeral establishment to show availability of caskets and other funeral supplies; updating continuing education requirements; describing ethics related to handling of the deceased; updating website requirements to incorporate references to crematories; updating crematory requirements to include information related to alkaline hydrolysis, among other things; and repealing existing sections on training for crematory operators and certified crematory operators and preceptors.

Legal Authority: 1976 Code Sections 40-1-70, 40-19-60, and 40-19-70.

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

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

The proposed regulations will update definitions to include terms related to cremation; clarify licensure requirements for embalmers; remove prohibitions from licensure for conviction of a violent crime or crime of moral turpitude; clarify requirements for licensure by endorsement; update requirements for a funeral establishment to show availability of caskets and other funeral supplies; update continuing education requirements; describe ethics related to handling of the deceased; update website requirements to incorporate references to crematories; update crematory requirements to include information related to alkaline hydrolysis, among other things; and repeal existing sections on training for crematory operators and certified crematory operators and preceptors.

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:

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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 amend and add definitions to include terms related to cremation; clarify licensure requirements for embalmers; remove prohibitions from licensure for conviction of a violent crime or crime of moral turpitude; clarify requirements for licensure by endorsement; update requirements for a funeral establishment to show availability of caskets and other funeral supplies; update continuing education requirements; describe ethics related to handling of the deceased; update website requirements to incorporate references to crematories; update crematory requirements to include information related to alkaline hydrolysis, among other things; and repeal existing sections on training for crematory operators and certified crematory operators and preceptors.

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. 5336
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93
Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

- 93-50. General Definitions.
- 93-60. Board of Examiners; Officers and Duties.
- 93-65. Operating a Facility without a License.
- 93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.
- 93-75. Health Services Executive Qualification. (New)
- 93-80. Administrator-in-Training Program Requirements.
- 93-100. Fees [and Fee Schedule].
- 93-110. Examination; Scheduling and Grading.
- 93-120. Initial Licenses.
- 93-130. Provisional Licenses.
- 93-150. Inactive or Retired Status Licenses.
- 93-160. Registration of Licenses.
- 93-170. Display of Certificate and Normal Work Hours.
- 93-200. Continuing Education for Relicensure.
- 93-210. Reinstatement of Lapsed License.
- 93-220. Complaints.
- 93-230. Suspension and Revocation of License.
- 93-240. Hearing Procedure.
- 93-250. Conduct of Hearing.
- 93-260. Applicability, Legal Effect and Severability of Regulations.

Preamble:

The South Carolina Board of Long Term Health Care Administrators proposes to amend various sections in Chapter 93.

Section-by-Section Discussion:

93-50. No change.

93-50(A). Replace “Training” with “Residency”. Replace “AIT” with “AIR”.

93-50 (B). No change.

93-50 (C). Add (1).

93-50 (D). No change.

93-50 (D)(1). Add comma and semi-colon.

93-50 (D)(2). No change.

93-50 (D)(3). No change.

93-50 (E). Add “Dual Licensed Administrator”. Add “authorizing the licensee to practice”. Add “or”.

93-50 (F). No change.

93-50(F)(1). No change.

93-50(F)(2). Add (3).

93-50(G). No change.

93-50(H). No change.

93-50(I). Add “has submitted the appropriate Board-approved application and paid the associated fee to have their license place in inactive status. A holder of an inactive license”. Remove “is not working”. Add “is not authorized to work.” Remove “or as an administrator in a”. Add and/or.

93-50(J). Add “met all the qualifications for licensure”. Strike “passed the examination”.

93-50(K). Lower case letters for business hours.

93-50(L)-(O). No change.

93-50(P). Add a comma. Strike “or a”. Add “or a dual licensed administrator”. Replace “training” with “residency”. Strike “during the training period”. Add “R” for regulation.

93-50(Q). Add “as delineated in R.93-130”.

93-60(A). No change.

93-60(B). Add “Board.” Remove “Director”.

93-65(A). No change.

93-65(B). No change.

93-65(B)(1). Strike existing language. Replace with “An administrator of more than one (1) community residential care facility and/or other licensed facility shall not direct more than a total of forty (40) beds.”

93-65(B)(2). Strike existing language. Replace with “Facilities sharing an administrator must be located within forty (40) miles of one another.”

93-65(B)(3). Strike existing language.

93-65(B)(4). Strike existing language.

93-70(A). Add “for licensure but in no way limits the Board from determining that any other combination of education and experience is also acceptable for consideration for licensure by the Board.”

93-70(A)(1). Add “National Association of Long Term Care Administrator Boards”. Add close parenthetical. Add “Health Services Executive”. Add parentheticals. Add semi-colon and strike period.

93-70(A)(2). No change.

93-70(A)(2)(a). Add (2).

93-70(A)(2)(b). No change.

93-70(A)(3). Strike “an”. Add “For a dual licensed nursing home and community residential care facility administrator.”

93-70(A)(3)(a). Add “a validation by NAB as meeting the minimum education and experience requirements to be a qualified HSE.”

93-70(B). Add “licensed”. Strike “of a facility licensed under this article including, but not limited to, nursing homes and community residential care facilities.” Add “based on the results of a person’s criminal history in accordance with S.C. Code Section 40-1-140.” Strike “where the results of the check meet the misconduct provisions of these regulations.”

93-70(C). No change.

93-70(D). Add “directly related to the practice of administration of nursing homes and/or community residential care facilities.” Strike “involving moral turpitude”.

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93-75. New section on Health Services Executive Qualification

93-75(A). Establishing HSE designation.

93-75(B)(1)-(2). Establishing qualifications for HSE.

93-75(C). Describing competency requirements for HSE.

93-75(D). HSE qualification does not grant additional privilege to practice as a license dual NHA and CRCFA.

93-80. Replace “Training” with “Residency”.

93-80 (A). Replace “AIT” with “administrator in residency (AIR)”.

93-80(A)(1). Replace “AIT” with “AIR”.

93-80(A)(1)(a). Replace “AIT” with “AIR.” Replace “AIT internship” with “AIR program”. Add (6).

93-80(A)(1)(b). Replace “AIT” with “AIR”. Replace “AIT internship” with “AIR program”. Add (9).

93-80(A)(2). Replace “AIT” with “AIR”.

93-80(A)(2)(a). Replace “AIT” with “AIR”. Replace “AIT internship” with “AIR program”. Add (3).

93-80(A)(2)(b). Replace “AIT” with AIR. Replace “AIT internship” with “AIR program”. Add (6).

93-80(A)(2)(c). Replace “AIT” with “AIR”. Replace “AIT internship” with “AIR program”. Add (9).

93-80(A)(3). Add education requirements for dual AIR candidates.

93-80(A)(3)(a). Add AIR program duration of 7 months for dual with Baccalaureate degree or higher in healthcare.

93-80(A)(3)(b). Add AIR program duration of 10 months for dual with Baccalaureate degree or higher in degree other than healthcare.

93-80(B). Replace AIT with AIR. Replace AIT training with AIR program. Add (1). Replace AIT with AIR candidate. Add sentence regarding Board’s discretion in awarding CE credit to preceptor and candidate if program is terminated.

93-80(C). Add AIR. Replace upper case B with lowercase b. Replace AIT with AIR candidate. Add relationship. Add on a Board-approved form.

93-80(D). No change.

93-80(D)(1). Add “state as a nursing home administrator, a community residential care facility administrator, or a dual licensed administrator based upon the AIR program the preceptor plans to supervise;”

93-80(D)(2). No change.

93-80(D)(3)(a). Replace uppercase NHA with lowercase letters. Add (3). Strike “a”. Add “currently.” Add “as a.” Add a comma. Replace “the” with “a”. Add “South Carolina”. Replace “Department of Health and Environmental Control” with “Department of Health.”

93-80(D)(3)(b). Replace uppercase CRCFA with lowercase letters. Add (2). Strike “a”. Add “currently.” Add “as a.” Add a comma. Strike “with at least 24 beds.” Add “South Carolina”. Replace “Department of Health and Environmental Control” with “Department of Health.”

93-80(D)(3)(c). New section on dual licensed administrator preceptor requirements for AIR program.

93-80(E). Move “with the Board.” Strike “renew”.

93-80(F). Replace “shall” with “may.” Add “(2) AIR” and strike “AIT”.

93-80(G). Replace AIT with AIR candidate. Add “for the residency.”

93-80(H). Replace “a current checklist” with “documentation as required by the Board” and with “documentation.” Strike “AIT” and replace with “AIR program”.

93-80(I). Replace AIT with AIR. Replace AIT with AIR candidate or AIR candidate’s.

93-80(J). Add “or its designee.” Replace AIT with AIR. Add “concludes”. Replace AIT with AIR candidate.

93-80(K). Replace AIT with AIR. Replace AIT with AIR candidate.

93-80(L). Replace AIT with AIR.

93-80(L)(1). Replace AIT with AIR candidate. Replace Regulation 93-70(A)(2) with South Carolina Code Section 40-35-40(B)(4).

93-80(L)(2). Replace Regulation 93-70(A)(2) with South Carolina Code Section 40-35-40(A)(4).

93-80(L)(3). Add new section providing that dual licensure AIR candidate is not required to complete qualifying work experience to apply for licensure as a dual administrator.

93-80(M). Add new section prohibiting leaving AIR participate in sole charge of NH or CRCF and consequences for violation.

93-80(N). Add new section for preceptor CE.

93-100(A). Add Long Term Health Care Administrators Practice Act.

- 93-100(B). No change.
- 93-110(A). Replace by with through.
- 93-110(A)(1). Strike South Carolina before Board. Add it back before Department. Add Public to Health and strike Environmental Control Replace uppercase NH with lower case for nursing homes.
- 93-110(A)(2) Replace uppercase CRCFA with lower case for community residential care facility administrators. Strike South Carolina before Board. Add it back before Department. Add Public to Health and strike Environmental Control. Replace uppercase CRCFA with lower case for community residential care facility administrators.
- 93-110(A)(3). Add new section stating dual licensed administrator applicants will sit for both exams.
- 93-110(B). Strike nursing home. Add parentheses around “s”. Add “with passing scores to be determined by NAB.” Add jurisprudence. Replace uppercase “B” on Board with lowercase “b”. Replace “at” with “with.”
- 93-110(C). Strike language.
- 93-110(D). Re-letter as C. Replace grade levels with examination scores.
- 93-110(E). Re-letter as D. Add “n” to “A” before applicant. Strike nursing home. Strike who is sitting for the first time for both the national and South Carolina portions of the examination. Strike in and replace with on. Strike either and replace with any. Add of the national or South Carolina portions of the examinations. Add (s) to portion. Strike during the next scheduled examination. Strike Credit for passing either portion of the examination may be extended upon the approval of the Board.
- 93-110(F). Strike all.
- 93-110(G). Re-letter as E. Replace “the” with “an”. Add (3). Add “or its designee”.
- 93-120(A). Replace uppercase NHA in Nursing Home Administrator with lower case. Replace uppercase Community Residential Care Facility Administrator with lower case. Replace upper case D in Dual and licensee with licensed administrator. Replace uppercase NHA in Nursing Home Administrator with lower case. Replace uppercase Community Residential Care Facility Administrator with lower case.
- 93-120(B). No change.
- 93-130(A). Strike “caused by the death of an administrator, departure of an administrator, or similar event.” Add required. Strike comma. Add “s” to examination.
- 93-130(B). No change.
- 93-130(B)(1). No change.
- 93-130(B)(2). Add “and”.
- 93-130(B)(3). Add comma. Add period and delete semi-colon.
- 93-130(C). Strike “letter of”.
- 93-130(D). Add South Carolina before Department. Add Public to Health and strike Environmental Control.
- 93-130(E). Add ninety. Add ninety (90) day. Add to the provisional license, providing provisional licensure for a total period of six (6) months. Add of the initial ninety (90) day period.
- 93-130(E)(1)-(3). No change.
- 93-130(F). Add (2).
- 93-130(G). Strike “at”. Add “and may not be extended or renewed”.
- 93-130(H). Add (2). Replace uppercase NHA in Nursing Home Administrator with lower case. Replace uppercase Community Residential Care Facility Administrator with lower case. Replace upper case D in Dual and the upper case “A” in administrator.
- 93-130(I). No change.
- 93-150. Strike “or Retired” in title.
- 93-150(A). Replace uppercase “B” in Board with lowercase. Strike “or retired”.
- 93-150(B). Strike “or retired”.
- 93-150(C). Add “renewal in”. Replace uppercase “B” in Board with lowercase. Add associated. Strike for inactive or retired status renewal.
- 93-150(D). Strike all.
- 93-150(E). Re-letter as D. Strike “an inactive”. Add “that has been in inactive status for less than three (3) years.” Replace uppercase “B” in Board with lowercase along with the required fee. Remove comma. Add completion of. Strike “the annual.” Add required. Strike “al” from education. Strike requirements. Strike year. Add biennial renewal cycle that the license was inactive. Strike remaining text and replace with “The application must be

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approved, and the license must be placed in active status, prior to the licensee assuming an administrator role in a nursing home or community residential care facility in the State.”

93-150(F). Re-letter as E. Strike “the applicant”. Add “license”. Replace “retired” with “inactive”. Strike five (5) and replace with three (3). Strike “the board may require” must submit an initial application for licensure and retake and”. Strike “to”. Strike “an”. Add “the national and state” and add “s” to “examination”. Add a period. Strike “approved by the board in lieu of or in addition to completing the required continuing education.” Add “Proof of completion of continuing education during the inactive period of three (3) years or more is not required for reactivation.”

93-160(A). Strike “or a.” Add “or dual licensed administrator.” Add a comma and strike “or”. Replace period with a comma and add “Dual Licensed Administrator.” Add “nursing home administrator, a community residential care facility administrator, or a dual licensed administrator.” Strike “Nursing Home Administrator or a Community Residential Care Facility Administrator.”

93-160(B). No change.

93-170(A). Replace uppercase NHA in Nursing Home Administrator with lower case. Replace uppercase Community Residential Care Facility Administrator with lower case. Add “or dual licensed administrator”.

93-170(B). Replace upper case “A” in administrator with lower case “a”. Add “t” to “the”. Add licensee. Add (1). Add “and must be made available to the Board upon request”.

93-200. Replace “Relicensure” in the title with “Licensure Renewal.”

93-200(A). Add credits. Add “R” for regulation. Strike G and replace with C. Add “in accordance with the provisions of this regulation.

93-200(B). No change.

93-200(B)(1). No change.

93-200(B)(2). No change.

93-200(B)(3). Replace uppercase B with lowercase b in Board.

93-200(C). Replace uppercase B with lowercase b in Board.

93-200(D). Add or community residential care facility. Change twenty (20) to forty (40). Replace relicensure with biennial renewal. Strike cycle and the remainder of that sentence as well as the entire next sentence. Add A dual licensed administrator must have fifty (50) hours of CE for each biennial renewal cycle. Strike remaining text.

93-200(E). Add “A maximum of ten (10)”. Replace uppercase C, E and H with lowercase c, e and h in “continuing education hours”. Replace uppercase B with lowercase b in Board. Strike in their entirety.

93-200(F). New section on biennial licensure.

93-200(F)(1). New section on first year of biennial licensure cycle.

93-200(F)(2). New section on second year of biennial licensure cycle.

93-200(G). Former section F.

93-200(G)(1). No change.

93-200(G)(1)(a). Add “ming” to Program. Replace uppercase L and I in Live Instruction with lowercase letters.

93-200(G)(1)(b). Add “ming” to Program. Replace uppercase L and I in Live Instruction with lowercase letters.

93-200(G)(1)(c). Replace uppercase L and I in Live Instruction with lowercase letters.

93-200(G)(2) . Strike colon and uppercase A. Add “is a”.

93-200(G). Former section stricken.

93-210(A). No change.

93-210(B). Add “along with the required fee.” Strike “year” and add “biennial renewal period.”

93-210(C). New section on lapsed license period.

93-220(A). No change.

93-220(B). Add South Carolina before Department. Add Public to Health and strike Environmental Control.

93-220(C). No change.

93-220(D). Replace comma with period. Strike “The Department may request in writing that the administrator file a written response to the initial complaint.” Add “filing a written response to the complaint.”

93-220(E). No change.

93-220(F). Strike all language.

93-230. Strike existing language and replace with “The Board may cancel, fine, suspend, or revoke the license of, or otherwise restrict the practice of, an administrator who engages in misconduct, including but not limited to:”

93-230(1)-(13). No change.

93-230(14). Add “directly related to licensure as a nursing home administrator or community residential care facility administrator.” Strike “involving moral turpitude”. Add “where the Board has probable cause to believe that continued practice as a nursing home administrator or community residential care facility administrator by the licensee constitutes harm to the safety, health or welfare of the patients in a nursing home or community residential care facility.” Strike “to be commenced upon the conviction or the entry of the plea of guilty or nolo contendere.” Replace “the filing of a certificate” with “submission to the Board evidence”. Strike “the” and replace lowercase “r” with uppercase “R” on reinstatement. Strike last sentence.

93-240(A). Add (30).

93-240(B). No change.

93-250(A). No change.

93-250(B). Add hyphen to “cross-examine.” Replace “in” with “on.”

93-250(C). No change.

93-250(D). No change.

93-250(E). No change.

93-250(E)(1). No change.

93-250(E)(2). No change.

93-250(E)(3). No change.

93-250(E)(4). No change.

93-250(E)(5). No change.

93-250(E)(6). Replace period with semi-colon and add “or”.

93-250(E)(7). No change.

93-260(A). No change.

93-260(B). No change.

93-260(C). No change.

A Notice of Drafting was published in the *State Register* on June 28, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 PM on December 11, 2024. Written comments may be directed to Patrice Deas, Board Executive, Board of Long Term Health Care Administrators, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than November 25, 2024. 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 regulations are both necessary and reasonable in that they will update terminology, particularly the Administrator-in-Training program which is now referred to as the Administrator in Residency. They will further flesh out licensure requirements for Dual Nursing Home and Community Residential Care Facility Administrator applicants and establish qualification for the Health Services Executive designation. Licensure by endorsement, licenses in an inactive status, and lapsed license requirements are clarified. The regulations are further updated to reflect biennial licensure, including its impact on continuing education hour requirements.

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DESCRIPTION OF REGULATION:

Purpose: The proposed regulations would update terminology, particularly the Administrator-in-Training program which is now referred to as the Administrator in Residency. They would further flesh out licensure requirements for Dual Nursing Home and Community Residential Care Facility Administrator applicants and establish qualification for the Health Services Executive designation. Licensure by endorsement, licenses in an inactive status, and lapsed license requirements are clarified. The regulations are further updated to reflect biennial licensure, including its impact on continuing education hour requirements.

Legal Authority: S.C. Code Sections 40-1-70 and 40-35-60.

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 both reasonable and necessary in that they will update terminology, particularly the Administrator-in-Training program which is now referred to as the Administrator in Residency. They will further flesh out licensure requirements for Dual Nursing Home and Community Residential Care Facility Administrator applicants and establish qualification for the Health Services Executive designation. Licensure by endorsement, licenses in an inactive status, and lapsed license requirements are clarified. The regulations are updated to reflect biennial licensure, including its impact on continuing education hour requirements.

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. These regulations contribute to the Department's function of protecting the public health in the state.

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

There will be no detrimental effect on the environment of this State if these regulations are not implemented. These regulations contribute to the Department's function of protecting the public health in the state.

Statement of Rationale:

The updated regulations will amend terminology, particularly the Administrator-in-Training program which is now referred to as the Administrator in Residency. They will further flesh out licensure requirements for Dual Nursing Home and Community Residential Care Facility Administrator applicants and establish qualification for the Health Services Executive designation. Licensure by endorsement, licenses in an inactive status, and lapsed license requirements are clarified. The regulations are further updated to reflect biennial licensure, including its impact on continuing education hour requirements.

Text:

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

Document No. 5338
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
 CHAPTER 71
 Statutory Authority: 1976 Code Section 41-15-220

71-506. Representatives of Employers and Employees.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process.

Section-by-Section Discussion:

- 71-506(A). No change.
- 71-506(B). Add provisions of existing (C) to (B). No other change.
- 71-506(C). Add language of 29 C.F.R. Section 1903.8(c).
- 71-506(D). Replace “Commissioner” with “Director”. Replace “his” with “the Director’s”. Replace “Commissioner of Labor” with “Director”.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

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 2:00 PM on December 19, 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 25, 2024. 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 to conform to Federal law regarding the Worker Walkaround Representative Designation Process.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to add to and/or amend its regulations regarding the Worker Walkaround

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Representative Designation Process. In the final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Safety Specialist when, in the judgment of the Safety Specialist, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA's workplace inspections by better enabling employees to select representative(s) of their choice to accompany the Safety Specialist during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

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 regulation is necessary to conform to the Federal Worker Walkaround Representative Designation Process Rule, which was published April 1, 2024, and became effective on May 31, 2024.

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 add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process. In the final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Safety Specialist when, in the judgment of the Safety Specialist, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA's workplace inspections by better enabling employees to select representative(s) of their choice to

accompany the Safety Specialist during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

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. 5339
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.

Preamble:

The South Carolina Board of Pharmacy proposes amending various sections of Chapter 99, to include changes required to confirm with H.3592, which passed during the 2024 legislative session.

Section-by-Section Discussion:

99-43(A)-(C). No change.

99-43 (D). No change.

99-43(D)(1). Strike “Manufacturer” and replace with “Wholesale Distributor.”

99-43(D)(2). No change.

99-43(E)-(L). No change.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

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 9, 2024, at 2:00 PM. 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 29211-1289, no later than 5:00 p.m., November 25, 2024. 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 correct a scrivener’s error. Specifically, Section 99-43(D)(1) currently references a “Manufacturer Permit”, and it should reference a “Wholesale Distributor Permit.”

DESCRIPTION OF REGULATION:

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Purpose: The proposed regulations are both necessary and reasonable in that they will correct a scrivener's error. Specifically, Section 99-43(D)(1) currently references a "Manufacturer Permit", and it should reference a "Wholesale Distributor Permit."

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 correct a scrivener's error. Specifically, Section 99-43(D)(1) currently references a "Manufacturer Permit", and it should reference a "Wholesale Distributor Permit."

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 correct a scrivener's error. Specifically, Section 99-43(D)(1) currently references a "Manufacturer Permit", and it should reference a "Wholesale Distributor Permit."

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. 5340

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD
CHAPTER 137**

Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38

- 137-100. Definitions.
- 137-100.02. Qualifications.
- 137-100.03. Appraisal Categories.
- 137-100.04. Residential Experience Hours.
- 137-100.05. Nonresidential Experience Hours.
- 137-100.06. Co-Appraiser Experience.
- 137-100.07. Other Appraisal Experience.
- 137-200.02. Residential Mass Appraisals.
- 137-200.03. Nonresidential Mass Appraisals.
- 137-200.04. Mass Appraisal Experience Verification.
- 137-300.01. Responsibilities of an Apprentice Appraiser.
- 137-300.02. Responsibilities of a Supervising Appraiser.
- 137-500.01. Continuing Education.
- 137-600.01. Member Request for Investigation.
- 137-600.03. Disciplinary Actions for Appraisers, Providers and Instructors.
- 137-600.05. Disciplinary Action for Appraisal Management Companies.
- 137-800.02. Bad Checks.
- 137-800.04. Permit, License, Certification and Registration Renewals.
- 137-800.05. Expired Permit, License, Certificate, or Registration.
- 137-800.06. Disclosure of Appraiser Classification and Number.
- 137-900.01. Educational Providers – Approval Required.
- 137-900.02. Exemption from Regulation.
- 137-900.03. Providers of Courses.
- 137-900.04. Application for Provider Approval.
- 137-900.05. Curriculum and Attendance.
- 137-900.06. Provider, Instructor and Course Renewals.
- 137-900.07. Enrollment Agreement Policies and Procedures.
- 137-900.08. Other Operating Procedures.
- 137-900.09. Instructors.

Preamble:

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 to conform to H.3278, passed in 2024 and to make various other changes.

Section-by-Section Discussion:

- 137-100(1). Add new definition for “Appraisal Foundation”.
- 137-100(1). Renumber as 2.
- 137-100(3). Add new definition for “Board”.
- 137-100(3). Renumber as 4.
- 137-100(3). Renumber as 5. Add “the review of”. Strike last sentence.
- 137-100(4). Renumber as 6.
- 137-100(5). Renumber as 7.
- 137-100(6). Renumber as 8. Add “the review of”. Strike last sentence.
- 137-100(7). Renumber as 9.
- 137-100(8). Renumber as 10.

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137-100(11). Add new definition for “Standards of Professional Practice” or “USPAP”.

137-100(9). Renumber as 12.

137-100.01. Repealed.

137-100.02(A). Strike “In order to qualify”. Add “Applicants desiring to be”. Strike “as a state.” Add “an”. Add “appraiser.” Strike “an applicant must meet” and add “shall satisfy”. Add “the standards and”. Strike “below.” Strike “as well as any requirements established by”. Add “in the Real Property Appraiser Qualification Criteria as implemented by the Appraisal Foundation’s.” Strike “the”. Add a comma. Strike “of the Appraisal Foundation”. Strike “subsequently”. Add “which is hereby incorporated by reference, including subsequent amendments and editions, and can be found at www.appraisalfoundation.org.”

137-100.02(B). Strike “In order to qualify as an apprentice appraiser, an applicant:” Add “In addition to the requirements of Section 40-60-31 and Section 40-60-33, apprentice appraiser applicants shall meet the following qualifications:”

137-100.02(B)(1). Add “Effective January 1, 2026,” Strike “must have received 75” and replace with “83”. Add “and eight (8) hours in Valuation Bias and Fair Housing Laws and Regulations.” Strike semicolon.

137-100.02(B)(2). Strike language.

137-100.02(C). Add “addition to the requirements of Section 40-60-33(2), applications for a”. Strike “order to qualify to become a state”. Add “and licensed mass appraiser shall meet the following qualifications.” Strike “an applicant:”.

137-100.02(C)(1). Add “Effective January 1, 2026,” Strike “received”. Strike the “0” in 150 and replace with “8” for 158. Add a comma. Strike language beginning with “covering” and ending with “AQB”.

137-100.02(C)(2). Strike all.

137-100.02(C)(3). Renumber as (2). Strike “must have earned” and replace with “Obtained.” Strike “However.” Replace lowercase “t” with uppercase “T” on “The”. Add “Mass appraiser’s experience may be one hundred (100%) percent ad valorem tax appraisal.” Add “and documented”. Strike “requirements”. Add “Standards.”

137-100.02(C)(4) Renumber as (3). Strike “must h” and replace with “H” as in Have. Strike “and” and replace with “or.”

137-100(C)(4). New section requiring completion of AQB PAREA program or State practicum program.

137-100.02(C)(5). Strike “must stand for and”. Add “Successfully”. Add “approved AQB”. Add period. Strike “administered or approved by the Board.” Strike “who does.” Strike “become.”

137-100.02(D). Add “addition to Section 40-6-33). Strike “order to qualify to become for.” Strike “state”. Add “or certified residential mass appraiser shall meet the following qualifications.” Strike “an applicant.”

137-100.02(D)(1). Add “Effective January 1, 2026.” Strike “must have received”. Add comma. Strike all following “covering” to “Case Studies.” Strike “twenty (20)” and replace with “twelve (12).”

137-100.02(D)(2). Strike “must have maintained a”. Add “Certified Residential real estate appraiser credentialed as a”. Strike “credential”. Strike language starting at “must hold” to the end.

137-100.02(D)(3). New section on education requirements for Certified Residential real estate appraiser who holds Bachelor’s.

137-100.02(D)(4). New section on education requirements for Certified Residential real estate appraiser who holds Associate’s.

137-100.02(D)(5). Renumbered from (3). Strike “must have earned” and replace with “Obtained”. Add “Mass appraiser’s experience may be one hundred (100%) percent ad valorem tax appraisal.” Strike “However.” Replace lowercase “t” with uppercase “T” on “The”. Add “and documented.” Add “Standards”. Strike “requirements.”

137-100.02(D)(6). Renumbered from (4). Strike “must h” and add uppercase “H” to “Have”. Strike “and” and replace with “or”.

137-100.02(D)(7). New section requiring completion of AQB PAREA program or State practicum program.

137-100.02(D)(8). Strike “must stand for and”. Add “Successfully”. Add “AQB approved”. Add period. Strike “administered or approved by the Board.” Strike “who does.” Strike “become.” Strike “to qualify for residential certification”.

137-100.02(E). Add “addition to the requirements of Section 40-60-33(4), applications for”. Strike “order to qualify to become”. Strike “state” and add “or certified general mass appraiser shall meet the following qualifications,”. Strike “an applicant”.

137-100.02(E)(1). Add “Effective January 1, 2026,” Strike must have received.” Strike language beginning with “covering and ending with AQB,”. Add hours and courses. Strike “fifteen (15) hours in Statistics, Modeling, and Finance.” Strike “thirty (30)”. Add “twenty-two (22)”. Add “An applicant may use the general appraiser qualifying courses to apply for upgrade to Licensed or Certified Residential in lieu of the residential appraiser qualifying courses.”

137-100.02(E)(2). Add “Certified General real estate appraiser”. Add “Bachelor’s”.

137-100.02(E)(3). Strike “must have earned” and replace with “Obtained”. Add “Mass appraiser’s experience may be one hundred (100%) percent ad valorem tax appraisal.” Add “and documented.”

137-100.02(E)(4). Strike “must h” and add uppercase “H” to “Have”.

137-100.02(E)(5). Strike “must stand for and”. Add “Successfully”. Add “approved AQB”. Strike “administered or approved by the Board.” Strike “who does”. Strike “become”. Strike “must retake the examination to qualify for general certification.”

137-100.02(F). No change.

137-100.02(G). Add new section, “Certified residential mass appraisers and certified general mass appraisers do not have to meet college requirements stated in 137-100.02(D) or (E).

137-100.02(H). Re-letter former (G). Strike Appraisal Qualifications Board” and add “AQB”.

137-100.03. Add section, “To qualify for experience credit for a desk or field review, an applicant must have thoroughly and critically reviewed all portions of the appraisal report and recommended the acceptance, revision, or rejection of the appraisal under review.”

137.100.04. Add “Applicants for licensure reclassification must use the Board-approved experience log to report appraisal experience. Acceptable experience hours will be reviewed as part of the reclassification application.” Strike “The following hours may be awarded by the Board”.

137-100.05. No change.

137-100.06. Repealed.

137-100.07(A). Strike “The Board may, o” and replace with “On”. Add “the Board may”.

137-100.07(B). Add “USPAP Standards” in lieu of full name. Strike “However”. Replace lowercase “t” with uppercase “T” on “The”. Strike “n” from “an” to read “a”. Add “non-mass applicant”.

137-100.07(C). Strike last sentence.

137-100.07(D). Strike all.

137-200.01. Add comma after “that” and “lister”.

137-200.02. No change.

137-200.03. No change.

137-200.04. Replace “Persons” with “Applicants.” Strike “mass”. Replace “must” with “shall”. Change “a” to “an”. Replace “statement” with “affidavit”. Strike “This”. Add “Experience.” Strike “should”. Add “forms must”. Strike remaining part of section beginning at “where the mass appraisal.”

137-300.01. Add “In addition to the requirements of Section 40-60-34(B) and (C). Replace lowercase “t” with uppercase “T” on “The”. Add “for a non-mass”.

137-300.01(A)(1)-(4). Strike all.

137-300.01(A)(5)-(6) Renumber as (1) and (2).

137-300.01(A)(7). Renumber as (3). Add “relevant”. Replace uppercase L and C with lowercase letters in Licensed and Certified.

137-300.02(A). Strike “With respect to an” and add, “In addition to the requirements of Section 40-60-34(D) and (E), the certified appraiser supervising an”. Add “shall”. Strike remainder of the sentence.

137-300.02(A)(1). Strike “A state certified appraiser having direct supervisory authority over the apprentice appraiser shall”. Replace lowercase “m” in “make” with uppercase “M”. Strike “s” from “apprentice’s”. Add “appraiser conforms their professional”. Add “to the USPAP Standards and its amendments, as promulgate by the ASB.” Strike remainder of the sentence.

137-300.02(A)(2). Replace Uniform Standards of Professional Appraisal Practice” with USPAP.

137-300.02(A)(2)(a)-(b). No change.

137-300.02(B). Strike all.

137-300.02(B)(1). Strike all.

137-300.02(B)(2). Renumber as 3. Replace Uniform Standards of Professional Appraisal Practice” with USPAP.

137-300.02(B)(3). Renumber as 4. No other change.

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- 137-300.02(B)(4). Renumber as 5. Add “40-60-34(B)(2) and Regulation”.
- 137-300.02(B)(5). Strike all.
- 137-300.02(B)(6). Strike all.
- 137-500.01(A)-(B). Strike all.
- 137-500.01(C). Re-letter as (A). Add “Board”. Strike uppercase “A” in “Approved” and replace with lowercase “a”. Strike “qualifying.” Add “continuing education is to be reported electronically, by board-approved education providers within fourteen (14) days of course completion”. Strike “courses may be used to meet the continuing education requirement provided that the following conditions are met:”
- 137-500.01(B). New section on proof of continuing education to be submitted biennially.
- 137.500.01(C). Add “Approved qualifying courses may be used to meet the continuing education requirements provided the following conditions are met:”.
- 137.500.01(C)(1)-(3). No change.
- 137-500.01(4). Strike language.
- 137-500.01(D). Strike “Appraisers may”. Replace lowercase “r” with uppercase “R” in “Requests”. Add “for”. Strike “that they receive”. Add “a”. Strike “for a”. Strike “taken that has”. Add “previously.” Strike “been”. Add “must demonstrate the course content is substantially different from their previously complete qualifying courses.” Strike the remainder of the section except for the last sentence.
- 137-500.01(E). Strike “who received their authority”. Add “authorized”. Strike “through either a reciprocal agreement with their state of residence or”. Strike “South Carolina”. Strike “that” and “have met” and replace with “meet”. Strike “Such”. Add “Non-resident”. Add “resident”. Add “Non-resident appraisers not actively licensed in their resident state must meet the requirements of South Carolina.”
- 137-500.01(F)-(G). No change.
- 137-600.01. No change.
- 137-600.03(A). Strike “not to exceed two thousand dollars for each violation with a total fine not to exceed ten thousand dollars,”.
- 137-600.03(B)-(D). No change.
- 137-600.05. “Strike fine not to exceed ten thousand dollars for an initial violation and not to exceed twenty thousand dollars for subsequent violations”.
- 137-800.02. No change.
- 137-800.04. Strike “Permit”.
- 137-800.04(A). Strike “permits” and “permitted”. Strike “fiscal” and replace with “renewal”.
- 137-800.04(B). Replace “biennially” with “annually”. Strike “(odd years)” and remaining text.
- 137-800.05. Strike Permit and Certificate.
- 137-800.05(A). Strike lettering. Strike all references to “Permits” and “certificates”. Capitalize “L” in “Licenses”. Strike “Such”. Capitalize “C” in “Cancelled”. Replace Uniform Standards of Professional Appraisal Practice” with USPAP. Strike “Such”. Add “Reinstatement”. Strike “whether” and replace with “if”. Strike “examination and/or”.
- 137-800.05(B). Strike all.
- 137-800.06. Repeal.
- 137-900.01(A). Strike existing text and replace with “Certificates of completion obtained through education providers teaching courses prior to being approved by the Board will not be recognized by the Board.”
- 137-900.01(B). Strike existing text and replace with “Courses offered by other providers may be approved if they comply with the regulations of the Board with regard to curriculum, instructors, hours of attendance, texts, and examinations. Certificates of Completion and if the policies and procedures of the provider are also approved by the Board.”
- 137-900.01(C). New section regarding other information to be submitted to the Board.
- 137-900.01(D). New section on renewals for instructors.
- 137-900.02. Repeal.
- 137-900.03. Repeal.
- 137-900.04. Repeal.
- 137-900.05(A). Add “137-100.02”. Strike “the South Carolina Real Estate Appraisers and Appraisal Management Companies Act”. Strike “at least”. Add “include a minimum of”. Strike “must include”. Strike “Appraiser Qualifications Board”. Add parentheses.

- 137-900.05(B). Strike all.
 137-900.05(C). Strike all.
 137-900.05(D). Strike all.
 137-900.05(E). Strike all.
 137-900.05(F). Re-letter as (B).
 137-900.05(G). Re-letter as (C). Replace “detailed lesson plans” with “course outline”.
 137-900.05(H). Re-letter as (D). Strike last sentence.
 137-900.05(I). Re-letter as (E). No change.
 137-900.05(J). Re-letter as (F). Strike “Class meetings” and replace with “Synchronous courses”. Strike “one ten (10) minute break each hour and must be allowed at least one thirty minute break for classes that exceed four (4) hours” and replace with “reasonable breaks”. Add “or virtual”.
 137-900.05(K). Re-letter as (G). Strike “make-up sessions as follows”. Strike numbering within paragraph. Add “in person or virtually,” Strike language following 2 through the number 3.
 137-900.05(L). Re-letter as (H). Strike “prepare and”. Add “electronically”. Strike “to the Board”. Add “approved continuing education courses for each South Carolina appraiser”. Strike “reports”. Strike “Such reports shall”. Add “Completed courses must”. Add “within”. Strike the remainder of the paragraph.
 137-900.05(M). Strike all.
 137-900.06. Repealed.
 137-900.07. Repealed.
 137-900.08(A). Strike “classroom”.
 137-900.08(B). No change.
 137-900.08(B)(1). No change.
 137-900.08(B)(2). Strike “and synchronous”. Add “must”. Strike “the”. Add “an AQB approved certification and the Board”. Strike “International Distance Education Certification Center (IDECC). Strike “and the South Carolina Real Estate Appraisers Board”.
 137-900.08(B)(3). No change.
 137-900.08(C). Strike all.
 137-900.08(D). Re-letter as (C).
 137-900.08(D)(1). Re-letter as (C).
 137-900.08(D)(2). Remove numbering. Otherwise, no change.
 137-900.08(D)(3). Strike all.
 137-900.08(D)(4). Remove numbering. Otherwise, no change.
 137-900.08(E). Re-letter as (D).
 137-900.08(E)(1). Re-letter as (D). Otherwise, no change.
 137-900.08(E)(2). Re-letter as (D). Strike “facilities”.
 137-900.08(F). Re-letter as (E).
 137-900.08(G). Re-letter as (F).
 137-900.09(A)-(B)(1). No change.
 137-900.09(B)(2). Strike “For” and replace with “Proof of knowledge for instruction in”. Strike “acceptable proof of knowledge would also”. Add “must”.
 137-900.09(B)(2)(a)-(b). No change.
 137-900.09(B)(3). Strike “As” and replace lowercase “p” with uppercase “P” in “Proof”. No other changes in (3).
 137-900(C)-(F). No change.
 137-900(G)-(I). Strike all.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

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 10, 2024. Written comments may be directed to Laura Smith, Board Executive Real Estate Appraisers Board, South Carolina

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Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 25, 2024. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The proposed regulations are necessary to conform to Act 196 which passed during the 2024 legislative session. The regulations amend definitions, update education and experience requirements for licensure, clarify requirements for supervisors of apprentices, update continuing education requirements, and repeal numerous regulations.

Legal Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38.

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:

None.

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 regulation will conform to Act 196 which passed during the 2024 legislative session. The regulations amend definitions, update education and experience requirements for licensure, clarify requirements for supervisors of apprentices, update continuing education requirements, and repeal numerous regulations.

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. 5356
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70

- 120-4. Licensure to Practice Veterinary Technology.
- 120-5. Biennial License Renewal.
- 120-6. Continuing Education Requirements; Waivers.
- 120-7. Continuing Education Provider and Sponsor Approval.

Preamble:

The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120 of the Code of Regulations to make changes regarding continuing education requirements. The Board intends to review and will consider adding to, amending or repealing other sections of Chapter 120.

Section-by-Section Discussion:

- 120-4. No change.
- 120-4(A). Strike “ian” from veterinarian and replace with “y” to read “veterinary technician.”
- 120-4(B)-(C). No change.
- 120-5 (A) and (B). No change.
- 120-5 (C). New section adding a fee waiver during a period of temporary medical disability.
- 120-6 (A). No change.
- 120-6 (A)(1). No change.
- 120-6 (A)(1)(a). No change.
- 120-6 (A)(1)(b). Change ten (10) to twelve (12).
- 120-6 (A)(2). Change “sponsors” to “sources.”
- 120-6 (A)(2)(a). Strike South Carolina Association of Veterinarians. Add the National Association of Veterinary Technicians of America (NAVTA) and the Veterinary Hospital Managers Association. Add “the” before American Animal Hospital Association.
- 120-6 (A)(2)(b). Strike all existing language. Add The American Association of Veterinary State Board’s (AAVSB) Registry of Approved Continuing Education (RACE).
- 120-6 (A)(2)(c). Strike “association sponsored Academies”. Add veterinary medical and veterinary technician associations.
- 120-6 (A)(2)(d). Add “or NAVTA.” Strike boards. Add organizations.
- 120-6 (A)(2)(a)(e). No change.
- 120-6 (A)(3). No change.
- 120-6 (A)(3)(a). Strike existing language. Add two hours of CE for prescribing and monitoring controlled substances.
- 120-6(A)(3)(b). Strike existing language and replace with a minimum of 22 hours in veterinary medical/surgical courses.
- 120-6(A)(3)(c). Strike existing language and replace with no fewer than 20 hours of live, in-person or live digital interactive programs, with the remaining 10 allowed to be pre-recorded or written.
- 120-6(A)(4). Add new section spelling out requirements for 12 hours of CE for licensed veterinary technicians.
- 120-6(A)(4)(a). Add a minimum of six hours must be in veterinary medical.
- 120-6(A)(4)(b). Add no fewer than six hours must be live in-person or live digital interactive with the remaining six allowed to be pre-recorded or written.

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120-6(A)(5). Renumber prior section (4). Replace “veterinarian” with “licensee.”

120-6(A)(5)(a)-(e). No change.

120-6(A)(5)(f) and (g). Strike existing language.

120-6 (B). Strike “The continuing education requirement is waived for the licensed practitioner for the first year of licensure.”

120-6 (B)(1). New language waiving continuing education requirement for the licensee for the first year of licensure.

120-6 (B)(2). New language stating that in individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board. Add separate paragraph providing that any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regulation continuing educational programs for licensure/registration.

120-6 (C). Strike all.

120-7. No change.

120-7(A). Replace ninety (90) with forty-five (45).

120-7 (B). No change.

120-7 (B)(1)-(7). No change.

120-7 (C). Strike language describing programs offered. Add, “Programs offered by the following shall receive comprehensive approval.”

120-7(1). Add The American Veterinary Medical Association (AVMA), the American Animal Hospital Association (AAHA), the National Association of Veterinary Technicians of America (NAVTA), the Veterinary Hospital Managers Association.

120 7(2). Add the American Association of Veterinary State Board’s (AAVSB) Registry of Approved Continuing Education (RACE).

120-7(3). Add the State veterinary medical and veterinary technician associations.

120-7(4). Add the AVMA or NAVTA recognized specialty organizations.

120-7(5). Add such other sources as may be approved by the Board.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 P.M. on December 12, 2024. Written comments may be directed to Amy Holleman, Board Executive, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 25, 2024. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation would: increase the number of hours of continuing education that veterinary technicians must complete from ten to twelve; modify the list of approved continuing education programs; modify the breakdown of continuing education hours for veterinarians from eight in practice management and 22 in veterinary/medical to two in controlled substances prescribing and monitoring and 22 in medical, and further establishes the number of live versus recorded hours of continuing education veterinarians are required to attend; adds the breakdown of continuing education hours for veterinary technicians of six in

veterinary/medical, and further establishes the number of live versus recorded hours veterinary technicians are required to attend; adds hardship waiver requirements for continuing education; and decreases the number of days providers and sponsors have to seek approval for educational programs from 90 days to 45. The proposed regulation also removes requirements for having sponsors sign documentation and provide follow up testing, and makes other minor changes.

Legal Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70.

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

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

The proposed regulations are necessary and reasonable because the changes are designed to afford greater protections to the health and safety of the public, expand options for obtaining continuing education, and reduce unnecessary burdens to licensees.

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: increase the number of hours of continuing education that veterinary technicians must complete from ten to twelve; modify the list of approved continuing education programs; modify the breakdown of continuing education hours for veterinarians from eight in practice management and 22 in veterinary/medical to two in controlled substances prescribing and monitoring and 22 in medical, and further establishes the number of live versus recorded hours of continuing education veterinarians are required to attend; adds the breakdown of continuing education hours for veterinary technicians of six in veterinary/medical, and further establishes the number of live versus recorded hours veterinary technicians are required to attend; adds hardship waiver requirements for continuing education; and decreases the number of days providers and sponsors have to seek approval for educational programs from 90 days to 45. The proposed regulation also removes requirements for having sponsors sign documentation and provide follow up testing, and makes other minor changes.

Text:

126 PROPOSED REGULATIONS

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. 5329

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-860, 50-11-2200, and 50-11-2210

123-204. Additional Regulations Applicable to Specific Properties.

Preamble:

The Department of Natural Resources proposes to amend Regulation 123-204 “Additional Regulations Applicable to Specific Properties”. The subject of the proposed action is to amend the regulations to close access and landing, including intertidal areas, at Deveaux Bank between March 15 and October 15 to protect sea and shorebirds. Deveaux Bank is closed to public access year-round above the high tide line in order to protect birds, and other wildlife, during sensitive periods. Deveaux Bank was heavily impacted by recent storm events, including Hurricane Idalia, and experienced significant erosion. Public access to Deveaux Bank was closed by Emergency Regulation in May 2024 in order to protect nesting and migrating sea and shorebirds based on input from biologists, constituents and the public. Due to loss of nesting habitat and potential for significant disturbance to nesting birds by members of the public it is important to close all access to Deveaux Bank, including the intertidal zone, between March 15 and October 15 annually.

Section-by-Section Discussion:

123-204 Additional Regulations Applicable to Specific Properties.

1-4 – Provides for closure of Deveaux Bank, including the intertidal zone, between March 15 and October 15.

The Notice of Drafting was published in the *State Register* on September 27, 2024.

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 January 4, 2025, 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 December 3, 2024.

Preliminary Fiscal Impact Statement:

The amendment of Regulation 123-204 will not result in additional fiscal impact to the state.

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). New regulations must be filed to establish access limits on this property designated as a Seabird Sanctuary. Amendments are needed to protect nesting and migrating sea and shorebirds between March 15 and October 15. After experiencing significant erosion, there is no area where public access would not negatively impact birds during this period.

DESCRIPTION OF REGULATION:

Purpose: The purpose of these regulations is to close access, including the intertidal areas, of Deveaux Bank to protect nesting and migrating sea and shorebirds. Public access to Deveaux Bank was closed by Emergency Regulation in May 2024 based on input from biologists, constituents and the public. Due to loss of nesting habitat after Hurricane Idalia and potential for significant disturbance to nesting birds by members of the public it is important to close all access to Deveaux Bank, including the intertidal zone, between March 15 and October 15.

Legal Authority: 1976 Code Sections 50-11-860, 50-11-2200, and 50-11-2210

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will notify the public through this publication and through news releases and other Department media outlets, publications, and email. As this regulation has previously been implemented under emergency authority, and some members of the public are already aware.

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

Periodically, property uses are evaluated and changed to meet management objectives for specific properties. Property use changes require the establishment of regulations through the Administrative Procedures Act. Additionally, changing circumstances sometime require modification of existing regulations. The changes proposed below provide increased protection for sensitive species as a result of significant erosion and reduction of available area.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will have a positive impact on the environment by allowing for decreased disturbance of wildlife at sensitive times. This should lessen the possibility of nest failure and colony failures and have positive impacts on bird populations.

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

Failure to implement this regulation will have negative impacts on sea and shorebird populations through disturbance. This causes nest and colony failures.

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. SCDNR seeks to balance the objectives of resource protection and public use.

Text:

128 PROPOSED REGULATIONS

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. 5330
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-11-1910 and 50-11-1920

123-56. Deer Processors and Donated Deer Processing Recovery Fee. (New)

Preamble:

The Department of Natural Resources proposes to add Regulation 123-56 “Deer Processors and Donated Deer Processing Recovery Fee”. The subject of the proposed action is to amend the regulations to add provisions in order to permit deer processors to process legally taken female (doe) deer donated by a hunter or deer depredation permittee and recover the fee of processing the deer from a person other than the individual who donated the deer. The regulation prescribes the necessary guidelines to implement SC Code of Laws 50-11-1910(B). It provides direction and conditions for deer processors to obtain a permit to process legally taken female (doe) deer donated by a hunter or deer depredation permittee and recover the fee of processing the deer from a person other than the individual who donated the deer. Additionally, the regulation prescribes direction for reporting fee recoveries taken under the permit.

Section-by-Section Discussion:

123-56. Deer Processors and Donated Deer Processing Recovery Fee.

- (1) Requires a permit for recovery of processing fee;
- (2) Describes permitting process;
- (3) Permitted processors are not required to accept deer;
- (4) Describes information that must be kept by processor;
- (5) Requires annual reporting of permitted activities;
- (6) Requires that fees not exceed the normal processing price;
- (7) Requires permitted processors to maintain a price list of services and products;
- (8) Allows recovery of fees on portions of deer as long as the total does not exceed the standard processing fee for those products;
- (9) Prohibits the use of the term “sale” to describe the program;

The Notice of Drafting was published in the *State Register* on September 27, 2024.

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 January 4, 2025, 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 December 3, 2024.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-56 will result in opportunities for processors to recover the costs and fees associated with deer that are donated. This will generate additional State revenue through sales tax.

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). New regulations must be filed to establish the provisions of 50-11-1910 as passed by the general assembly.

DESCRIPTION OF REGULATION:

Purpose: The purpose of these regulations is to provide the conditions to implement 50-11-1910 and provide direction for deer processors who wish to participate in the program for fee recover of donated deer.

Legal Authority: 1976 Code Sections 50-11-1910 and 50-11-1920.

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, publications, and email. As this regulation has previously been implemented under emergency authority, in general deer processors are already aware of its existence.

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

The South Carolina General Assembly passed a new statutory section (50-11-1910(B)) during the 2024 legislative session. This gave the Department authority to promulgate regulations to implement a fee recovery program for donated deer for deer processors. The following regulations are needed to implement this program. The changes proposed below provide for the implementation of 50-11-1910(B).

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Sales taxes on these items will also directly benefit state and local governments and processors may experience additional business as a result of being able to recover fees associated with processing eligible deer.

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 processors and is necessary for statutory compliance.

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. SCDNR seeks to balance the objectives of resource protection and public use.

130 PROPOSED REGULATIONS

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. 5331
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-546

123-57. Electronic Harvest Reporting of Big Game – SC Game Check. (New)

Preamble:

The Department of Natural Resources proposes to add Regulation 123-57 “Electronic Harvest Reporting of Big Game – SC Game Check”. The subject of the proposed action is to amend the regulations to add provisions to prescribe details of electronic harvest reporting for all big game species (deer, wild turkey, and black bear). SC Code Section 50-11-546 was amended effective July 1, 2024, to make electronic harvest reporting applicable to all big game species. Regulations prescribe reporting methods and reporting elements required.

Section-by-Section Discussion:

123-57. Electronic Harvest Reporting of Big Game – SC Game Check.

- (1) Describes SC Game Check and methods available for reporting harvest;
- (2) Describes reporting elements that may be required;
- (3) Provides for a confirmation number to be provided after reporting harvest;

The Notice of Drafting was published in the *State Register* on September 27, 2024.

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 January 4, 2025, 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 December 3, 2024.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-57 will not result in additional fiscal impact to the state.

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). New regulations must be filed to establish the provisions of 50-11-546 as passed by the general assembly.

DESCRIPTION OF REGULATION:

Purpose: The purpose of these regulations is to provide the details for electronic harvest reporting of big game (deer, wild turkey, and black bear). The regulation provides for reporting via the: GoOutdoorsSC mobile application and web portal, telephone, and text message. Reporting elements vary by big game species and

include: date, county, time of harvest, private land or WMA, name of WMA, weapon type, sex, number of antler points (for deer), inside antler spread (optional), and weight (optional). A harvest report confirmation number will be provided at the time of reporting.

Legal Authority: 1976 Code Section 50-11-546.

Plan for Implementation: Implementation of Electronic Harvest Reporting has been accomplished. Currently reporting is required by statute for all big game species and is available to hunters through mobile application, web, text and telephone. The public will continue to be notified through this publication and through news releases and other Department media outlets, publications, and email. As this regulation has previously been implemented under emergency authority and required for other species, members of the public are already aware.

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

The South Carolina General Assembly amended statutory section (50-11-546). This gave the Department authority to promulgate regulations to implement electronic harvest reporting for all big game species. The following regulations are needed to implement this program. The changes proposed below provide for the implementation of 50-11-546.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community.

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 cause conflict with statutory requirements.

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. SCDNR seeks to balance the objectives of resource protection and public use. Electronic harvest reporting has been required for bears and turkey in previous years and the reporting process has been refined during implementation of reporting for these other species.

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.

132 PROPOSED REGULATIONS

Document No. 5332
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, 50-11-300, 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, 50-11-540, 50-11,544, 50-11-546, 50-11-580, 50-11-2200, and 50-11-2210

- 123-40. Wildlife Management Area Regulations.
- 123-51. Turkey Hunting Rules and Seasons.
- 123-53. Bear Hunting Rules and Seasons.

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. These amendments set seasons for new Wildlife Management Areas, modify turkey seasons and bag limits to conform to statute, and increase the bear quota in Game Zone 4. The following is a section-by-section summary of the proposed changes and additions.

Section-by-Section Discussion:

123-40. Wildlife Management Area Regulations.

A. Game Zone 1

- 6.(a-e) Adds South Saluda WMA and associated hunting seasons

B. Game Zone 2

4. Draper WMA

- (a) Removes unnecessary wording

11. Liberty Hill WMA

- (b) Requires visitor sign-in and prohibits ATVs

C. Game Zone 3

6. Francis Marion National Forest

- (b) Adds specified locations for check-in of harvested deer.
- (c) Removes unnecessary wording

24. Botany Bay Plantation Heritage Preserve WMA

- (a) Extends hours of operation

C. Game Zone 4

3. Sand Hills State Forest WMA

- (d)(i) Removes prohibition on daytime fox hunting on Sand Hills State Forest WMA

6. Woodbury WMA

- (g)(i-vi) Establishes youth deer hunt with dogs on Woodbury WMA and sets conditions.

16. Santee Delta WMA

- (b)(i) Removes unnecessary wording

21. Liberty Hill WMA

- (b) Requires visitor sign-in and prohibits ATVs on Game

GENERAL REGULATIONS

WEAPONS

- 3.2 Removes restriction on propellant charges for primitive weapons.

DEER

4.1 Requires check-in of harvested deer on WMAs.

WATERFOWL & DOVE REGULATIONS

10.2 Prescribes regulations for Public Dove Fields.

10.7 Adds impoundments on Coosawhatchie WMA as Category I Waterfowl Area

10.11 Adds portions of Coosawhatchie WMA as Category II Waterfowl Area

10.12

45. Coosawhatchie WMA

(a) Established season for Category II area of Coosawhatchie WMA

(b) Establishes lottery hunt for Category I area of Coosawhatchie WMA

10.20 Establishes additional regulations for Coosawhatchie WMA Waterfowl Areas

123-51. Turkey Hunting Rules and Seasons.

A-D

1-21 Establishes statewide WMA turkey season as April 3-May 3, establishes bag limit of turkeys on WMAs, and specifies that no more than one turkey make be taken prior to April 10

123-53. Bear Hunting Rules and Seasons.

7. Increases bear quota from 30 bears to 40 bears in Game Zone 4

The Notice of Drafting was published in Volume 48, Issue No. 9 of the South Carolina *State Register* on September 27, 2024.

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 December 5, 2024, 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 December 3, 2024.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-40, 123-51, and 123-53 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: These regulations amend Regulations 123-40, 123-51, and 123-53 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, 50-11-300, 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, 50-11-540, 50-11,544, 50-11-546, 50-11-580, 50-11-2200, and 50-11-2210.

134 PROPOSED REGULATIONS

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 75 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. Management objectives for specific properties and species are continually evaluated for needed changes. Contractual agreements with cooperating landowners in the Wildlife Management Area Program provide guidelines for the use and management of the properties. 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. 5341
DEPARTMENT OF PUBLIC HEALTH
 CHAPTER 60

Statutory Authority: 1976 Code Section 30-4-45 and 2023 Act No. 60, effective July 1, 2024

60-117. Access to Restricted Information. (New)

Preamble:

The Department of Public Health (Department or DPH) proposes a new regulation to establish DPH procedures regarding access to restricted information subject to S.C. Code Section 30-4-45. S.C. Code Section 30-4-45 authorizes DPH to regulate access to information, the unrestricted release of which could increase the risk of acts of terrorism. R.61-117, Access to Restricted Information, was previously promulgated under the S.C. Department of Health and Environmental Control and will remain promulgated under Chapter 61 pursuant to 2023 Act 60, for sole use by the S.C. Department of Environmental Services. DPH proposes promulgating a new regulation with the same content of R.61-117 applicable to DPH to be placed in Chapter 60 for the use of DPH. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Section A	Addition	Add the purpose and scope of the regulation.
Section B	Addition	Add definitions.
Section C	Addition	Add procedures for the release of restricted information.
Section D	Addition	Add procedures for the disclosure of restricted information in vulnerable zones.
Section E	Addition	Add the procedures for authorized charges for records.

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 12:00 p.m. on January 3, 2025. Written comments may be submitted to Bentley White of the Office of Legislative Affairs; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or whitebp@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., November 25, 2024. 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:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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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: Proposed new regulation 60-117, Access to Restricted Information.

Purpose: Regulation 61-117 is applicable to health and environmental programs, so DPH is proposing a new regulation for DPH to establish procedures for the access to restricted information in its custody. This new regulation applies to DPH information that has been designated pursuant to S.C. Code Section 30-4-45 for restricted release.

Legal Authority: 1976 Code Section 30-4-45 and 2023 Act No. 60, effective July 1, 2024

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the new regulation and any associated information. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

This proposed new regulation is necessary to conform to 2023 Act No. 60 (S.399) and S.C. Code Section 30-4-45, which requires DPH, as custodian of information, the unrestricted release of which could increase the risk of acts of terrorism, to promulgate regulations to regulate access to the information. R.61-117, Access to Restricted Information, was previously promulgated under the S.C. Department of Health and Environmental Control and will remain promulgated under Chapter 61 pursuant to 2023 Act 60, for sole use by the S.C. Department of Environmental Services.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of this proposed new regulation will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of the proposed regulation. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The new regulation protects public health by limiting access to restricted information related to public health in order to reduce the risk of terrorism. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the proposed new regulation is not implemented, there will be no procedures for providing access to restricted information related to public health.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

S.C. Code Section 30-4-40 provides that information identified in accordance with the provisions of Section 30-4-45 is exempt from disclosure except as provided therein and pursuant to regulations promulgated in accordance with the Freedom of Information Act.

S.C. Code Section 30-4-45 directs each agency that is the custodian of such information to promulgate regulations establishing procedures for access to restricted information. The regulation is needed to comply with the requirements of the South Carolina Freedom of Information Act as well as to conform to 2023 Act No. 60, establishing DPH and the S.C. Department of Environmental Services as new and separate state agencies.

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. 5344
DEPARTMENT OF PUBLIC HEALTH
 CHAPTER 60

Statutory Authority: 1976 Code Sections 44-75-10 et seq. and 2023 Act No. 77

61-96. Athletic Trainers.

Preamble:

The Department of Public Health (“Department” or “DPH”) proposes repeal of R.61-96. In June 2023, the Governor signed into law 2023 Act No. 77 (S.397, R.94), transferring regulatory authority of athletic trainers from the S.C. Department of Health and Environmental Control (“DHEC”) to S.C. Department of Labor Licensing and Regulation (“LLR”). Sections 3 and 5 of the Act established that regulations promulgated by DHEC were continued, and LLR would assume licensure of athletic trainers upon the effective date of the new regulations it promulgated. LLR promulgated its regulations which became effective with publication of the May 24, 2024, South Carolina State Register. *See* Document No. 5234. The Department proposes repealing the DHEC regulation, R.61-96.

Repeal of the regulation will have no impact or implications for the current administration and implementation of LLR’s athletic trainer licensure program.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed repeal.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Regulation/Section	Type of Change	Purpose
R.61-96	Deletion	Repeal R.61-96 in its entirety to conform with 2023 Act No. 77

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 12:00 p.m. on December 20, 2024. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201, or HQRegs@dph.sc.gov, no later than 5:00 p.m.,

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Monday, November 25, 2025. 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 are no anticipated new costs associated with the repeal of this regulation to the state or its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-96, Athletic Trainers.

Purpose: The Department proposes repealing R.61-96, Athletic Trainers. This regulation is obsolete due to repeal of the original authorizing statute (Title 44, Chapter 75 of the South Carolina Code) and transfer of DHEC's regulatory authority of athletic trainers to LLR. *See* 2023 Act No. 77 (S.397, R.94).

Legal Authority: 1976 Code Sections 44-75-10 et seq. and 2023 Act No. 77.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the repeal and any associated information. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

In the interest of good government, clarity, and efficiency, the Department proposes to repeal R.61-96, Athletic Trainers. The regulation describes standards for DHEC's regulation and certification of athletic trainers. In June 2023, the Governor signed into law 2023 Act No. 77 (S.397, R.94), transferring regulatory authority of athletic trainers from the S.C. Department of Health and Environmental Control ("DHEC") to S.C. Department of Labor Licensing and Regulation ("LLR"). Sections 3 and 5 of the Act established that regulations promulgated by DHEC were continued, and LLR would assume licensure of athletic trainers upon the effective date of the new regulations it promulgated. LLR promulgated its regulations which became effective with publication of the May 24, 2024, South Carolina State Register. *See* Document No. 5234. As a result, the Department proposes repealing R.61-96.

The Department does not propose replacing this regulation with a new regulation. As mentioned, LLR has promulgated its regulations for licensure of athletic trainers, which became effective in May 2024.

DETERMINATION OF COSTS AND BENEFITS:

The Department anticipates no fiscal or economic impact on the state or its political subdivisions and the regulated community by the repeal of this regulation. Repeal of the regulation will have no impact or implications for the current administration and implementation of the athletic trainer regulatory program, which is now administered and enforced by LLR.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Repealing the regulation will have no effect on the environment and public health.

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

Repealing R.61-96 has no legal effect, as it has been obsolete since repeal of S.C. Code Sections 44-75-10 et seq. and LLR’s promulgation of its athletic trainer regulations, which became effective with publication of the May 24, 2024, South Carolina State Register. *See* 2023 Act No. 77 and Document No. 5234.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

R.61-96 needs to be repealed as it is obsolete due to repeal of the original authorizing statute (Title 44, Chapter 78) and LLR’s promulgation of its athletic trainer regulations. The Department does not propose replacing this regulation with a new regulation. In accordance with applicable statutes, LLR has implemented its athletic trainer regulatory program.

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. 5342
DEPARTMENT OF PUBLIC HEALTH
 CHAPTER 60
 Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-103. Residential Treatment Facilities for Children and Adolescents.

Preamble:

Pursuant to R.61-103, *Residential Treatment Facilities for Children and Adolescents*, the Department of Public Health (Department) establishes and enforces basic standards for the licensure, maintenance, and operation of residential treatment facilities for children and adolescents (RTFs) to ensure the safe and adequate treatment of persons served in this state. The Department proposes amending R.61-103 to comport with applicable state and federal rules and regulations. The Department also proposes amending the regulation to update and revise provisions regarding staffing, residents’ care, rights and assurances, meal service, manner and method of fee payments, and emergency procedures and disaster preparedness. The Department also proposes adding requirements relating to collection and reporting of outcome measures. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Technical Correction	Assigned a regulation number and title and established the Department’s statutory authority.

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Table of Contents	Revision/Reorganization/Technical Correction	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
101.C	Revision	Amended language for clarity and consistency.
101.D	Revision	Amended language for clarity and consistency.
101.L	Revision	Amended to correct state agency reference.
101.Z	Revision	Amended language for clarity and consistency.
101.BB	Technical Correction	Amended to correct grammar.
101.GG	Revision	Amended language for clarity and consistency.
101.UU	Revision	Amended to clarify language regarding age requirements for staff members.
101.WW	Revision	Amended to clarify language regarding age requirements for volunteers.
102.C	Technical Correction	Amended to correct spacing.
102.F.3	Technical Correction	Amended to correct spelling.
102.F.5	Revision	Amended to clarify language regarding licenses for multiple facilities.
102.F.7	Addition	Added language to clarify services, care, and treatment facilities are prescribed to provide.
102.H	Revision	Amended to add clarifying language regarding application fees.
102.I	Revision/Deletion	Amended to delete redundant language.
102.J	Revision	Amended to clarify language regarding late fees.
102.K	Revision/Deletion	Amended to delete language regarding license renewals.
102.L, 102.L.1, 102.L.2, 102.L.3	Revision/Reorganization	Amended to clarify language regarding amended licenses. Renumbered and amended items to clarify prerequisites for amended licenses.
102.M, 102.M.1, 102.M.2	Addition	Added a section to clarify language regarding a change of licensee.
102.N	Revision/Reorganization	Amended to clarify variances to licensing standards. Recodified due to the addition of 102.M.
202.G	Addition	Added a section to clarify construction inspection fees.

300	Technical Correction	Amended to correct spacing.
302.F	Technical Correction	Amended to correct numeric superscript formatting.
400	Revision	Amended language regarding policies and procedures for clarity.
501	Revision	Amended to clarify language regarding the governing authority of a facility.
503.A	Revision	Amended language to reflect the statutory definition.
503.B	Revision	Amended to clarify language and to reflect the statutory definition.
505	Addition	Added violation classification level for clarity.
505.C	Revision	Amended to clarify the minimal staffing requirements and standards for residential treatment facilities.
505.C.1 - 505.C.5	Addition	Added language to clarify the minimal staffing requirements and standards for residential treatment facilities.
506.A.6	Revision	Amended to clarify language regarding crisis management.
506.A.11	Revision	Amended to add language to clarify numbers in writing.
506.A.12	Reorganization/Technical Correction/Revision	Amended to correct punctuation and grammar due to the addition of 506.A.14 and 506.A.15. Amended to add language to clarify numbers in writing.
506.A.13	Reorganization/Technical Correction	Amended to correct punctuation due to the addition of 506.A.14 and 506.A.15.
506.A.14 – 506.A.15	Addition	Added language regarding inservice training requirements.
601.B	Revision	Amended to clarify reporting requirements for accidents and incidents.
601.B.8	Revision	Amended to clarify reportable accident/incident.
601.B.9	Reorganization/Technical Correction	Amended to correct organization regarding the addition of 601.B.11.
601.B.10	Reorganization/Technical Correction	Amended to correct organization regarding the addition of 601.B.11.
601.B.11	Addition	Added reportable incident concerning sexual activity between residents.

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601.C	Revision	Amended to clarify language regarding written reports for accidents and incidents.
601.D	Revision/Reorganization/Deletion	Deleted and moved language to 601.C.
601.E	Reorganization/Deletion	Deleted and moved language to 601.C.
601.F	Reorganization/Deletion	Deleted and moved language to 601.B.
603	Revision	Amended to update regulation number.
607.B	Revision	Amended to clarify language regarding facility closures.
608	Revision/Technical Correction	Amended to clarify language regarding requirements for a facility after a zero census period. Amended to correct spacing.
609	Addition	Added language to clarify loss of essential services.
701.B.7	Revision	Amended to clarify minimum contents of resident progress notes.
702.A	Technical Correction	Amended to correct spacing.
703.B.3.a	Technical Correction	Amended to correct reference to resident.
704.A	Revision	Amended to clarify language regarding updating individual treatment plans.
704.B	Technical correction	Amended to correct reference to multidisciplinary.
704.C.2	Technical correction	Amended to reflect added 704.C.4.
704.C.3	Technical correction	Amended to reflect added 704.C.4.
704.C.4	Addition	Added provision requiring a de-escalation plan as part of the ITP.
704.D	Revision	Amended provision regarding ITP requirements.
705.F	Technical Correction	Amended to correct punctuation.
800.B.6	Technical Correction	Amended to correct punctuation.
800.C – 800.D	Revision	Amended to clarify language regarding the admission of a child, adolescent, or young adult to a facility.
902.B	Technical Correction	Amended to remove unnecessary language.
902.E	Technical Correction	Amended to correct punctuation.

902.F.5.c	Revision	Amended to clarify that work experience must comply with applicable laws.
904.E	Technical Correction	Amended to correct punctuation.
1002.A.6	Revision	Amended to clarify language regarding statement of rights for residents.
1002.A.11	Technical Correction	Amended to correct spelling.
1203	Technical Correction	Amended to correct spacing.
1204.E	Technical Correction	Amended to correct grammar.
1205.A	Technical Correction	Amended to correct spacing.
1206.B	Revision	Amended to require daily medication refrigeration/freezer checks and documentation of such.
1206.C.2	Technical Correction	Amended to correct punctuation.
1301.A	Revision	Amended to remove the Department's permitting of kitchens/meal services.
1301.B	Revision	Amended to clarify requirements related to catered meals.
1401.A	Revision	Amended to add language requiring a written plan for actions for disaster preparedness.
1401.B.c	Revision	Amended language for clarity and consistency with other Departmental regulations.
1701	Revision/Technical Correction	Amended Code reference for clarity and consistency.
1704	Revision	Amended Code reference for clarity and consistency.
1800.B.5	Addition	Added section requiring the collection and reporting of outcome measures.
1800.B.6 to 1800.B.8	Reorganization	Renumbered to reflect the addition of 1800.B.5.
2100	Technical Correction	Amended to correct spacing.
2300	Technical Correction	Amended to correct spacing.
2604.K	Revision	Amended to require covers on all receptacles, regardless of sex.
2610.D	Revision	Amended by adding language to clarify numbers in writing.
2700	Technical Correction	Amended each instance of "these regulations" to "this regulation" for clarity and consistency.

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2800	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.
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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 2:30 p.m. on December 16, 2024. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or HQRegs@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received timely, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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: 61-103, *Residential Treatment Facilities for Children and Adolescents*.

Purpose: The Department proposes amending R.61-103 to comport with applicable state and federal rules and regulations. The Department also proposes amending the regulation to update and revise provisions regarding staffing, residents’ care, rights and assurances, meal service, manner and method of fee payments, and emergency procedures and disaster preparedness. The Department also proposes adding requirements relating to collection and reporting of outcome measures.

Legal Authority: 1976 Code Sections 44-7-110 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Printed copies are also available for a fee from the Department’s Freedom of Information Office.

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

The proposed amendments are required to comport with applicable state and federal rules and regulations. Further, the proposed amendments will further provide for the quality of care, treatment, and services offered and provided at RTFs. Lastly, the proposed amendments relating to the update of the manner and method of fee payments aim to provide more convenient and efficient transactions with the Department.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendments will result in no additional cost to the Department or state government, as implementation of these proposed amendments will not require additional resources. The Department anticipates a cost to the regulated community associated with implementing new reporting requirements for outcome measures, but the advantages of these amendments will significantly outweigh any cost. The proposed amendments will enhance public welfare by fostering greater transparency in the care and treatment provided by licensed RTFs. This improved transparency will not only safeguard the wellbeing of patients but also promote

overall safety in the community. These proposed amendments represent a feasible approach to balancing additional reporting requirements with the protection and wellbeing of residents and the public.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. The proposed amendments contribute to the Department's function of protecting public welfare and promoting safety and wellbeing for residents receiving care and treatment from RTFs.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

The proposed amendments are needed updates to comport with applicable state and federal rules and regulations concerning the basic standards for licensing, maintenance, and operation of RTFs, and to better ensure the safety and wellbeing of residents of RTFs.

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. 5350
DEPARTMENT OF PUBLIC HEALTH
CHAPTER 60
Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-125. Standards for Licensing Crisis Stabilization Unit Facilities.

Preamble:

Pursuant to R.61-125, *Standards for Licensing Crisis Stabilization Unit Facilities*, the Department of Public Health (Department) establishes and enforces basic standards for the licensure, maintenance, and operation of crisis stabilization unit facilities (CSU facilities) to ensure the safe and adequate treatment of persons served in this state. The Department proposes amending R.61-125 to address amendments to S.C. Code Section 44-7-130(26) (*see* 2023 Act No. 59) which amends the definition of CSU facilities at Section 44-7-130(26) by: deleting “operated by the Department of Mental Health or operated in partnership with the Department of Mental Health”; and deleting “eighteen and older” and replacing it with “five and older.” The Department also proposes amending the regulation to update and revise provisions regarding policies and procedures, manner of care for persons under eighteen (18) years of age, emergency procedures and disaster preparedness, meal service, and

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the manner and method of fee payments. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Technical Correction	Assigned a regulation number and title and established the Department's statutory authority.
Table of Contents	Revision/Reorganization/Technical Correction	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
101.H	Addition	Added definition for clarity.
101.I – 101.K	Reorganization	Recodified due to the addition of 101.H.
101.L	Revision/Reorganization/Deletion	Amended to delete and add language for clarification. Recodified due to the addition of 101.H.
101.M	Revision/Reorganization	Amended to correct state agency reference. Recodified due to the addition of 101.H.
101.N – 101.OO	Reorganization	Recodified due to the addition of 101.H.
101.PP	Technical Correction/Reorganization	Amended to correct grammar. Recodified due to the addition of 101.H.
101.QQ	Reorganization	Recodified due to the addition of 101.H.
101.RR	Revision/Reorganization/Deletion	Amended to delete language referencing the Department of Mental Health. Recodified due to the addition of 101.H.
101.SS – 101.UU	Reorganization	Recodified due to the addition of 101.H.
102.F	Revision	Amended language to clarify the method of fee payment for license applications.
(New) 102.G.3	Reorganization/Deletion	Recodified due to the deletion of former 102.G.3.
102.G.4	Reorganization	Recodified due to the deletion of former 102.G.3.
102.G.5	Reorganization	Recodified due to the deletion of former 102.G.3.
102.G.6	Reorganization	Recodified due to the deletion of former 102.G.3.
102.I	Revision	Amended to clarify requirement for licensing late fees.

102.J	Revision	Amended to clarify requirement for license renewal.
102.M	Revision/Deletion/Addition	Amended to delete and add language for clarification; added provision regarding variances.
300	Technical Correction	Amended to correct spacing.
302.C	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.
400.B	Addition	Added clarifying language regarding supervision in CSU Facilities for individuals under the age of eighteen (18) years.
400.C – 400.D	Reorganization	Recodified due to the addition of 400.B.
501.A	Revision	Amended to clarify requirements for criminal background checks of staff and volunteers.
503.A	Revision	Amended to clarify requirements for accessibility of staff in the facility.
504.A	Revision/Deletion	Deleted language referencing state agency as no longer needed.
504.B	Revision/Deletion	Deleted language referencing state agency as no longer needed.
504.B.12	Technical Correction	Amended to correct grammar due to the addition of 504.B.14.
504.B.13	Technical Correction	Amended to correct grammar and punctuation due to the addition of 504.B.14.
504.B.14	Addition	Added language regarding inservice training requirements.
601.B.8	Revision	Amended to clarify language regarding suicide as a reportable accident/incident.
602.B	Revision	Amended to clarify inspections of facilities after temporary closures.
602.C	Revision	Amended to clarify inspections of facilities after a zero census period.
603	Addition	Added language to clarify loss of essential services.
704.A.2	Revision	Amended to clarify diagnosis using criteria in the DSM or ICD.

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800.E.3	Revision; Technical Correction	Amended to clarify parties responsible for consent of minors. Amended to correct grammar due to the addition of 800.E.5.
800.E.4	Technical Correction	Amended to correct grammar due to the addition of 800.E.5.
800.E.5	Addition	Added to clarify minimum age requirements for admission.
904.A.2	Revision	Amended to clarify language regarding post-discharge care.
1000.B.6	Revision	Amended to clarify patient’s rights.
1204	Technical Correction	Amended to add punctuation.
1205	Technical Correction	Amended to add punctuation.
1205.B	Revision	Amended to require temperature checks of medication refrigerators/freezers and maintenance of a log of these checks.
1206	Technical Correction	Amended to add punctuation.
1301.A	Revision	Amended to remove the Department’s permitting of kitchens/meal programs.
1301.B	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
1401.C.1.c	Revision	Amended language for clarity and consistency with other Departmental regulations.
1402	Technical Correction	Amended to correct spacing.
1702.E.1 – 1702.E.3	Deletion	Deleted this section because it is no longer needed in the regulation.
1902	Technical Correction	Amended to correct spacing.
2610	Technical Correction	Amended to correct spacing.
2700	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.
2800	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.

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 a.m. on January 3, 2025. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or HQRregs@dph.sc.gov. To be considered, the Department must receive

the comments by 5:00 p.m., November 25, 2024. 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:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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: 61-125, *Standards for Licensing Crisis Stabilization Unit Facilities.*

Purpose: The Department proposes amending R.61-125 to address amendments to S.C. Code Section 44-7-130(26) (*see* 2023 Act No. 59) which amends the definition of CSU facilities at S.C. Code Section 44-7-130(26) by: deleting “operated by the Department of Mental Health or operated in partnership with the Department of Mental Health”; and deleting “eighteen and older” and replacing it with “five and older.” The Department also proposes amending the regulation to update and revise provisions regarding policies and procedures, manner of care for persons under eighteen (18) years of age, emergency procedures and disaster preparedness, meal service, and the manner and method of fee payments.

Legal Authority: 1976 Code Sections 44-7-110 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Printed copies are also available for a fee from the Department’s Freedom of Information Office.

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

The proposed amendments are required to reflect amendments to S.C. Code Section 44-7-130(26) relating to the licensure, maintenance, and operation of CSU facilities. Furthermore, the proposed amendments will update the definition of CSU facilities to comport with statutory requirements.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. The proposed amendments will contribute to the Department’s function of protecting public welfare and promoting safety and wellbeing for patients receiving care and treatment from CSU facilities.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

This regulation needs to be updated to ensure alignment with current statutory requirements and to promote the safety and wellbeing of patients of CSU facilities. These amendments would also reflect the updated definition of CSU facilities, pursuant to S.C. Code Section 44-7-130(26), that would delete “operated by the Department of Mental Health or operated in partnership with the Department of Mental Health” and delete “eighteen and older,” replacing it with “five and older.”

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. 5346

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-93. Standards for Licensing Facilities for Chemically Dependent or Addicted Persons.

Preamble:

Pursuant to R.61-93, *Standards for Licensing Facilities for Chemically Dependent or Addicted Persons*, the Department of Public Health (Department) establishes and enforces basic standards for the licensure, maintenance, and operation of facilities for chemically dependent or addicted persons (CDAP facilities) to ensure the safe and adequate treatment of persons served in this state. The Department proposes amending R.61-93 to comport with the Code of Federal Regulations Title 42, Part 8, Medications for the Treatment of Opioid Use Disorder for licensed CDAP facilities providing opioid treatment programs. The Department also proposes amending the regulation to update and revise provisions regarding patients’ care, meal service, manner and method of fee payments, and emergency procedures and disaster preparedness. The Department also proposes adding requirements regarding the collection and reporting of outcome measures. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Technical Correction	Amended to move regulation to new chapter and amended to clarify the Department’s statutory authority.

Table of Contents	Revision/Reorganization/Technical Correction	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
101.A.1	Technical correction	Amended to correct capitalization for consistency.
101.O	Revision	Amended to update association name for accuracy.
101.P	Revision	Amended to correct state agency reference.
101.Z	Revision	Amended to update association name for accuracy.
101.DD	Addition	Added definition for clarity.
101.EE – 101.JJ	Reorganization	Recodified due to the addition of 101.DD.
101.KK	Reorganization/Technical Correction	Amended to correct grammar. Recodified due to the addition of 101.DD.
101.LL – 101.MM	Reorganization	Recodified due to the addition of 101.DD.
101.NN	Revision/Reorganization	Amended Code reference for clarity and consistency. Recodified due to the addition of 101.DD.
101.OO	Technical Correction/Reorganization	Amended to correct capitalization for consistency. Recodified due to the addition of 101.DD.
101.PP – 101.XX	Reorganization	Recodified due to the addition of 101.DD.
101.YY	Revision/Reorganization	Amended language for clarity and consistency. Recodified due to the addition of 101.DD.
101.ZZ	Reorganization	Recodified due to the addition of 101.DD.
101.AAA – 101.EEE	Reorganization	Recodified due to the addition of 101.DD.
101.FFF	Revision/Reorganization	Revised definition to clarify and recodified due to the addition of 101.DD.
102.A	Revision/Technical Correction	Amended to clarify language regarding license requirements. Amended to correct capitalization.
102.B	Revision	Amended language for clarity and consistency.
102.D	Addition	Added clarifying language regarding exclusions from the licensure requirements.
102.E	Reorganization	Recodified due to the addition of 102.D.

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New 102.E.2.a	Reorganization/Deletion	Recodified due to the deletion of former 102.E.2.a.
New 102.E.2.b	Revision/Reorganization	Amended to delete language regarding Certificate of Need as no longer needed. Recodified former 102.E.2.c as 102.E.2.b.
102.F – 102.M	Reorganization	Recodified due to the addition of 102.D.
102.N	Revision/Reorganization	Amended to clarify language regarding license renewals. Recodified due to the addition of 102.D.
102.O – 102.R	Reorganization	Recodified due to the addition of 102.D.
302.C.1.i	Revision/Technical Correction	Amended reference to violation classification for clarity and consistency.
302.C.2	Revision/Technical Correction	Amended reference to violation classification for clarity and consistency.
504 – 506	Reorganization	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
507.B.1.a	Revision/Reorganization	Amended to update association name for accuracy. Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
507.B.2.a	Revision/Reorganization	Amended to update licensure of psychiatrists. Reorganized related to proposed additions.
507.C.1 – 507.C.2	Technical Correction/Reorganization	Amended to correct grammar.
601.B	Technical Correction	Amended to correct capitalization for consistency.
601.B.9	Revision	Amended to add clarification on reportable event.
603	Revision	Amended for code reference clarity.
607.C	Revision	Amended to clarify inspection requirements after a facility closure.
608	Revision	Amended to clarify licensing requirements after a zero census period.
609	Addition	Added language to clarify loss of essential services.
702.E.1	Revision/Technical Correction	Amended to be consistent with federal regulation and to add

		opioid use. Amended to correct capitalization for consistency.
Former 702.E.2.a - 702.E.2.c	Deletion	Deleted language to be consistent with federal regulation.
New 702.E.2	Revision/Reorganization	Amended to be consistent with federal regulation and to add opioid use. Recodified due to the deletion of 702.E.2.a through 702.E.2.c.
Former 702.E.3	Deletion	Deleted language to be consistent with federal regulation.
New 702.E.3 - New 702.E.4	Revision/Reorganization	Recodified due to the deletion of former 702.E.3. Amended new 702.E.4 to clarify substance screening requirements.
703	Technical Correction	Amended to correct capitalization for consistency.
705	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended by adding language to clarify numbers in writing and to correct spacing.
705.C	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended to correct capitalization for consistency.
706	Revision	Amended to indicate the Individual Plan of Care be guided by The ASAM Criteria.
707.A	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended by adding language to clarify numbers in writing. Amended to indicate the Individual Plan of Care be guided by The ASAM Criteria.
802.A	Technical Correction	Amended to correct punctuation.
803.A	Revision/Technical Correction	Amended clarifying language to be consistent with federal regulation. Amended to correct capitalization for consistency.
803.B	Addition	Added language to be consistent with federal regulation.
803.C	Reorganization	Recodified due to the addition of 803.B.
803.D	Addition/Technical Correction	Added language to be consistent with federal

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		regulation regarding pregnant patients. Amended to correct capitalization for consistency.
901.D	Technical Correction	Amended to correct capitalization for consistency.
902.F.1	Technical Correction	Amended to correct capitalization for consistency.
903.A.1	Technical Correction	Amended to change an “or” to an “and.”
903.A.3.a	Revision	Amended to be consistent with federal regulation.
903.A.3.d – 903.A.3.e	Amendment/Technical Correction/Deletion	Amended to correct language due to the addition of 903.A.3.f. Amended 903.A.3.e to clarify types of alternative therapies.
903.A.3.f	Addition	Added language to be consistent with federal regulation. Amended to correct spelling and capitalization for consistency.
903.A.4	Addition	Added language to be consistent with federal regulation. Amended to correct capitalization for consistency.
903.C.1, 903.C.2, and 903.C.5	Revision	Amended language to clarify service providers for pregnant patients.
903.D.1 – 903.D.3	Addition	Added language to be consistent with federal regulation regarding conditions for interim treatment. Amended to correct state agency reference.
904.B	Revision	Amended to clarify timeframe for initial substance use testing.
904.C	Addition	Added language to clarify frequency of substance use testing.
904.D	Reorganization	Recodified due to the addition of 903.C.
New 904.E	Reorganization	Recodified due to the addition of 903.C.
Former 904.E	Deletion	Deleted language as no longer needed.
905.E	Revision	Amended to add/clarify OTP orientation topic.
905.J	Technical Correction	Amended to correct capitalization for consistency.
909.C	Technical Correction	Amended to correct capitalization for consistency.
1002.B	Technical Correction	Amended to correct punctuation.

1100.A	Technical Correction	Amended to correct punctuation.
1100.A.5	Technical Correction	Amended to correct spelling.
1100.B	Technical Correction	Amended to correct punctuation.
1100.C.1	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended to correct capitalization for consistency.
1100.C.2	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended language by clarifying numbers in writing. Amended 1102.C.2.a to clarify test for infectious disease.
1100.C.3	Addition	Added language to be consistent with federal regulation. Amended to correct capitalization for consistency.
1100.C.4 – 1100.C.5	Addition	Added language to be consistent with federal regulation.
1100.C.6	Reorganization	Recodified due to the addition of 1100.C.3, 100.C.4, and 1100.C.5.
1100.D	Revision	Amended by adding language to clarify numbers in writing. Amended to correct spacing.
1202.C	Revision	Amended to add clarifying language.
1202.D	Revision	Amended to add clarifying language.
1203.A.	Technical Correction	Amended to correct capitalization for consistency.
1203.C.2	Revision	Added language to be consistent with federal regulation. Amended capitalization for consistency.
1203.D	Technical Correction	Amended to correct capitalization for consistency.
1206.F	Technical Correction	Amended to correct capitalization for consistency.
1207	Revision	Amended to clarify language regarding disposition of medications.
1208.B	Revision	Added language to be consistent with federal regulation.
1208.B.1 – 1208.B.3	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended to correct capitalization for consistency.

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1208.B.4 – 1208.B.5	Revision	Amended to be consistent with federal regulation.
1208.B.6	Revision/Technical Correction	Amended to be consistent with federal regulation. Amended to correct capitalization for consistency.
1208.B.6.a – 1208.B.6.g	Deleted	Deleted language as no longer needed.
1209.D	Technical Correction	Amended to correct grammar.
1209.D.2 – 1209.D.3	Technical Correction	Amended to correct capitalization for consistency.
1301.A	Revision	Amended to be remove grading by the Department.
1301.B	Revision	Amended to clarify a facility’s responsibility regarding catered meals.
1701	Technical Correction	Amended to correct grammar and punctuation.
1702.C.1	Revision	Amended to clarify language regarding facility volunteers.
1702.C.2	Revision	Amended by adding language to clarify numbers in writing.
1702.D	Technical Correction	Amended to correct capitalization for consistency.
1707.B.4	Technical Correction	Amended to correct punctuation.
1801.B.4	Revision	Amended to add requirements concerning the collection and reporting of outcome measures.
1903	Technical Correction	Amended to correct spacing.
2612.A	Technical Correction	Amended to correct capitalization for consistency.
2617-2624	Technical Correction	Renumbered sections as a result of there not being a 2616 in current regulation.

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 a.m. on December 17, 2024. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or HQRegs@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., November 25, 2024. 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:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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: 61-93, *Standards for Licensing Facilities for Chemically Dependent or Addicted Persons*.

Purpose: The Department proposes amending R.61-93 to comport with the Code of Federal Regulations Title 42, Part 8, Medications for the Treatment of Opioid Use Disorder for licensed CDAP facilities providing opioid treatment programs. The Department also proposes amending the regulation to update and revise provisions regarding patients' care, meal service, manner and method of fee payments, and emergency procedures and disaster preparedness. Additionally, the Department proposes adding requirements regarding the collection and reporting of outcome measures.

Legal Authority: 1976 Code Sections 44-7-110 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

The proposed amendments are required to comport with various federal regulations, including the Code of Federal Regulations Title 42, Part 8, Medications for the Treatment of Opioid Use Disorder. Also, the proposed amendments will further provide for the treatment, quality of care, and services offered at licensed CDAP facilities providing opioid treatment programs. Furthermore, the proposed amendments relating to the update of the manner and method of fee payments aim to provide more convenient and efficient transactions with the Department.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendments will result in no additional cost to the Department or state government, as implementation of these proposed amendments will not require additional resources. The Department anticipates a cost to the regulated community associated with implementing new reporting requirements for outcome measures, but the advantages of these amendments will significantly outweigh any cost. The proposed amendments will enhance public welfare by fostering greater transparency in the care and treatment provided by licensed CDAP facilities. This improved transparency will not only safeguard the wellbeing of patients but also promote overall safety in the community. These proposed amendments represent a feasible approach to balancing additional reporting requirements with the protection and wellbeing of patients and the public.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. The proposed amendments contribute to the Department's function of protecting public welfare and promoting safety and wellbeing for patients receiving care and treatment from licensed CDAP facilities.

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

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There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

These proposed amendments are needed updates to comport with federal regulations concerning licensed CDAP facilities providing opioid treatment programs, to better ensure the safety and wellbeing of patients of CDAPs, and to align state licensing standards with applicable federal regulations.

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. 5345

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-70-10 et seq.

61-122. Standards for Licensing In-Home Care Providers.

Preamble:

Pursuant to R.61-122, *Standards for Licensing In-Home Care Providers*, the Department of Public Health (Department) establishes and enforces the standards for the licensure, maintenance, and operation of in-home care providers (IHCPs). The Department proposes amending the regulation to update and revise provisions regarding licensure, to include application procedures, criminal record checks and drug testing of applicants, the manner and method of fee payments, care and services, requirements for reporting and record keeping, emergency procedures and disaster preparedness, and standards for appropriate insurance coverage.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Technical Correction	Assigned a regulation number and title and established the Department's statutory authority.
Table of Contents	Revision/Reorganization/Technical Correction	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
102	Technical Correction	Amended each instance of "these regulations" to "this

		regulation” for clarity and consistency.
New 102.B	Addition/Deletion	Added definition to clarify the meaning of abuse in the context of this regulation. Deleted definition for blood assay as no longer needed in former 102.B.
102.B.1	Addition	Added definition to clarify the meaning of physical abuse in the context of this regulation.
102B.2	Addition	Added definition to clarify the meaning of psychological abuse in the context of this regulation.
102.C	Addition	Added definition to clarify the meaning of assessment in the context of this regulation.
102.D	Addition	Added definition to clarify the meaning of authorized healthcare provider in the context of this regulation.
102.E – 102.F	Reorganization/Deletion	Recodified due to the addition of 102.B, 102.C and 102.D. and to the deletion of former 102.F.
102.G	Addition	Added definition to clarify the meaning of consultation in the context of this regulation.
102.H	Reorganization/Revision	Recodified due to the addition of 102.G. Amended to correct state agency reference.
102.I	Addition	Added definition to clarify the meaning of exploitation in the context of this regulation.
102.J	Addition	Added definition to clarify the meaning of health assessment.
102.K	Addition	Added definition to clarify the meaning of in-home care in the context of this regulation.
102.L	Addition	Added definition to clarify the meaning of in-home care provider (or provider) in the context of this regulation.
102.M	Addition	Added definition to clarify the meaning of inspection in the context of this regulation.
102.N	Addition	Added definition to clarify the meaning of investigation in the context of this regulation.
102.O	Addition	Added definition to clarify the meaning of license in the context of this regulation.

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102.P	Addition	Added definition to clarify the meaning of licensee in the context of this regulation.
102.Q	Addition	Added definition to clarify the meaning of medication in the context of this regulation.
102.R	Addition	Added definition to clarify the meaning of neglect in the context of this regulation.
102.S	Reorganization/Deletion	Recodified due to the addition of 102.I – 102.R.
102.V	Addition	Added definition to clarify the meaning of variance in the context of this regulation.
103.A	Revision	Amended to clarify violation classification.
103.B	Addition	Added language to clarify compliance requirements for licensure.
103.C	Reorganization	Recodified due to the addition of 103.B.
103.C.4	Revision	Amended to clarify specified locations for licensure requirements.
103.C.6	Addition	Added language to clarify separate lines of business.
103.D	Addition	Added language to clarify primary location of provider.
103.E	Reorganization	Recodified due to the addition of 103.D.
103.F	Revision/Reorganization	Amended to clarify license application requirements. Recodified due to the addition of 103.D.
103.F.4	Revision	Amended Code reference for clarity and consistency.
103.F.5	Revision	Amended language for clarity and consistency with S.C. Code Section 44-70-70.
103.G, 103.G.1.a – 103.G.1.e	Addition	Added to clarify language regarding criminal background checks.
103.G.2	Addition	Added language to clarify reporting requirements for convictions.
103.H	Addition	Added language to clarify drug testing requirements for applicants and prospective licensee.
103.I	Revision/Reorganization	Amended to clarify language regarding licensing fees.

		Recodified due to the addition of 103.G and 103.H.
103.J	Revision/Reorganization	Amended to clarify language regarding late fees. Recodified due to the addition of 103.G and 103.H.
103.K	Revision/Reorganization	Amended to clarify language regarding license renewals. Recodified due to the addition of 103.G and 103.H.
103.L, 103.L.1	Revision/Reorganization/Deletion	Amended to clarify language regarding amended licenses. Renumbered and amended items to clarify prerequisites for amended licenses.
103.M, 103.M.1, 103.M.2	Addition	Added a section to clarify language regarding a change of licensee.
1003.N	Revision/Reorganization	Amended to clarify language regarding variances to licensing standards. Recodified due to the addition of 103.M.
202	Addition	Added section to clarify language regarding inspections and investigations.
203	Addition/Deletion	Added section to clarify language regarding consultations. Deleted former 203 and moved language to 205.
204	Revision/Reorganization	Amended language regarding enforcements. Recodified due to the addition of 202 and 203.
205	Addition/Deletion	Added section to clarify language regarding violation classifications and monetary penalties for clarity and consistency.
300, 301, 302	Addition	Added sections to clarify language regarding policies and procedures and insurance for clarity and consistency.
400	Reorganization	Recodified section due to the addition of 300.
401	Addition	Added definition to clarify language regarding administrator for clarity and consistency.
402	Addition/Revision/Reorganization	Amended section to clarify language regarding background checks and drug testing. Recodified due to the addition

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		of 400. Corrected spacing in regulation text.
403	Addition/Revision/Reorganization	Amended language to clarify requirements for staff records. Recodified due to the addition of 400.
404.A – 404.H	Addition/Revision/Reorganization	Amended language to clarify requirements for inservice training of caregivers. Recodified due to the addition of 400.
405.A – 405.G	Addition/Revision/Reorganization	Amended language to clarify requirements for minimum qualifications of caregivers. Recodified due to the addition of 400.
406	Revision/Reorganization	Amended language to clarify health status requirements for staff members and caregivers. Recodified due to the addition of 400.
501	Technical Correction	Amended for correct punctuation.
501.A – 501.C	Revision	Amended language to clarify requirements for incident reporting.
501.D	Deletion	Current 501.D deleted. Contents of five-day report now described in 501.C.
501.E	Reorganization	Renumbered to 501.D as a result of deletion.
502.A – 502.B	Revision	Amended language to clarify requirement for provider closure. Amended to correct state agency reference.
600	Addition	Added section to clarify language regarding client records.
601	Addition	Added language to clarify requirements regarding content of client records.
602	Addition	Added language to clarify requirements regarding a written assessment of client.
603	Addition/Revision	Added language to clarify requirements regarding a care services plan. Amended by adding language to clarify numbers in writing.
604	Addition	Added language to clarify requirements regarding record maintenance.

New 700 - 701	Addition/Deletion	Added section to clarify language regarding requirements for client care services. Recodified due to the deletion of former 700.
702	Addition	Added language to clarify requirements regarding transportation for clients.
800	Addition	Added section to establish requirements regarding infection control.
900	Addition	Added section to clarify language regarding rights and assurances of clients.
1000	Addition	Added section to clarify language regarding disaster preparedness.
1001	Addition	Added language to clarify requirements for disaster plan.
1002	Addition	Added language to clarify requirements for emergency call numbers.
1100	Revision/Reorganization/Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency. Amended to correct spacing.
Appendix	Deletion	Deleted section as no longer needed.

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 2 p.m. on December 17, 2024. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or HQRegs@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received timely, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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: 61-122, *Standards for Licensing In-Home Care Providers.*

Purpose: The Department proposes amending the regulation to update and revise provisions regarding licensure, to include application procedures, criminal record checks and drug testing of applicants, the manner and method

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of fee payments, care and services, requirements for reporting and record keeping, emergency procedures and disaster preparedness, and standards for appropriate insurance coverage.

Legal Authority: 1976 Code Sections 44-70-10 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

The proposed amendments update application procedures, criminal record checks and drug testing of applicants, the manner and method of fee payments, care and services, requirements for reporting and record keeping, emergency procedures and disaster preparedness, and standards for appropriate insurance coverage. These amendments will enhance protections for both IHCPs and IHCP clients. The proposed amendments are also to enhance safety and quality of care and services provided to IHCP clients while also ensuring IHCPs are equipped with necessary safeguards.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendments will result in no additional cost to the Department or state government, as implementation of these proposed amendments will not require additional resources. The Department anticipates a cost to the regulated community associated with implementing client-focused safeguards and protections, but the advantages of these amendments will significantly outweigh any cost. The proposed amendments will enhance safety and quality of care and services provided by licensed IHCPs. These proposed amendments will not only increase safety and quality for in-home care provider clients, but also protect the in-home care providers. These proposed amendments represent a feasible approach to balancing additional safety and quality requirements with the protection and wellbeing of clients and the community at large.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. These regulations contribute to the Department's function of protecting public welfare and promoting safety and wellbeing for clients receiving care and treatment from IHCPs.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

The proposed amendments are necessary to update provisions in accordance with current practices and to enforce the standards for the licensure, maintenance, and operation of in-home care providers (IHCPs) to better ensure the safety and wellbeing of clients of IHCPs.

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. 5347
DEPARTMENT OF PUBLIC HEALTH
 CHAPTER 60
 Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.

Preamble:

Pursuant to R.61-13, *Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities*, the Department of Public Health (Department) establishes and enforces basic standards for the licensure, maintenance, and operation of intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs) to ensure the safe and adequate treatment of persons served in this state. The Department proposes amending R.61-13 to address amendments to S.C. Code Section 40-33-43 (*see* 2022 Act No. 179) which allows the provision of medications to be performed by unlicensed persons with documented medication training and skill competency evaluation in ICF/IIDs. The Department also proposes amending the regulation to update and revise provisions regarding staffing, individual program plans, reporting requirements, clients’ rights and assurances, emergency procedures and disaster preparedness, meal service, and the manner and method of fee payments. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024 South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Technical Correction	Assigned a regulation number and title and established the Department’s statutory authority.
Table of Contents	Revision/Reorganization/Technical Correction	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
100.E	Revision/Technical Correction	Amended language for clarity and consistency.
100.F	Addition	Added definition for clarity.
100.G	Reorganization	Recodified due to the addition of 100.F.
100.H	Reorganization	Recodified due to the addition of 100.F.

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100.I	Revision/Reorganization	Amended to correct state agency reference and recodified due to the addition of 100.F.
100.J	Addition/Deletion	Added definition for clarity and deleted former 100.I.
100.K	Reorganization	Recodified due to the addition of 100.J.
100.L	Revision/Reorganization	Revised language for clarity and consistency. Recodified due to the addition of 100.J.
100.M	Reorganization	Recodified due to the addition of 100.J.
100.N	Reorganization	Recodified due to the addition of 100.J.
100.O	Reorganization	Recodified due to the addition of 100.J.
100.P	Reorganization	Recodified due to the addition of 100.J.
100.Q	Reorganization	Recodified due to the addition of 100.J.
100.R	Reorganization	Recodified due to the addition of 100.J.
100.S	Reorganization	Recodified due to the addition of 100.J.
100.T.2	Revision/Reorganization	Revised language for clarity and consistency with 42 C.F.R. 483.430(b)(5). Recodified due to the addition of 100.J.
100.U	Reorganization	Recodified due to the addition of 100.J.
201.A	Revision	Added language to clarify the scope of licensure.
201.E	Addition	Added language to clarify the scope of licensure.
202	Revision	Amended language to clarify the method of fee payment for license applications.
205	Revision/Deletion	Deleted language specifying method of fee payment for initial issuance of licenses.
206	Addition	Added requirement for licensing late fees.
207	Revision/Reorganization	Amended language to clarify amended license. Recodified due to the addition of 206.
207.A	Revision	Amended to delete and add language for clarification.
207.B	Technical Correction/Reorganization	Amended language due to the deletion of 207.C.
207.C	Revision/Deletion	Amended to add language for clarification. Recodified due to the deletion of 207.C.

208	Addition	Added language to clarify change of licensee.
208.A	Addition	Added language to clarify change in controlling interest.
208.B	Addition	Added language to clarify change of legal entity.
209	Reorganization	Recodified due to the addition of 208.
210	Revision/Reorganization	Amended language for clarification; added provision regarding variances. Recodified due to the addition of 208.
302.E	Revision	Amended to clarify initial and routine inspection fees.
302.F	Addition/Technical Correction	Amended to clarify inspection fees during the construction phase of any project. Amended to correct spacing.
400	Technical Correction	Amended to correct spacing.
402.C	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.
402.F	Technical Correction	Amended to correct spacing.
602.F	Technical Correction	Amended to correct grammar.
604.C	Revision	Amended to clarify staffing requirements in residential living units.
604.C.1	Addition	Added language to clarify staffing requirements in residential living units per the CFR.
604.C.2	Addition	Added language to clarify staffing requirements in residential living units per the CFR.
604.C.3	Addition	Added language to clarify staffing requirements in residential living units per the CFR.
605.L	Addition	Added language to clarify medication management.
605.M	Reorganization	Recodified due to the addition of 605.L.
605.N	Reorganization	Recodified due to the addition of 605.L.
701.B	Technical Correction	Amended to correct punctuation.
701.B.5	Revision	Amended to clarify language regarding reportables.
701.B.9	Revision	Amended to clarify language regarding reportables.

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701.C	Revision	Amended to clarify reporting methods for accidents and incidents.
701.D	Revision	Amended to clarify timely reporting methods for accidents and incidents.
703.A	Technical Correction	Amended for code reference clarity.
705.B	Revision	Amended to clarify licensing requirements after temporary closures.
706	Revision	Amended to clarify licensing requirements after a zero census period.
707	Addition	Added language to clarify loss of essential services.
801.B.4	Revision	Amended to move redundant language to 803.
803	Revision/Technical Correction	Amended to clarify language regarding development of the IPP. Amended to correct punctuation.
1009.D	Revision	Amended to clarify language regarding use of safety restraints in 1009.B and 1009.D.
1100.D.1 – 1100.D.13	Addition	Added language to clarify client rights consistent with the CFR.
1201.B	Revision/Deletion	Amended to delete language regarding Physicians' Desk Reference as it is no longer needed.
1203.C	Technical Correction	Amended to correct punctuation.
1203.G	Revision	Amended to clarify provision of medications by unlicensed persons.
1203.G.1	Addition	Added language to clarify provision of medications by unlicensed persons.
1203.G.2	Addition	Added language to clarify training requirements for provision of medications by unlicensed persons.
1203.G.3	Addition	Added language to clarify training and competency evaluation requirements for provision of medications.
1206.B	Revision	Amended to add a requirement of daily checks of medication refrigerators/freezers and

		maintenance of a log of such checks.
1206.C.2	Technical Correction	Amended to correct punctuation.
1208	Revision	Amended to update regulation number.
1209.D	Revision	Amended to update regulation number.
1301	Revision	Amended to update regulation number.
1302	Revision	Amended to update regulation number.
1401.A	Revision	Amended to add language requiring implementation of a written plan for actions for disaster preparedness.
1401.B.1.c	Revision	Amended language for clarity and consistency with other Departmental regulations.
1401.D	Deletion	Deleted this section because it is no longer needed in the regulation.
1401.D.1	Deletion	Deleted this section because it is no longer needed in the regulation.
1401.D.1.a	Deletion	Deleted this section because it is no longer needed in the regulation.
1401.D.1.b	Deletion	Deleted this section because it is no longer needed in the regulation.
1401.D.1.c.	Deletion	Deleted this section because it is no longer needed in the regulation.
1401.D.2	Deletion	Deleted this section because it is no longer needed in the regulation.
1401.D.3	Deletion	Deleted this section because it is no longer needed in the regulation.
1501	Technical Correction	Amended to correct punctuation.
1505.A.3	Revision	Amended to clarify facility responsibility regarding safekeeping of chemicals and cleaning supplies.
1506.B.7	Technical Correction	Amended to correct capitalization.
1601.A	Revision	Amended to remove the permitting of kitchens/meal services.

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1601.B	Revision	Amended to clarify requirements regarding catered meals.
1608.A	Revision	Amended to clarify requirements for ice and drinking water to conform with R.61-58, State Primary Drinking Water Regulations or R.61-32, Wholesale Bottled Water, Soft Drink, and Ice Manufacturing.
1700	Technical Correction	Amended to correct spacing.
1804	Technical Correction	Amended for stylistic clarity.
1807.C	Technical Correction	Amended to correct punctuation.
2304	Technical Correction	Amended to correct spacing.
2504	Technical Correction	Amended for stylistic clarity.
2506.E	Revision/Addition	Amended by adding language to clarify numbers in writing.
2511	Technical Correction	Amended to correct spacing.
2600	Technical Correction	Amended to correct spacing. Amended each instance of “these regulations” to “this regulation” for clarity and consistency
2700	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.

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 a.m. on December 20, 2024. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or HQRregs@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received timely, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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: 61-13, Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.

Purpose: The Department proposes amending R.61-13 to address amendments to S.C. Code Section 40-33-43 (*see* 2022 Act No. 179) which allows the provision of medications to be performed by unlicensed persons with documented medication training and skill competency evaluation in ICF/IIDs. The Department also proposes amending the regulation to update and revise provisions regarding staffing, individual program plans, reporting requirements, clients' rights and assurances, emergency procedures and disaster preparedness, meal service, and the manner and method of fee payments.

Legal Authority: 1976 Code Sections 44-7-110 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

The proposed amendments are required to reflect amendments to S.C. Code Section 40-33-43 relating to the provision of medications by unlicensed persons in ICF/IIDs. Further, the proposed amendments will further provide for the quality of care, services, and treatment offered and provided at ICF/IIDs. Many of the proposed amendments are aimed at aligning requirements with applicable federal regulations for ICF/IIDs (*see* 42 CFR Part 483 Subpart I). Finally, the proposed amendments relating to fees update the manner and method of fees such that there are more convenient and efficient transactions with the Department.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These proposed amendments will help the Department in protecting public welfare and promoting safety and wellbeing for clients receiving care and treatment from ICF/IIDs. The proposed amendments will have no effect on the environment of this State.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

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The Department proposes to amend R.61-13 to implement new statutory requirements concerning the provision of medications by unlicensed persons in ICF/IIDs, to better ensure the safety and wellbeing of clients of ICF/IIDs, and to align state licensing standards with applicable federal regulations.

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. 5352

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 2023 Act No. 60, effective July 1, 2024

- 61-3. The Practice of Selling and Fitting Hearing Aids.
- 61-4. Controlled Substances.
- 61-7. Emergency Medical Services.
- 61-8. Immunization Requirements for School and Childcare Attendance.
- 61-12. Standards for Licensing Abortion Clinics.
- 61-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.
- 61-15. Certification of Need for Health Facilities and Services.
- 61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.
- 61-17. Standards for Licensing Nursing Homes.
- 61-19. Vital Statistics.
- 61-20. Communicable Diseases.
- 61-21. Sexually Transmitted Diseases.
- 61-22. The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis.
- 61-24. Licensed Midwives.
- 61-31. Health Care Cooperative Agreements.
- 61-45. South Carolina Central Cancer Registry.
- 61-75. Standards for Licensing Day Care Facilities for Adults.
- 61-77. Standards for Licensing Home Health Agencies.
- 61-78. Standards for Licensing Hospices.
- 61-80. Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies.
- 61-84. Standards for Licensing Community Residential Care Facilities.
- 61-91. Standards for Licensing Ambulatory Surgical Facilities.
- 61-93. Standards for Licensing Facilities for Chemically Dependent or Addicted Persons.
- 61-94. WIC Vendors.
- 61-95. Medicaid Nursing Home Permits.
- 61-97. Standards for Licensing Renal Dialysis Facilities.
- 61-102. Standards for Licensing Birthing Centers for Deliveries by Midwives.
- 61-103. Residential Treatment Facilities for Children and Adolescents.
- 61-108. Standards for Licensing Freestanding or Mobile Technology.
- 61-109. Standards for Permitting Body Piercing Facilities.
- 61-111. Standards for Licensing Tattoo Facilities.
- 61-112. Implementation of Emergency Health Powers Act.
- 61-114. South Carolina Birth Defects Program.
- 61-116. South Carolina Trauma Care Systems.
- 61-118. South Carolina Stroke Care System.
- 61-120. South Carolina Immunization Registry.
- 61-122. Standards for Licensing In-Home Care Providers.
- 61-123. Critical Congenital Heart Screening on Newborns.

61-125. Standards for Licensing Crisis Stabilization Unit Facilities.

Preamble:

Pursuant to Section 14(B) of 2023 Act No. 60 (Act), the health-related regulations currently under Chapter 61 – Department of Health and Environmental Control of the S.C. Code of Regulations are transferred to DPH. In accordance with this provision, DPH proposes transferring all the regulations listed above from Chapter 61 to the new Chapter 60 in the S.C. Code of Regulations, with the Chapter title of Department of Public Health. Additionally, DPH proposes amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

Regulation/Section	Type of Change	Purpose
Chapter 60	Add	Add Chapter 60 to the S.C. Code of Regulations
R.61-3		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section I(b)	Revision	Amend Department definition to mean Department of Public Health (DPH).
Section 101(e)	Revision	Amend Department reference to DPH.
Section 105(a)	Revision	Amend Department reference to DPH.
Section 204	Revision	Amend Department reference to DPH.
R.61-4		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 102(d), (j), (k), and (u)	Revision	Amend Department definition to mean DPH and amend Department references to DPH.
Section 103	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 104	Revision	Amend Department reference to DPH.
Section 109(b) and (d)	Revision	Amend Department reference to DPH.
Section 110(a) and (c)	Revision	Amend Department reference to DPH.
Section 202(a)	Revision	Amend Department reference to DPH.
Section 203(b) and (c)	Revision	Amend Department reference to DPH.

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Section 304(a)	Revision	Amend Department reference to DPH.
Section 314(c) and (d)	Revision	Amend Department reference to DPH.
Section 317	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 319(a)	Revision	Amend Department reference to DPH.
Section 406(b)	Revision	Amend Department reference to DPH.
Section 407(c)	Revision	Amend Department reference to DPH.
Section 801(e)	Revision	Amend Department reference to DPH.
Section 809(a)	Revision	Amend Department reference to DPH.
Section 903	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 1001(a)(3)	Revision	Amend Department reference to DPH.
Section 1008	Revision	Amend Department reference to DPH.
Section 1009(e)	Revision	Amend Department reference to DPH.
Section 1010	Revision	Amend Department reference to DPH.
Section 1011	Revision	Amend Department reference to DPH.
Section 1012(b)	Revision	Amend Department reference to DPH.
Section 1101(g)	Revision	Amend Department reference to DPH.
Section 1202(b)(4)	Revision	Amend Department reference to DPH.
Section 1404(a)	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 1701(a)	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 1702(a) and (b)	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 1901	Revision	Amend Department reference to DPH.
Section 1903	Revision	Amend Department reference to DPH.
Section 1904	Revision	Amend Department reference to DPH.

Section 1911(b)	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 1917	Revision	Amend Department reference to DPH.
Section 1920	Revision	Amend Department reference to DPH.
Section 1921	Revision	Amend Department reference to DPH.
R.61-7		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101(N)	Revision	Amend Department definition to mean DPH.
Section 1204(B) and (C)	Revision	Amend regulation number to reflect move to Chapter 60.
R.61-8		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
R.61-12		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.F	Revision	Amend Department definition to mean DPH.
Section 304.H	Revision	Amend to remove Department reference.
Section 403.A	Revision	Amend to update Department reference.
Section 403.A.2	Revision	Amend regulation number to reflect move to Chapter 60.
Section 803.A.1	Revision	Amend Department unit reference to DPH.
Section 803.E	Revision	Amend Department reference to DPH.
Section 804	Revision	Amend Department unit reference to DPH.
Part IX.A	Revision	Amend Department unit reference to DPH.
Part IX.B	Revision	Amend Department unit reference to DPH.
Part IX.B.1	Revision	Amend Department reference to Department of Environmental Services.
Part IX.E	Revision	Amend Department unit reference to DPH.
R.61-13		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
R.61-15		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.

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Section 101.5	Revision	Amend Department definition to mean DPH.
Section 102.2	Revision	Amend Department reference to DPH.
Section 301.2	Revision	Amend Department reference to DPH and remove Department mailing address.
Section 303.1	Revision	Amend Department reference to DPH.
R.61-16		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.D	Revision	Amend Department definition to mean DPH.
Section 702	Revision	Amend Department email address to DPH.
Section 1302.B and C	Revision	Amend Department reference to DPH.
Section 1313.C	Revision	Amend Department reference to DPH.
Section 1402.A	Revision	Amend regulation number to reflect move to Chapter 60.
Section 1403	Revision	Amend regulation number to reflect move to Chapter 60.
Section 2003	Revision	Amend Department email address to DPH.
R.61-17		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.Q	Revision	Amend Department definition to mean DPH.
Section 102.A.1 through 3	Revision	Amend regulation numbers to reflect move to Chapter 60.
Section 201.C	Revision	Amend Department unit reference to DPH.
Section 703	Revision	Amend regulation number to reflect move to Chapter 60.
Section 804.B.8	Revision	Amend regulation number to reflect move to Chapter 60.
Section 1309.D	Revision	Amend regulation number to reflect move to Chapter 60.
R.61-19		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 100.K	Revision	Amend Department definition to mean DPH.
Section 100.CC	Revision	Amend regulation number to reflect move to Chapter 60.
R.61-20		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.

Section 1.A(1), (9), and (10)	Revision	Amend Department reference to DPH. Amend Department definition to mean DPH. Amend Director definition to reflect DPH.
Section 7	Revision	Amend Department reference to DPH.
Section 13	Revision	Amend Board and Department references to DPH and Director of DPH.
R.61-21		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section A(3)	Revision	Amend Department definition to mean DPH.
Section B	Revision	Amend Department reference to DPH.
Section L(2)	Revision	Amend Department reference to DPH.
R.61-22		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section II.B	Revision	Amend Department definition to mean DPH.
Section II.C	Revision	Amend Department reference to DPH.
Section III.A.4 and C.1 through 5	Revision	Amend Department reference to DPH.
Section IV.A	Revision	Amend Department reference to DPH and remove Department mailing address.
Section IV.B	Revision	Amend form number for accuracy.
R.61-24		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section A.2.h	Revision	Amend Department definition to mean DPH.
Section O.3.d	Revision	Amend Department form and unit reference for accuracy.
Section P.1.a	Revision	Amend Commissioner reference to Director and Department reference to DPH.
R.61-31		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 102.4)	Revision	Amend Department definition to mean DPH.
Section 202(d).8	Revision	Amend regulation number to reflect move to Chapter 60.

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Section 301	Revision	Amend Department unit reference to DPH and remove Department mailing address.
Section 305	Revision	Amend Department reference to DPH.
R.61-45		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section B.1, 9, 10, and 11	Revision	Amend Department definition to mean DPH and amend Board and Department references to DPH.
Section C.1 through C.3.a through C.3.f	Revision	Amend Department references to DPH.
Section E	Revision	Amend Department reference and Department unit reference to DPH.
Section F.1 and 3	Revision	Amend Department references to DPH.
Section G.3 through 5	Revision	Amend Department references to DPH.
R.61-75		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.K	Revision	Amend Department definition to mean DPH.
Section 603	Revision	Amend regulation number to reflect move to Chapter 60 and amend Department unit reference to DPH.
R.61-77		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.H	Revision	Amend Department definition to mean DPH.
R.61-78		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 100.J	Revision	Amend Department definition to mean DPH.
Section 704	Revision	Amend regulation number to reflect move to Chapter 60.
R.61-80		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Table of Contents	Deletion	Amend to delete Department form references.
Section A	Revision	Amend Department reference to DPH.
Section B.5 through 8	Revision	Amend Department definition to mean DPH and amend Department references to DPH. Amend Department unit

		reference for accuracy and amend Commissioner reference for Director.
Section H	Revision	Amend Department form references for accuracy and remove references to appendices.
Appendix A	Deletion	Amend to delete Department form.
Appendix B	Deletion	Amend to delete Department form.
Appendix C	Deletion	Amend to delete Department form.
R.61-84		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.P	Revision	Amend Department definition to mean DPH.
Section 102.A.1	Revision	Amend regulation number to reflect move to Chapter 60.
Section 603	Revision	Amend regulation number to reflect move to Chapter 60.
R.61-91		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.R	Revision	Amend Department definition to mean DPH.
Section 102.A.1 through 4	Revision	Amend regulation numbers to reflect move to Chapter 60.
Section 103.E.9	Revision	Amend regulation number to reflect move to Chapter 60.
Section 103.L.2	Revision	Amend regulation number to reflect move to Chapter 60.
Section 603	Revision	Amend regulation number to reflect move to Chapter 60.
Section 702.D.3	Revision	Amend regulation number to reflect move to Chapter 60.
Section 1007.A.2	Revision	Amend regulation number to reflect move to Chapter 60.
R.61-93		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
R.61-94		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101(A) and (C)	Revision	Amend Department definition to mean DPH and amend Department references to DPH. Amend Department unit reference to DPH.
Section 801	Revision	Amend administrative appeals to remove DHEC Board and conform to statute.

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R.61-95		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.A	Revision	Amend Department definition to mean DPH.
Section 105.B	Revision	Amend Department unit reference to DPH and remove Department mailing address.
R.61-97		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.K	Revision	Amend Department definition to mean DPH.
Section 102.B.2	Revision	Amend regulation number to reflect move to Chapter 60.
Section 602.A	Revision	Amend regulation number to reflect move to Chapter 60 and amend Department unit reference to DPH.
R.61-102		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section A(1)(d)	Deletion	Remove Board definition as DHEC Board is no longer established.
Section A(1)(g) and (j)	Revision	Amend Department definition to mean DPH and amend Department references to DPH.
Section D(7)(b)(6)	Revision	Amend Department reference for DPH and clarify form number.
Section H(3)(e)	Revision	Amend Department reference to DPH.
Section L(1) and (2)(a)	Revision	Amend Department and Department unit reference to DPH and to SCDES.
R.61-103		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
R.61-108		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 101.M	Revision	Amend Department definition to mean DPH.
Section 101.P	Revision	Amend regulation number to reflect move to Chapter 60.
Section 102.A.1 through 4	Revision	Amend regulation number to reflect move to Chapter 60.
Section 102.I	Revision	Amend Department unit reference to SCDES.
Section 601.A.1	Revision	Amend Department unit reference to DPH.

Section 601.B	Revision	Amend Department unit reference to DPH.
Section 602	Revision	Amend Department unit reference to DPH and amend Department contact information for fire notifications and reports.
Section 603	Revision	Amend regulation number to reflect move to Chapter 60.
Section 604	Revision	Amend Department unit reference to DPH.
Section 605	Revision	Amend Department unit reference to DPH.
Section 606	Revision	Amend regulation number to reflect move to Chapter 60.
Section 607	Revision	Amend Department unit reference to DPH.
Section 608.A and B	Revision	Amend Department unit reference to DPH.
Section 702.F and G	Revision	Amend Department unit reference to DPH.
Section 901.B	Revision	Amend Department unit reference to DPH.
Section 1001.D.4	Revision	Amend Department unit reference to DPH.
Section 1006.E	Revision	Amend Department unit reference to DPH.
Section 1007.A.2 and B	Revision	Amend regulation number to reflect move to Chapter 60 and amend Department unit reference to DPH.
Section 1302.B.2	Revision	Amend Department unit reference to DPH.
R.61-109		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 100.I	Revision	Amend Department definition to mean DPH.
R.61-111		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 100.K	Revision	Amend Department definition to mean DPH.
R.61-112		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 1	Revision	Amend regulation numbers to reflect move to Chapter 60.
Section 2	Revision	Amend regulation number to reflect move to Chapter 60.
Section 2, Commissioner Definition	Revision	Amend Commissioner definition to Director of DPH.

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Section 3	Revision	Amend Department references to DPH.
Section 4	Revision	Amend Department references to DPH and amend Commissioner reference to Director.
Section 5	Revision	Amend Department references to DPH and amend regulation numbers to reflect move to Chapter 60.
Section 6	Revision	Amend Department references to DPH.
Section 7	Revision	Amend Department references to DPH and amend Commissioner references to Director.
Section 8	Revision	Amend Department references to DPH.
Section 9	Revision	Amend Department references to DPH and amend Commissioner references to Director.
Section 10.A through C	Revision	Amend Department references to DPH and amend Commissioner references to Director.
R.61-114		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section A	Revision	Amend Department reference to DPH.
Section B.2	Revision	Amend Department definition to mean DPH.
R.61-116		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 100.D	Revision	Amend Department definition to mean DPH.
R.61-118		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section 100.F	Revision	Amend Department definition to mean DPH.
R.61-120		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
Section B.2	Revision	Amend Department definition to mean DPH.
R.61-122		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.
R.61-123		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.

Section 102.A, B, and C	Revision	Amend Department definition to mean DPH and amend Department references to DPH.
R.61-125		
Regulation Number	Revision	Amend regulation number to move to Chapter 60.

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 3:00 p.m. on December 20, 2024. Written comments may be submitted to Bentley White of the Office of Legislative Affairs; S.C. Department of Public Health, 2100 Bull Street, Columbia, SC, 29201; or whitebp@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., November 25, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received timely, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of these regulatory amendments will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of these regulations.

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 REGULATIONS:

- 61-3. The Practice of Selling and Fitting Hearing Aids.
- 61-4. Controlled Substances.
- 61-7. Emergency Medical Services.
- 61-8. Immunization Requirements for School and Childcare Attendance.
- 61-12. Standards for Licensing Abortion Clinics.
- 61-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.
- 61-15. Certification of Need for Health Facilities and Services.
- 61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.
- 61-17. Standards for Licensing Nursing Homes.
- 61-19. Vital Statistics.
- 61-20. Communicable Diseases.
- 61-21. Sexually Transmitted Diseases.
- 61-22. The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis.
- 61-24. Licensed Midwives.
- 61-31. Health Care Cooperative Agreements.
- 61-45. South Carolina Central Cancer Registry.
- 61-75. Standards for Licensing Day Care Facilities for Adults.
- 61-77. Standards for Licensing Home Health Agencies.
- 61-78. Standards for Licensing Hospices.
- 61-80. Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies.
- 61-84. Standards for Licensing Community Residential Care Facilities.
- 61-91. Standards for Licensing Ambulatory Surgical Facilities.
- 61-93. Standards for Licensing Facilities for Chemically Dependent or Addicted Persons.
- 61-94. WIC Vendors.
- 61-95. Medicaid Nursing Home Permits.
- 61-97. Standards for Licensing Renal Dialysis Facilities.

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- 61-102. Standards for Licensing Birthing Centers for Deliveries by Midwives.
- 61-103. Residential Treatment Facilities for Children and Adolescents.
- 61-108. Standards for Licensing Freestanding or Mobile Technology.
- 61-109. Standards for Permitting Body Piercing Facilities.
- 61-111. Standards for Licensing Tattoo Facilities.
- 61-112. Implementation of Emergency Health Powers Act.
- 61-114. South Carolina Birth Defects Program.
- 61-116. South Carolina Trauma Care Systems.
- 61-118. South Carolina Stroke Care System.
- 61-120. South Carolina Immunization Registry.
- 61-122. Standards for Licensing In-Home Care Providers.
- 61-123. Critical Congenital Heart Screening on Newborns.
- 61-125. Standards for Licensing Crisis Stabilization Unit Facilities.

Purpose: The Department of Public Health (Department or DPH) proposes transferring the regulations listed above to a new S.C. Code of Regulations Chapter, and amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60.

Legal Authority: 2023 Act No. 60, effective July 1, 2024

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

The proposed amendments are necessary to update DPH regulations in accordance with the 2023 Act No. 60, in which the Department of Health and Environmental Control (DHEC) became two separate agencies, DPH and the Department of Environmental Services, on July 1, 2024. DPH needs a new assigned chapter within the S.C. Code of Regulations. The amendments include transferring all the DPH regulations listed above from Chapter 61 to the new Chapter 60 in the S.C. Code of Regulations, with the Chapter title of Department of Public Health. The amendments also include updating references to the Department of Health and Environmental Control and DHEC, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There are no anticipated effects on the environment or public health.

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

If these amendments to clarify the establishment of DPH are not implemented, the regulations may cause confusion for the public, regulated community, and stakeholders associated with the new public health agency as well as the new environmental agency.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

The Department proposes amending the DPH regulations to conform to 2023 Act No. 60 (Act). Pursuant to Section 14(B) of the Act, the health-related regulations currently under Chapter 61 – Department of Health and Environmental Control of the S.C. Code of Regulations are transferred to DPH. In accordance with this provision, DPH proposes transferring all the regulations listed above from Chapter 61 to the new Chapter 60 in the S.C. Code of Regulations, with the Chapter title of Department of Public Health. Additionally, DPH proposes amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60.

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.