

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal, or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices 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-ten 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-ten-day review period, the regulation is approved on the one-hundred-tenth 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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 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
5342			Residential Treatment Facilities for Children and Adolescents	01/25/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affair
5319			Sign Language Interpreters	02/01/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5370			Honey Bees	03/05/2026*	Clemson University	Regs, Admin. Proc., AI & CS	Ag and Nat Resources
5366			Procedures and Standards for Review of Charter School Applications	04/04/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5371			Defined Program, Grades 9-12 and Graduation Requirements	05/02/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
Agency Withdrawal							
5199			R.45-9, Write-in Ballots, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5201			Emergency Election Procedures	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5202			Poll Worker Training; Candidate Withdrawals	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5203			Procedures for Electronic Petitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5192			R.45-1, Definitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5204			R.45-10, Retention and Disposition of Certain Voting Records	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5205			Reports to State Election Commission by County Boards of Voter Registration and Elections	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5193			R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5225			Retention and Storage of Election Records and Election Equipment	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5194			R.45-3, Tabulating Center Personnel	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5195			R.45-4, Certification of Program Instructions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5196			R.45-5, Ballot Envelopes and Fold Over Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5197			R.45-6, Defective Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5198			R.45-7, Ballot Cards, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
Committee Request Withdrawal							
5314			Regulations for the Licensing of Child Care Centers	Tolled	Department of Social Services	Regs, Admin. Proc., AI & CS	Family and Veterans' Services

*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

2 NOTICES

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than September 9, 2025, to:

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

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

Class I

ERM NC, Inc.
Attn: Michael Pressley
300 West Summit Ave, Ste 330
Charlotte, NC 28203

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **August 22, 2025**, 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, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Aiken, Bamberg, Calhoun, Chester, Chesterfield, Clarendon, Fairfield, Greenville, Kershaw, Lancaster, Lee, Lexington, Newberry, Orangeburg, Saluda, Spartanburg, Sumter, Richland, Union, and York Counties

Graceful Journey Home Health of SC, LLC d/b/a Graceful Journey Home Health of SC

The establishment of a Home Health Agency in Aiken, Bamberg, Calhoun, Chester, Chesterfield, Clarendon, Fairfield, Greenville, Kershaw, Lancaster, Lee, Lexington, Newberry, Orangeburg, Saluda, Spartanburg, Sumter, Richland, Union, and York Counties at a total project cost of \$12,150.00.

Affecting Anderson, Greenville, Greenwood, Laurens, and Pickens Counties**Abiding Grace Home Health Care LLC d/b/a Abiding Grace Home Health Care**

The establishment of a Home Health Agency in Anderson, Greenville, Greenwood, Laurens, and Pickens Counties at a total project cost of \$97,790.00.

Affecting Charleston County**Medical University Hospital Authority d/b/a MUSC Medical Center - MUSC Shawn Jenkins Children's Hospital**

The addition of 12 pediatric medical/surgical beds and 6 pediatric ICU/CCU beds to MUSC Medical Center's Shawn Jenkins Children's Hospital for a total of 743 beds for MUSC Medical Center at a total project cost of \$19,500,000.00.

Affecting Horry County**Horry County Medical Operator, LLC d/b/a Asha Vista Behavioral Institute**

The establishment of a freestanding 78 psychiatric bed hospital in Horry County at total project cost of \$13,187,858.00.

Affecting York County**Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center – Fort Mill**

The transfer of five (5) neonatal intensive care bassinets and seven (7) intermediate care bassinets from Piedmont Medical Center – Rock Hill to Piedmont Medical Center – Fort Mill at total project cost of \$2,493,661.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, 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 **August 22, 2025**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. 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**KabaFusion SC, LLC**

The establishment of a Specialty Home Health Agency limited to home infusion nursing services in all 46 counties at a total project cost of \$26,050.00.

Affecting Cherokee, Lancaster, and York Counties**Premier Home Healthcare of SC LLC d/b/a Boost Home Healthcare - Rock Hill**

The establishment of a Home Health Agency in Cherokee, Lancaster, and York Counties at a total project cost of \$129,350.00.

4 DRAFTING NOTICES

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, S. C. 29229. To be considered, comments should be received no later than September 26, 2025, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USC 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with federal-state funding. 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, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, S.C. 29229. To be considered, comments should be received no later than September 26, 2025, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USC 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with federal-state funding. 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 Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

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

Notice of Drafting:

The South Carolina Department of Environmental Services (Department) proposes amending R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). This will incorporate federal regulations that South Carolina facilities are subject to meet. Interested persons may submit comments on the proposed amendments to Scott Bigleman of the Air Regulation and Data Analysis Section, Bureau of Air Quality; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; or via email at scott.bigleman@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on September 22, 2025, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, the Department is authorized to adopt emission control regulations, standards, and limitations.

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments include revisions to New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories at 40 CFR Parts 60 and 63.

(1) The Department proposes amending Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to incorporate by reference federal amendments promulgated from January 1, 2023, through December 31, 2024.

(2) The Department proposes amending Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2023, through December 31, 2024.

The Department also proposes amending Regulation 61-62.60, Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units, Subpart DDDD, Performance Standards and Compliance Times for Existing Commercial and Industrial Solid Waste Incineration Units, Subpart EEEE, Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006, and Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004, to incorporate recent federal amendments to standards of performance under 40 CFR Part 60, Subparts CCCC and EEEE, and to update and clarify the applicability and scope of EPA emission guidelines provisions (found at 40 CFR Part 60, Subparts DDDD and FFFF) incorporated by the Department to ensure compliance with federal law.

The Department also proposes amending R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, and the SIP, to incorporate by reference recently promulgated federal amendments to the CSAPR NO_x Annual Trading Program (found in 40 CFR Part 97, Subpart AAAAA) and the CSAPR SO₂ Group 2 Trading Program (found in 40 CFR Part 97, Subpart DDDDD) as necessary to maintain compliance with federal law.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other

6 DRAFTING NOTICES

changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

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

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN SPEECH/LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70, 40-67-70, 40-67-220(F), and 40-67-260(D)

Notice of Drafting:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to amend its regulations to include, but not be limited to, changes related to licensure requirements for Speech Language Pathology Assistants. Interested persons may submit comments to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to amend its regulations to include, but not be limited to, changes related to licensure requirements for Speech Language Pathology Assistants.

Legislative review of this amendment is required.

PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

Notice of Drafting:

The Public Service Commission is reviewing Regulation 103-833. Written Interrogatories and Request for Production of Documents and Things that is contained within Chapter 103, Article 8, Practice and Procedure. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket No. 2024-146-A. To be considered, comments must be received no later than 4:45 p.m. on September 30, 2025.

Synopsis:

The Public Service Commission will file a proposed regulation that amends Regulation 103-833(A) to read, "Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation working papers or attorney work product prepared for the pending proceeding or in anticipation of litigation pursuant to and as provided in Rule 26 of the South Carolina Rules of Civil Procedure." The purpose of this proposal is to state with specificity that Rule 26 of the South Carolina Rules of Civil Procedure (General Provisions Governing Discovery) governs material that is discoverable and material that is not discoverable.

Legislative review of this proposal will be required.

Document No. 5384
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-39C. Adjustable Mortgage Loan Instruments.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39C because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-39C. Adjustable Mortgage Loan Instruments.

R.15-39C authorizes State-chartered savings and loan associations to offer adjustable mortgage loan instruments in accordance with the provisions of 12 CFR, Part 545, Federal Home Loan Bank Board Regulations, effective April 30, 1981. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

8 PROPOSED REGULATIONS

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

The Agency is updating regulations to repeal regulations which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-39C authorizes State-chartered savings and loan associations to offer adjustable mortgage loan instruments in accordance with the provisions of 12 CFR, Part 545, Federal Home Loan Bank Board Regulations, effective April 30, 1981. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5385
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-39B. Adjustable-Rate Mortgages.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39B because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-39B. Adjustable-Rate Mortgages.

R.15-39B authorizes State-chartered banks to make adjustable-rate mortgages in accordance with the provisions of 12 CFR Chapter I, Part 29, Department of the Treasury, office of the Comptroller of the Currency Regulation dated March 24, 1981, effective March 27, 1981. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal regulations which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

R.15-39B authorizes State-chartered banks to make adjustable-rate mortgages in accordance with the provisions of 12 CFR Chapter I, Part 29, Department of the Treasury, office of the Comptroller of the Currency Regulation dated March 24, 1981, effective March 27, 1981. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5386
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-38. Consumer Loans, Commercial Paper, and Corporate Debt Securities.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-38 because it is unnecessary in light of previous regulation amendments, and because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-38. Consumer Loans, Commercial Paper, and Corporate Debt Securities.

R.15-38 authorizes State-chartered savings and loan associations to invest in consumer loans, commercial paper and corporate debt securities under the same terms and conditions permitted federally chartered savings and loan associations by Sections 545.7-10 and 545.9-4 of the Federal Home Loan Bank Board Regulation 545 adopted November 10, 1980, effective November 17, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which are unnecessary and which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which are unnecessary and which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-38 authorizes State-chartered savings and loan associations to invest in consumer loans, commercial paper and corporate debt securities under the same terms and conditions permitted federally chartered savings and loan associations by Sections 545.7-10 and 545.9-4 of the Federal Home Loan Bank Board Regulation 545 adopted November 10, 1980, effective November 17, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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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. 5387

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110

15-17. Federal 100 Percent Guaranteed Loans.

Preamble:

The South Carolina State Board of Financial Institutions proposes to amend R.15-17 to provide South Carolina state-chartered banks parity with national institutions.

Section-by-Section Discussion:

15-17. Federal 100 Percent Guaranteed Loans.

R.15-17 establishes rules for banks making loans in excess of 15% of its combined capital stock, capital notes, and surplus accounts. The Board of Financial Institutions proposes to amend the provisions of this regulation related to loans made to Directors and Officers to provide South Carolina state-chartered banks parity with national institutions.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to provide South Carolina state-chartered banks parity with national institutions.

Legal Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to provide South Carolina state-chartered banks parity with national institutions.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-17 establishes rules for banks making loans in excess of 15% of its combined capital stock, capital notes, and surplus accounts. The Board of Financial Institutions proposes to amend the provisions of this regulation related to loans made to Directors and Officers to provide South Carolina state-chartered banks parity with national institutions.

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. 5388
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-31. Graduated-payment and Reverse-annuity Mortgages.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-31 as unnecessary, and because the federal law referenced therein has been repealed.

Section-by-Section Discussion:

15-31. Graduated-payment and Reverse-annuity Mortgages.

R.15-31 authorizes State chartered savings and loan associations to offer graduated-payment mortgages and reverse-annuity mortgages in accordance with the provisions of Subparagraph (a)(8) of Section 545.6-1 of the Federal Home Loan Bank Board Regulation 545 adopted by the Board on December 14, 1978, effective January 1, 1979. The Board of Financial Institutions proposes to repeal R. 15-31 because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1). Therefore, this regulation change will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-31 authorizes State chartered savings and loan associations to offer graduated-payment mortgages and reverse-annuity mortgages in accordance with the provisions of Subparagraph (a)(8) of Section 545.6-1 of the Federal Home Loan Bank Board Regulation 545 adopted by the Board on December 14, 1978, effective January 1, 1979. The Board of Financial Institutions proposes to repeal R.15-31 because the federal law incorporated therein has been repealed.

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. 5390

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-33. Loans Secured by Second Mortgages.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-33 because federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-33. Loans Secured by Second Mortgages.

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R.15-33 authorizes state-chartered savings and loan associations to make loans which are secured by second mortgages on real estate under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-26 of the Home Loan Bank Board Regulations existing on September 5, 1979. The Board of Financial Institutions proposes to repeal this regulation because federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-33 authorizes State-chartered savings and loan associations to make loans which are secured by second mortgages on real estate under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-26 of the Home Loan Bank Board Regulations existing on September 5, 1979. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5391

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-39A. Mutual Capital Certificates.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39A because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-39A. Mutual Capital Certificates.

R.15-39A authorizes State-chartered savings and loan associations to issue Mutual Capital Certificates under the same terms and conditions as permitted federally chartered savings and loan associations by Section 563.7-4 of the Federal Home Loan Bank Board Regulation 563 adopted by the Board on November 21, 1980, effective December 29, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 2025. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

18 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-39A authorizes State-chartered savings and loan associations to issue Mutual Capital Certificates under the same terms and conditions as permitted federally chartered savings and loan associations by Section 563.7-4 of the Federal Home Loan Bank Board Regulation 563 adopted by the Board on November 21, 1980, effective December 29, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5392
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60

15-37. Negotiable Order of Withdrawal (NOW) Accounts.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-37 because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-37 Negotiable Order of Withdrawal (NOW) Accounts.

R.15-37 authorizes State-chartered savings and loan associations to offer negotiable order of withdrawal (NOW) accounts under the same terms and conditions as permitted federally chartered savings and loan associations by Sections 526.1 and 563.1 of the Federal Home Loan Bank Board Regulation 526 adopted by the Board on September 30, 1980, effective December 30, 1980 and Regulation 563 adopted by the Board on October 23, 1980, effective December 31, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

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DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-37 authorizes State-chartered savings and loan associations to offer negotiable order of withdrawal (NOW) accounts under the same terms and conditions as permitted federally chartered savings and loan associations by Sections 526.1 and 563.1 of the Federal Home Loan Bank Board Regulation 526 adopted by the Board on September 30, 1980, effective December 30, 1980 and Regulation 563 adopted by the Board on October 23, 1980, effective December 31, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5393
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Section 34-1-60

15-39D. Non-interest Bearing Negotiable Order of Withdrawal (NINOW) Accounts by State-chartered Savings and Loan Associations.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39D as unnecessary because Section 34-28-500 of the South Carolina Code already allows these types of accounts.

Section-by-Section Discussion:

15-39D Non-interest Bearing Negotiable Order of Withdrawal (NINOW) Accounts by State-chartered Savings and Loan Associations.

R.15-39D allows State-chartered savings and loan associations to elect, by a majority vote of its directors, to designate a class of non-interest-bearing savings accounts from which account holders may make withdrawals by negotiable or transferable instruments. The State Board of Financial Institutions proposes to repeal this regulation as unnecessary, because Section 34-28-500 allows such accounts.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to remove those which are unnecessary or which are already sufficiently addressed in statute.

Legal Authority: 1976 Code Section 34-1-60.

22 PROPOSED REGULATIONS

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to remove those which are unnecessary or which address matters that are already sufficiently addressed in statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-39D allows State-chartered savings and loan associations to elect, by a majority vote of its directors, to designate a class of non-interest-bearing savings accounts from which account holders may make withdrawals by negotiable or transferable instruments. The State Board of Financial Institutions proposes to repeal this regulation as unnecessary, because Section 34-28-500 allows such accounts.

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. 5389
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-35. Renegotiable Rate Mortgages.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-35 because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-35. Renegotiable Rate Mortgages.

R.15-35 authorizes State-chartered savings and loan associations to make renegotiable rate mortgages under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-4a of the Federal Home Loan Bank Board Regulation 545, as amended by the Federal Home Loan Bank Board on September 30, 1980, effective October 8, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

24 PROPOSED REGULATIONS

There are no uncertainties of estimates concerning the regulation.

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:

R.15-35 authorizes State-chartered savings and loan associations to make renegotiable rate mortgages under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-4a of the Federal Home Loan Bank Board Regulation 545, as amended by the Federal Home Loan Bank Board on September 30, 1980, effective October 8, 1980. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5394

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110

15-12. Reserve Accounts, Savings and Loan.

Preamble:

The South Carolina State Board of Financial Institutions proposes to amend R.15-12 to provide South Carolina state-chartered savings and loan associations and savings banks with parity with federal savings associations.

Section-by-Section Discussion:

15-12. Reserve Accounts, Savings and Loan.

R.15-12 establishes rules for reserve accounts to be maintained by savings and loan associations. The State Board of Financial Institutions proposes to amend this regulation to provide South Carolina state-chartered savings and loan associations and savings banks with parity with federal savings associations.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial

Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also Section 34-30-530(A) (regarding state savings banks, specifically).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to provide South Carolina state-chartered savings and loan associations and savings banks with parity with federal savings associations.

Legal Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to provide South Carolina state-chartered savings and loan associations and savings banks with parity with federal savings associations.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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.

26 PROPOSED REGULATIONS

Statement of Rationale:

R.15-12 establishes rules for reserve accounts to be maintained by savings and loan associations. The State Board of Financial Institutions proposes to amend this regulation to provide South Carolina state-chartered savings and loan associations and savings banks with parity with federal savings associations.

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. 5395

STATE BOARD OF FINANCIAL INSTITUTIONS CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110

15-13. State Bank Forest Tract Loans.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-13 to allow South Carolina state-chartered banks parity with national banks which do not have such restrictions.

Section-by-Section Discussion:

15-13. State Bank Forest Tract Loans.

R.15-13 establishes rules regarding forest tract loans made by banks. The State Board of Financial Institutions proposes to repeal this regulation to allow South Carolina state-chartered banks parity with national banks which do not have such restrictions.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary

or proper to effectuate the purposes of this Title.” See also Section 34-30-530(A) (regarding state savings banks, specifically).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to allow South Carolina state-chartered banks to have parity with national banks which do not have such restrictions.

Legal Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to allow South Carolina state-chartered banks to have parity with national banks which do not have such restrictions.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-13 establishes rules regarding forest tract loans made by banks. The State Board of Financial Institutions proposes to repeal this regulation to allow South Carolina state-chartered banks parity with national banks which do not have such restrictions.

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.

28 PROPOSED REGULATIONS

Document No. 5396

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110

15-21. State Bank Investments, Fixed Assets.

Preamble:

The South Carolina State Board of Financial Institutions proposes to amend R.15-21 by removing certain approval requirements for South Carolina state-chartered banks to provide parity with national institutions.

Section-by-Section Discussion:

15-21. State Bank Investments, Fixed Assets.

R.15-21 establishes rules for banks investing in bank premises, furniture and fixtures, equipment, loans on properties that are leased to the bank, and stocks of subsidiary corporations organized to hold title to banking house properties. The Board of Financial Institutions proposes to amend R.15-21 by removing certain approval requirements for South Carolina state-chartered banks to provide parity with national institutions.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to remove certain approval requirements for South Carolina state-chartered banks to provide parity with national institutions.

Legal Authority: 1976 Code Sections 1-23-120, 34-1-60, and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to remove certain approval requirements for South Carolina state-chartered banks to provide parity with national institutions.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-21 establishes rules for banks investing in bank premises, furniture and fixtures, equipment, loans on properties that are leased to the bank, and stocks of subsidiary corporations organized to hold title to banking house properties. The Board of Financial Institutions proposes to amend R. 15-21 by removing certain approval requirements for South Carolina state-chartered banks to provide parity with national institutions.

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. 5397

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-39. Trust powers.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39 because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-39. Trust powers.

30 PROPOSED REGULATIONS

R.15-39 authorizes State-chartered savings and loan associations to exercise trust powers under the same terms and conditions as permitted federally chartered savings and loan associations by Sections 550.1 through 550.16 of the Federal Home Loan Bank Board Regulation 550 adopted by the Board on November 26, 1980, effective January 1, 1981. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-39 authorizes State-chartered savings and loan associations to exercise trust powers under the same terms and conditions as permitted federally chartered savings and loan associations by Sections 550.1 through 550.16 of the Federal Home Loan Bank Board Regulation 550 adopted by the Board on November 26, 1980, effective January 1, 1981. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5398
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-60

15-34. Variable Rate Mortgages.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-34 because the federal law incorporated therein has been repealed.

Section-by-Section Discussion:

15-34. Variable Rate Mortgages.

R.15-34 authorizes State-chartered savings and loan associations to make variable rate mortgages under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-2 of the Home Loan Bank Board Regulation 545, adopted by the Board in December, 1978, effective July 1, 1979. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 1, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 22, 2025. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

32 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also Section 34-30-530(A) (regarding state savings banks, specifically).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which incorporate outdated federal law.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-60.

Plan for Implementation: The revised regulation is exempt from General Assembly Review pursuant to Section 1-23-120(H)(1) and will take effect upon publication of the Final Regulation in the State Register.

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

The Agency is updating regulations to repeal those which incorporate outdated federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-34 authorizes State-chartered savings and loan associations to make variable rate mortgages under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-2 of the Home Loan Bank Board Regulation 545, adopted by the Board in December, 1978, effective July 1, 1979. The Board of Financial Institutions proposes to repeal this regulation because the federal law incorporated therein has been repealed.

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. 5399
DEPARTMENT OF LABOR, LICENSING AND REGULATION
 CHAPTER 10
 Statutory Authority: 1976 Code Sections 40-1-50, 40-85-60, and 40-85-70

10-43. Board of Genetic Counselors.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend existing fees and add renewal fees for licensure of Genetic Counselors in Chapter 10 of the South Carolina Code of Regulations.

Section-by-Section Discussion:

10-43. Board of Genetic Counselors. No change.

- (A). No change.
- (A)(1). Change \$600 to \$400
- (A)(2). Change \$600 to \$400
- (A)(3). Change TBD to \$350.
- (A)(4). Change \$300 to \$400.
- (B). No change.
- (B)(1). No change.
- (B)(2). No change.
- (C). No change.
- (C)(1). No change.
- (C)(2). No change.

The Notice of Drafting was published in the *State Register* on June 27, 2025.

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 October 7, 2025. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., September 22, 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 will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

34 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

The proposed regulation is necessary and reasonable as it will add renewal fees to ensure sufficient, but not excessive recurring funding to support the Board. Additionally, the regulation will reduce the initial license fee and endorsement fee to ensure Board revenue is not excessive. Finally, the regulation will amend the reinstatement fee so that it exceeds that of renewal and therefore serves the purpose of penalizing the licensee who does not timely renew but not in an excessive manner.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will add renewal fees of \$350 to ensure sufficient, but not excessive recurring funding to support the Board. Additionally, the regulation will reduce the initial license fee and endorsement fee from \$600 to \$400 to ensure Board revenue is not excessive. Finally, the regulation will amend the reinstatement fee to increase it from \$300 to \$400 so that it exceeds that of renewal and therefore serves the purpose of penalizing the licensee who does not timely renew but not in an excessive manner.

Legal Authority: 1976 Code Sections 40-1-50, 40-85-60, and 40-85-70.

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 add renewal fees to ensure sufficient, but not excessive recurring funding to support the Board. Additionally, the regulation will reduce the initial license fee and endorsement fee to ensure Board revenue is not excessive. Finally, the regulation will amend the reinstatement fee so that it exceeds that of renewal and therefore serves the purpose of penalizing the licensee who does not timely renew but not in an excessive manner.

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 proposed regulation will add renewal fees of \$350 to ensure sufficient, but not excessive recurring funding to support the Board. Additionally, the regulation will reduce the initial license fee and endorsement fee from \$600 to \$400 to ensure Board revenue is not excessive. Finally, the regulation will amend the reinstatement fee to increase it from \$300 to \$400 so that it exceeds that of renewal and therefore serves the purpose of penalizing the licensee who does not timely renew but not in an excessive manner.

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. 5400
DEPARTMENT OF LABOR, LICENSING AND REGULATION
MASSAGE THERAPY BOARD
 CHAPTER 77

Statutory Authority: 1976 Code Sections 40-1-70, 40-30-30, 40-30-50, 40-30-113, 40-30-120, 40-30-140, 40-30-150, 40-30-160, 40-30-180, and 40-30-190

- 77-106. Endorsement.
- 77-107. Reactivation of an Inactive License.
- 77-141. Massage Therapy Establishment and Sole Practitioner Establishment Operations.
- 77-150. Sole Practitioner Establishment Licenses.
- 77-151. Residential Licensed Establishments.

Preamble:

The South Carolina Board of Massage Therapy proposes to amend its regulations to update and revise regulations regarding massage therapy, to include but not be limited to endorsement, license renewal, massage therapy establishments and sole practitioner establishments.

Section-by-Section Discussion:

- 77-106(1). No change.
- 77-106(1)(a). Regarding endorsement, add that an endorsement license applicant’s state of licensure must have had substantially equivalent license requirements at the time of application but that substantial equivalent education may be shown by proof of passage of a national or state exam as approved by the Board.
- 77-106(b)-(c). No change.
- 77-106(2). Strike first sentence as it has moved to (1)(a). Add that an endorsement licensure applicant licensed in another state or territory prior to July 1, 2007 will be deemed to have met education and examination equivalency licensing standards and must only meeting (1)(b) and (c) and show proof of a current, active and unrestricted license in another state or territory to be licensed in this state.
- 77-107. Adding renewal requirements.
- 77-107(1). Adding number 1 and adding “renew a” while striking reactivation which is addressed in 2.
- 77-107(1)(a). Add letter (a) and add that the fee must be included with the application.
- 77-107(1)(b). Add that CE must be board approved, obtained during the licensure period and must reflect biennial renewal hours, doubling from six to twelve.
- 77-107(2). Establish reactivation requirements.
- 77-107(2)(a). Add requirement to submit a completed application on a Board-approved form with the required fee.

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77-107(2)(b). Add requirement for submitting six hours of Board-approved continuing education for every leave of license inactivity.

77-107(2)(c). Strike 3 and make it c.

77-141(1). Add establishments to licensed massage therapy and add licensed to sole practitioner establishments.

77-141(1)(a)-(e). No change.

77-141(1)(f). Move section from (h) stating linens must be laundered before re-use and clean linens must be stored separately from used or dirty linens.

77-141(1)(g). Add a comma after sheets. Add fleece to list of materials that must be changed after each client and add that they must be laundered before re-use. Add instructions for cleaning table coverings that are non-removable or cannot be laundered or disinfected.

77-141(1)(h). Strike.

77-141(1)(i). Re-letter former section (i) as (h).

77-141(1)(i). New section (i) stating all tools and implements used by the therapist must be cleaned and/or disinfected after each use.

77-141(1)(j). No change.

77-141(2). No change.

77-141(3). New section stating beds are prohibited in establishments and no portion of establishments may be used as living or sleeping quarters except as prescribed in 77-151.

77-150. Clarifying that a sole practitioner establishment must be controlled by a licensed massage therapist who is not an employee or contractor of the sole practitioner establishment. Clarifying that the massage therapist controlling a sole practitioner establishment cannot contract with or employ another license massage therapist to work in the sole practitioner establishment.

77-151. As to Residential Licensed Establishments, adding that the section refers to licensed sole practitioner establishments. Adding that the license practice space within a residence is subject to inspection by the Department and must comply with all establishment regulations in 77-141.

A Notice of Drafting was published in the *State Register* on April 25, 2025.

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 October 7, 2025. Written comments may be directed to Matalie Mickens, Board Executive, Massage Therapy Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. September 22, 2025. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulations are both reasonable and necessary in that they simplify endorsement licensure requirements, adding that an endorsement license applicant's state of licensure must have had substantially equivalent license requirements at the time of application but that substantially equivalent education may be shown by proof of passage of a national or state exam as approved by the Board. The regulations further add that an endorsement licensure applicant licensed in another state or territory prior to July 1, 2007 will be deemed to have met education and examination equivalency licensing standards and must only meeting (1)(b) and (c) and show proof of a current, active and unrestricted license in another state or territory to be licensed in this state. The regulations further add renewal requirements for clarity, adding that CE must be board-approved, must be obtained during the licensure period and must reflect biennial renewal hours, doubling the hours from six to twelve. The regulations add sanitation guidance, as a public health and safety measure, requiring that linens must

be laundered before re-use and clean linens must be stored separately from used or dirty linens. The regulations add fleece to list of materials that must be changed after each client and add that they must be laundered before re-use. The regulations further add instructions for cleaning table coverings that are non-removable or cannot be laundered or disinfected, and also require that all tools and implements used by the therapist be cleaned and/or disinfected after each use. Finally, the regulations are necessary to address questions raised following the recent regulation of establishments. They clarify that beds are prohibited in establishments and no portion of establishments may be used as living or sleeping quarters except as prescribed in Regulation 77-151. They clarify that a sole practitioner establishment must be controlled by a licensed massage therapist who is not an employee or contractor of the sole practitioner establishment, and clarify that the massage therapist controlling a sole practitioner establishment cannot contract with or employ another license massage therapist to work in the sole practitioner establishment. Finally, as to Residential Licensed Establishments, they clarify that the section refers to licensed sole practitioner establishments and add that the license practice space within a residence is subject to inspection by the Department and must comply with all establishment regulations in Regulation 77-141.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Massage Therapy proposes to amend its regulations to update and revise regulations regarding massage therapy, to include but not be limited to endorsement, license renewal, massage therapy establishments and sole practitioner establishments.

Legal Authority: 1976 Code Sections 40-1-70, 40-30-30, 40-30-50, 40-30-113, 40-30-120, 40-30-140, 40-30-150, 40-30-160, 40-30-180, and 40-30-190.

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 simplify endorsement licensure requirements, adding that an endorsement license applicant’s state of licensure must have had substantially equivalent license requirements at the time of application but that substantially equivalent education may be shown by proof of passage of a national or state exam as approved by the Board. The regulations further add that an endorsement licensure applicant licensed in another state or territory prior to July 1, 2007 will be deemed to have met education and examination equivalency licensing standards and must only meeting (1)(b) and (c) and show proof of a current, active and unrestricted license in another state or territory to be licensed in this state. The regulations further add renewal requirements for clarity, adding that CE must be board-approved, must be obtained during the licensure period and must reflect biennial renewal hours, doubling the hours from six to twelve. The regulations add sanitation guidance, as a public health and safety measure, requiring that linens must be laundered before re-use and clean linens must be stored separately from used or dirty linens. The regulations add fleece to list of materials that must be changed after each client and add that they must be laundered before re-use. The regulations further add instructions for cleaning table coverings that are non-removable or cannot be laundered or disinfected, and also require that all tools and implements used by the therapist be cleaned and/or disinfected after each use. Finally, the regulations are necessary to address questions raised following the recent regulation of establishments. They clarify that beds are prohibited in establishments and no portion of establishments may be used as living or sleeping quarters except as prescribed in Regulation 77-151. They clarify that a sole practitioner establishment must be controlled by a licensed massage therapist who is not an employee or contractor of the sole practitioner establishment, and clarify that the massage therapist controlling a sole practitioner establishment cannot contract with or employ another license massage therapist to work in the sole practitioner establishment. Finally, as to Residential Licensed Establishments, they clarify that the section refers

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to licensed sole practitioner establishments and add that the license practice space within a residence is subject to inspection by the Department and must comply with all establishment regulations in Regulation 77-141.

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 simplify endorsement licensure requirements, adding that an endorsement license applicant's state of licensure must have had substantially equivalent license requirements at the time of application but that substantially equivalent education may be shown by proof of passage of a national or state exam as approved by the Board. The regulations further add that an endorsement licensure applicant licensed in another state or territory prior to July 1, 2007 will be deemed to have met education and examination equivalency licensing standards and must only meeting (1)(b) and (c) and show proof of a current, active and unrestricted license in another state or territory to be licensed in this state. The regulations further add renewal requirements for clarity, adding that CE must be board-approved, must be obtained during the licensure period and must reflect biennial renewal hours, doubling the hours from six to twelve. The regulations add sanitation guidance, as a public health and safety measure, requiring that linens must be laundered before re-use and clean linens must be stored separately from used or dirty linens. The regulations add fleece to list of materials that must be changed after each client and add that they must be laundered before re-use. The regulations further add instructions for cleaning table coverings that are non-removable or cannot be laundered or disinfected, and also require that all tools and implements used by the therapist be cleaned and/or disinfected after each use. Finally, the regulations are necessary to address questions raised following the recent regulation of establishments. They clarify that beds are prohibited in establishments and no portion of establishments may be used as living or sleeping quarters except as prescribed in Regulation 77-151. They clarify that a sole practitioner establishment must be controlled by a licensed massage therapist who is not an employee or contractor of the sole practitioner establishment, and clarify that the massage therapist controlling a sole practitioner establishment cannot contract with or employ another license massage therapist to work in the sole practitioner establishment. Finally, as to Residential Licensed Establishments, they clarify that the section refers to licensed sole practitioner establishments and add that the license practice space within a residence is subject to inspection by the Department and must comply with all establishment regulations in Regulation 77-141.

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. 5401
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF MEDICAL EXAMINERS
 CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-5, 40-47-10, 40-47-70, and 40-47-1230

81-600. Code of Ethics for Anesthesiologist’s Assistants. (New)

Preamble:

The South Carolina Board of Medical Examiners proposes adding regulations regarding anesthesiologist’s assistants including, but not limited to, a code of ethics.

Section-by-Section Discussion:

81-600. New section establishing a code of ethics for anesthesiologist’s assistants. (New)

A Notice of Drafting was published in the *State Register* on June 27, 2025.

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 October 8, 2025. Written comments may be directed to Bob Horner, Counsel, Board of Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., September 22, 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 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 reasonable in that they are tailored to ensure that basic ethical principles are adopted to provide guidance to members of the healthcare profession to protect the rights of individuals and support safety, health and well-being of all in their care. The regulations are necessary as state law requires boards to adopt codes of professional ethics appropriate to the profession or occupation.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will adopt a code of ethics for anesthesiologist’s assistants.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-5, 40-47-10, 40-47-70, and 40-47-1230.

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.

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

These regulations are reasonable in that they are tailored to ensure that basic ethical principles are adopted to provide guidance to members of the healthcare profession to protect patients' rights and support safety, health and well-being of all in their care. The regulations are necessary as state law requires boards to adopt codes of professional ethics appropriate to the profession or occupation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations. This would result in a cost-savings to the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no detrimental effect on the environment and public health of this State if this regulation is implemented.

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

Failure to approve this regulation could be detrimental to the health of the citizens of this state as codes of ethics provide guidance to healthcare professional that protect patients' rights and support safety, health and well-being of patients.

Statement of Rationale:

The South Carolina Board of Medical Examiners proposes to promulgate regulations establishing continuing education requirements for PAs.

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: August 1, 2025 8:30am

Document No. 5383
CLEMSON UNIVERSITY
 CHAPTER 27

Statutory Authority: 1976 Code Sections 56-21-10 and 59-119-320

27-3000. Parking and Traffic Regulations.

Emergency Situation:

Due to recent changes in the law related to Golf Cart operations, in particular as it relates to the hours, methods, and locations of golf cart operation (see Act No. 64), Clemson University needs to implement regulations for the uniformity and safety of its campus as it relates to operation of golf carts on the University's campus. Normal University operations require a significant amount of golf cart operations. Golf cart usage is even more frequent during campus events, to include all athletic gamedays, which create high traffic and pedestrian interaction and take place in the fall prior to the next legislative session. Therefore, the University is enacting emergency regulations due to the high use of golf carts on Clemson's campus, especially during athletic game days.

Text:

27-3002.9. Nighttime Operation of Golf Carts on University Property.

1. For the purposes of this section the following definitions shall apply:

a. Golf Cart is a motor vehicle as referred to in SC Code of Laws section 56-2-10 et al, designed and manufactured for operation on a golf course for sporting or recreational purposes and that are not capable of exceeding speeds of 20 miles per hour.

b. Night is a half hour after sunset until a half hour before sunrise.

2. Golf Carts are permitted to drive at night on University roadways and property if the following conditions are met:

a. the Golf Cart is equipped with working headlights or head lamps that are in compliance with SC Code of Law section 56-5-4490 and are not so bright or positioned as to blind the driver of an oncoming vehicle in compliance with SC Code of Law section 56-5-4780;

b. the Golf Cart is equipped with working taillights or taillamps in compliance with SC Code of Law section 56-5-4510; and

c. all requirements for golf cart operation in compliance with applicable provisions of SC Code of Laws sections 56-5-10 et al. and 56-2-90 are met, as well as all University policies related to golf cart operation.

Violations of the above section are misdemeanor offenses.

Statement of Need and Reasonableness:

The proposed regulation will enable the continuity of business operations on the Clemson campus regardless of time of day. Specific operations that are currently limited by the inability to operate golf carts at night include:

1. ADA shuttles before, during, and after the event.
2. Video broadcast transportation of equipment before, during, and after the event.
3. Ticket operations setup and transport of inventory before, during, and after the event.
4. Athletic grounds and field maintenance to ensure student-athlete and spectator safety before, during, and after the event.
5. Food service provider transport of inventory before, during, and after the event.
6. University housing maintenance and service operations.
7. Janitorial services and waste management.

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The proposed regulation will more broadly enable golf carts that meet state standards road-worthiness to be operated by licensed drivers regardless of time of day and eliminate any confusion related to ordinances proposed by adjacent municipalities (i.e. City of Clemson) by golf cart operators about when and where they can operate a golf cart.

DESCRIPTION OF REGULATION:

The proposed regulation sets forth the time, manner and operation of golf carts on Clemson campus during nighttime hours.

Legal Authority: 1976 Code Sections 56-21-10 and 59-119-320.

Plan for Implementation: Clemson University's Department of Public Safety, in collaboration with the University's MarCom unit and various Department heads, will enforce and communicate all existing laws and regulations to ensure only compliant vehicles and drivers are operating at night time.

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

To conduct business operations in an effective and efficient manner for athletic events and other University operations, golf cart operations at night on the Clemson campus is required. Requirements laid out herein are reasonable in ensuring campus and public safety.

DETERMINATION OF COSTS AND BENEFITS:

The inability of Clemson University to operate golf carts at night time will negatively impact stakeholders who benefit from services that are dependent on golf cart operation to be conducted efficiently and effectively. There is no additional cost to implement this emergency regulation, but there could be additional costs incurred if this emergency regulation is not enacted.

UNCERTAINTIES OF ESTIMATES:

It is strongly believed that no additional costs will be incurred as a result of this emergency regulation, however additional driver certification or training, if determined to be required, may come at an additional cost.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no impact on the environment or public health/safety expected as a result of this emergency regulation.

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

The inability to provide services (e.g., ADA shuttles, janitorial services, food services, facility maintenance, etc.) could be detrimental to public health and safety.

Statement of Rationale:

The ability for golf cart operations to extend into night time hours is necessary for business continuity, public safety/welfare, and University operations.

Filed: August 1, 2025 8:58am

Document No. 5382
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-4-50

27-1011. Diseases and Health Documentation.

Emergency Situation:

Highly pathogenic avian influenza (HPAI) is a contagious, deadly viral disease of domestic poultry and wild birds. In March 2024, HPAI was detected in lactating dairy cows in Texas. USDA APHIS issued a federal order on April 24, 2024, making this a reportable disease in lactating dairy cattle.

Since USDA began tracking HPAI affecting lactating dairy cows, it has affected 1,077 herds in 18 states (Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, Texas, and Wyoming). Additionally, lactating dairy cattle have infected backyard and commercial poultry operations.

Epidemiology of the disease has found that infected wild birds were initially responsible for transmitting the disease to lactating dairy cows, and some newer strains continue to do so. Animal movement and poor biosecurity are responsible for the majority of the spread of this disease.

Text:

27-1011. Diseases and Health Documentation. (See generally Section 47-4-60).

A. All persons must report the diagnosed or suspected existence of the following diseases to the State Veterinarian within twenty-four (24) hours after discovery.

1. Brucellosis
2. Tuberculosis
3. Pseudorabies
4. Equine Infectious Anemia (EIA)
5. Paratuberculosis—Johne's Disease
6. Pullorum—Fowl Typhoid
7. Eastern Equine Encephalomyelitis (EEE)
8. Western Equine Encephalomyelitis (WEE)
9. Venezuelan Equine Encephalomyelitis (VEE)
10. West Nile (WNV) Encephalitis
11. Scrapie

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12. Anthrax
13. Erysipelas
14. Rabies—coordinated with DHEC
15. Vesicular Stomatitis
16. Hog Cholera
17. Cattle Tick Fever
18. Foot and Mouth Disease
19. Vesicular Exanthema
20. Rinderpest
21. African Swine Fever
22. African Horse Sickness
23. Contagious Equine Metritis
24. Equine Viral Arteritis
25. Screwworm (*Cochliomyia hominivorax*)
26. Dourine (*Trypanosoma equiperdum*)
27. Glanders—*Burkholderia mallei* (formerly *Pseudomonas mallei*)
28. Highly Pathogenic Avian Influenza (Fowl Plague)
29. Newcastle Disease (Exotic)
30. Avian Infectious Laryngotracheitis
31. Heartwater (*Cowdria ruminantium*)
32. Q Fever (*Coxiella burnetii*)
33. Babesiosis (*Babesia bovis*, *B. bigemina*)
34. All foreign and Exotic Diseases and Parasites of Animals and Birds
35. OIE Lists A&B

The State Veterinarian may declare other diseases as reportable, upon publication of such notice in the State Register.

REPORTABLE DISEASE IN SOUTH CAROLINA BY CLINICAL SYMPTOMS

Sore Mouth-Muzzle: especially if accompanied by foot, udder, vulva or skin lesions (Blisters-Vesicles)

Ex: Foot & Mouth, Vesicular Stomatitis, etc.

Encephalitis (CNS) Conditions in All Animals and Birds.

Ex: Eastern, Western and Venezuelan Equine Encephalomyelitis, West Nile Encephalitis

Pseudorabies, Bovine Spongiform Encephalopathy—BSE

Caprine Arthritis Encephalitis

High Death Loss —especially over a short period and in older animals past several weeks old.

Ex : Hog Cholera, Erysipelas, Anthrax, Acute Septicemias

Reproductive Problems

Ex: Brucellosis, Pseudorabies, Contagious Equine Metritis (CEM)

Any Highly Unusual Condition —Disease or parasites differing from conditions one is familiar with.

Ex: All foreign and exotic diseases and parasites, unusual symptomatology of any kind.

B. Certificate of Veterinary Inspection (CVI)-In addition to the statutory requirements, each CVI shall list all applicable permit numbers, the date of issuance thereof, the name of the issuing agency and the farm or other location from whence the livestock/poultry originated.

C. Health Permits (HP)-The State Veterinarian may authorize the issuance of HPs, under such terms and conditions as he deems appropriate. HPs shall not be employed as substitutes or in lieu of CVIs, but shall be issued as temporary measures only in emergency situations or under circumstances which could not have been reasonably foreseen. HPs shall expire no more than 30 days after issue and may not be renewed.

D. Appropriate Test(s)-A requirement for a negative test for a particular disease or condition may be satisfied by a negative result from any test approved by the USDA for detection of the particular disease or condition, unless otherwise indicated.

1. Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock, April 24, 2024.

a. The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), is issuing this Federal Order to prevent the spread of highly pathogenic avian influenza (HPAI). HPAI is a contagious viral disease of domestic poultry and wild birds. HPAI is deadly to domestic poultry and can wipe out entire flocks within a matter of days. HPAI is a threat to the poultry industry, animal health, human health, trade, and the economy worldwide. In the US, HPAI has now been detected in dairy cattle.

b. This Federal Order is issued in accordance with the regulatory authority provided by the Animal Health Protection Act, as amended, 7 U.S.C. § 8301 et seq. Section 8305 authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of any pest or disease of livestock into the United States or the dissemination of any pest or disease of livestock within the United States. Section 8308 authorizes the Secretary of Agriculture to carry out operations and measures to detect, control, or eradicate any pest or disease of livestock. Section 8315 authorizes the Secretary of Agriculture

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to issue orders as he determines necessary to carry out the Animal Health Protection Act. Should this Order be deemed a substantive rule, APHIS has determined that good cause exists to impose these requirements without notice and comment, as further delay would threaten to hasten the spread of the disease, multiplying the potential harm to livestock, poultry, the dairy industry, and, potentially, human health.

c. On February 8, 2022, the U.S. Department of Agriculture (USDA) confirmed HPAI H5N1 virus in a commercial poultry flock in the United States. Since February 2022, USDA has worked swiftly with states and poultry producers to identify and respond to over 1,100 HPAI detections on poultry farms and mitigate the virus' impact on U.S. poultry production and trade.

d. Since late March 2024, the U.S. Department of Agriculture, Food and Drug Administration, Centers for Disease Control and Prevention, state veterinary and public health officials and the National Animal Health Laboratory Network (NAHLN) laboratories have been investigating the emergence of the HPAI, H5N1 virus in dairy cows. The National Animal Health Laboratory Network (NAHLN) is a nationally coordinated network and partnership of Federal, State and university-associated animal diagnostic laboratories. The laboratories are trained and proficiency tested by USDA's National Veterinary Services Laboratories (NVSL) to perform official federal animal health testing; the network provides ongoing disease surveillance, responds quickly to disease events, communicates diagnostic outcomes to decision makers, and has the capability and capacity to meet diagnostic needs during animal disease outbreaks.

e. APHIS will provide reimbursement for testing at NAHLN labs, including samples submitted for (1) dairy cattle suspected of disease due to clinical signs, (2) pre-movement testing, (3) producers interested in the disease status of their asymptomatic animals, and (4) samples taken from other animals on dairies associated with this disease event.

f. As of April 24, 2024, USDA has confirmed HPAI H5N1 clade 2.3.4.4b virus detections on 33 dairy cattle premises in 8 states (Kansas, Idaho, Michigan, New Mexico, North Carolina, Ohio, South Dakota, Texas). USDA has also confirmed – based on specific phylogenetic evidence and epidemiological information – that 8 poultry premises in 5 states (Kansas, Michigan, Minnesota, New Mexico and Texas) have also been infected with the same HPAI H5N1 virus genotype detected in dairy cattle. Additionally, APHIS' National Veterinary Services Laboratories found HPAI in a lung tissue sample from an asymptomatic cull dairy cow that originated from an affected herd and which did not enter the food supply.

g. HPAI has already been recognized as a threat by USDA, and the interstate movement of animals infected with HPAI is already prohibited. See 9 C.F.R. 71.3(b). However, the detection of this new distinct HPAI H5N1 virus genotype in dairy cattle poses a new animal disease risk for dairy cattle – as well as an additional disease risk to domestic poultry farms – since this genotype can infect both cattle and poultry.

h. In order to continue to monitor and understand the extent of this virus and reduce the risk of further disseminating HPAI H5N1 virus, resulting in greater threats to poultry and livestock, this Federal Order requires the following measures, effective Monday, April 29, 2024.

2. Mandatory Testing for Interstate Movement of Dairy Cattle.

a. Prior to interstate movement, dairy cattle are required to receive a negative test for Influenza A virus at an approved National Animal Health Laboratory Network (NAHLN) laboratory.

b. Owners of herds in which dairy cattle test positive for interstate movement will be required to provide epidemiological information, including animal movement tracing.

c. Dairy cattle moving interstate must adhere to conditions specified by APHIS.

d. As will be described in forthcoming guidance, these steps will be immediately required for lactating dairy cattle, while these requirements for other classes of dairy cattle will be based on scientific factors concerning the virus and its evolving risk profile.

3. Mandatory Reporting.

a. Laboratories and state veterinarians must report positive Influenza A nucleic acid detection diagnostic results (e.g. PCR or genetic sequencing) in livestock to USDA APHIS.

b. Laboratories and state veterinarians must report positive Influenza A serology diagnostic results in livestock to USDA APHIS.

Statement of Need and Reasonableness:

The proposed regulations will help prevent the spread of highly pathogenic avian influenza (HPAI H5N1) in lactating dairy cows in South Carolina. By requiring intra-state Influenza A testing with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, will help to ensure the prevention of the spread of the disease by minimizing the risk of commingling infected animals. The cost of the testing will be at no cost to exhibitors of lactating dairy cattle covered under this emergency regulation. Costs to be covered by the USDA.

DESCRIPTION OF REGULATION:

All out-of-state lactating dairy cattle traveling to a South Carolina fair or exhibition must follow the *Technical Notes: Clarification to Inquiries Received on April 24 Federal Order* and must have a valid interstate certificate of veterinary inspection with an accession number for a negative test result from a National Animal Health Laboratory Network (NAHLN) laboratory. Samples must be collected no more than seven days prior to movement to the fair or exhibition and should be collected and submitted by the veterinarian completing the interstate certificate of veterinary inspection. The state of origin must also take the animals back at the farm of origin if any positive results occur at the fair or exhibition.

South Carolina exhibitors with lactating dairy cattle traveling in-state to a fair or exhibition must receive a negative test for Influenza A virus at the Clemson Veterinary Diagnostic Center. The test is available to South Carolina exhibitors at no cost. Samples must be collected no more than seven days prior to movement to the fair or exhibition. A PCR milk test is required to return to the in-state farm of origin if the original test exceeds ten days length from the initial collection of milk samples. This intrastate order requiring a negative Influenza A test prior to traveling to a fair or exhibition will remain in effect until 60 days after the last detection of H5N1 in cattle herds in the United States.

Legal Authority: S.C. Code Ann. Sections 47-4-30 and 47-4-50.

Plan for Implementation: LPH program staff, in collaboration with United States Department of Agriculture, will implement and enforce the described procedures immediately upon passage. Outreach and education efforts working with fair and exhibition leadership about biosecurity best practices and guidance for animal testing, and informing the exhibitors and public about said requirements have already ensued and will continue. Additionally, any person, business, or entity regularly engaged in the possible movement of lactating dairy cattle may contact LPH staff for guidance.

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

By requiring intra-state Influenza A testing with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, we are helping ensure we are preventing infected animals into fairs

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and exhibitions, minimizing the risk of the spread of the disease by preventing the commingling of infected animals.

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

By requiring intra-state Influenza A testing with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, we are helping ensure we are preventing infected animals into fairs and exhibitions, minimizing the risk of the spread of the disease by preventing the commingling of infected animals. This will help decrease the risk of lactating dairy cows developing or exhibiting HPAI during public events.

DETERMINATION OF COSTS AND BENEFITS:

The cost of this additional testing requirement is largely being supported by free testing provided by USDA to CVDC. Primarily impacted industries include dairy producers, dairy processors, exhibitors, and poultry producers. By conducting the required additional testing, these producers, we are mitigating a possible outbreak at a public event.

UNCERTAINTIES OF ESTIMATES:

Great efforts have gone into predicting and mitigating unnecessary financial impacts to the aforementioned exhibitors. Some costs are required of exhibitors, and efforts were made to minimize those and incorporate them with other requirements in order to mitigate the risk of disease spread and provide as little negative impact to dairy industry as possible while providing good preventative measures/practices related to protecting livestock herd health and disease transfer across the state. The cost of having an event occur at a fair or exhibition will well exceed the cost of mitigation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Additional testing for H5N1 in lactating dairy cattle attending South Carolina fairs and exhibits will help ensure that negative animals are brought into South Carolina and not be a source of the virus in the environment or possibly cause public distress if the disease were to breakout during a fair or exhibit. Additionally, only importing negative animals will reduce human exposure and concerns of disease spread to H5N1 at fairs and exhibits that have large public attendance.

Will support and follow livestock health and public health guidance and requirements as set forth by certain both State and Federal authorities.

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

Without implementation of the proposed regulations, the risk of H5N1 infected lactating dairy cows participating in fairs and exhibitions increases, which increases the risk of intra and interstate spread of the disease by not taking appropriate measures to prevent. This may affect the South Carolina dairy or poultry industries causing economic loss and animal welfare issues on farms. If the disease were to occur during the fair or exhibition, it will affect human mental wellness and could cause human exposure and potential disease to exhibitors who will be around the animals. There is a small risk of spreading the disease to the public attending the event.

Statement of Rationale:

Additional testing for H5N1 for lactating dairy cattle moving within South Carolina will prevent the introduction of the virus into fair and exhibit barns, and prevent the spread of disease to other dairy cattle and poultry in South Carolina, and decrease the human health risks of exposure of exhibitors to H5N1.