

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal, or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices of 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:

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

Executive Orders are actions issued and taken by the Governor.

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 a proposed regulation.

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

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.

2025 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 must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

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

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 and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and 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 the regulation 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 laws 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 the legislative interim, the regulation may be refiled for one additional ninety-day period.

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In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5267			Article 6, Telecommunications Utilities	01/18/2026	Public Service Commission		
5192			R.45.1, Definitions	01/18/2026	State Election Commission		
5193			R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	01/18/2026	State Election Commission		
5194			R.45-3, Tabulating Center Personnel	01/18/2026	State Election Commission		
5195			R.45-4, Certification of Program Instructions	01/18/2026	State Election Commission		
5196			R.45-5, Ballot Envelopes and Fold Over Ballot Cards	01/18/2026	State Election Commission		
5197			R.45-6, Defective Ballot Cards	01/18/2026	State Election Commission		
5198			R.45-7, Ballot Cards, Sealed After Tabulation	01/18/2026	State Election Commission		
5199			R.45-9, Write-in Ballots, Sealed After Tabulation	01/18/2026	State Election Commission		
5201			Emergency Election Procedures	01/18/2026	State Election Commission		
5202			Poll Worker Training; Candidate Withdrawals	01/18/2026	State Election Commission		
5203			Procedures for Electronic Petitions	01/18/2026	State Election Commission		
5204			R.45-10, Retention and Disposition of Certain Voting Records	01/18/2026	State Election Commission		
5205			Reports to State Election Commission by County Boards of Voter Registration and Elections	01/18/2026	State Election Commission		
5225			Retention and Storage of Election Records and Election Equipment	01/18/2026	State Election Commission		
5242			Article 2, Motor Carriers	01/18/2026	Public Service Commission		
5271			Procurement of Appraisal Services	01/18/2026	South Carolina Conservation Bank		
5275			Written Interrogatories and Request for Production of Documents and Things	01/18/2026	Public Service Commission		
5285			Record Retention for Credit Unions	01/18/2026	State Board of Financial Institutions		
5281			Income and Expense Statements Re Dividends	01/18/2026	State Board of Financial Institutions		
5283			Authority to Engage in Activities Authorized for Federally Chartered Institutions	01/18/2026	State Board of Financial Institutions		
5289			Retention of Bank Records	01/18/2026	State Board of Financial Institutions		
5292			State Bank Dividends	01/18/2026	State Board of Financial Institutions		
5286			Declaration of Dividends by State-chartered Credit Unions	01/18/2026	State Board of Financial Institutions		
5293			Terms and Conditions for State-chartered Credit Union to Make ARM Loans	01/18/2026	State Board of Financial Institutions		
5290			Electronic Fund Transfers	01/18/2026	State Board of Financial Institutions		
5302			Investigation of Events Requiring Withdrawal of Certification; Notification of Officer	01/18/2026	South Carolina Criminal Justice Academy		
5304			Sanctions	01/18/2026	South Carolina Criminal Justice Academy		
5320			Insurance Holding Company Systems	01/18/2026	Department of Insurance		
5321			LIFE Scholarship and Scholarship Enhancement	01/18/2026	State Commission on Higher Education		
5322			Palmetto Fellows Scholarship Program	01/18/2026	State Commission on Higher Education		

2 NOTICES

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 **December 27, 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 Aiken, Barnwell, Orangeburg, Bamberg, Allendale, and Edgefield Counties

Atomic Workers Alliance, LLC

Establishment of a Specialty Home Health Agency limited to nursing services in Aiken, Barnwell, Orangeburg, Bamberg, Allendale, and Edgefield Counties at a total project cost of \$18,940.23.

Affecting Beaufort County

South of Broad Healthcare d/b/a Bluffton Community Hospital

Construction for the establishment of a new 28 acute care bed hospital through transfer of 28 acute care beds from the affiliate Beaufort Memorial Hospital at a total project cost of \$9,293,936.00.

Document No. 5366
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-40-40, 59-40-115, and 59-40-180

43-601. Procedures and Standards for Review of Charter School Applications.

Preamble:

The State Board of Education proposes to amend R.43-601 Procedures and Standards for Review of Charter School Applications.

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

Section-by-Section Discussion:

Section VIII. Sponsor Registration for Institutions of Higher Learning.

Section IX. Charter School Authorizer Transfer Schedule.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on February 4, 2025, at 1:00 pm in the South Carolina Department of Education Board Room, 849 Learning Lane West 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 Beth Poff, Team Lead for Charter School Program, Office of Education Choice and Family Engagement 849 Learning Lane West Columbia, SC 29172 or by email to bpoff@ed.sc.gov on or before 12:00 pm on February 3, 2025.

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 43-601.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Procedures and Standards for Review of Charter School Applications.

Purpose: The General Assembly passed the “Charter Schools Act” (Title 59, Chapter 40) in 1996, amended it in 2006, and again in 2012. Section 59-40-40 defines a charter school sponsor and requires that institutions of higher learning seeking to become a charter school sponsor must register with the South Carolina Department of Education. Section 59-40-115 allows charter schools to terminate their contracts with a sponsor if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application from another sponsor. The proposed regulation will address the registration requirements of charter school sponsors with the South Carolina Department of Education. Additionally, the proposed regulation will address the administrative actions the South Carolina Department of Education will undertake pursuant to a charter school and sponsor electing to terminate their contract so that the charter may directly seek application from, and establish a new contract with, another sponsor.

Legal Authority: 1976 Code Sections 59-40-40, 59-40-115, and 59-40-180.

4 PROPOSED REGULATIONS

Plan for Implementation: Affected school and district personnel will be informed of the new procedures through electronic correspondence, guidance, or documents.

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 SCDE process for registering institutions of higher education as charter school sponsors and SCDE process for administering charter school transfers.

DETERMINATION OF COSTS AND BENEFITS:

There is no increased cost to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost of 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:

1976 Code of Law Sections 59-40-40, 59-40-115, and 59-40-180 require the SCDE to establish procedures around charter school transfers and registration for institutions of higher education to serve as charter school sponsors.

The General Assembly passed the “Charter Schools Act” (Title 59, Chapter 40) in 1996, amended it in 2006, and again in 2012. Section 59-40-40 defines a charter school sponsor and requires that institutions of higher learning seeking to become a charter school sponsor must register with the South Carolina Department of Education. Section 59-40-115 allows charter schools to terminate their contracts with a sponsor if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application from another sponsor. The proposed regulation will address the registration requirements of charter school sponsors with the South Carolina Department of Education. Additionally, the proposed regulation will address the administrative actions the South Carolina Department of Education will undertake pursuant to a charter school and sponsor electing to terminate their contract so that the charter may directly seek application from, and establish a new contract with, another sponsor.

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.

Filed: November 12, 2024 8:30am

Document No. 5362
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF COSMETOLOGY
 CHAPTER 35

Statutory Authority: 1976 Code Sections 1-23-130, 40-13-60, and 40-13-230(B)

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics.

Emergency Situation:

Estheticians are individuals who practice make-up or skin care for the sole purpose of beautifying the skin. To practice esthetics in South Carolina, an esthetician must hold a license from the South Carolina Board of Cosmetology, which is issued following: completion of at least 450 hours in classes in skin care in a reliable school approved by the board, or comparable training approved by the board; and passage of an exam as prescribed by the board. Traditionally, many of the schools offering skin care programs have been eligible for Federal Student Aid funding for their students under the *Higher Education Act Title IV* (HEA) To be eligible for funding, an educational program must lead to a degree at a nonprofit or public institution or it must prepare students for “gainful employment” (GE) in a recognized occupation which here, is esthetics.

For the last 30 years, the U.S. Department of Education (Department) has enforced 34 C.F.R. § 668.14(b)(26), a Federal regulation that allowed institutions receiving Federal Student Aid (FSA) funds on behalf of students enrolled in GE programs to receive FSA funds for the minimum number of hours required by the state for licensure *plus 50 percent*. This has been referred to as the “150% rule”. For estheticians in South Carolina, then, FSA funds were available for the required 450 hours for licensure and for an additional 150 hours of training, totaling a 600-hour curriculum which many schools in the state offer.

On October 31, 2023, the Department published a final rule abolishing the 150% rule and replacing it with a requirement that institutions certify that their GE programs are not longer than 100 percent of the length required for licensure in a recognized occupation. An institution’s access to FSA funds is contingent upon compliance with this new rule, the “100% rule” (also known as the Bare Minimum Rule). The rule took effect on July 1, 2024. With this change, FSA funds would only be available for the 450 hours of classes required for licensure and not for the existing 600-hour programs.

Between the date the final rule was issued and its effective date, the Department and FSA indicated they recognized a hardship caused by this rule change. On April 9, 2024, FSA published on its website the Department’s “clarifications on how its enforcement discretion specifically relates to two provisions in the Certification Procedures regulations published on October 31, 2023, and scheduled to take effect on July 1, 2024” of which one was the maximum program length for certain GE programs. The Department acknowledged that institutions and state agencies both have expressed concerns with their ability to comply with the rule change and responded by stating the Department “understands that there may be circumstances outside of an institution’s control that prevent compliance with these new requirements by July 1, 2024” but the Department believes that most of the concerns and challenges will have been resolved or sufficiently mitigated by January 1, 2025. “The Department has enforcement discretion with respect to an institution’s compliance with certain Title IV, HEA requirements. Given the concerns received from institutions and States, particularly for the period between July 1, 2024 and January 1, 2025, we will consider exercising this discretion before taking action regarding the provisions in 34 CFR 668.13(b)(26)” The Department continued by listing defenses an institution could raise to an enforcement action, including an inability to obtain approval from the State or accrediting agencies for program changes, the inability to obtain approvals for academic program changes, the inability to obtain sufficient clarity from State licensing and certification entities about licensure and certifications requirements, or the inability to access and use the Department’s systems.

6 PROPOSED REGULATIONS

The Department encouraged institutions to “document, prior to July 1, 2024, the circumstances that prevent their compliance with any requirement by the regulations’ effective date.” The Department said it would review such documentation prior to taking any enforcement action related to the provisions.

In response to notice of the Federal rule change, several bills addressing esthetics licensure requirements were filed in the South Carolina General Assembly during the 2024 legislative session. At least one of those bills, S.857, would have increased the minimum number of hours required for licensure as an esthetician from 450 to 600, thereby resolving this problem in advance of the July 1, 2024 deadline. The bill passed the Senate but remained in the House Medical, Military, Public and Municipal Affairs (3M) Committee at the time of adjournment of session on May 9, 2024.

By way of a letter dated May 2, 2004, Chair of the House 3M Committee asked the Board of Cosmetology to utilize the emergency regulation procedures, as outlined in S.C. Code Section 1-23-130, to provide a temporary solution to protect students’ access to FSA funds until such time as the General Assembly convenes in January 2025 and can consider the matter. Filing this regulation also served to document the circumstances preventing compliance, in accordance with the Department’s directive.

Text:

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics.

(A)	Basic course for a School of Cosmetology	1500 Hours Curriculum
	Subjects	Hours
	(1) Science of Cosmetology:	
	(a) Sanitation and Disinfection	45
	(b) Personal Hygiene and Grooming	30
	(c) Professionalism-Professional Ethics	35
	(d) Public Relations, Salesmanship and Psychology	50
	(e) Anatomy	45
	(f) Dermatology	25
	(g) Trichology	25
	(h) Nail Structure	15
	(i) Chemistry	100
	(j) Safety Precautions (Public Safety)	30
	(2) Practice of Cosmetology:	
	(a) Shampoos and Rinses (Safety)	45
	(b) Scalp and Hair Care-Treatments (Safety)	30
	(c) Hair Shaping (Safety)	150
	(d) Hair Styling (Safety)	325
	(i) Thermal Pressing	
	(ii) Thermal Curling	
	(iii) Wiggery	
	(iv) Roller Placement	
	(v) Molding	
	(vi) Pin Curling	
	(e) Nail Technology (Safety)	25
	(f) Chemical (Cold) Waving, Chemical Relaxing or Straightening (Safety)	225
	(g) Hair Tinting (Coloring) and Lightening (Bleaching) (Safety)	225
	(h) Facial-Skin Care, Make-up, and Hair Removal (Safety)	40

	(3)	State Law: Rules, Regulations, Code	15
	(4)	Unassigned: Specific Needs	20
Total			1500
(B)	Basic course for a School of Nail Technology		300 Hours Curriculum
		Subjects	Hours
	(1)	Sanitation and Safety Measures	75
	(a)	Bacteriology	
		(i) Classifications	
	(b)	Sanitation/Disinfection	
		(i) Chemical Agents	
		(ii) Sanitizing methods and Procedures	
	(2)	Anatomy and Physiology (Arms, Hands, Feet)	30
	(a)	Nail Shapes, Structures, Growth	
		(i) Nail Irregularities	
		(ii) Nail Diseases	
	(b)	Bones, Muscles, Nerves	
		(i) Bones of arm, hand	
		(ii) Muscles of arm, hand	
		(iii) Nerves of arm, hand	
	(c)	Skin	
		(i) Histology	
		(ii) Functions	
	(d)	Blood Circulation	
		(i) Blood Vessels	
		(ii) Blood supply of the arm, hand foot	
	(3)	Nail Technology (hands and feet)	105
	(a)	Preparation	
	(b)	Equipment and Implements	
	(c)	Supplies	
	(d)	Procedures	
		(i) Basic Nail Technology	
		(ii) Nail analysis	
		(iii) Hand and arm massage	
	(e)	Pedicure	
	(f)	Polish-Application	
	(g)	Specific Needs	
	(4)	Artificial Nails	50
	(a)	Sculpturing (liquid and powder brush ons)	
	(b)	Artificial nail tips	
	(c)	Nail wraps and repairs	
	(d)	Maintenance	
	(5)	Power Equipment	25
	(6)	State Law	15
Total			300
(C)	Basic course for a School of Esthetics		450600 Hours Curriculum
		Subjects	Hours

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	(1)	Professional Practices	50
	(a)	Bacteriology and Sanitation	
	(i)	Personal hygiene	
	(ii)	Public health	
	(iii)	Methods	
	(iv)	Procedures	
	(b)	Business Practices	
	(i)	Management practices	
	(ii)	Salon development	
	(iii)	Insurance	
	(iv)	Client records	
	(v)	Salesmanship	
	(2)	Sciences	120 130
	(a)	Histology of Skin	
	(i)	Cell	
	(ii)	Tissue	
	(b)	Dermatology	
	(i)	Structure of the skin and glands	
	(ii)	Functions of the skin and glands	
	(iii)	Conditions and disorders of the skin	
	(iv)	Characteristics of the skin	
		(A) Elasticity	
		(B) Color	
		(C) Skin types	
	(v)	Nutrition	
		(A) Nourishment of skin	
		(B) Healthful diet	
	(c)	Structure and Functions of Human Systems	
	(i)	Skeletal	
	(ii)	Muscular	
	(iii)	Nervous	
	(iv)	Circulatory	
	(v)	Cosmetic Chemistry	
	(3)	Facial Treatments	125 175
	(a)	Facial Massage	
	(i)	Benefits	
	(ii)	Analysis	
	(iii)	Preparation	
	(iv)	Types of Massage	
	(v)	Manipulations	
	(vi)	Safety measures	
	(b)	Electrical current-facial treatments	
	(i)	Types of current	
	(ii)	Purpose and effects	
	(iii)	Procedures	
	(iv)	Safety measures	
	(v)	Equipment	
	(c)	Other kinds of Facial treatments	
	(i)	Purpose and effects	
	(ii)	Types and treatments	

		(iii)	Preparation	
		(iv)	Procedures	
		(v)	Safety measures	
	(4)	Hair Removal		5060
		(a)	Depilatories	
		(b)	Tweezing	
		(c)	Waxing	
		(d)	Threading	
		(e)	Unassigned: Specific Needs	
	(5)	Makeup, Eyelash and Eyebrow		50100
		(a)	Purpose and effects	
		(b)	Supplies and implements	
		(c)	Preparation	
		(d)	Procedures	
		(i)	<u>Makeup Procedures</u>	
		(ii)	<u>Eyelash Extensions</u>	
		(iii)	<u>Eyelash Perming</u>	
		(iv)	<u>Eyebrow Lamination</u>	
		(e)	Safety measures	
	(6)	Body Wraps		40
		(a)	Purpose and effects	
		(b)	Types or treatments	
		(c)	Supplies and instruments	
		(d)	Preparation	
		(e)	Procedure	
		(f)	Safety measures	
	(7)	State Law, Rules, Regulations and Codes		15
	(8)	<u>Unassigned: Specific Needs</u>		30
	Total			450600
	(D)	Public School Secondary Education Curriculum		1540 curriculum hours
	(1)	Science of Cosmetology		
		(a)	Sanitation & Sterilization	45
		(b)	Personal Hygiene & Grooming	30
		(c)	Professionalism/Professional Ethics	25
		(d)	Salesmanship/PR/Psych.	35
		(e)	Anatomy	25
		(f)	Dermatology	25
		(g)	Trichology	25
		(h)	Nail Structure	10
		(i)	Chemistry	75
		(j)	Safety Precautions (Public Safety)	15
	(2)	Practice of Cosmetology		
		(a)	Shampoo & Rinse	20
		(b)	Scalp & Hair Treatment (Safety)	30
		(c)	Hair Shaping (Safety)	100
		(d)	Hair Styling (Safety)	225
		(i)	Thermal Pressing	
		(ii)	Thermal Curling	

10 PROPOSED REGULATIONS

	(iii)	Wiggery	
	(iv)	Roller Placement	
	(v)	Molding	
	(vi)	Pin Curl	
	(e)	Nail Technology (Manicure & Pedicure)	25
	(f)	Chemical (Cold) Waving, Chemical Relaxing or Straightening (Safety)	130
	(g)	Hair Tinting (Coloring) and Lightening (Bleaching)	100
	(h)	Facial Skin Care, Makeup, and Hair Removal (Safety)	40
	(i)	State Law Rules, Regulations and Codes	15
	(3)	Unassigned	5
	(4)	Academic Hours	500
	(a)	English Language Arts	120
	(b)	Math	120
	(c)	Science	120
	(d)	Economics or Government	60
	(e)	Technology	120

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation is to preserve access to FSA funds for esthetician students until such time as the South Carolina General Assembly can reconvene in January 2025 to address the minimum number of hours required for licensure as an esthetician in the state.

Legal Authority: 1976 Code Sections 1-23-130, 40-13-60, and 40-13-230(B).

Plan for Implementation: The regulation will be available at the South Carolina Department of Labor, Licensing and Regulation and on its website.

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

The emergency regulation is necessary to comply with the Federal requirement that institutions certify that their GE programs are not longer than 100 percent of the length required for licensure in a recognized occupation.

DETERMINATION OF COSTS AND BENEFITS:

The emergency regulation will present no costs to the State of South Carolina.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates related to the emergency regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

EMERGENCY REGULATIONS 11

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

12 FINAL 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.

Synopsis:

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 equal to" 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.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2025 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.
2. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
3. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
4. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.
5. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Fiscal Impact Statement:

No additional state funding is requested.

Statement of Rationale:

None.

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.

Synopsis:

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.

Instructions:

14 FINAL REGULATIONS

Print the regulation as shown below. All other items remain unchanged.

Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2025, are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Fiscal Impact Statement:

No additional state funding is requested.

Statement of Rationale:

None.

Document No. 5305
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-6. Benefit Ratio for Zero Taxable Wages.

Synopsis:

The Department of Employment and Workforce proposes amending R.47-6, Benefit Ratio for Zero Taxable Wages, to conform with Section 3303(a) of the Federal Unemployment Tax Act, which prohibits assignment of an unemployment insurance tax rate of less than one percent to a new or newly covered employer with less than one year of experience. To maintain compliance with the Federal Unemployment Tax Act, the Department proposes this amendment to R.47-6 to ensure that new employers are assigned a rate of not less than one percent.

This amendment is proposed to maintain compliance with federal law and exempt from legislative review pursuant to Section 1-23-120(H)(1) of the South Carolina Administrative Procedures Act.

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

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

47-6. Benefit Ratio for Zero Taxable Wages.

A. If on the rate computation date there are zero taxable wages and zero benefit charges during the rate computation period when computing the tax year's benefit ratio, the employer will be assigned the prior year's tax class. If the employer does not have a prior year tax class, the employer will be assigned tax class twelve or a rate of one percent, whichever is higher.

B. If on the rate computation date the employer has benefit charges and zero taxable wages during the rate computation period when computing the tax year's benefit ratio, the employer will be assigned to the prior year's tax class. If the employer does not have a prior year tax class, the employer will be assigned tax class thirteen.