

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

THE SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT OF THE SOUTH CAROLINA STATE REGISTER

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2001 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the Standards Manual for Drafting and Filing Regulations.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made by **5:00 P.M.** on the closing date for that issue.

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

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Office of the State Register is 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) 734-2145.

CERTIFICATE

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with Federal Law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be renewable once.

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SUBSCRIPTIONS

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Columbia, South Carolina 29211**

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Enclosed is my check or money order for \$_____. Date _____

Name _____

Address _____

Telephone _____

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* Approval pending Governor's signature on Joint Resolutions

COMMITTEE REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
2573	4 24 01	Food Stamp Program	Department of Social Services
2564	5 31 01	Accreditation Criteria	Board of Education

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

DOC No.	DATE	SUBJECT	AGENCY
2360	1 17 01	LIFE Scholarship	Commission on Higher Education

WITHDRAWN:

DOC NO.	DATE	SUBJECT	AGENCY
2603	7-09-01	End-of-Course Tests	Board of Education

2001-39

WHEREAS, South Carolina has a rich diversity of historic buildings, structures, and sites illustrating South Carolina African American heritage; and

WHEREAS, historic properties help present and future generations understand our past and remind us of the aspirations, ingenuity, and courage of our forefathers; and

WHEREAS, these historic properties are being lost or substantially altered with increased frequency; and

WHEREAS, the South Carolina Department of Archives and History shall encourage and assist South Carolina's citizens with identifying and preserving these significant properties; and

WHEREAS, in the face of increasing threats, it is necessary to enhance the Department of Archives and History's efforts to identify, promote, and preserve these irreplaceable properties.

NOW, THEREFORE, I hereby establish the South Carolina African American Heritage Commission ("Commission") to identify and promote the preservation of historic sites, structures, buildings and culture of the African American experience in South Carolina.

1. The Commission shall consist of 15 members, representing all geographic areas of the state, appointed to staggered terms by the South Carolina Archives and History Commission.
2. The Commission shall elect a chair at its first scheduled meeting.
3. The Commission shall include non-voting associated members who must be kept informed of Commission activities and will form a network of individuals and groups across the State who are interested in the preservation of properties associated with African American History.
4. The Commission shall have one non-voting associated member to represent the Office of Governor.
5. The Commission shall meet quarterly and shall plan activities to carry out its mission.
6. The Commission shall establish bylaws for appointed members, elected officers and conducting meetings.
7. The South Carolina Department of Archives and History staff shall advise and assist the Commission.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 14th DAY
OF NOVEMBER, 2001.**

**JIM HODGES
Governor**

4 EXECUTIVE ORDERS

2001-40

WHEREAS, a state of emergency in Horry County was declared on November 8, 2001 (Executive Order 2001-38), in response to the uncontrolled and spreading wildfires which had consumed over 1,500 acres of land; and

WHEREAS, under Executive Order 2001-38, I directed certain assets of the South Carolina National Guard, at the discretion of the Adjutant General and in coordination with SCEPD, to be placed on state duty and ordered the utilization of the National Guard's fire suppression personnel to take all necessary action to provide Horry County with the delivery of critical equipment and services; and

WHEREAS, while dry conditions still exist and fire officials continue to closely monitor the area, the situation in Horry County is now stable, with no immediate danger to public safety and welfare or the property of the citizens of this State.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that Executive Order 2001-38 is cancelled, rescinded, and from this date declared null and void.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 21st DAY OF
NOVEMBER, 2001.**

**JIM HODGES
Governor**

2001-41

WHEREAS, on May 11, 1987, the South Carolina Emergency Response Commission for hazardous materials was created pursuant to Executive Order 87-17 in compliance with the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Title III, "Emergency Planning and Community Right-to-Know Act of 1986;" and

WHEREAS, the Act required the Governor of South Carolina to appoint a State Emergency Response Commission for hazardous materials with all the authority and responsibilities delineated in the Act; and

WHEREAS, on December 14, 1993, Executive Order 87-17 was rescinded and replaced with Executive Order 93-27 to provide additional membership on the State Emergency Response Commission; and

WHEREAS, selected members from the public and private sectors have been determined to possess the necessary expertise to implement the emergency planning and community right-to-know provisions of the Act; and

WHEREAS, both the Governor and the Act recognize that the proliferation of hazardous materials will continue to pose a significant threat to the public's health, safety, and welfare unless responsible planning and coordination measures are instituted.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of this State, I do hereby declare that:

Section 1. The State Emergency Response Commission for hazardous materials, hereinafter referred to as “the Commission,” is continued in existence.

Section 2. There are twelve (12) members of the Commission, including a Chairman. The members shall be appointed by and serve at the pleasure of the Governor and may be removed by the Governor at his discretion. Members shall serve without compensation.

Section 3. The Commission shall be chaired by the Director of the State Emergency Preparedness Division. The Commission shall be comprised of one (1) member representing each of the following agencies or organizations:

Office of the Governor
Department of Health & Environmental Control
Department of Public Safety
State Law Enforcement Division
State Fire Marshal

The Commission shall also consist of:

Three (3) members representing industry within the State
Three (3) members-at-large

Section 4. In conjunction with the duties mandated by SARA, the Commission’s responsibilities shall be to:

- (a) Designate and appoint members of a Local Emergency Planning Committee for each of the emergency planning districts;
- (b) Supervise and coordinate the activities of the Local Emergency Planning Committees;
- (c) Review emergency plans prepared by the Local Emergency Planning Committees and make recommendations relating to coordinating emergency response;
- (d) Establish procedures for processing requests from the public for information about emergency response plans, chemical notification forms, the Environmental Protection Agency’s list of extremely hazardous substances, and toxic chemical release forms;
- (e) Analyze the need for resources and legislation to appropriately implement the Act at the state and local government levels; and
- (f) Pursue initiatives with private industry, the Legislature, and government agencies to obtain necessary resources to implement the Act.

Section 5. The State Emergency Preparedness Division, the Governor’s Office of Emergency Management, and the Department of Health & Environmental Control shall serve as lead agencies for coordinating implementation of the Act and providing staff support to the Commission. These agencies shall enter into a Memorandum of Understanding delineating each agency’s responsibilities.

6 EXECUTIVE ORDERS

Section 6. In carrying out its responsibilities pursuant to the Act, the Commission is authorized to call upon any department, office, division or agency of the State to supply such data, reports, or other information it deems necessary. Each department, office, division or agency of the State is authorized and directed, to the extent consistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purpose of the Act and this Executive Order.

Section 7. Nothing in this Executive Order shall restrict or otherwise limit the statutory duties and functions of the involved departments, offices, divisions, or agencies.

Section 8. The Commission shall meet at times and places designated by the Chairman. Any vacancy occurring on this Commission shall be filled in the manner of the original appointment.

Section 9. The Commission may receive grants, donations or gifts of money, equipment, supplies, and services from any public or private source to carry out its duties.

Section 10. This Executive Order shall remain in effect until otherwise rescinded.

Section 11. Executive Order 93-27 is hereby rescinded.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 16TH DAY
OF NOVEMBER 2001.**

**JIM HODGES
Governor**

2001-42

WHEREAS, Johnny Micheal "Mike" Spann, a United States Central Intelligence Agency officer, was killed in action in northern Afghanistan while interrogating Taliban prisoners; and

WHEREAS, Mike Spann is the first American to be killed in action while serving his country in the war against terrorism in Afghanistan; and

WHEREAS, Mike Spann died fighting terrorism, defending freedom, and serving his country, and his loss warrants the citizens of the State of South Carolina to appropriately show respect for his heroic service and supreme sacrifice.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby order that the flags of the United States and the State of South Carolina be flown at half-staff upon all state buildings and grounds until sunset Friday, November 30, 2001 in honor of Johnny Micheal Spann.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 29TH DAY
OF NOVEMBER 2001.**

**JIM HODGES
Governor**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING**

Document No. 2670

R.61-86.1 Standards of Performance for Asbestos Projects

The Department of Health and Environmental Control (Department) published a Notice of Proposed Regulation in the *South Carolina State Register* on October 26, 2001, of its intent to amend Regulation 61-86.1, *Standards of Performance for Asbestos Projects*. In that notice, the Department announced the date of December 13, 2001, for a public hearing before the Board of Health and Environmental Control (Board) concerning the proposed amendment. The purpose of this notice is to cancel the December date and reschedule the public hearing for January 10, 2002, to allow more time for the Department to consider the comments received on the proposed amendment.

The public hearing will be held at the regularly-scheduled Board meeting on January 10, 2002, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing on January 10, 2002, will be noticed in the Board's agenda to be published by the Department 10 days in advance of the meeting. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations and the SIP revision. Questions concerning this notice should be addressed to Dennis Camit, Bureau of Air Quality at (803) 898-4284.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 28, 2001, 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 Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Dillon County

Construction for the addition of a fixed Magnetic Resonance Imaging (MRI) unit to replace mobile MRI services.
St. Eugene Medical Center
Dillon, South Carolina
Project Cost: \$1,277,592

Affecting Georgetown County

Renovation and construction for the addition of ten (10) comprehensive rehabilitation beds for a total of twenty-nine (29) comprehensive rehabilitation beds.
Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$818,020

Affecting Lexington County

Renovation of existing space for the addition of a Positron Emission Tomography (PET) scanner.
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$2,321,710

Affecting Richland County

Merger of Bernadine Hospice House's twelve (12) existing nursing home beds with the existing twenty (20) nursing home beds at Benzie T. Rice Home, for a total of thirty-two (32) nursing home beds at Rice Nursing Center.

8 NOTICES

Rice Nursing Center
Columbia, South Carolina
Project Cost: \$10,666.77

Affecting York County

Conversion of twelve (12) nursing home beds to twelve (12) rehabilitation beds resulting in a total of thirty-two (32) rehabilitation beds and eight (8) nursing home beds.

HealthSouth Rehabilitation Hospital
Rock Hill, South Carolina
Project Cost: No Cost

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 28, 2001. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Calhoun and Orangeburg Counties

Relocation of Administration, Finance, Medical Foundation, and Public Relations to annex; relocation/expansion of Endoscopy Suite; expansion of Outpatient Surgery.

The Regional Medical Center of Orangeburg and Calhoun Counties
Orangeburg, South Carolina
Project Cost: \$4,200,025

Affecting Georgetown County

Renovation and construction for the addition of ten (10) comprehensive rehabilitation beds for a total of twenty-nine (29) comprehensive rehabilitation beds.

Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$818,020

Affecting Greenwood County

Replacement of the existing back-up linear accelerator with a Varian Clinac 6EX linear accelerator for full-time use for a total of two (2) full-time linear accelerators.

Self Memorial Hospital
Greenwood, South Carolina
Project Cost: \$1,203,134

Affecting Horry County

Construction of an ambulatory surgery center to include two (2) endoscopy rooms.

Carolina Bone and Joint Surgery Center, LLC
Conway, South Carolina
Project Cost: \$5,080,789

Affecting Lancaster County

Construction of an outpatient imaging center to include MRI, CT, and other diagnostic modalities for the relocation of Springs Memorial Hospital's current outpatient imaging services.

Lancaster Imaging Center, LLC
Lancaster, South Carolina
Project Cost: \$2,917,347

Affecting Richland County

Establishment of a freestanding ambulatory surgery center with four (4) operating rooms at I-26 and Hwy. 60
Palmetto Health Northwest Ambulatory Surgery Center, LLC
Columbia, South Carolina
Project Cost: \$5,991,143

Addition of six (6) Neonatal Intensive Care Unit (NICU) bassinets for a total of twenty-seven (27) NICU bassinets.
Palmetto Richland Memorial Hospital
Columbia, South Carolina
Project Cost: \$225,060

Affecting York County

Conversion of twelve (12) nursing home beds to twelve (12) rehabilitation beds resulting in a total of thirty-two (32) rehabilitation beds and eight (8) nursing home beds.
HealthSouth Rehabilitation Hospital
Rock Hill, South Carolina
Project Cost: No Cost

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. 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 individuals listed below, please submit your comments in writing, no later than January 28, 2002 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Underground Storage Tank Management
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Class II

Martin O. Klein, PA

10 DRAFTING

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93**

Statutory Authority: 1976 Code Section 40-35-5, et. esq.

Notice of Drafting:

The Board of Long Term Health Care Administrators is considering proposing amendments to Chapter 93 to update and clarify the regulation. The amendments would also include an administrator-in-training program for community residential care facility administration. Written comments can be submitted to Dana Welborn, Board Administrator, at P.O. Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The purpose of the amendments is to remove out-dated language, clarify current language and add an administrator-in-training program for community residential care facility administration.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81**

Statutory Authority: 1976 Code Sections 40-1-40 and 40-47-20

Notice of Drafting:

The Board of Medical Examiners is proposing to add Regulation 81-300 as a new regulation. Interested persons should submit their views in writing to John D. Volmer, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

This new regulation will authorize physicians who are employed by athletic teams from other states, territories or jurisdictions, and who are actively licensed and in good standing in that jurisdiction, to practice medicine only upon team members, coaches and staff of the team by which the physician is employed. The team physicians shall not have practice privileges in any licensed health care facility, and shall not be authorized to issue orders, prescriptions or order testing at medical facilities in this state.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY
CHAPTER 43**

Statutory Authority: 1976 Code Sections 40-43-10 et seq.

Notice of Drafting:

The Board of Pharmacy is proposing a regulation to amend Regulation 99-43 to add "Non-Resident Wholesale Distributor" as Facility Permit Classification. Interested persons should submit their views in writing to Tom Wilcox, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

This Regulation simply adds non-resident wholesale distributors as an additional classification for which facility permits are issued. This Regulation clarifies the responsibilities and duties of the Board of Pharmacy in reference to non-resident wholesale distributors.

WORKERS' COMPENSATION COMMISSION
CHAPTER 67
Statutory Authority: 1976 Code Section 42-3-30

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend and add regulations to reflect a one-time \$25.00 filing fee to offset the cost of processing hearing requests and settlements. The Commission also proposes to amend and add regulations to provide for the establishment of a voluntary in-house mailbox system and to provide service of orders, hearing notices, and review hearing notices through the in-house mailbox system. Interested persons should submit their views in writing to Janet Godfrey Griggs, General Counsel, South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on January 28, 2001, the close of the drafting comment period.

Synopsis:

The Commission is making revisions to address, but not necessarily limited to the following subjects:

Regulations 67-207A, 67-208A, 67-208D, 67-505D, 67-505F, 67-505H, 67-506E, 67-506F will be amended to reflect a one-time filing fee of \$25.00 for Form 50, Form 21, Form 15, and Form 54 hearing requests.

Regulation 67-213A will be amended to provide for service of orders, hearing notices, and review hearing notices by way of a voluntary in-house mailbox system located on Commission premises.

Regulation 67-217 will be added to provide for the establishment of a voluntary in-house mailbox system located on Commission premises.

Regulation 67-803A(6) will be added to reflect a one-time filing fee of \$25.00 for settlements by agreement and final release.

Other pertinent changes will be made which may fall under the scope of the proposed revisions.

Legislative review will be required.

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Document No. 2713
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Section 37-17-10 (F)

28-300. Prescription Discount Drug Cards

Preamble:

The Department proposes to add Regulation 28-300. The General Assembly passed legislation in 2001 requiring the registration of companies and individuals offering for sale discount prescription drug cards. These companies, through their agents, will offer plans to the public which will allow consumers to purchase prescription drugs at a discounted rate. The proposed regulation will address the administration of the registration process, including bonding requirements for companies and the setting of application fees for companies and individuals. Requirements for sales representative status are covered as well. The regulation also includes advertising disclosure requirements.

Notice of Drafting for the proposed amendment was published in the State Register on October 26, 2001. Comments were solicited for consideration in drafting the proposed regulation.

Section - by Section Discussion

28-300(A) Definitions

28-300(B) The Department is proposing requirements for companies selling discount prescription drug card in South Carolina. Companies must post a bond, provide financial statements and be in good standing to be registered. They must file annually and pay an eight hundred filing fee.

28-300(C) The proposed regulation would require corporate officers to meet the same standards as individuals.

28-300(D) Persons selling by any means would be required to register.

28-300(E) Individuals would be required to meet a certain fitness standard. Criminal offenses, license revocations or administrative penalties may prevent one from becoming licensed. Filings must be made annually and a fifty-dollar filing is to be assessed.

28-300(F) Plans offered to the public must be made public and filed with the Department.

28-300(G) Advertising must not be deceiving and disclaimers cannot be less prominent than other terms. Advertisements must carry the name and address of the advertiser.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested, such a hearing will be held on February 12, 2002, at 2:00 p.m. in the Conference Room, Third Floor, 3600 Forest Drive, Columbia, S.C. 29205. Written comments may be directed to Helen Fennell, Chief Enforcement Attorney, Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757 by January 31, 2002.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$25,000.00. Since fees are intended to offset administrative costs to the State and are based on experience with similar industries, impact should be minimal.

Statement of Need and Reasonableness:

Description of Regulation: Discount Prescription Drug Cards

Purpose: The proposed regulation will provide requirements for companies and individuals who sell discount prescription drug cards or plans to South Carolina citizens. Disclosure requirements for advertising are also covered to be implemented.

Legal Authority: 1976 Code Section 37-17-10 (F)

Plan for Implementation: Administrative.

Determination of Need and Reasonableness Based on all Factors Herein and Expected Benefits:

The regulation is intended to provide standards for licensing companies and individuals to sell discount prescription drug card services in South Carolina. Restrictions are placed on individuals with proven histories of criminal behavior or administrative misconduct. Advertising is required to be open and not misleading. Information on plans offered is required to be available to the public for comparison. Increased consumer protection and knowledge are the intended result.

Determination of Costs and Benefits: Fees assessed are set at levels intended to offset costs of administering the regulation and are based on prior experience.

Uncertainties of Estimates: Estimates are based on agency experience with similar industries. Should the number of filings vary greatly, estimates could change. However, since costs to the State are to be covered by proposed fees, impact should be negligible.

Detrimental Effect in the Environment and Public Health if the Regulation is not Implemented: None

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2699
BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. Section 59-18-1100 (Supp. 2000)

R43-302. School Incentive Reward Program

Preamble:

The State Board of Education proposes amending Regulation 43-302, School Incentive Reward Program. This regulation provides for a school level recognition program that is based on demonstrated student achievement. The proposed amendments to R43-302 include renaming the school recognition program, establishing the operation of the program by the State Department of Education, establishing the responsibility for the program criteria with the Division of Accountability of the Education Oversight Committee, and establishing appropriate expenditure of award funds.

Section-by-Section Discussion

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43-302, Section A Establishes the Palmetto Gold and Silver Awards Program to recognize and reward schools for academic achievement. The program is to be operated by the State Department of Education with program criteria established by the Division of Accountability of the Education Oversight Committee.

43-302, Section B Provides direction as to the appropriate expenditure of funds and for an accounting of expenditures.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments at a public hearing on the proposed regulation to be conducted by the State Board of Education on February 12, 2002, at 10:00 A.M. in the Basement Conference room of the Rutledge Building, 1429 Senate Street, Columbia, S.C. Persons desiring to make oral comments at the hearing are asked to provide copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments by writing to Dr. Nancy Sargent, Director, Office of School Quality, 1429 Senate Street, Room 702, Columbia, SC 29201. Comments can also be emailed to nsargent@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on January 28, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on February 12, 2002, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R43-302, School Incentive Reward Program

Purpose: Regulation 43-302, School Incentive Reward Program, is being amended. The proposed amendments will redefine the school recognition program as the Palmetto Gold and Silver Awards Program, as required by the Education Accountability Act of 1998, Section 59-18-1100.

Legal Authority: S.C. Code Ann. Section 59-18-1100 (Supp. 2000).

Plans for Implementation: The Palmetto Gold and Silver Awards Program will take effect upon approval by the General Assembly and publication in the *State Register*. The program will be implemented by providing the regulated community with copies of the regulation.

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

The proposed amendments are in accord with the 1998 General Assembly repeal of Section 59-18-10, Incentive grant program for schools and school districts for exceptional or improved performance, and the creation of the Palmetto Gold and Silver Awards Program as required by the Education Accountability Act of 1998.

DETERMINATION OF COSTS AND BENEFITS: N/A

UNCERTAINTIES OF ESTIMATES: N/A

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

There will be no detrimental effects on the environment and public health if these changes are not implemented.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2714

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Chapter 61

Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq.*

R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*

Preamble:

The United States Environmental Protection Agency (EPA) promulgated final rules for new and existing commercial and industrial solid waste incineration (CISWI) units and small municipal waste combustion (MWC) units. These rules were promulgated pursuant to the requirements of sections 111 and 129 of the Clean Air Act (CAA). The rules for CISWI units were published in the *Federal Register* on December 1, 2000 [65 FR 75338], under 40 CFR part 60, subparts CCCC and DDDD. The rules for small MWC units were published in the *Federal Register* on December 6, 2000 [65 FR 76378], under 40 CFR part 60 subparts AAAA and BBBB.

Section 111 of the CAA requires the EPA to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution and requires the EPA to promulgate regulations establishing Federal standards of performance for new sources within these categories. These standards are generally referred to as New Source Performance Standards or NSPS. Under section 111(d), the EPA must also establish emission standards for any existing source for which a standard of performance would apply if the source were new. These sources are generally referred to as designated facilities. Section 129 of the CAA specifically addresses solid waste combustion.

Pursuant to section 111(d) and 129 of the CAA, each state in which a designated facility is operating is required to submit to the EPA a plan to implement and enforce the emission guidelines. Section 129 requires that the State plan be at least as protective as the emission guidelines and requires the EPA to develop a Federal plan if a state fails to submit an approvable State plan.

The Department proposes to amend R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* to incorporate and implement these federal requirements and develop a State plan.

A Notice of drafting was published in the *State Register* on April 27, 2001. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions:

SECTION CITATION:

EXPLANATION OF CHANGE

Subpart AAAA

Subpart AAAA is added and incorporated by reference.

Subpart CCCC

Subpart CCCC is added and incorporated by reference.

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Subpart DDDD

Subpart DDDD is added and incorporated by reference.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested persons of the public to attend a staff-conducted informational forum to be held on January 28, 2002, at 10:00 a.m. on the second floor of the Aycock Building in room 2380 at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on January 28, 2002. Comments received by the deadline will be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on February 14, 2002, to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on January 28, 2002. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will incorporate the requirements of 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subparts AAAA, CCCC and DDDD by reference into R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*.

Legal Authority: The legal authority for R.61-62 is Sections 48-1-10 et seq., S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon promulgation by the Board and publication in the *State Register*.

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

Section 111 of the Clear Air Act (CAA) requires the United States Environmental Protection Agency (EPA) to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution and requires the EPA to promulgate regulations establishing Federal standards of performance for new sources within these categories. Under section 111(d) of the CAA, the EPA must also establish emission standards for any existing source for which a standard of performance would apply if the source were new. These sources are generally referred to as designated facilities. Section 129 of the CAA specifically addresses solid waste combustion.

Pursuant to section 111(d) and 129 of the CAA, each state in which a designated facility is operating is required to submit to the EPA a plan to implement and enforce the emission guidelines. Section 129 requires that the State plan be at least as protective as the emission guidelines and requires the EPA to develop a Federal plan if a state fails to submit an approvable State plan.

These standards and guidelines will protect public health by reducing exposure to air pollution, including several hazardous air pollutants (HAP) that can cause toxic effects such as eye, nose, throat, and skin irritation; reproductive effects; and cancer.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. At this time, the commercial and industrial solid waste incinerator (CISWI) regulation will affect approximately nine (9) facilities in South Carolina that operate air curtain incinerators (ACIs). These ACIs will be subject only to a specific part of the regulation that requires monitoring of and sets limits for opacity. Properly operated ACIs should easily meet these limits. Currently there are no units in South Carolina that are subject to the regulations for small municipal waste combustion (MWC) units. The EPA has provided the estimated costs and benefits for new small MWC and CISWI in the *Federal Register* notices that are cited in this regulation.

UNCERTAINTIES OF ESTIMATES: none

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Section 129 of the CAA directs the EPA to apply controls to various categories of solid waste incinerators, including small MWC and CISWI units. These standards will protect public health by reducing exposure to air pollution, including several hazardous air pollutants that can cause toxic effects such as eye, nose, throat and skin irritation; reproductive effects; cancer.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If a state does not adopt regulations and guidelines and submit a State plan, the EPA will adopt and implement a Federal plan to regulate existing commercial and industrial solid waste incinerators in South Carolina.

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Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2715
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

R.61-105. Infectious Waste Management Regulations

Preamble:

The Department proposes to amend Regulation 61-105 to: (1) Revise Section DD under the Fees Section to remove the requirement that generators and transporters must pay a \$25.00 processing fee. On February 23, 2001, the Environmental Protection Fees, Regulation 61-30, became effective requiring new Infectious Waste generator and transporter fees. Section DD will refer to Regulation 61-30 for fee amounts. (2) The regulation will be amended to reflect changes in the generator manifest requirements, and generator registration requirements.

A Notice of Drafting for this proposed amendment was published in the State Register on July 27, 2001. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

<u>SECTION</u>	<u>CHANGE</u>
61-105.E(1)(f)	Grammatical change. Replaced wording Awastes≡ to Awaste≡.
61-105.F(3)	Revised to add Aall≡ to Afor all generators≡ and delete the phrase Aand every five (5) years for small quantity generators.≡ To streamline and simplify invoice requirements for consistency by the Department, small and regular generators will register every 3 years with the Department instead of every 3 and 5 years.
61-105.F(4)	Deleted existing language AFees Section of this regulation≡ and added AEnvironmental Protection Fees, Regulation 61-30.≡
61-105.F(6)(i)	Added a new subsection (i) Aweigh waste prior to sending off-site for disposal and maintain monthly generation rates in the facility operating record.≡
61-105.M(1)c	Revised to add the wording Aand the weight≡.
61-105.O(2)	Deleted existing language AFees Section of this regulation≡ and added AEnvironmental Protection Fees, Regulation 61-30.≡
61-105.O(2)(c)	Added a new subsection (c) AA registration may be terminated or a new or renewal application may be denied by the Department for noncompliance by the transporter with any conditions of the registration, requirements of this regulation, or the Act.≡
61-105.S	Deleted text of whole section and replaced with the word AReserved≡.

- 61-105.W(9) Revised to add Aor the Act.≡
- 61-105.X(2)(a) Revised to add Athe Act and≡ for clarification.
- 61-105.DD Deleted all existing language and added AFees are outlined in the Environmental Protection Fees, Regulation 61-30.≡ Since new transporter and generator fees became effective in the Environmental Protection Fees, Regulation 61-30, it was necessary to remove the old fees from Section DD.
- 61-105.EE Deleted whole section.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum the week of February 4, 2002 at 2:00 p.m. in room 1710, of the Stern Business Center located at 8901 Farrow Road, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed amendment of R.61-105. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled March 14, 2002, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment for public notice and comment to the staff forum by writing to Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax (803) 896-4002. Written comments must be received no later than 5:00 p.m. on January 28, 2002. Comments received by the deadline requested shall be submitted in a Summary of Public Comments and Department Responses for the Boards consideration at the hearing, as noticed below.

Copies of the text of the proposed amendment for public notice and comment may be obtained by contacting Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 896-4173; Fax (803) 896-4002.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-105 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on March 14, 2002. The public hearing will be held in the Board Room of the Commissioners Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-105 by writing to Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax (803) 896-4002. Written comments must be received no later than 5:00 p.m. on January 28, 2002. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on March 14, 2002, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Boards consideration at the public hearing noticed above.

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Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 896-4173; Fax (803) 896-4002.

Preliminary Fiscal Impact Statement:

There will be minimal cost to the state and its political subdivisions. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION:

Purpose of Regulation: The purpose of this amendment is to: (1) Amend Regulation 61-105 by deleting the language under Section DD, Fees Section, that states generators and transporters must pay a \$25.00 processing fee. (2) Simplify registration requirements, small and regular generators must register every 3 years with the Department. (3) Develop updated infectious waste standards for generators, transporters, transfer stations and treatment facilities.

Legal Authority: The State Primary Infectious Waste Management Regulations are authorized by S.C. Code Section 44-93-10 et seq., State Infectious Waste Management Act.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-105 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Since Regulation 61-105 was last amended, new Infectious Waste Generator and Transporter fees have been placed in the Environmental Protection Fees Regulation 61-105. Section DD will reference Regulation 61-30 for fee amounts. Small quantity generators will be required to register every 3 years with the Department, instead of every 5 years. Increased frequency of registration will allow the Department to maintain regular contact with the Department.

DETERMINATION OF COST AND BENEFITS: There will be minimal cost to the state, its political subdivisions, and to the regulated community with the implementation of the proposed regulations.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no adverse effect on the environment. The amendments will promote public health by improving the management of infectious waste within the health care community.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no adverse effect on the environment if the amendment is not implemented. However, there will be an adverse effect on the Departments ability to carry out its strategy to enhance the management of infectious waste within the health care community in the state which in turn will limit the Departments ability to promote public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2709

COMMISSION ON HIGHER EDUCATION

Chapter 62

Statutory Authority: 1976 Code Sections 59-58-10 through 59-58-140

Preamble:

The Commission proposes to amend the regulations governing Nonpublic Postsecondary Institutions. The proposed amendments will:

The changes expand the consumer protection focus of the statute and regulations to provide more direction for institutions concerning policies and procedures for record-keeping; to establish more rigorous requirements for credentials for faculty and administrators; to prescribe limitations for transfer credit; to mandate that institutions periodically review and evaluate the programs offered; to remove the fee schedule from the regulations; and to give the Commission the authorization to set fees.

Section-by-Section Discussion

62-6.A.	Require that institutions provide documentation of need Require that out-of-state institutions be accredited Require that institutions offer the programs in its principal location
62-6.B.	Require full-time faculty in each major, curricular area or concentration Require that faculty be proficient in oral and written communication in language in which courses are taught Prescribe record-keeping on faculty Encourage selection of faculty from broad representation of institutions
62-6.D.	Prescribe record-keeping on credit for prior education Prescribe conditions for transfer and awarding credit for experiential learning Specify 25% residency requirement Require advanced coursework in inverted, two-plus-two and similar programs Limit to approximately one-half of a bachelor's program transfer from two-year institution Require that out-of-state institutions allow transfer credit from branch sites to principal location
62-6.E.	Specify course syllabi content
62-6.J.	Specify credentials for site directors Specify credentials for chief academic officers Require periodic evaluation of administrators
62-6.N.	Specify that admission requirements be consistent with purposes of institution Require high school diploma or GED for admission into degree programs
62-6.2.	Require process to review and evaluate curriculum Require evaluation of program and course effectiveness, student learning, retention, graduation rates, student, graduate, faculty, and

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	employer satisfaction and require use of results to improve quality of instruction
62-11.A	Require one calendar week per credit hour awarded
62-11.G.	Require that faculty who teach general education or transfer courses have 18 graduate hours in discipline and hold master's degree or hold master's degree with major in discipline
62-11.H.	Prescribe that faculty who teach occupational or technical courses usually have a bachelor's degree
62-11.I.	Amends language pertaining to credentials from accredited institutions; does not change requirement
62-12.A.	Require one calendar week per credit hour awarded
62-12.D.	Amends language pertaining to credentials from accredited institutions; does not change requirement
62-12.E.	Require that teacher education and school personnel programs meet requirements of CHE and Department of Education
62-13.A.	Require quantitative and qualitative requirements for admission Require one calendar week per credit hour awarded
62-13.B.	Require credentials from accredited institutions
62-13.D.	Require that teacher education and school personnel programs meet requirements of CHE and Department of Education
62-16.	Require publication of full-time faculty and degrees held
62-16.H.	Add disclosure that licensure indicates minimum standards have been met and is not an endorsement or guarantee of quality
62-23.	Allows CHE to set reasonable fees; removes specific fees from regulation

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted at 10:30 A.M., on Thursday, March 7, 2002, by the South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Renea H. Eshleman at the South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201, or by calling (803) 737.2281 or by e-mail to reshlema@che400.state.sc.us. Comments received will be considered by the staff in formulating the final proposed regulation for the public hearing as noticed above.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS:

62-6. Licensing Criteria.

62-8. Financial Resources.

62-11. Program and Instructor Requirements for Associate Degree Programs.

62-12. Program and Instructor Requirements for Baccalaureate Degree Programs.

62-13. Program and Instructor Requirements for Graduate Programs.

62-16. Catalog/Bulletin/Brochure Requirements.

62-23. Fees.

Purpose:

The purpose of the proposed amendments is, based on the experience of the Commission in application of the licensing requirements, to refine the regulations.

The primary purpose of the licensing process is consumer protection. The statute and regulations establish basic requirements to provide some assurance that students enrolled in licensed institutions may reasonably expect that the programs will fill the objectives and that the institution has in place the resources with which to provide the education and training.

The Commission uses the parameters prescribed by the statute and the regulations to determine that the curricula and instruction are of quality, content, and length to achieve the stated objectives reasonably and adequately. Among the specific requirements for licensure, the institution must have adequate space, equipment, instructional material, and appropriately qualified instructional personnel to provide training and education of good quality. It must own or make available sufficient learning resources, maintain appropriate written records, and have satisfactory course and program outlines. It must maintain a schedule of tuition, fees, and other charges and provide a refund policy that complies with the regulations. It must have in place rules of operation and conduct, and a policy for handling student complaints. The institution must award the student an appropriate certificate, diploma, or degree showing satisfactory completion of the course, program, or degree. It must maintain adequate records to show attendance and progress or grades. The institution must be financially sound and be able to fulfill its commitments for education or training. Its publications must comply with the requirements of the Commission concerning advertising, disclosures, trade, and sales practices. It cannot use erroneous or misleading advertising by actual statement, omission, or intimation. It must comply with sound practices as appropriate to the type and level of programs it offers.

Legal Authority:

South Carolina Code of Laws, Sections 59-58-10 through 59-58-140

Plan for Implementation:

The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the amended regulations.

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

The proposed amendments will simplify the application of the regulations because the amendments refine licensing parameters and give specific authority under applicable circumstances.

The proposed amendments adjust the requirements to address the current academic environment and changes in requirements with which accredited institutions must comply.

The proposed amendments will provide better consumer protection by requiring institutions to adjust their programs and operations to comply with the standards.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to institutions in that the regulations will better inform them of credible practices.

UNCERTAINTIES OF ESTIMATES: None.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2705
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-38-550; 1-23-10 *et seq.*

69-15. South Carolina Deposits Required of Insurers

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-15, South Carolina Deposits Required of Insurers. Pursuant to 2000 Act 259, fraternal benefit societies must comply with the requirements of Section 38-9-80 of the South Carolina Code of Laws.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Monday, February 4, 2002 at 10:00 a.m. at 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, January 25, 2002.

Statement of Need and Reasonableness:

The Department of Insurance is proposing this amendment to regulation 69-15 in order to accurately correspond with changes made to Section 38-9-80 with the passage of 2000 Act 259.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2706
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-33-200; 1-23-10, et seq.

69-22. Health Maintenance Organizations

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-22 regarding Health Maintenance Organizations. The amendment will revise Section II of the regulation related to License Requirements to reflect changes made to Section 38-33-90 by the passage of 2000 Act 312, specifically regarding annual statement and reports filing requirements. Subsections C and D will be deleted in their entirety.

Notice of Public Hearing and Opportunity for Public Comment:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Monday, February 4, 2002 at 10:30 a.m. at 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, January 25, 2002.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The Department of Insurance is proposing this amendment to Regulation 69-22 in order to accurately correspond with changes made to Section 38-33-90 by the passage of 2000 Act 312.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2704
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 1-23-10, et seq.

69-26. Salvage and Subrogation

Preamble:

The South Carolina Department of Insurance proposes to repeal Regulation 69-26, Salvage and Subrogation as it conflicts with Statements of Statutory Accounting Principles #65, Section 26 of the National Association of Insurance Commissioners (NAIC) Accounting Practices and Procedures Manual.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

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Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Monday, February 4, 2002 at 11:00 a.m. at 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, January 25, 2002.

Statement of Need and Reasonableness:

It is necessary to repeal Regulation 69-26, Salvage and Subrogation, because it conflicts with current NAIC accounting practices and procedures.

Text:

There will be no text as the regulation will be repealed in its entirety.

Document No. 2710

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: S.C. Code Sections 50-15-30, 50-15-40, 50-15-50 and 50-15-70

Preamble:

The department proposes to amend regulations that establish the list of Endangered Species and Non-game species in Need of Management. In addition the Department propose to establish regulations for the take, possession and disposition of the spotted turtle (Clemmys guttata) in South Carolina.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on February 15, 2002, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

The proposed new regulation and amendment to Regulation Chapter 123 will not result in any measurable fiscal impact to the State. Only one species proposed for a change of status, the spotted turtle, is of economic importance, and this is minimal through the pet trade industry. The proposed new regulation does allow for the continued sale of the spotted turtle in the pet trade, but under guidelines that will protect this species.

Statement of Need and Reasonableness:

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

1. DESCRIPTION OF THE REGULATION:

Purpose: These regulations establish the official state list of endangered wildlife species and non-game wildlife species in need of management. In addition these regulations give the Department the authority to establish

regulations governing the take, possession and disposition of non-game species listed as “in need of management”. Such lists and regulations are intended to provide for the protection and conservation of certain wildlife species in South Carolina.

The Department of Natural Resources has jurisdiction over endangered wildlife species and non-game species in need of management. Additions and deletions to these lists are prepared in consultation with experts on South Carolina natural history and fauna. The Department develops conservation programs, research programs and educational programs to protect and conserve such species. Listing is an important tool for the Department that is used to indicate certain species that are in greater need of conservation efforts.

Plan for Implementation: Once the amendments and new regulation have been approved by the General Assembly, the Department will incorporate all changes into the official lists provided to the public. The public will be notified through news releases and other Department media outlets and publications, including the internet.

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

Periodic review of current lists of endangered species and species in need of management are undertaken by state experts on south Carolina natural history and Department staff. Changes in the status of certain species are noted, and reasons for these perceived changes are discussed. Recommendations for changes to the official lists and any new regulations governing the take or use of listed species are derived from these periodic reviews.

3.DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed amendments and regulation will not require any additional costs to the state. The Department’s Wildlife Diversity Program currently maintains the official lists of endangered species and species in need of management and amendments to this list will not require additional funds. Additionally the Wildlife Diversity Program administers a small Scientific Collecting Permit program, and the proposed spotted turtle program will be absorbed under this program.

9.UNCERTAINTIES OF ESTIMATES:

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

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of these amendments and regulation will not have any impact on public health. Environmental impacts will be positive since the proposed amendments and regulation will result in the protection of rare wildlife species in South Carolina.

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

No detrimental impact on public health will occur if the proposed amendments and regulation are not implemented. Failure to implement the proposed amendments and regulation could result in detrimental environmental effects. The animal species affected by these proposed action could decline or continue to decline in South Carolina if they are not afforded the protection offered under the proposed amendments and regulation.

Summary of Preliminary Assessment Report:

The proposed amendments and regulation do not require an assessment report.

28 PROPOSED REGULATIONS

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2702

DEPARTMENT OF REVENUE

CHAPTER 7

Statutory Authority: 1976 Code Section 12-4-320

7-34 Advertisements, Retail and Wholesale

7-49 Revolving Lights, etc., Advertising Merchandise, etc. Prohibited; Window Displays Restricted

Preamble:

The South Carolina Department of Revenue is considering repealing SC Regulations 7-34 and 7-49 concerning alcoholic liquor advertising by wholesalers and retailers since the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

Discussion

The South Carolina Department of Revenue is considering repealing two regulations concerning alcoholic liquor advertising by wholesalers and retailers since the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors. The regulation to be repealed are:

7-34 Advertisements, Retail and Wholesale

7-49 Revolving Lights, etc., Advertising Merchandise, etc. Prohibited; Window Displays Restricted

Text:

No text is necessary since the proposal is only repealing regulations no longer needed since a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex in Columbia, South Carolina for 10:00 am November 20, 2001 if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal several regulations that are no longer needed because of a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), that held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. ' 1-23-111 (2000), to issue a report that the proposal to repeal the regulations is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by October 29, 2001:

S.C. Department of Revenue
 Legislative Services - Mr. Meredith Cleland
 P.O. Box 125
 Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no cost to the state or local political subdivision expenditures in complying with the proposed regulation. The benefits associated with the proposed changes to the state or local political subdivisions are uncertain.

Summary of the Preliminary Assessment Report:

The South Carolina Department of Revenue is considering repealing SC Regulations 7-34 and 7-49 concerning alcoholic liquor advertising by wholesalers and retailers since the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The purpose of this proposal is to repeal regulations that are no longer needed because of a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), that held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors. The authority for repealing these regulations can be found in Code Section 12-4-320. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.
2. The proposal to repeal these regulations is needed to reduce any taxpayer confusion that may result from having published regulations that are that are no longer needed because of a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), that held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors. The proposal to repeal these regulations is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.
3. This proposal to repeal these regulations will benefit taxpayers because it will reduce any taxpayer confusion by eliminating regulations that are outdated. This regulation is cost effective for the same reasons.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.
10. The proposed regulation would not have any effect on the environment and public health.
11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

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Document No. 2703
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Regulations:

ADMINISTRATIVE REGULATIONS	
117-1	Supplying of Identifying Numbers
117-2	Retention of Books and Records and the Use of Microfilm Reproduction of Books and Records
ALCOHOLIC LIQUOR, BEER AND WINE AND LICENSE TAX REGULATIONS	
117-12	Collection and Payment of Tax and the Maintaining of Records
117-20	Sales or Exchanges with other Wholesalers
117-21	Change in Distributors
117-38	Soft Drinks - Exemptions
117-49	Classification of Industrial Customers
INCOME TAX REGULATIONS	
117-61	Tax Liability of Stockholders
117-73	Related Expenses Defined
117-74	Allocation of Out-of-State Income and Losses
117-81	Tax Credit to Residents of this State Upon Income from a Partnership Taxed in Another State
117-83	Copies of Withholding Statements
117-87.17	Unrelated Business
117-87.20	Information Reports
117-87.32	Active Duty Military Pay
117-88.1	Determining Net Income of Building and Loan Associations
117-88.2	Earnings Paid to Shareholders
117-89.1	Annual Reports of Public Utilities
117-91.1	Nonresident Employees Operating Common Carriers
117-91.7	The One-half Rule
117-92.1	Entire Net Income
117-92.3	Federal Income Tax Deduction
PROPERTY TAX REGULATIONS	
117-115	General Requirements for Ratio Study
117-116	Form to Provide Tax Commission with Information for Ratio Studies
117-124.2	Licensed Automotive Vehicles and Airplanes
117-124.3	Manufacturing Plants Constructed Pursuant to the Industrial Revenue Bond Act
117-126	Use Value Procedure for Cropland and Timberland
117-127	Computation of Index of Taxpaying Ability for School

	District
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Preamble:

The South Carolina Department of Revenue is considering amending various administrative, license tax, income tax, and property tax regulations to change references to the former tax commission to the Department of Revenue and to correct references to various code sections that have been changed due to recodification of administrative and income tax laws in Title 12.

Discussion

The South Carolina Department of Revenue is considering amending the following administrative, license tax, income tax, and property tax regulations to change references to the former tax commission to the Department of Revenue and to correct references to various code sections that have been changed due to recodification of administrative and income tax laws in Title 12.

ADMINISTRATIVE REGULATIONS	
117-1	Supplying of Identifying Numbers
117-2	Retention of Books and Records and the Use of Microfilm Reproduction of Books and Records
ALCOHOLIC LIQUOR, BEER AND WINE AND LICENSE TAX REGULATIONS	
117-12	Collection and Payment of Tax and the Maintaining of Records
117-20	Sales or Exchanges with other Wholesalers
117-21	Change in Distributors
117-38	Soft Drinks - Exemptions
117-49	Classification of Industrial Customers
INCOME TAX REGULATIONS	
117-61	Tax Liability of Stockholders
117-73	Related Expenses Defined
117-74	Allocation of Out-of-State Income and Losses
117-81	Tax Credit to Residents of this State Upon Income from a Partnership Taxed in Another State
117-83	Copies of Withholding Statements
117-87.17	Unrelated Business
117-87.20	Information Reports
117-87.32	Active Duty Military Pay
117-88.1	Determining Net Income of Building and Loan Associations
117-88.2	Earnings Paid to Shareholders
117-89.1	Annual Reports of Public Utilities
117-91.1	Nonresident Employees Operating Common Carriers
117-91.7	The One-half Rule
117-92.1	Entire Net Income
117-92.3	Federal Income Tax Deduction

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PROPERTY TAX REGULATIONS	
117-115	General Requirements for Ratio Study
117-116	Form to Provide Tax Commission with Information for Ratio Studies
117-124.2	Licensed Automotive Vehicles and Airplanes
117-124.3	Manufacturing Plants Constructed Pursuant to the Industrial Revenue Bond Act
117-126	Use Value Procedure for Cropland and Timberland
117-127	Computation of Index of Taxpaying Ability for School District

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2711
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: S.C. Code Sections 20-7-2250 and 43-1-80 (Supp.2000)
114-550. Foster Care

Preamble:

The Department proposes to amend and replace in its entirety Regulations 114-550. Notices of Drafting were published November 27, 1998 and September 28, 2001. Comments from both notices were considered in formulating the proposed revisions. The purpose of the revisions is to incorporate recent state and federal law and policy changes, and to enhance the requirements for licensure and standards of care for foster children. Below listed, please find the Section by Section discussion of proposed revisions.

Section by Section Discussion

114-550. Change title from Foster Care to Licensure for Foster Care as that more accurately reflects the content of the regulations.

114-550 A. Definitions. The actual language of the definitions of Foster Care, Board Payments, Foster Family, Assessment Summary, Child Placing Agency, and Agency was updated to reflect current practice definitions. New definitions, Kinship Care Foster Family and Foster Child, were added.

114-550 B. Applications. Current language was updated and new language added to emphasize the importance of securing thorough, complete, and accurate application information. Licensing agency has the authority to request additional information during initial licensure or for renewals. Incomplete or erroneous information can result in a denial or revocation of licensure or renewals.

114-550 C. Licensing Procedure. Some language was reformatted. Licensing agency now has up to 120 days from date of application to reach a decision and the decision is stayed pending receipt of any delayed information.

114-550 D. Licenses. Current language was updated. A standard license can now run for two years. The new types of licenses that can be issued are called Standard, Standard with Temporary Waiver, and a Standard – Exceeds Maximum Number Allowed. A Standard with Temporary License can be issued in specific circumstances and for up to 90 days. A Standard – Exceeds Maximum Number Allowed can be issued in specific circumstances and can exist until the number of children no longer exceeds the maximum number of children for

whom the home could normally be licensed. Part of current regulations Section L related to license parameters was incorporated into this new section.

114-550 E. Assessment Study. The assessment summary has been renamed study, certain language was updated or reformatted. Enhancements have been made to the process of interviewing individuals in the applicant household and to the components of the documented study. Applicants for whom the licensing agency is recommending denial are to be informed of the study results and recommendation and allowed to voluntarily withdraw.

114-550 F. Working Foster Parents. Clarification was needed that SCDSS or child placing agency staff must interview individuals who are to provide care for the foster child.

114-550 G. The Requirements for Licensing of a Foster Family. The section title was previously The Licensing of Foster Home. Requirements chronology was changed to reflect the addition of various background checks, annual fire inspections, increase in training hours, enhancement in licensing agency ability to obtain medical or psychological information and information related to past history of treatment for mental health and substance abuse issues. Current regulations Section G regarding references was incorporated into this revised expanded section. Current regulations Section H, related to evaluation of the assessment summary and recommendations, was also incorporated into this revised section. In addition, current regulations Section O related to substantiated abuse and neglect and criminal history records were incorporated into this revised section.

114-550 H. The following standards of care shall be maintained by foster families. The words, of care, were added behind the word standards in the title for this. Clarifications or enhancements were made to sleeping arrangements, working with the agency toward the eventual departure of a foster child from the foster home, how medical treatment is handled and reported, the timely reporting of certain critical incidents, school attendance, and the prohibition of corporal punishment. New standards of care related to safety issues for firearms, swimming pools, pets, boarders, background checks, transportation, and home based businesses were added. Certain licensing parameters previously present in other sections of the current regulations were moved into this section. Part of current regulations Section L related to standards for numbers of children and household membership was incorporated into this new expanded section.

114-550 I. Records Documentation Required for Child Placing Agencies. The current regulation language is Section K Records Required for Licensing Non Department of Social Services Foster Home. New language has been added that child placing agencies records shall contain documentation of compliance with these regulations and SCDSS procedures related to foster home licensing.

114-550 J. Adoption of Foster Children by Foster Parents. Language was reformatted for this section. This is Section M in the current regulations.

114-550 K. Initial Licensing, Renewal, Denial, Revocation, and Termination of License. Current regulation section title is Section N Renewal, Revocation, and Denial of License. Language has been updated to reflect standard licenses can run for two years, the requirements of the renewal process, the potential adverse actions of denial and revocation can also occur for noncompliance with standards of care listed in the regulations, and the use of certified mail instead of registered mail.

114-550 L. Kinship Foster Parents. New section describes that relatives being licensed as foster homes must meet the same basic requirements as non relatives and that relatives are given preference in placements if it is in the best interest of the child.

114-550 M. Confidentiality. This is Section P in current regulations. Revisions clarify persons who can receive confidential information about the foster child and that information shared is limited to that which is necessary to provide for the child's needs and in their best interest.

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114-550 N. Prior Regulations Repealed. This is Section Q in current regulations. Discusses deletion of previous regulations.

114-550 O. Regulations Review. New section allows for regulations to be evaluated every five years at a minimum.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested, such a hearing has been scheduled for February 14, 2002 at 11:30 a.m. Presiding at that hearing will be the Honorable Ray N. Stevens, Administrative Law Judge. The hearing will be conducted at the hearing rooms of the Administrative Law Judge Division, 1205 Pendleton Street, Edgar Brown Building, Suite 224, Columbia, SC 29211-1667. Written comments regarding this regulation may be submitted to Mary Williams, Director of Human Services, South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202-1520. Comments will be accepted through 5:00 p.m. January 27, 2002.

Preliminary Fiscal Impact Statement:

The South Carolina Department of Social Services estimates there will not be any additional costs incurred by the State and its political subdivisions in complying with the proposed regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: The Licensure for Foster Care regulations establish revised procedures for South Carolina Department of Social Services and other child placing agencies engaged in the practice of studying applicants for foster family care.

Purpose: This regulation will govern the licensure requirements, standards of care expected, and licensing parameters pertaining to foster families in South Carolina.

Legal Authority: Sections 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

Plan for Implementation: The South Carolina Department of Social Services Division of Human Services will be coordinating implementation of needed changes internally in conjunction with the Staff, Development and Training Division and the Office of County Operations. In addition, the agency will coordinate with, and provide ongoing training for, staff of other child placing agencies.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This regulation establishes the administration and process for licensure of foster families in South Carolina by authority of Sections 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2712
DEPARTMENT OF SOCIAL SERVICES
 CHAPTER 114

Statutory Authority: S.C. Code Sections 20-7-2250 and 43-1-80 (Supp. 2000)

114-590. RESIDENTIAL GROUP CARE ORGANIZATIONS FOR CHILDREN

Preamble:

The South Carolina Department of Social Services, Division of Human Services, is proposing to amend R.114-590 to improve the quality of care for children in group care facilities by updating the licensing standards. Notices of Drafting were published September 28, 2001. See Discussion below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

Due to numerous revisions and changes in outline form, R.114-590 is being replaced in entirety.

<u>SECTION</u>	<u>REVISION</u>
R.114-590(A)	Recodification of definitions and the addition of several terms.
R.114-590(A)(1)	Adds a definition for Agency.
R.114-590(A)(2)	Adds a new definition for boarding schools.
R.114-590(A)(3)	Adds a new definition for chemical restraints.
R.114-590(A)(6)	Adds a new definition for child caring institution..
R.114-590(A)(7)	Adds a definition for corporal punishment.
R.114-590(A)(8)	Adds a new definition for crime.
R.114-590(A)(10)	Adds a new definition for isolation or seclusion.
R.114-590(A)(11)	Adds a definition regarding the Licensing Agency.
R.114-590(A)(12)	Adds a new definition for a residential group home.
R.114-590(A)(13)	Adds a new definition for a residential treatment facility.
R.114-590(A)(14)	Adds a new definition for a restraint.
R.114-590(A)(16)	Ads a new definition for time out.
R.114-590(A)(17)	Adds a new definition for volunteers.
R.114-590(B)	Inserts new language for clarification regarding the purpose of licensing.
R.114-590(C)(1)(a)	Clarifies when a facility is to submit materials for licensing.

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- R.114-590(C)(2)(a) Replaces board or advisory committee with governing board and removes the word required.
- R.114-590(C)(2)(a)(i) Adds updated language describing non-profit organizations.
- R.114-590(C)(2)(a)(ii) Adds new language describing governing boards for-profit facilities.
- R.114-590(C)(2)(a)(iii) Requires all organizations to have a governing board. Adds an exemption for facilities operated by a state agency.
- R.114-590(C)(2)(a)(v) Clarifies additional responsibilities of the governing board.
- R.114-590(C)(2)(b) Removes the word required.
- R.114-590(C)(2)(b)(v) Adds new language giving the Agency the authority to require a financial audit if financial stability is in question.
- R.114-590 (C)(2)(b)(vi) Adds an exemption to submit evidence of reserve funds or credit requirements for existing licensed providers expanding at the same location.
- R.114-590 (C)(2)(c) Removes the word required.
- R.114-590(C)(2)(c)(i) Updates language for consistency, additional policies are listed to be included in the personnel manual.
- R.114-590(C)(2)(c)(ii) Revises language for clarification.
- R.114-590 (C)(2)(c)(iii) Lists personnel policies that must be included in the personnel manual.
- R.114-590(C)(2)(d) Revises heading to administration for clarification.
- R.114-590(C)(2)(d)(i) Adds a new definition for an executive director.
- R.114-590(C)(2)(d)(ii) Updates language and clarifies the responsibilities and education requirements for facility directors.
- R.114-590(C)(2)(d)(iv) Adds a transition period of six years for existing facility directors to meet the educational requirements.
- R.114-590(C)(2)(e)(i) Clarifies the responsibilities of staff.
- R.114-590(C)(2)(e)(ii) Updates language and clarifies education requirements for staff.
- R.114-590(C)(2)(f) Removes the word required.
- R.114-590(C)(2)(f)(i) Increases the training hours for staff working with children.
- R.114-590(C)(2)(f)(iv) Adds a requirement that new staff have a general orientation of the facility prior to

	working with children.
R.114-590(C)(2)(f)(viii)	Clarifies training topics for continuing education of staff.
R.114-590(C)(2)(g)(i)	Defines the necessary requirements for volunteers.
R.114-590(C)(2)(g)(ii)	Revises language for clarification.
R.114-590 (C)(2)(g)(iii)	Adds language to clarify what steps are needed to orient volunteers.
R.114-590 (C)(2)(g)(iv)	Adds new language to ensure that volunteers do not substitute for staff and addresses supervision of volunteers.
R.114-590(C)(2)(g)(v)	Adds language suggesting volunteers be included in annual training of staff.
R.114-590(C)(2)(g)(vi)	Adds an exemption for certain types of volunteers.
R.114-590(C)(2)(h)	Adds language regarding staff/child ratio.
R.114-590 (C)(2)(h)(i)	Adds language regarding staffing levels of facilities.
R.114-590(C)(2)(h)(ii)	Outlines the staffing levels for facilities providing therapeutic services.
R.114-590(C)(2)(h)(iii)	Outlines the staffing levels for low management and emergency shelters.
R.114-590(C)(2)(h)(iv)	Adds a requirement of at least one awake staff at night for low management and emergency shelters.
R.114-590(C)(2)(h)(v)	Requires two staff be available at all times.
R.114-590 (C)(2)(h)(vi)	Adds language regarding children of live-in staff.
R.114-590 (C)(2)(h)(vii)	Gives the Agency the authority to request a higher staffing ratio of facilities.
R.114-590(C)(2)(h)(viii)	Requires a facility to have a system in place to address staffing levels in the event of an emergency or disruption.
R.114-590(C)(2)(i)	Removes required language.
R.114-590(C)(2)(i)(i)	Removes outdated language regarding health cards.
R.114-590(C)(2)(j)	Removes outdated section and substitutes section regarding time off for full-time staff.
R.114-590(C)(2)(k)	Removes requirement language.
R.114-590(C)(2)(k)	Substitutes updated language to clarify criminal activity.
R.114-590(D)(1)	Removes summary language regarding the condition of buildings.
R.114-590(D)(1)(a)	Adds language requiring a facility's buildings and equipment to be safe and in good working order.

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R.114-590(D)(1)(b)	Adds language requiring a facility to be clean and free of debris.
R.114-590(D)(1)(c)	Requires a facility to be free of insects and rodents.
R.114-590(D)(1)(d)	Adds language to include fences being in good repair.
R.114-590(D)(2)	Removes requirement language.
R.114-590(D)(2)(a)	Recognizes only the State Fire Marshall's Office to conduct such inspections.
R.114-590(D)(2)(b)	Substitutes language for consistency.
R.114-590(D)(2)(c)	Adds language discussing the facility's responsibility for any fees associated with inspections.
R.114-590(D)(2)(d)	Adds language requiring the posting of a fire escape plan.
R.114-590(D)(3)	Removes requirement language.
R.114-590(D)(3)(c)	Adds language discussing the facility's responsibility for any fees associated with inspections.
R.114-590(D)(4)	Removes requirement language.
R.114-590(D)(4)(d)	Adds language to address ventilation of rooms.
R.114-590(D)(5)	Removes requirement language.
R.114-590(D)(5)(b)	Clarifies the minimum space requirements for bedrooms.
R.114-590(D)(5)(c)(i)	Provides new language describing minimal requirements of double decker beds.
R.114-590(D)(5)(c)(ii)	Adds new language setting a minimal age requirement for a children sleeping in the top bunk of a double decker bed.
R.114-590(D)(5)(c)(iii)	Requires double decker beds to be inspected by an Agency licensing representative.
R.114-590(D)(5)(e)(ii) bedroom.	Adds language to provide for the parent of an infant to sleep in the same
R.114-590(D)(5)(g)	Adds a requirement regarding mattress and pillow coverings.
R.114-590(D)(5)(j)	Adds language to include requirements for cribs and playpens.
R.114-590(D)(5)(k)	Adds language to include requirements for mattresses fitted in cribs.
R.114-590(D)(6)	Removes requirement language.
R.114-590(D)(6)(c)	Adds language requiring ventilation for bath facilities.
R.114-590(D)(6)(d) facilities.	Adds a requirement that a mirror or reflective surface be installed in bath

- R.114-590(D)(7) Removes requirement language.
- R.114-590(D)(8) Substitutes language regarding activities for youth.
- R.114-590(D)(8)(a) Adds language to address equipment for indoor and outdoor recreation activities.
- R.114-590(D)(8)(b) Adds language to address children being provided opportunities for interaction in the community.
- R.114-590(D)(8)(d) Requires that documentation of recreational activities be maintained.
- R.114-590(D)(8)(e) Adds new language regarding consent procedures for off-campus activities.
- R.114-590(D)(9) Removes requirement language.
- R.114-590(D)(10) Adds language banning any weapons or firearms on facility grounds.
- R.114-590(D)(11) Adds language regarding the use of power or vocational tools.
- R.114-590(D)(12) Adds language regarding zoning and building codes.
- R.114-590(D)(12)(a) Adds language mandating compliance with zoning, and local and state building codes.
- R.114-590(D)(12)(b) Adds language requiring approval of architectural plans by the State Fire Marshall.
- R.114-590 (E)(1) Removes required language to clarify admissions for children.
- R.114-590 (E)(1)(a) Adds language to include intake policies to fall within the scope of the facility's purpose.
- R.114-590 (E)(2) Removes required language.
- R.114-590(E)(2)(a) Adds language ensuring that clothing is clean and in good repair.
- R.114-590(E)(2)(c) Adds language to involve youth in the purchase and selection of their own clothing when possible.
- R.114-590(E)(2)(e) Requires youth are provided with necessary equipment for activities.
- R.114-590(E)(3) Removes required language.
- R.114-590 (E)(3)(a) Removes unnecessary language outlining the various food groups.
- R.114-590 (E)(4)(b) Requires the written discipline code be shared with all staff members and school-aged children.
- R.114-590(E)(4)(d) Inserts updated language regarding staff's role as a mandated reporter.
- R.114-590 (E)(4)(e) Adds language to help clarify inappropriate discipline techniques.

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- R.114-590(E)(4)(f) cognitive Requires language of discipline procedures to be written within a child's ability.
- R.114-590 (E)(4)(g) language Requires that the least restrictive discipline method be implemented adds regarding corporal punishment.
- R.114-590 (E)(4)(h) Adds language regarding isolation or time-out.
- R.114-590 (E)(4)(i) Adds language describing the inappropriate use of isolation.
- R.114-590 (E)(4)(j) Adds language setting minimal requirements for rooms used for seclusion.
- R.114-590 (E)(4)(k) Establishes procedures for isolation in excess of thirty minutes.
- R.114-590(E)(4)(l) Requires the development of an isolation monitoring log.
- R.114-590 (E)(5) Substitutes language regarding restraints.
- R.114-590 (E)(5)(a) accredited Requires staff using restraints to be trained and certified in a nationally curriculum.
- R.114-590 (E)(5)(b) Sets guidelines regarding the use of restraints.
- R.114-590 (E)(5)(c) Adds language regarding mechanical and chemical restraints.
- R.114-590 (E)(5)(d) Limits the length of restraints.
- R.114-590 (E)(5)(e) Provides for situations in which youth need to be restrained for longer periods of time.
- R.114-590(E)(8)(b)(ii) Adds language regarding notification of hospitalization to legal guardian, parents and appropriate Agency representatives.
- R.114-590 (E)(8)(c) Renames section for clarification.
- R.114-590 (E)(8)(c)(ii) Requires at least one staff member per shift is certified in cardiopulmonary resuscitation and first aid.
- R.114-590 (E)(8)(f) Adds language regarding medications.
- R.114-590(E)(8)(f)(i) Requires medications to be stored in a secure area.
- R.114-590(E)(8)(f)(ii) Adds language regarding the labeling of medications
- R.114-590(E)(8)(f)(iii) Maintains a log of administering and changes in medications.
- R.114-590(E)(8)(f)(iv) Requires the destruction of discontinued medications.
- R.114-590(E)(9) Removes required language for academic and vocational training.

R.114-590 (E)(9)(c)	Adds language regarding independent living goals and strategies.
R.114-590 (E)(9)(d)	Encourages facilities to support youth in extracurricular activities.
R.114-590(E)(10)	Removes required language and mandates that parents, legal guardians and children be informed of religious policies of the facility.
R.114-590(E)(11)	Adds language regarding disaster plans.
R.114-590(E)(11)(a)	Adds language to include disaster plans in the procedural manual.
R.114-590(E)(11)(b)	Requires children to be evacuated in a mandatory evacuation order.
R.114-590(E)(12)	Removes required language for discharge and aftercare.
R.114-590(E)(12)(d)	Adds a requirement that a facility complete a discharge report for youth residing in a facility for 90 or more days.
R.114-590(E)(13)	Removes required language.
R.114-590 (E)(14)	Adds requirement that records be stored in a locked area.
R.114-590(E)(14)(i)	Requires notification of the legal guardian/parent if youth involved in a major behavior incident.
R.114-590 (E)(14)(j)	Requires documentation of major behavior incidents.
R.114-590 (E)(15)	Adds language regarding the transportation of children
R.114-590 (E)(15)(a)	Requires vehicles transporting children to comply with all applicable laws.
R.114-590 (E)(15)(b)	Mandates compliance with the standards as set forth by “Jacob’s Law.”
R.114-590 (E)(15)(c)	Requires all vehicles to not exceed the manufacturers recommended seating capacity.
R.114-590 (E)(15)(d)	Forbids the transportation of children in an open body or stake bed vehicle.
R.114-590 (E)(15)(e)	Requires a policy and tentative plan in the event of an emergency or disaster.
R.114-590(F)(1)	Removes required language.
R.114-590(F)(1)(a)	Substitutes updated language for consistency.
R.114-590(F)(1)(b)	Substitutes updated language for consistency.
R.114-590(F)(2)(i-xx)	Removes required language and lists all the items necessary for licensure.
114-590(F)(3)(c)	Adds new language for a Standard License with Waivers.
114-590(F)(3)(c)(i)	Clarifies when a license can be granted.

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114-590(F)(3)(c)(ii)	Explains what is needed to change the status of a license to a Standard License.
114-590(F)(4)(a)	Adds new language which lists the grounds for denial or revocation of a license.
114-590(F)(4)(a)(i)	Adds language to include failing to comply with licensing regulations.
114-590(F)(4)(a)(ii)	Adds language to include violation of state or federal laws.
114-590(F)(4)(a)(iii)	Adds language to include abuse and neglect of children.
114-590(F)(4)(a)(iv)	Adds language to include knowingly employs a person with a past/current history of child abuse.
114-590(F)(4)(a)(v)	Adds language to include making a false statement or misrepresentation to the Agency adversely impacting children.
114-590(F)(4)(a)(vi) information.	Adds language to include failing to submit licensing or child specific information.
114-590(F)(4)(a)(vii) impedes	Adds language to include failing to cooperate, or withholds information or an investigation of child abuse.
114-590(F)(4)(a)(viii)	Adds language to include failing to maintain, equip or keep safe.
114-590(F)(4)(a)(ix)	Adds language to include failing to provide adequate financial resources.
114-590(F)(4)(a)(x)	Adds language to include failing to notify the Agency of any structural improvements.
114-590(F)(4)(b)	Adds language that empowers the Agency to seek an injunction against the continuing operation of a facility.
114-590(F)(4)(d) license.	Adds language regarding procedures to appeal a denial or revocation of a license.
114-590(F)(6)	Lists requirements for licensure during an annual review.
114-590(F)(7)	Adds a new section to clarify authorized actions by the Agency.
114-590(F)(7)(b)	Adds new language regarding the authority to investigate complaints.
114-590(F)(7)(c)	Adds new language to include a written reports of the results of an investigation within 90 days.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Honorable Ray N. Stevens at the Administrative Law Judge Hearing Room (1205 Pendleton Street, Edgar Brown Building, Suite 224, Columbia, SC 29211-1667) on February 14, 2002 at 9:30 a.m..

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mary Williams at South Carolina Department of Social Services, Division of Human Services, P.O. Box 1520, Columbia, SC 29202, or by calling (803) 898-7318. Comments must be received no later 5:00 p.m. on January 27, 2002.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: The licensure of residential group care regulations establish revised procedures for South Carolina Department of Social Services.

Purpose: This regulation will govern the licensure requirements, standards of care expected, and licensing parameters pertaining to residential group care organizations.

Legal Authority: Sections 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

Plan for Implementation: Existing staff will implement these changes and impact on other program areas will be minimal.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This regulation establishes the administration and process for licensure of residential group care organizations in South Carolina by authority of Sections 20-7-2250 and 43-1-80 (Supp.2000) of the South Carolina Code of Laws.

DETERMINATION OF COSTS AND BENEFITS: None.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REVISIONS IN THE REGULATION ARE NOT IMPLEMENTED: None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **www.scstatehouse.net** If you do not have access to the Internet, the text may be obtained from the promulgating agency.

44 EMERGENCY REGULATIONS

Filed: November 16, 2001, 12:52 p.m.

Document No. 2700
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40. These regulations set open and closed seasons, bag limits, and methods of taking wildlife and define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons for deer on these WMA's extend until January 1, it is necessary to re-file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts.

Total of 8 deer for all gun hunts on the Francis Marion.

Waterhorn WMA

Deer

Archery	Oct. 1 - 13.	2 deer per day, either-sex, Oct. 1 - 13. Hogs no limit.
Archery and Muzzleloader	Oct. 22 - Nov. 3	2 deer per day, either-sex, Oct. 22 - Nov. 3. Hogs no limit.
Still Gun Hunts	Aug. 17 - 18, 24 - 25, Sept. 10 - 15, Nov. 12 - 17, Dec. 3 - 15, 24 - 29.	2 deer per day, buck only, except either-sex Dec. 3 - 15. Hogs no limit.

Wambaw WMA

Deer

Tibwin Special Use Area is closed to hunting except for special hunts published by the SCDNR.

Still Gun Hunts	Sept. 1 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, hogs no limit.
Dog Hunts (Shotguns only) Still gun hunts only East of Hwy 17. Rifles allowed.	Aug. 15 - 18, Oct. 10 - 13, Nov. 10, Nov. 21 - 24, Dec. 1.	2 deer per day, buck only, except either-sex Nov. 10 and Dec. 1.

Northampton WMA

Deer

Still Gun Hunts	Sept. 1 through Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, hogs no limit.
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Dog Hunts (Shotguns only)	Sept. 5 - 8, Oct. 17 - 20, Nov. 10, Nov. 28 - Dec. 1	2 deer per day, buck only, except either-sex Nov. 10 and Dec. 1.
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Santee WMA

Deer

Still Gun Hunts	Sept. 1 through Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, hogs no limit.
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Dog Drive Hunts (Shotguns only)	Sept. 12 - 15, Oct. 24 -27, Nov. 10, Dec. 1, Dec. 26 - 29.	2 deer per day, buck only, except either-sex Nov. 10 and Dec. 1. Hogs no limit.
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(H) Moultrie

Deer

Total of 8 deer per season.

Bluefield WMA (Adult/Youth Area)

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Adults will be allowed to carry a weapon and hunt.

Deer

Still Gun Hunts (No buckshot)	Aug. 15 through Jan. 1 Wed. and Sat. ONLY	2 deer per day, buck only, except either-sex Wed. and Sat. only Sept. 15 - Jan. 1.
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North Dike WMA

Deer

Individual antlerless deer tags valid Sept. 15 - Oct. 27 on days not designated as either-sex.

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Still Gun Hunts (No buckshot, no dogs)	Aug. 18 - Oct. 27	2 deer per day, buck only, except either-sex Sept. 19-22, Oct. 10-13, 17-20.
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Porcher WMA

Deer Archery (No dogs)	Sept. 1 through Jan. 1	2 deer per day, buck only, except either-sex Oct. 1 - Jan. 1.
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(J) Webb WMA

Deer Hunts (No dogs)	No open season except hunters selected by computer drawing.	2 deer, either-sex but only 1 buck.
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Hog Hunts No dogs.	1 st , 2 nd and 3 rd Tues. in Sept.	No limit.
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Hog Hunts with dogs (pistols only) Four dog limit per party.	1 st , 2 nd and 3 rd Thurs. in Sept. and 3 days beginning the 1 st Thurs. in March.	No limit.
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Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving the Webb WMA. No hogs may be taken alive from Webb WMA. Hogs taken must be brought to the Webb WMA check station and a data card completed. Hog hunters are permitted to camp at Bluff Lake on Webb WMA on nights prior to scheduled hog hunts only.

(S) Other Small WMAs

Aiken, Calhoun, Lexington and Richland Counties

Deer

Still Gun Hunts and Archery (No dogs)	No hunting before Sept. 1 or after Jan. 1.	Game Zone 3 bag limits. Buck only, except on Game Zone 3 either-sex days as specified in Reg. 4.2.
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Darlington, Lee & Sumter Counties

Deer

Archer	Sept. 1 - Jan. 1	Total 5 deer per season, buck only, except on Game Zone 8 either-sex days as specified in Reg. 4.2.
Still Gun Hunts (No dogs) No buckshot.	Sept. 15 - Jan. 1	Total 5 deer per season, buck only except on Game Zone 8 either-sex days as specified in Reg. 4.2.

Dillon County

Deer

Archery	Sept. 1 - Jan. 1	Total 5 deer per season, buck only, except on Game Zone 7 either-sex days as specified in Reg. 4.2.
Still Gun Hunts (No dogs) No buckshot.	Sept. 15 - Jan. 1	Total 5 deer per season, buck only except on Game Zone 7 either-sex days as specified in Reg. 4.2.

WILDLIFE MANAGEMENT AREA REGULATIONS

General

2.1 Except as provided in these regulations, it is unlawful to hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) Wildlife Management Area (WMA) lands.

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

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

2.4 It is unlawful for anyone to hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license; a valid WMA permit; and other applicable federal or state permits, stamps, or licenses.

2.5 No Sunday hunting is permitted on any WMA lands.

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited.

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As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands and temporary screw-in type climbing devices are permitted provided they are not permanently affixed or embedded in the tree.

2.8 On WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained.

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

2.10 No person may release or attempt to release any animal onto Department-owned WMA lands without approval from the Department.

2.11 While hunting on Department-owned WMA's, no person may consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, long bow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire rifles or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.). The use of crossbows during any archery only season is unlawful except as allowed by 50-11-565.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen or a "disk" type ignition system. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolving rifles are permitted. Crossbows may be used on WMA and private lands only during firearms and muzzleloader seasons for deer and bear.

3.3 On WMA lands, big game hunters are not allowed to use military or hard-jacketed bullets or .22 rimfire rifles. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, and Moultrie WMA lands.

3.4 On DNR-owned WMA's during periods when hunting is permitted, all firearms transported in vehicles must be unloaded. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

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

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

DEER

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

department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1, 2 and 4, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

DOGS

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

VEHICLES

6.1 On all WMA lands, no hunter may shoot from a vehicle except that paraplegics and single or double amputees of the legs may take game from any stationary motor driven land conveyance or trailer which is operated in compliance with these rules. For purposes of this regulation, paraplegic means an individual afflicted with paralysis in the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

6.2 On Department-owned WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Designated roads and trails on Forest Service lands are those designated with either a name and/or numbered sign. On Forest Service land ATV's can be used only on designated ATV or motorcycle trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.

6.3 It is unlawful to obstruct travel routes on Department-owned WMA lands.

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during the gun and muzzleloader hunting seasons for deer, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove and duck are exempt from this requirement while hunting for those species.

CAMPING

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

TRAPPING

9.1 Trapping on WMA lands is not permitted.

Filed: November 29, 2001, 11:25 am

Document No. 2701

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establishes the dove seasons and dove limits statewide and establishes seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 15 it is necessary to re-file these emergency regulations.

50 EMERGENCY REGULATIONS

SOUTH CAROLINA MOURNING DOVE SEASON 2001-2002

Season Dates: September 1 – October 6 (Sept 1-3 Afternoons only) , November 17 – November 24, December 21 – January 15. Bag Limit: 12 doves per day.

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit and a migratory bird permit are required for all fields. Fields are open only as shown below. Areas marked as safety zones are closed to hunting. Hunters are not allowed to shoot from or into safety zones. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 11:00 a.m.) and sign out on opening-day hunts.

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA
5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 20 acres. Special Youth Hunt on Sept. 1 (see Youth Hunt List for details).
1st season – Sept. 8, 15, 22, 29 & Oct. 6, Afternoons only
2nd and 3rd season – Open Mon – Sat (864) 223-2731

ABBEVILLE

U.S. Forest Service – Cokesbury WMA
6 miles east of Abbeville on SC-72, ½ mile northwest on Sec. Rd. 133, ½ mile north on Sec. Rd. 159, 40 acre seed tree area. 1st season – Saturdays only, afternoons only
2nd and 3rd season – Mon.-Sat. (864) 223-2731

ANDERSON

Evans Property
US 178 at Lebanon, 25 acres
Saturdays, Afternoons Only, Dove Hunting Only.
Opening day participants will be selected by drawing August 15 at Clemson DNR Office.
Call (864) 654-1671 for details

ANDERSON

Clemson University - Fant's Grove WMA
From US 76/ SC 28 south of Clemson
Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres
Saturdays Afternoons Only. (864) 654-1671

BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres
Sept 1, 15, 29; Nov 17 - Afternoons Only.
Dove Hunting Only. **50 shells/hunter limit. Close 1 hour before sunset.** (843) 825-3387

BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres
Sept 1, 15, 29; Nov 24; Afternoons Only.
Dove Hunting Only. **50 shells/hunter**

limit. Close 1 hour before sunset (843) 825-3387

CHEROKEE

Jolly-Phillips Property
Approx. 3 miles north of I-85, Turn Right on Sec Rd 137 (Swofford Rd), Go 0.7 miles & Turn Left on Waddell Rd, 10 acres. Field on Right. Or continue on Swofford Rd & Turn Left on Lakestone Rd, Go 0.2 miles (Another 10 acre field on left) Saturdays. Dove Hunting Only.

CHEROKEE*

McAbee Field
1 mile south on SC 105 from the intersection of SC 105 & SC 211. Field is on right. 45 acres.
Wednesday Afternoons Only. Dove Hunting Only.
(864) 427-4771

CHESTER

Chester County Airport Commission
4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres Saturdays, Afternoons Only
Dove Hunting Only. (864) 427-4771

CHESTER *

U.S. Forest Service - Worthy Bottoms
10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy's Ferry Rd. 30 acres
1st season - Saturdays.
2nd & 3rd seasons - Open Mon -Sat
Afternoons Only All 3 seasons
(864) 427-9858, (864) 427-4771

CHESTERFIELD *

DNR - Campbell's Crossroads Tract
1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles, Right on dirt road for .7 miles, 20 acres
1st season - Saturdays.
2nd & 3rd seasons - Open Mon -Sat
Afternoons Only All 3 seasons. (864) 427-4771

CHESTERFIELD

DNR - McBee Tract
4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted.
1st season - Saturdays
2nd & 3rd seasons - Open Mon - Sat

Afternoons Only All 3 seasons . (864) 427-4771

CHESTERFIELD *

SC Forestry Commission - Sand Hills State Forest
Wilkes Chapel Field
From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres
1st season - Saturdays
2nd & 3rd seasons - Open Mon - Sat
Afternoons Only All 3 seasons
(843) 498-6478, (864) 427-4771

CHESTERFIELD*

SC Forestry Commission - Sand Hills State Forest
Patrick Field
South on SC 102 from Patrick approx. 1 mile to gate on right. 30 acres.
1st season – Wednesdays.
2nd & 3rd seasons open Mon – Sat.
Afternoons Only All 3 Seasons.
(843) 498-6478 or (864) 427-4771

CLARENDON

Santee Cooper – Santee Dam WMA
From the south end of SC 260 follow gravel road at
Base of dam for approx. 5 mi., 137 acres.
Sept. 8, 22; Nov 24. **50 shells/hunter limit. Close 1 hour before sunset** (843) 825-3387
Dove Hunting Only. Afternoons Only.

CLARENDON

SC Forestry Commission Oak Lea WMA.
From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right.
Sept. 1, 15, 29. Nov 17. **50 shells/hunter limit. Close 1 hour before sunset.** (843) 825-3387.
Dove Hunting Only. Afternoons Only.

COLLETON

DNR - Bear Island WMA
About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres
1st season - noon to 6 PM,
2nd season - noon to Sunset
Sept 5,19, & 26; Nov 24. (843) 844-8957

COLLETON

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres
1st season - noon to 6 pm,
2nd & 3rd season - noon to Sunset
Sept 5, 12, & 19; Nov 24; Dec 21; Jan. 2 & 9
(843) 844-8957

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA
1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres
1st season - Saturdays Only, Afternoons Only.
2nd & 3rd seasons - Open Mon-Sat.

FAIRFIELD *

Ridgeway Mining Co.
4.5 miles E of Ridgeway on SC 34, Right on dirt road for 0.5 miles, 28 acres
Saturdays Only,
Afternoons Only

GEORGETOWN

DNR Samworth WMA
15 miles north of Georgetown off US 701, Follow Signs, 65 acres
Saturdays, Afternoons Only, Dove Hunting Only
(843) 546-9489

GREENWOOD

U.S. Forest Service - Parsons Mountain WMA
3 fields - ½ mile south of Cedar Springs Church on Sec. Rd. 112, 30 acres, & near Fell Hunt Camp, 15 acres, & 30 acre seed tree area across the road from Fell Hunt Camp. 1st season - Saturdays only, afternoons only.
2nd and 3rd season - Mon-Sat. (864) 223-2731

HAMPTON

DNR - Webb Wildlife Center
3 miles west of Garnett on Augusta Stage Coach Rd., 100 acres
Sept 1, 15, 29; Nov 21; Dec 22; Jan 12, Afternoons Only. (803) 625-3569

HORRY

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres
Saturdays, Afternoons Only
(843) 546-8119, (843) 248-6013

KERSHAW

Landfill, 5 miles north of Camden on US 1, Right on Sec Rd 489 for 1 mile, Right on Sec Rd 331 for .1 mile, Left at Gate under Power Line, 25 acres
Saturdays. Afternoons Only, Dove Hunting Only.
(864) 427-4771

LANCASTER

Payne Property

8.9 miles north of Kershaw on US 601, Left on Sec Rd 27 for 1.3 miles, Field on Left, 20 acres.
Saturdays. Afternoons Only, Dove Hunting Only. (864) 427-4771

LAURENS *

DNR - Gray Court Tract
8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres
1st season - Saturdays
2nd & 3rd seasons - Open Mon - Sat Afternoons Only All 3 seasons - (864) 427-4771

LEE

Atkinson Property
From 1-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper's Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. Wednesdays, Afternoons Only. (843) 661-4768

MARLBORO

DNR - Lake Wallace WMA
northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres
Saturdays, Afternoons Only, Dove Hunting Only
(843) 661-4768, (843) 479-3312

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA Waterfowl Area, 2.5 miles south of Bordeaux on Sec Rd 110, 40 acres
Sept 5 & 26; Nov 21, Jan 9 only, afternoons only
(864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA
3 miles south of Willington on Sec Rd 135, 2 miles southwest on Forest Service Rd. 563F, 25 acres
1st season - Wednesdays Only, Afternoons Only.
2nd & 3rd seasons - Open Mon - Sat.
(864) 223-2731

MCCORMICK

U.S. Forest Service - Key Bridge WMA Cunningham Fields
5 miles east of Plum Branch on SC 283. 1 mile south on Forest Service Rd. 688. 40 acres
1st season - Saturdays Only, Afternoons Only
2nd & 3rd seasons - Open Mon - Sat. (864) 223-2731

MCCORMICK

U.S. Forest Service - Key Bridge WMA
7 miles east of Plum Branch on SC-283, 2 miles south on Sec. Rd. 138, 1 mile southwest on USFS Rd. 618, 35 acre seed tree area.
1st season - Saturdays Only, Afternoons Only.

2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Key Bridge WMA
2 miles west of Plum Branch on Sec Rd 57, 30 acres
1st season - Saturdays Only, Afternoons Only.
2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

NEWBERRY

International Paper Company
From Intersection of Hwy 56 & 39 near Chappells, Go 1 mile northwest on Hwy 39 & Turn Left on gravel road at Sign, 20 acres.
1st season - Saturdays
2nd & 3rd seasons Open Mon-Sat. Afternoons Only All 3 seasons. (864) 427-4771

NEWBERRY

U.S. Forest Service
10 miles north of Newberry on SC 121, Turn Right on Forest Service Rd 490, Go 1 mile., Field at end of road on Left, 22 acres.
1st season - Sept. 8, 15, 22, 29 & Oct. 6
2nd & 3rd seasons Open Mon-Sat. Afternoons Only - All 3 seasons. (803) 276-4810, (864) 427-4771

OCONEE

S.C. Forestry Commission - Piedmont Nursery
From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres
1st & 2nd season - Saturdays, Afternoons only, Dove hunting only -- 3rd season - Closed.
(864) 654-1671

OCONEE

U.S. Forest Service - Ross Mtn. Field
About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres
Saturdays, Afternoons Only, Beginning Sept 8
(864) 654-1671

ORANGEBURG

Santee Cooper - Santee Cooper WMA
.5 miles northeast of Eutaw Springs, 70 acres
Entire WMA under Dove Area Regulations.
Sept 1, 15, 29. Nov 24. Afternoons Only.
Dove Hunting Only. **50 shells/hunter limit. Close 1 hour before sunset** (843) 825-3387

PICKENS

Crescent Resources
From Seneca Take SC 130 north to SC 183, Turn Right on SC 183. Go about 1.5 miles to Gated road, Field on Left, 20 acres
1st season - Sept 1, 8, 15, 22

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2nd & 3rd seasons - Open Mon -Sat
Afternoons Only
(864) 654-1671

PICKENS

DNR Property
South of Pickens off Sec Rd 304 near SC
Highway Dept. Bldg., 40 acres
Saturdays, Afternoons Only. (864)
654-1671

PICKENS

Clemson University - Gravelly WMA -
Causey Tract
From SC 11 Go south on Sec Rd 112 at
Cendy's Store, Turn east on Sec Rd 114 &
Go 0.5 miles; 25 acres
Saturdays, Afternoons Only. (864)
654-1671

PICKENS

Porter Field
183 from Pickens, Go 5 miles to Mtn.
View Church Rd. Right 1/10 miles, Field
on Right
Opens Sept. 8, Saturdays - Afternoons
Only. 1st & 2nd seasons Only. (864)
654-1671

RICHLAND *

Richland County - Landfill
From Columbia Take SC 215 north from
I-20 for about 6 miles, Turn Left, Then
back Right at Landfill Signs & Follow
Arrows to Field, 30 acres
1st season - Sept 1 & 8, Afternoons Only.
Dove Hunting Only. (864) 427-4771

SALUDA

U.S. Forest Service-Goldmine WMA
9 miles west of Saluda on US 178, 2 miles
south on Sec Rd 155, 1 mile west on Sec
Rd 543, 1/2 mile south on Running Wild
Rd, 30 acre seed tree area.
1st season- Saturdays only, afternoons only
2nd & 3rd seasons - Mon-Sat. (864)
223-2731

SPARTANBURG *

Jones Property
From Intersection of Hwy 9 & 11, Go
north on Hwy 9 for 2.7 miles, Turn Right
on Wooden Bridge Rd, Go 0.6 miles, Field
on Left. 15 acres.
Saturdays, Afternoons Only - Dove
Hunting Only
(864) 427-4771

SUMTER

S.C. Forestry Commission - Manchester
State Forest
Field locations posted at Forestry
Headquarters, Batten's at SC 261 & SC
763 in Wedgefield, or Shop-N-Go on SC
120, the Pinewood Rd., multiple fields,
150 acres
1st season - Wed or Sat Afternoons
(Designated Fields)
2nd & 3rd seasons - Open Mon. - Sat. (
Designated Fields and the general forest).
(803) 494-8196, (843) 661-4768

UNION*

DNR Thurmond Tract
4.3 miles North on SC9 from the
intersection of SC 9 and SC 49 at
Lockhart. Field is on left. 15 acres.
1st season - Saturdays.
2nd & 3rd seasons open Mon - Sat.
Afternoons Only All 3 Seasons.
(864) 427-4771.

UNION

U.S. Forest Service
3 miles E of Cross Keys on Sec Rd 18 at
Intersection of Sec Rd 80 near Sedalia , 15
acres
1st season - Sept 8, 15, 22, 29 & Oct. 6
2nd & 3rd seasons - Open Mon - Sat.
Afternoons Only All 3 seasons
(864) 427-4771, (864) 427-9858

YORK *

DNR - Draper Tract
3.5 miles E of McConnell on SC 322, Turn
Right on Sec Rd 165, Go .5 miles, Turn
Right, Two 30 acres Fields.
1st season - Saturdays.
2nd & 3rd seasons Open Mon - Sat.
Afternoons Only All 3 seasons.
Opening day participants selected by
drawing. Apply in writing by Aug 10 to
DNR, 124 Wildlife Drive, Union, SC,
29379. Limited space available. Call
(864) 427-4771

SPECIAL YOUTH DOVE HUNTS:

*Eligibility for these hunts requires adults
21 years or older to bring 1 or 2 youths up
to 15 years of age (17 years of age on
some fields).*

ABBEVILLE YOUTH HUNT

U.S. Forest Service - Parson Mountain
WMA
Sept. 1. Call (864) 223-2731) beginning
August 13 to pre-register. Limited space
available.

CLARENDON COUNTY YOUTH HUNT

Santee Cooper - Santee Dam WMA
From the south end of SC260, follow
gravel road at base of dam for approx. 5
miles, 137 acres.
Sept. 1. No pre-registration required.
Youth age limit 17. (843) 825-3387
Dove Hunting Only

NEWBERRY YOUTH HUNT

U.S. Forest Service near Whitmire.
September 1
Participants selected by drawing. Apply in
writing by Aug 14 to USFS, 20 Work
Center Rd, Whitmire, SC 29178-9710.
Limited space available. (803) 276-4810
or (864) 427-4771

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field
September 1
**Participants selected by drawing. Apply
by Aug. 15 to DNR, 153 Hopewell Rd.,
Pendleton, SC 29670**
Limited Space Available (864) 654-1671

PICKENS YOUTH HUNT

Porter Field -- Sept 1
Participants selected by drawing.
**Apply by Aug. 15 to DNR, 153
Hopewell Rd., Pendleton, SC 29670**
Limited Space Available (864) 654-1671

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield
September 3
Call (843) 546-8119. Beginning August 16
but prior to August 28 for field location
and to pre-register. Limited space
available

UNION YOUTH HUNT

U.S. Forest Service near Sedalia
September 1
**Participants selected by drawing. Apply
in writing by Aug 14 to DNR, 124
Wildlife Dr., Union, SC 29379. Limited
space available.** (864) 427-4771

YORK YOUTH HUNT

DNR Draper WMA
September 1
**Participants selected by drawing. Apply
in writing by Aug 10 to DNR, 124
Wildlife Dr. Union, SC 29379. Limited
Space Available.** (864) 427-4771

Filed: December 10, 2001, 4:37 pm

Document No. 2707
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40, 123-50, 123-51, 123-52 and 123-53. These regulations set open and closed seasons, bag limits, and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas; establish seasons, bag limits and methods of take for deer in Game Zones 1, 2 and 4; and sets seasons, bag limits and methods of take for bear. Because the hunting seasons on these areas extend to March 1, it is necessary to re-file these regulations as emergency.

The following regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 , 123-50, 123-51, 123-52 and 123-53.

123-40. Wildlife Management Area Regulations

(A) Game Zone 1

Chauga, Franklin L. Gravely, Caesar's Head and Keowee WMA's

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery Only Hunts For Deer on WMA (No dogs)	Dec. 24 - Jan. 1	Total of 2 deer for all archery only hunts. 2 per day, either-sex.
Primitive Weapons For Deer (No dogs)	Oct. 1 through Oct. 10	Muzzleloaders, 2 deer, buck only, 2 per day; archery, 2 deer, either-sex, 2 per day.
Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31- Dec. 22	Total of 5 deer for all gun hunts. 2 deer buck ONLY, except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex entire period.
Still Gun Hunts For Bear (No dogs)	Oct. 17 through Oct. 23	1 bear, no bears 100 lbs. or less, no sow with cubs at her side.
Special Party Dog Hunt For Bear Only	Oct. 24 through Oct. 30	3 bears per party, no bears 100 lbs.or less, no sow with cubs at her side. Groups hunting together are considered 1 party.

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Parties of 25 or less must register with SCDNR, 153 Hopewell Road, Pendleton, SC 29670 by September 16. All harvested bear must be reported to the Clemson Wildlife Office @ 864-654-1671 within 24 hours of harvest.

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise. Game Zone 1 seasons apply.	Game Zone 1 bag limits.
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Hogs and Coyotes

On each WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

Keowee WMA

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are posted with white signs) except those special hunts for youth or mobility-impaired as published by the Department.

Archery Hunt For Deer (No dogs)	Oct. 1 - Dec. 22	Total 4 deer, 2 per day, either-sex, not to include more than 2 bucks.
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Quail	Wed. and Sat. only during Game Zones 1 and 2 seasons. No hunting for quail during archery hunts for deer.	10 per day.
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Other Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 1 and 2 seasons apply. North of Hwy 123 and west and east of the Keowee Arm of Lake Hartwell to Hwy 291 and across from Corinth Shiloh Fire Station and behind Jacobs Chuck, small game hunting with shotguns only. All other areas archery only for small game.	Game Zone 1 & 2 bag limits.
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Hogs and Coyotes: On Keowee WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant's Grove and Carlisle WMA's.

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery	Sept. 15 - Sept. 29	Total of 3 deer for archery
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(No dogs)	Monday after Thanksgiving through 3rd Saturday after Thanksgiving.	only hunts, 2 per day, either-sex.
Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 Deer, buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.
Still Gun Hunts (No dogs)	Oct. 11 through the Saturday after Thanksgiving; 3rd Monday after Thanksgiving through Jan. 1.	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period; however, daily and season bag limits apply.
Small Game. No guns during the first archery-only hunt on WMA lands.	No hunting before Sept. 1 or after March 1; otherwise Game Zone 2 seasons apply.	Game Zone 2 bag limits.

Hogs And Coyotes: On WMA lands in Game Zone 2, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

Keowee WMA

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are are posted with white signs) except those special hunts for youth or mobility-impaired as published by the Department.

Archery Hunts For Deer (No dogs)	Oct. 1 - Dec. 22	Total 4 deer, 2 per day, either-sex, not to include more than 2 bucks.
Quail	Wed. and Sat. only during Game Zones 1 and 2 seasons. No hunting for quail during archery hunts for deer.	10 per day.
Other Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 1 and 2 seasons apply. North of Hwy 123 and west and east of the Keowee Arm of Lake Hartwell to Hwy 291 and across from Corinth Shiloh Fire Station and behind Jacobs Chuck, small game hunting	Game Zone 1 & 2 bag limits.

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with shotguns only. All other areas archery only for small game.

Hogs and Coyotes: On Keowee WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

Fants Grove WMA

Quality Deer Management Area - bucks must have at least 4 points on one side. A point must be at least one inch long. Hunters must sign in at the Clemson DNR Office check point. The Clemson DNR check point will open 2 hours before official sunrise for deer hunts. Hunters are required to wear a hat, coat or vest of international orange while hunting.

Archery Only (No dogs)	October 15 - December 7	Total of 4 deer, 2 per day, either-sex. Not to include more than 1 buck.
Still Gun Hunts (No dogs)	No open season except for hunters selected by computer drawing.	2 deer total, either-sex, except no more than 1 buck.
Special Gun Hunts for youth, mobility impaired, women and primitive weapons.	Hunters selected by drawing.	2 deer, either-sex
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 2 seasons apply. No small game hunting during archery only hunts except for waterfowl or designated dove field hunting. Waterfowl may be hunted Wed. and Sat. AM only and Quail hunting Wed. and Sat. only.	Game Zone 2 limits.

Hogs and Coyotes: On Fants Grove WMA, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

(C) Crackerneck WMA and Ecological Reserve

All individuals must sign in and out at main gate. Scouting seasons (no weapons), will be Saturdays only during September and March. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am-8:30pm; Nov. - Dec., 4:30am-7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am-7:00pm. Hog hunters are required to wear either a hat, coat or vest of international orange. Hogs may NOT be taken from Crackerneck alive and hogs must be shown at check station gate. No more than 4 bay or catch dogs per party. On Saturday night raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. On Friday night raccoon hunts, raccoon hunters must cease hunting 1 hour before official sunrise and exit the gate by official sunrise. All reptiles and

amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.

Deer

Archery (No dogs)	1 st Fri. and Sat. in Oct.	2 deer , either-sex no more than 1 buck, no limit on hogs.
Primitive Weapons (No buckshot)	2 nd Fri. and Sat. in Oct.	2 deer, either-sex, no more than 1 buck, no limit on hogs.
Still Gun Hunts (No buckshot)	3 rd Fri. in Oct. - Jan. 1 Fri., Sat. and Thanksgiving Fri. and Sat. only from the 1 st	5 deer total, 2 per day, buck only except on either-sex days Day only. Fri. of gun hunts before Thanksgiving and the 1 st 2 Fri. and Sat. after Thanksgiving weekend. Total not to include more than 3 bucks.
Raccoon & Opossum	3 rd Sat. night in Oct. - Jan. 1, Sat. nights only; 1 st Fri. night	3 raccoons per party per night. No limit on Opossums. in Jan. to last Sat. night in Feb., Fri. and Sat. nights only.
Small Game(except no open season on bobcats, foxes, otters and fox squirrels).	3 rd Fri. in Oct. - last Sat. in Feb. Fri., Sat. and Thanksgiving Day only.	Game Zone 3 bag limits.
Hog Hunts with dogs. (Pistols only)	1 st Fri. in Jan. - last Fri. in Feb. Fridays only.	No limit.

(D) Game Zone 4

Fairforest, Enoree, Carlisle, Broad River, Dutchman and Wateree WMA's

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery Only (No dogs) through 3rd Saturday after Thanksgiving.	Sept. 15 - Sept. 29 Monday after Thanksgiving 2 per day, either-sex.	Total of 3 deer for archery only hunts,
Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 deer- Buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season.

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Archery, either-sex.

Still Gun Hunts (No dogs)	Oct. 11 through the Saturday after Thanksgiving; 3rd Monday after Thanksgiving through January 1.	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period; however, daily and season bag limits apply.
Small Game. No guns during the first archery-only hunt on WMA lands.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 4 seasons apply.	Game Zone 4 bag limits.

Hogs And Coyotes: On WMA lands in Game Zone 4, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

Draper WMA

Small Game Quail	Sat. after Thanksgiving, 2nd Sat. in Dec., 3 rd Wed. in Dec., 1 st Wed. in Jan.	10 per day
Rabbit	Last Wed. in Nov., 1 st Sat. in Dec., Every Wed. and Sat. after the first Sat. in Jan. to Mar. 1.	5 per day
Other Small Game No open season on fox squirrels	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 4 limits apply.	Game Zone 4 limits

(E) Broad River and Enoree River Waterfowl Management Areas

Deer Archery	Sept. 15 - Oct. 31	Game Zone 2 and 4 limits.
Small Game	Feb. 2 - Mar. 1	Game Zone 2 and 4 limits.
Raccoon	Feb. 2 - Mar. 1	Game Zone 2 and 4 limits.

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts.	Total of 8 deer for all gun hunts on the Francis Marion.
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Hellhole WMA

Deer Archery	Sept. 15 through Sept. 29	2 deer per day, buck only. Hogs - no limit.
Archery	Oct. 1 - 6, Nov. 26 - Dec. 8.	2 deer per day, either-sex Oct. 1 - 6, Nov. 26 - Dec. 8. Hogs no limit.
Still Gun Hunts	Oct. 8 - 13, 29 - Nov 3, Nov. 19 - 24, Dec. 10 - 15.	2 deer per day, buck only, except either-sex Nov. 1 - 3, Nov. 19 - 24, Dec. 10 - 15. Hogs no limit.
Dog Hunts Shotguns only, no still hunting	Dec. 21 All deer must be checked at	2 deer total per day, either-sex. Hellhole Check Station.
Small Game No open season for fox hunting	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled deer and hog hunt periods.	Game Zone 6 bag limits except Quail- 8 per day
Hog Hunts	Sat. only in Jan. and Feb.	No limit

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party(buck shot only). Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hogs taken must be brought to the check station and a data card completed.

Hog hunters must sign a register at Hellhole Check Station (Hwy. 41) upon entering and leaving Hellhole WMA.

Waterhorn WMA

Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled deer and hog hunt periods.	Game Zone 6 bag limits except Quail- 8 per day
Hog Hunts	Sat. only in Jan., Feb. and July	No limit.

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party(buck shot only). Pistols permitted. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hogs taken must be brought to the check station and a data card completed.

Hog hunters must sign a register at Elmwood Check Station upon entering and leaving Waterhorn WMA.

Wambaw WMA

Tibwin Special Use Area is closed to hunting except for special hunts published by the SCDNR.

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Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits except Quail- 8 per day
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Northampton WMA

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits except Quail- 8 per day.
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Santee WMA

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits. except Quail- 8 per day.
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(H) Moultrie

Deer		Total of 8 deer per season.
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Bluefield WMA (Adult/Youth Area)

Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. No hunting during scheduled deer hunts.	Game Zone 6 bag limits.
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Greenfield WMA

Deer

Still Gun Hunts (No buckshot)	Nov. 1 through Jan. 1	1 deer per day, buck only, except either-sex Nov. 1-3, Dec. 24 - 29.
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Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply.	Game Zone 6 bag limits.
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Hall WMA

Deer

Archery (No dogs) Sept. 1 through Jan. 1 2 deer per day, buck only, except either-sex Oct. 1 - Jan. 1.

Small Game Hall WMA. No small game season on

North Dike WMA

Small Game (No open season on fox squirrels) No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Game Zone 6 bag limits.

Porcher WMA

Small Game (No open season on fox squirrels) No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Game Zone 6 bag limits.

Cross Station Site

Special Gun Hunts for youth and women. No open season except hunters selected by drawing. 1 deer per day, either-sex

(I) Santee Cooper WMA

Deer No scouting season from Oct. 20 until opening of Nov. archery and muzzleloader season. Total 8 deer per season, 4 deer per hunt period.

Quality Deer Management Area - A point must be at least one inch long measured from the nearest edge of main beam to the top of the point.

Archery Oct. 1 - 13, Nov. 5 - 10. Total of 4 deer, either-sex Only antlerless deer, spike bucks (2 points) and bucks with 4 or more points on one side are legal.

Muzzle Loader Oct. 8 - 13, Nov. 5 - 10. Total of 4 deer, either-sex Only antlerless deer, spike bucks(2 points) and bucks with 4 or more points on one side are legal.

Still Gun Hunts No open season except hunters selected by drawing. Total of 3 deer, either-sex Only antlerless deer, spike bucks(2 points) and bucks with 4 or more points on one side are legal. One buck limit.

Small Game 1st Mon. after the closing of the State Waterfowl Season through Mar. 1 (East Game Zone 6 Bag limits, except Quail- 8 per day.

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of Ferguson Landing Rd only).

(J) Webb WMA

Quail Hunts	No open season except hunters selected by computer drawing.	10 quail per hunt period.
Dove Hunting	Public dove field only. Days published annually.	Federal limits.
Other Small Game No open season on fox squirrels	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 11 seasons apply. No hunting on half-days scheduled for deer hunting.	Game Zone 11 bag limits.
Hog Hunts with dogs (pistols only) Four dog limit per party.	1 st , 2 nd and 3 rd Thurs. in Sept. and 3 days beginning the 1 st Thurs. in March.	No limit.

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving the Webb WMA. No hogs may be taken alive from Webb WMA. Hogs taken must be brought to the Webb WMA check station and a data card completed. Hog hunters are permitted to camp at Bluff Lake on Webb WMA on nights prior to scheduled hog hunts only.

(K) Tillman Sandridge WMA

Deer Archery Only	14 hunting days beginning the last Friday in October	2 deer, either-sex
Primitive Weapons	8 hunting days beginning the 2nd Fri. in Dec.	2 deer, buck only, except either-sex on Fri. and Sat.
Small Game No open season on fox squirrels.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 11 seasons apply. No Small game hunting during scheduled deer hunt periods.	Game Zone 11 bag limits.

(M) Victoria Bluff WMA

Archery (No dogs)	Three hunting day periods beginning the 1st Thurs. in Oct., the 2 nd Thurs. in Oct., the 3 rd Thurs. in October, the 4 th Thurs. in Oct.; Eight hunting days beginning the 1 st Friday in November and eight hunting days beginning the 2 nd Friday after Thanksgiving.	3 deer per hunt period, either-sex.
Small Game No open season on fox squirrels.	No hunting before Oct. 15 or after Feb. 1; otherwise Game Zone 11 seasons apply. No Small game hunting during scheduled deer hunt periods. Shotguns only, shot no larger than no. 2.	Game Zone 11 bag limits.

(N) Bear Island WMA

All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only.

Deer

Archery	Oct. 1 - Oct. 6	3 deer, either-sex.
Still Gun Hunts (No dogs) Rifles only.	Nov. 1 - Nov. 10	2 deer, either-sex, only 1 buck.
Quail	Quail hunting Tue. only Feb. 5 - 26.	Game Zone 11 bag limits.
Other Small Game No open season on fox squirrels.	Feb. 6 - 27 Wed. and Sat. Only	Game Zone 11 bag limits.
Raccoon/Opossum	Feb. 6 - Mar. 15 Wed. and Fri. Nights Only	Game Zone 11 bag limits.

(O) Lewis Ocean Bay WMA

Deer	Total of 5 deer for all hunts combined.
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Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. Hunting from horseback is prohibited.

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Archery	1st. Wed. - Sat. after Sept. 15	1 deer per day, buck only.
	1 st Wed. - Sat. in Oct.,	1 deer per day, either-sex
	4 th Wed. - Sat. in Oct.	2 nd Wed.-Sat. in Oct.
Archery and Muzzleloader	Last Wed. in Oct. - 1 st Sat. in Nov. 2 nd Wed. - Sat. in Nov.	1 deer per day, either-sex.
Still Gun Hunts	Last Wed. in Nov. - 1 st Sat. in Dec. 2 nd Wed. - Sat. in Dec.	1 deer per day, buck only.
Small Game No Fox Squirrels	Jan. 1-Mar. 1	Game Zone 7 bag limits.

(P) Pee Dee Station Site WMA

Deer		Total of 3 for all hunt periods combined.
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Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. The scouting seasons are 3-day periods on Saturday through Monday immediately preceding hunt periods.

Archery	1 st Tue. - Sat. in Oct.	1 deer per day, either sex
Archery and Muzzleloader	3rd. Tue.- Sat. in Oct. 1st. Tue.- Sat. in Nov.	1 deer per day, either sex
Small Game	Sat. after Thanksgiving - last Wed. and Sat. in Feb., Wed. and Sat. Only.	Game Zone 10 limits.

(Q) Aiken Gopher Tortoise WMA

During still gun hunts for deer, there shall be no hunting or shooting from, on or across any road open to vehicular traffic.

Deer Hunts (No dogs)		Total 3 deer Not to include more than 2 bucks.
Archery (No dogs)	Oct. 1 - Jan. 1	1 deer per day, buck only, except either-sex on Game Zone 3 either-sex days as specified in Reg. 4.2.
Still Gun Hunts (No buckshot)	Oct. 1 - Jan. 1	1 deer per day, buck only, except either-sex on Game Zone 3 either-sex days as specified in Reg. 4.2.
Small Game	Thanksgiving Day - Mar. 1	Game Zone 3 bag limits.

No open season on
fox Squirrels

(R) Santee Coastal Reserve WMA

Deer Hunts
(No dogs)

Archery
(No dogs)

Nov. 5 - 10.
Nov. 26 - Dec. 1.

2 deer per day, either-sex
Hunting on mainland only.

Quail

Wed. and Sat. only, 1st Wed.
after January 20 - last Wed.
on or before Feb. 15.

Game Zone 6 bag limits.

Raccoon/Opossum

Tues. and Fri. nights, 1st
Wed. after Jan. 20 - Mar. 1.

Game Zone 6 bag limits.

Other Small Game
No open season on
fox Squirrels

Wed. and Sat. only, 1st Wed.
after Jan. 20 - Feb. 15.

Game Zone 6 bag limits.

(S) Other Small WMAs

Aiken, Calhoun, Lexington and Richland Counties

Small Game

No hunting before Sept 1 or
after Mar. 1; otherwise Game
Zone 3 seasons apply.

Game Zone 3 bag limits.

Chesterfield, Kershaw, & Marlboro Counties

Deer

Archery Only Hunts

Sept. 15 - 30

Total of 3 deer for all
archery hunts, buck only,
2 per day.

Still Gun Hunts
and Archery
(No Dogs)

Oct. 1 - Jan 1

Total 10 deer for all gun
hunts, 2 per day, buck only
except on Game Zone 5 either-
sex days as specified in Reg.
4.2. Limit of 10 may not
include more than 5 bucks.
Male deer required 2 inches of
visible antler above the hairline
to be legal. Male fawns (button
bucks) are considered antlerless
deer, legal only during either-
sex hunts; however, they apply
toward the buck limit.

66 EMERGENCY REGULATIONS

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 5 limits apply.	Game Zone 5 bag limits.
Darlington, Lee & Sumter Counties		
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 8 seasons apply.	Game Zone 8 bag limits
Dillon County		
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 7 seasons apply.	Game Zones 7 and 8 bag limits
(U) Manchester State Forest WMA		
Deer		Total of 5 deer per season for all hunts.
Deer must be checked at check station.		
Archery	Sept. 15 - 4 th Sat. in Sept.	1 per day, either-sex
Archery and Muzzleloader	4 th Mon. in Sept. - last Sat. Fri. prior to last Sat. in Sept.	1 per day, buck only 1 deer per day, either-sex
Dog Hunts	No open season except for clubs selected by computer drawing.	10 deer per day per club, 1 per day per person. Buck only, except by tags issued the day of the hunt.
Still Gun Hunts (No Dogs)	Oct. 1-6, 8-13, 15-19, 23-27, Oct. 30-Nov. 1, Nov. 6-9, 13-15, 20-24, 26-30.	1 per day, buck only except on either-sex hunts Oct. 4, 6, 18, 27, Nov. 1, 21
Quail (Except Bland Tract)	Wed. and Sat. only, 1 st Sat. after Thanksgiving - last Wed. and Sat. in Feb.	Game Zone 8 bag limits.
Quail (Bland Tract) Quail hunters must pick up and return data cards at access points.	Designated Wed. and Sat. within Game Zone 8 season, in Dec., Jan., and Feb. Shotguns must be plugged so as not to hold more than 3 shells.	Game Zone 8 bag limits.
Squirrel and Rabbit	Thanksgiving Day - Mar. 1	Game Zone 8 bag limits.
Raccoon and Fox	Thanksgiving Day - 2 nd Sat. in Mar.	Raccoon 3 per party per night, Fox no limit during gun season.
Hogs	Hogs may be taken only	One per person per day.

No dogs. incidental to deer hunts.

(V) Sand Hills State Forest WMA

Hunting by the general public closed during scheduled field trials on the Sand Hills State Forest Special Field trial Area. Hunting allowed during permitted field trials on the Sand Hills State Forest Special Field Trial Area in compliance with R.123-96.

Deer Archery Sept. 15 - Jan. 1 Total of 3 deer, 2 per day, either-sex.

Still Gun Hunts (No dogs) Oct. 1 - Jan. 1 Total of 10 deer, 2 per day, buck only except either-sex on Game Zones 5 and 8 either-sex days specified in Reg. 4.2. No more than 5 bucks.

No man -drives on scheduled either-sex days.

Small Game No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 5 and 8 seasons apply. No daytime fox hunting from Sept. 15 - Jan. 1. Game Zones 5 and 8 limits.

(W) Marsh Furniture WMA

Deer Total of 3 deer for all hunts combined

The scouting season is the last Mon. - Sat. in Sept.

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic. No bay or catch dogs allowed for hog hunting.

Archery (No Dogs) Oct. 1 - 6. 1 deer per day, either-sex Hogs no limit.

Archery and Muzzleloader (No dogs) Oct. 8 - 13, 15 -20. 1 deer per day, either-sex Hogs no limit.

Still Gun Hunts Oct. 22 - 27, 29 - Nov. 3, Nov. 5 - 10. 1 deer per day, buck only Hogs no limit.

Small Game Seasons Open only for rabbit, squirrel, opossum, quail, and woodcock only Thanksgiving - Mar. 1 Wed. - Sat. only Game Zone 10 bag limits.

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(Z) Donnelley WMA

Deer

All hunters must sign in and out at the check station. Hunting in designated areas only. Scouting season for archery only on the day before season opens. Hogs can be taken during all deer hunts.

Archery (no dogs)	Sept. 26 - 29. Oct. 8 - 13. Oct. 29 - Nov. 3.	Total 4 deer per season, either-sex, no more than 2 bucks, antlered bucks must have a minimum 4 points on one side or spikes (2 points). Button bucks count towards buck limit. Hogs-no limit.
Still Gun Hunts	No open season except for hunters selected by computer drawing.	3 deer per hunt period, 3 does or 1 buck and 2 does, antlered bucks must be spikes or have a minimum 4 points on one side. Button bucks count towards buck limit.
Small Game No open season for fox squirrels.	Wed. only Dec. 5-Jan. 20; Wed. and Sat. Jan. 30 - Feb. 27	Game Zone 11 Bag Limits
Raccoon and Opossum	Tues. Nights only Jan. 4- Jan. 29; Tues. and Fri. Nights Jan. 29 - Feb. 26	Raccoon - 3 per party per night, opossum - no limit.
Hog Hunts with dogs (Pistols Only)	Mar. 7 - Mar. 9	No limit.

Hog hunters are required to wear a hat, coat or vest of international orange color while hunting. Hogs may not be taken from Donnelley alive and all hogs harvested must be checked at the check station. No more than 4 bay or catch dogs per party.

(AA) Little Pee Dee River Complex WMA

Includes Little Pee Dee River HP, Tilghman HP, Dargan HP, and Ward HP in Horry and Marion counties. This also includes the Upper Gunters Island and Huggins tracts in Horry Co. which are part of Dargan HP. Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or watercraft, or from or on any roads open to vehicular traffic.

Deer		Total of 3 deer for all hunts and hunt periods combined.
Archery	Sept. 15 - last Sat. in Sept.	1 deer per day, buck only
Archery	Oct. 1 - 3 rd Sat. in Oct.	1 deer per day, either-sex
Archery and Muzzleloader	4 th Mon. in Oct. - the following Sat.	1 deer per day, buck only,
	1 st Mon. in Nov. - the following Sat.	1 deer per day, either-sex

Still Gun Hunts	Last Mon. in Nov. - the following Sat.	1 deer per day, buck only,
Small Game No open season for fox squirrels	Thanksgiving Day - Mar. 1 No small game hunting during the week of still gun hunting for deer.	Game Zones 7 and 10 Bag Limits.

(BB) Great Pee Dee River WMA

Deer Hunts Total 3 deer for all hunts.

For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. All individuals are required to sign in and out at the entrance. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs.

Archery	1 st Mon. in Oct. - the following Sat., 2 nd Mon. in Oct. - the following Sat.	1 deer per day, either-sex, hogs no limit.
Archery and Muzzleloader	4 th Mon. in Oct. - the following Sat.	1 deer per day, either-sex, hogs no limit.
Still Gun Hunts	1 st Mon. in Nov. - the following Sat.	1 deer per day, buck only.
Gray Squirrels	Thanksgiving Day - Mar. 1st. No small game hunting during deer hunt periods.	Game Zone 8 bag limits.
Woodcock	Federal Seasons.	Federal limits.
Small Game	No open season on other small game species.	
Special Hog Hunt	1 st Mon. in Dec. - the following Sat. 2 nd Mon. in Dec. - the following Sat.	2 hogs per person per hunt period.

(CC) Hickory Top WMA

Deer		Total 8 deer per season.
Archery (No Dogs)	Sept. 1 through Jan. 1.	2 deer per day, either-sex Sept. 15 - Jan. 1.
Muzzleloader (No Dogs)	Nov. 1 - 17	2 deer per day, either-sex.

70 EMERGENCY REGULATIONS

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 9 seasons apply.	Game Zone 9 bag limits.
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(DD) Palachuola WMA

Deer Hunts

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic.

Archery (No Dogs)	Ten hunting days beginning the last Wed. in Sept.	3 deer, either-sex.
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Still Gun Hunts (No dogs)	No open season except for hunters selected by computer drawing.	3 deer, either-sex but only 1 buck.
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Small Game (No open season for fox squirrels or quail)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 11 seasons apply.	Game Zone 11 bag limits.
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No small game hunting during scheduled deer hunts.

Hog Hunts No dogs	1 st , 2 nd and 3 rd Tues. in Sept.	No limit.
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Hog Hunts with Dogs (Pistols) Four dog limit per party.	1 st , 2 nd and 3 rd Thurs. in Sept. and 3 days beginning the 1st Thurs. in March.	No limit.
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Hog hunters are required to wear a hat, coat or vest of solid international orange color while hunting. Hunters must sign register at Webb WMA upon entering and leaving the Palachuola WMA. No hogs may be taken alive from Palachuola WMA. Hogs taken must be brought to the Webb WMA check station and a data card completed. Hog hunters are allowed to camp at Bluff Lake on the Webb WMA on nights prior to scheduled hog hunts ONLY.

(EE) St. Helena Sound Heritage Preserve WMA

Deer

Hunting and camping by special permit.

Archery Hunts (No dogs)

Otter Island	Nov. 1 - Nov. 30 By special permit.	3 deer per season, 1 deer per day, either-sex. Hogs.
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Ashe, Beet, Warren, Big, South Williman	Oct. 1 - Jan. 1	3 deer per season, 1 deer per day, either-sex. Hogs.
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(FF) Waccamaw River Heritage Preserve WMA

Deer

Total 2 deer per season

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic.

Archery	2 nd Mon. - Sat. in Oct. 3 rd Mon. - Sat. in Oct.	1 deer per day, either-sex.
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Archery and Muzzleloader Still Gun Hunts	4 th Mon. - Sat. in Oct. 1 st Mon. - Sat. in Nov. Last Mon. in Nov. - 1st Sat. in Dec.	1 deer per day, either-sex. 1 per day, buck only
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Small Game Seasons: Season open only for Gray squirrel and woodcock. No hunting small game during scheduled deer hunt periods.	Thanksgiving Day - Mar. 1	Game Zone 7 bag limits
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Raccoons	1 st Wed. in Dec. - last Wed. in Feb. Wed. nights only.	3 per party per night.
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(GG) McBee WMA

Archery Deer Hunts	Sept. 15 - Sat. after Thanksgiving.	Total of 3, 2 per day, either-sex.
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Still Gun Hunts (No Dogs)	Oct. 1 - Sat. after Thanksgiving.	Total of 10, 2 per day, buck only except on either-sex Oct. 5 - 6, 12 - 13, 19 - 20, 26 - 27, Nov. 2 - 3. Total not to include more than 5 bucks.
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Quail	No open season except hunters selected by drawing.	10 per day
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Other Small Game No small game hunting during scheduled deer hunting periods.	No hunting before Mon. following the 2 nd Sat. in Jan. or after Mar. 1; otherwise Game Zone5 seasons.	Game Zone 5 limits.
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(HH) Canal WMA

Hunters must pick up and return data cards at access points. Shotguns must be plugged so as not to hold more than 3 shells.

Quail	1 st Wed. after opening day of quail season and every other Wed. thereafter until Mar. 1.	Game Zone 6 limits.
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(II) Cartwheel Bay WMA

Deer Hunts	Total 3 deer for all hunts combined.
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72 EMERGENCY REGULATIONS

Archery	Sept. 15 - 1 st Sat. in Oct.	1 deer per day, buck only
	2 nd Mon. in Oct. - 1 st Sat. in Nov.	1 deer per day, either-sex
Small Game (No small game, hunting during Scheduled deer hunt periods.) No open season on fox squirrels.	No hunting before Nov. 1 or after Mar. 1; otherwise Game Zone 7 bag limits.	Game Zone 7 bag limits

(JJ) Longleaf Pine WMA

Deer Total 2 deer for all hunts combined.

STILL HUNTING ONLY, NO DEER DOGS, NO BUCKSHOT, NO HUNTING FROM VEHICLES OR FROM OR ON ANY ROADS OPEN TO VEHICULAR TRAFFIC.

Archery	Sept. 15 - 1 st Sat. in Oct.	1 deer per day, either-sex
Archery and Muzzleloader	2 nd Mon. in Oct. - last Sat. in Oct.	1 deer per day, either-sex
Still Gun Hunts	Last Mon. in Oct. - 3 rd Sat. in Nov..	1 deer per day, buck only
Small Game (No small game hunting during scheduled deer hunt periods). No open season on fox squirrels.	Thanksgiving Day - Mar. 1	Game Zone 8 bag limits.

(KK) Bucksport WMA

Deer		Total 5 deer per season
Archery	Sept. 15 - last Sat. in Sept.	1 deer per day, buck only
	2 nd Mon. in Oct. - 3 rd Sat. in Oct.	1 deer per day, either-sex
Archery and Muzzleloader	4 th Mon. in Oct. - 3 rd Sat. in Oct.	1 deer per day, buck only
Still Gun Hunts (No Dogs) No buckshot	4 th Mon. in Nov. - 1 st Sat. in Dec.	1 deer per day, buck only
Small Game Gray Squirrels (No small game hunting during scheduled	Thanksgiving Day - Mar. 1	Game Zone 7 bag limits

deer hunt periods). Woodcock	Federal Seasons	Federal bag limits.
Raccoon	Wed. nights only, 1 st Wed. in Dec. - last Wed. in Feb.	3 per party per night
Other Small Game No open season on fox squirrels or other small game.		

(LL) Sandy Island WMA:

Data card required for hunting access. Hunting from vehicles prohibited.

Deer		Total 5 deer per season not to include more than 1 buck.
Archery Only	Oct. 1 - Nov. 30	1 deer per day, either-sex. Hogs and coyotes no limit.

(MM) Hatchery WMA

Deer Archery	Sept. 1 - 14, Sept. 15 - Nov. 10.	Total of 8 deer per season, 2 per day, buck only, except either-sex Sept. 15 - Nov. 10.
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(NN) Dungannon WMA

Deer Hunts (No dogs)		Total 8 deer per season.
Archery (No dogs)	Oct. 1 through Dec. 1	2 deer per day, either-sex.

(OO) Santee Dam WMA

Deer		Total of 8 deer per season.
Archery (No dogs)	Sept. 1 through Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit.
Muzzleloader (No dogs)	Sept. 15 through Jan. 1	2 deer per day, either-sex. Hogs no limit.
Small Game Shotguns only, no open season on fox squirrels.	Game Zone 9 seasons except no hunting before Sept. 1 or after Mar. 1. No hunting during scheduled deer and dove hunt periods.	Game Zone 9 bag limits.

74 EMERGENCY REGULATIONS

(PP) Rock Hill Blackjacks HP WMA

Deer		Total of 3 deer per season.
Archery (No dogs)	Sept. 15 - 30; Mon. after Thanksgiving Day - Jan. 1.	2 deer per day, either-sex
Small Game	No small game hunting.	

(QQ) Oak Lea WMA

		Total 10 deer per season.
Archery	Sept. 15 through Sept. 29.	2 deer per day, either-sex.
Still Gun Hunts	No open season except hunters selected by drawing.	2 deer per day, either-sex. Total 10 deer per hunt party.
Small Game No open season on quail.	Jan. 2 through Mar. 1	Game Zone 9 limits.

(RR) Lynchburg Savannah Heritage Preserve WMA

Small Game Only No open season on fox squirrels.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 7 seasons.	Game Zone 7 limits
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WILDLIFE MANAGEMENT AREA REGULATIONS

General

2.1 Except as provided in these regulations, it is unlawful to hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) Wildlife Management Area (WMA) lands.

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

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

2.4 It is unlawful for anyone to hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license; a valid WMA permit; and other applicable federal or state permits, stamps, or licenses.

2.5 No Sunday hunting is permitted on any WMA lands.

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited.

As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands and temporary screw-in type climbing devices are permitted provided they are not permanently affixed or embedded in the tree.

2.8 On WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained.

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

2.10 No person may release or attempt to release any animal onto Department-owned WMA lands without approval from the Department.

2.11 While hunting on Department-owned WMA's, no person may consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, long bow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire rifles or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.). The use of crossbows during any archery only season is unlawful except as allowed by 50-11-565.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen or a "disk" type ignition system. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolving rifles are permitted. Crossbows may be used on WMA and private lands only during firearms and muzzleloader seasons for deer and bear.

3.3 On WMA lands, big game hunters are not allowed to use military or hard-jacketed bullets or .22 rimfire rifles. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, and Moultrie WMA lands.

3.4 On DNR-owned WMAs during periods when hunting is permitted, all firearms transported in vehicles must be unloaded. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

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

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

DEER

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less

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than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1, 2 and 4, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

4.2 Deer either-sex days for gun hunts are as follows:

Game Zone 1: Nov. 2 - 3, 9 - 10.

Game Zones 2 and 4: Oct. 19 - 20, 26 - 27, Nov. 2 - 3, 9 - 10, 16 - 17, Dec. 14 - 15, 21 - 22, 28 - 29, Jan. 1.

Game Zones 3, 6 and 11: Oct. 5 - 6, 12 - 13, 20, 27, Nov. 3, 17, 24, Dec. 22, 29, Jan. 1.

Game Zone 5: Kershaw/Chesterfield counties - Oct. 5 - 6, 12 - 13, 19 - 20, 26 - 27, Nov. 2 - 3, Dec. 28 - 29, Jan. 1. Marlboro County - Oct. 6, Nov. 23 - 24.

Game Zone 7: Dillon County - Oct. 6, Nov. 23 - 24. Horry County - Oct. 5 - 6, 12 - 13, Nov. 23 - 24.

Game Zones 8, 9, and 10: Oct. 5 - 6, 12 - 13, Nov. 2 - 3, 16 - 17, 23 - 24, Dec. 21 - 22.

DOGS

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

5.2 On all WMA lands in Game Zones 2 and 4, beagles may not be used for rabbit hunting during still gun hunts for deer. Beagles may be used from the close of the big game season until the close of the rabbit season. Beagles may be trained for rabbit hunting from September 1 through September 30 (no guns).

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

5.4 The Department may permit deer hunting with dogs on WMA areas not located in Game Zones 1, 2, and 4. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.

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

VEHICLES

6.1 On all WMA lands, no hunter may shoot from a vehicle except that paraplegics and single or double amputees of the legs may take game from any stationary motor driven land conveyance or trailer which is operated in compliance with these rules. For purposes of this regulation, paraplegic means an individual afflicted with paralysis in the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

6.2 On Department-owned WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Designated roads and trails on Forest Service lands are those designated with either a name and/or numbered sign. On Forest Service land ATV trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances. s can be used

6.3 It is unlawful to obstruct travel routes on Department-owned WMA lands.

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during the gun and muzzleloader hunting seasons for deer, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove and duck are exempt from this requirement while hunting for those species.

CAMPING

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

TRAPPING

9.1 Trapping on WMA lands is not permitted.

WATERFOWL & DOVE REGULATIONS

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

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

10.3 On areas where blinds are not provided, only temporary blinds of native vegetation may be constructed, and once vacated become available for others.

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

10.5 No fishing is permitted in any Category 1 Designated Waterfowl Management Area during scheduled waterfowl hunts.

10.6 The Clarks Hill Waterfowl area is closed to hunting except for waterfowl hunting and other special hunts as designated by the SCDNR.

10.7 Santee Cooper WMA is closed to hunting from October 20 until March 1, except for special hunts designated by the SCDNR.

10.8 Sandy Beach Waterfowl Area is closed to hunting during the period 16 Nov.-01 Mar. except for special hunts designated by the Department.

10.9 Broad River Waterfowl Management Areas is closed to hunting access during the period 01 Nov.-01 Feb. except for special hunts designated by the Department.

10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period 01 Nov.-20 Jan. except during special hunts designated by the Department. All public access during the period 21 Jan.-01 March is limited to designated areas.

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10.11 Potato Creek Hatchery Waterfowl Area is closed to all access one week prior to opening of waterfowl season through January 31, except for scheduled waterfowl hunts. No fishing one week prior to opening of waterfowl season through January 31. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hour are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). Hunters may not enter the area prior to 3:00 a.m. on hunt days. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.12 Hunters may not enter Hatchery WMA prior to 3 AM and must leave the area by 1 PM. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-20. Jan. No fishing allowed during scheduled waterfowl hunts.

10.14 The Francis Marion National Forest, Crackerneck WMA, Palachuola, Tillman Sand Ridge WMA and Webb Wildlife Center are open during special small game seasons within the regular migratory bird seasons; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Broad River, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Oak Lea, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, Marsh, and Tibwin Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Biedler Impoundment	Sat. AM only during regular season.	Federal Limits
Bear Island	Hunters selected by drawing during regular season.	Federal Limits
Beaverdam	Hunters Selected by drawing during regular season.	Federal Limits
Broad River	Hunters selected by drawing.	Federal Limits
Dunaway	Sat. AM only during regular season.	Federal Limits

Duncan Creek	Sat. AM only during regular season.	Federal Limits
Dungannon	Wed. AM only during regular season.	Federal Limits
Enoree River	Sat. AM only during regular season.	Federal Limits
Hatchery	Sat. AM only and until sunset on the last Sat. of the regular waterfowl season.	Federal Limits
Hickory Top	Federal waterfowl seasons.	Federal Limits
Lake Cunningham	Wed. AM only during during the regular season.	Federal Limits
Marsh	Wed. and Sat. AM only during the regular season.	Federal Limits
Monticello	Wed. and Sat. AM only during Reservoir during the regular season.	Federal Limits
Moultrie	Mon. through Sat. during regular season.	Federal Limits
Oak Lea WMA	Wed. AM only during regular season after Jan. 1.	Federal Limits
Parr Reservoir	Mon. through Sat. during the regular season.	Federal Limits
Potato Creek Hatchery	Wed. and Sat. only during regular season days and hours.	Federal Limits
Russell Creek	Wed. and Sat. AM only during the regular season.	Federal Limits
Samson Island Unit (Bear Island)	Thurs. and Sat. am only during the regular season.	Federal Limits
Samworth	Wed. and Sat. AM only during the regular season.	Federal Limits
Sandy Beach	Hunters selected by drawing.	Federal Limits
Santee Coastal Reserve	Hunters selected by drawing.	Federal Limits
Santee Cooper	Hunters selected by drawing.	Federal Limits

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Santee-Delta	Wed. and Sat. AM only during the regular season.	Federal Limits
Tibwin	Special hunts by drawing.	Federal Limits
Turtle Island	Wed. and Sat. AM only during the regular season.	Federal Limits
Tyger River	Sat. AM only during regular season.	Federal Limits
Great Pee Dee	Wednesdays during federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits
Little Pee Dee River Complex	Wednesdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits

10.17 On Hickory Top WMA public waterfowl hunting without a Wildlife Management Area(WMA) permit is allowed on all land and water below 76.8'. Waterfowl hunting at or above elevation 76.8' requires a WMA permit.

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

AMPHIBIANS AND REPTILES

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

123-50. Crow Hunting Season

The following rules and regulations shall hereby be provided for the hunting of crows in this State.

1. Crows shall not be hunted from aircraft.
2. The hunting season in this State shall extend from November 1 until March 1 of each year.
3. The penalty for the violation of these rules and regulations shall be that prescribed by 50-11-10 of the 1976 Code.

123-52. Deer Hunting on Private Lands in Game Zones 1, 2 and 4 (50-11-310, 50-11-350, 50-11-390).

1. The seasons and limits for deer hunting on private lands in Game Zones 1, 2 and 4 are as follows:
Game Zone 1
No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Primitive Weapons For Deer (No dogs)	Oct. 1 through Oct. 10	Muzzleloaders, 2 deer, buck only, 2 per day; archery, 2 deer, either-sex, 2 per day.
Still Gun Hunts	Oct. 11 through Oct. 16	Total of 5 deer for all gun hunts. 2 deer

For Deer Only (No dogs)	Oct. 31- Jan. 1	buck only, except either-sex on days specified in Reg. 4.2. Archers allowed either-sex during entire period.
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Game Zone 2
No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery (No dogs)	Sept. 15 - Sept. 30	Total of 3 deer for archery only hunts, 2 per day, either-sex.
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Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 Deer, buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.
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Still Gun Hunts (No dogs)	Oct. 11 - Jan. 1.	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either-sex during entire period; however, daily and season bag limits apply.
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Game Zone 4
No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery Only (No dogs)	Sept. 15 - Sept. 30	Total of 3 deer for archery only hunts, 2 per day, either-sex.
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Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 deer- Buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.
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Still Gun Hunts (No dogs)	Oct. 11 - Jan. 1	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period; however, daily and season bag limits apply.
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2. Hunters may use any shotgun, rifle, long bow or hand gun except that specific weapons may be prohibited on certain hunts.

3. For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen or a "disk" type ignition system. The use of in-line muzzleloaders and

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muzzleloaders utilizing a shotgun primer in a “disk” type ignition system is permitted. During primitive weapons season, no revolving rifles are permitted.

4. Hunters are not allowed to take deer with military or hard-jacketed bullets or .22 rimfire rifles.

5. It is unlawful to hunt deer with dogs in Game Zones 1, 2 and 4.

6. On all private lands, baiting or hunting over a baited area is prohibited. As used in this section, “bait” or baiting” means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. “Baited area” means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait.

123-53. Bear Hunting Rules and Seasons

1. The open season for taking bear by still hunting in Game Zone 1 is October 17 - 23 Sunday excepted.

2. The open season for taking bears with the aid of dogs by a party permitted by the Department in Game Zone 1 is October 24-30 Sunday excepted.

Filed: December 10, 2001, 4.37 pm

Document No. 2708

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: S.C. Code Sections 50-11-2200 and 50-11-2210

123-200. Wildlife and Freshwater Fisheries Division - Department Owned Lands Regulation

Emergency Situation:

These emergency regulations are necessary immediately and in the best interest of the state to govern certain activities on lands owned by the South Carolina Department of Natural Resources, pending the promulgation of permanent regulations pursuant to Section 50-11-2200, Code of Laws of South Carolina, 1976, as amended. Legislation (S.248) passed during the 2001 General Assembly granted the department authority to regulate uses and activities on DNR-owned lands.

Reg.

- 123-200. Regulations Applicable to Real Property Owned by the Department of Natural Resources.
- 123-201. Definitions.
- 123-202. Regulation for Jim Timmerman Natural Resources Area at Jocassee Gorges.
- 123-203. Regulation for Capers Island.
- 123-204. Regulation for Dungannon Heritage Preserve.
- 123-205. Regulation for Great Pee Dee River Heritage Preserve.
- 123-206. Regulation for Victoria Bluff Heritage Preserve.
- 123-207. Regulation for Waddell Mariculture Center
- 123-208. Regulation for South Carolina Marine Resources Center at Fort Johnson
- 123-209. Prohibition of Digging on Real Property Owned by the Department of Natural Resources
- 123-210. Prohibition of All Terrain Vehicles on Heritage Preserves.
- 123-211. Exception for Non-Public Use Properties.
- 123-212. Management Activities of Department Personnel.
- 123-213. Law Enforcement, Fire Fighting, and Emergency Activities.

123-200. Regulations Applicable to Real Property Owned by the Department of Natural Resources.

Applicability and Scope.

A. The purpose of this regulation is to govern the conduct and activities of visitors to lands owned by the Department of Natural Resources. This regulation applies to the Department lands identified in 123-202 through 123-210.

B. Regulations for the establishment of open and closed seasons, bag limits, and methods for hunting and taking wildlife on all Department owned wildlife management area lands, and for the protection, preservation, operation, maintenance, and use of wildlife management area lands not owned by the Department are stated in R.123-40. The regulations below will apply to Department owned wildlife management area lands in addition to R.123-40. In case of any conflict with R.123-40, this regulation will prevail.

C. Wildlife management area lands not owned by the Department are regulated generally under R.123-40 and specific regulations for individual species.

123-201. Definitions.

For purposes of this regulation:

“Department” means the South Carolina Department of Natural Resources.

“Department land” means real property, including any buildings, structures, or improvements, owned by the Department in fee simple, including but not limited to game preserves or reserves, heritage preserves, boat landings, and Department land designated as wildlife management area land.

“Wildlife management area land” means those lands leased or otherwise established by the Department for the protection, propagation, and promotion of fish and wildlife and for public hunting and fishing.

“Hunting” means the act of trying to find, seek, obtain, pursue, or diligently search for wildlife for sport, regardless of whether wildlife is taken or not. The act of seeking wildlife or the pursuit of wildlife as sport, such as but not limited to raccoon hunting and training hunting dogs shall be deemed hunting. Any person accompanying a hunter or hunters and participating in a hunt in any regard shall be deemed to be hunting.

“Taking” means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect any wildlife.

“Fishing” means all activity and effort involved in taking or attempting to take fish.

“Rock climbing” means the sport of ascending or descending rock faces of such vertical angle that the climber must use technical climbing techniques to safely negotiate the climb. This includes all free, aided, and friction climbing where ropes, pitons, nuts, chocks, screws, carabineers, snap links, chalk, ropes, fixed or removable anchors, or other similar climbing equipment is used.

“Motorized vehicle” means a device incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land. It shall include such vehicles as automobiles, trucks, jeeps, vans, busses, motorcycles, bulldozers, timber harvesters, and other earthmoving equipment.

“Non-motorized vehicle” means a device not incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion, or other contrivance for traveling on or adjacent to land. It shall include such vehicles as bicycles, skates, and in-line skates.

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“All terrain vehicle” means a motorized vehicle, regardless of the number of wheels, designed or constructed primarily for use off of paved or improved roads and includes all motorcycles not designed for strictly street use..

“Off road vehicle” means a motorized vehicle that has been modified from its stock condition to enhance its ability for use off of paved or improved roads.

“Horse riding” means any equestrian activity.

“Camping” means the overnight occupancy of Department land.

“Fireworks” means any device for producing any display, such as light, noise, or smoke, by the combustion of explosive or flammable compositions.

“Wildlife” means all wild birds, wild game, fish, and any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.

“Weapon” means an instrument of offensive or defensive combat, including firearms, capable of injuring human beings or animals; provided, however, implements such as small pocket or kitchen knives normally will not be considered as weapons.

123-202. Regulation for Jim Timmerman Natural Resources Area at Jocassee Gorges.

This section shall apply to all land owned by the Department within the boundaries of the Jim Timmerman Natural Resources Area at Jocassee Gorges (hereinafter referred to as Jocassee Gorges).

A. Hunting, fishing, and taking game animals, birds, fish, or other wildlife is allowed on any part of Jocassee Gorges designated as part of the Wildlife Management Area program. Hunting, fishing, and taking shall be subject to all applicable statutes and regulations, specifically including R.123-40.

B. Possession of any firearm or weapon must comply with applicable state and federal statutes. During anytime when hunting is not permitted, all weapons must be unloaded and secured in a weapons case, or in the trunk of a vehicle, or in a locked toolbox, unless otherwise legally permitted. Target, skeet, trap, plinking, paint ball, or any other type of shooting with any firearm or weapon is not allowed.

C. Rock climbing is prohibited.

D. Operation of motorized, non-motorized vehicles, all terrain vehicles, and off road vehicles.

(1) Motorized, all terrain vehicles, and off road vehicles may be operated only on open roads and parking areas except as otherwise established by posted notice or as approved by the Department.

(2) Roads with green gates are seasonally open. All roads with red gates are closed to vehicular traffic.

(a) Horsepasture Road is open year-round from Highway 178 to Laurel Fork Gap.

(b) Green gated roads, with the exception of Musterground, will be open seasonally beginning September 15 through January 2 of the next year and March 20 through May 10.

(c) Access to the Musterground property will continue to be available through the Bad Creek Facility. This gate will be open September 15 through January 2 of the next year and during the month of April.

(d) Motorized vehicular travel beyond any closed gate is prohibited.

(3) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed posted speed limits.

(4) No person may operate any motorized, all terrain vehicle, off road vehicle or non-motorized vehicle in a negligent or reckless manner. The operation of any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property shall be deemed to be operating in a reckless manner.

(5) Operation of all terrain vehicles is allowed one hour before official sunrise to one hour after official sunset; nighttime use is prohibited.

E. Camping

Camping is allowed only within areas designated as campsites by the Department. The Department will designate campsites with signs or maps.

F. Horse riding.

The riding of horses is allowed on all roads unless posted otherwise.

G. Alcoholic Beverages.

Public drunkenness is prohibited. Alcoholic beverages may be consumed only by a person of lawful age while camping only at a designated campsite.

H. Use of fire, fireworks, or explosives.

(1) No open fires may be started except at campsites designated by the Department. Gas grills, gas lanterns, and portable charcoal grills may be operated at designated campsites.

(2) No wood, except from dead and down trees or from supplies as may be furnished by the Department shall be used for fuel. Live trees, standing dead trees, or dying trees shall not be cut, injured, or used. A camper may transport and use wood from a supply not originating on Department land.

(3) On any land where camp fires are permitted, the Department may prohibit the use of fires for any purpose by posting a notice at entrances to individual parcels of land. The Department may prohibit fires to protect life and property for reasons including but not limited to drought or high winds.

(4) The possession of fireworks is prohibited.

I. Disorderly Conduct.

Acting in a disorderly manner or creating any noise which would result in annoyance to others is prohibited.

J. Abuse of Department land.

Abusing, damaging, defacing, or destroying land or any improvements is unlawful.

123-203. Regulation for Capers Island

A. Overnight Camping on Capers Island is by permit only. Permit may be obtained from the DNR Charleston office. No more than 80 people will be allowed to camp per night. These 80 people may be divided into no more than 20 different groups.

B. No fishing is permitted from the impoundment tide gate.

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C. Gas grills may be used. No fires are allowed on Capers Island, except as allowed by permit.

123-204. Regulation for Dungannon Heritage Preserve

All visitors must sign in and out at parking area on Highway 162. All visitors must enter through parking area on Highway 162

123-205. Regulation for Great Pee Dee River Heritage Preserve

All visitors entering the preserve from main entrance must sign in and out (this does not apply to visitors entering from river).

123-206. Regulation for Victoria Bluff Heritage Preserve

No camp fires and no cooking fires, including no charcoal fires of any kind. Gas grills and lanterns are permissible in designated campsites.

123-207. Regulation for Waddell Mariculture Center

Fishing is prohibited from the dock.

123-208. Regulation for South Carolina Marine Resources Center at Fort Johnson.

Fishing is prohibited from the sea wall or boat slips.

123-209. Prohibition of Digging on Real Property Owned by the Department of Natural Resources.

Digging archeological artifacts is not allowed on any Department land except by permit.

123-210. South Carolina Heritage Preserves - Restriction on All Terrain Vehicles

Except as authorized in 123-202, the use of all terrain vehicles is prohibited on all South Carolina Heritage Preserves dedicated under Section 51-17-10, *et seq.*, Code of Laws of South Carolina, 1976, as amended.

123-211. Exception for Non-Public Use Properties.

This regulation shall not be applicable to Department owned land used for such purposes as fish hatcheries, maintenance facilities, storage facilities, offices, residences, or similar facilities which are not open generally for public use or recreational purposes.

123-212. Management Activities of Department Personnel.

All Department employees, agents, and contractors may carry out any authorized activities on any Department land or wildlife management area land for purposes of maintenance, repair, construction, surveillance, law enforcement, or similar activities and may use any boats, vehicles, aircraft, equipment, and management techniques deemed necessary by the Department.

123-213. Law Enforcement, Fire Fighting, and Emergency Activities.

This regulation shall not be construed or applied to prevent any authorized law enforcement, fire fighting, emergency, or rescue personnel from carrying out their official responsibilities.

Filed: December 14, 4:30 pm

Document No. 2716
DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR
 CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220

Regulation 71, Article I, Subarticle 3 – Recording and Reporting Occupational Injuries and Illnesses.

Emergency Situation: The South Carolina Department of Labor, Licensing and Regulation, Office of Occupational Safety and Health found that an emergency exists requiring promulgation of a regulation pursuant to 41-15-220 to require employers to begin keeping records of injuries and illnesses on January 1, 2002, following the same guidelines for statistical purposes as the rest of the United States.

Text:

Recording and Reporting
 Occupational Injuries and Illnesses

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- 71-346 Definitions.

Subpart A—Purpose

71-300 Purpose.

The purpose of this rule (Subarticle 3) is to require employers to record and report work-related fatalities, injuries and illnesses.

Note to 71-300: Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers compensation or other benefits.

(Cross Reference: 1904.0)

Subpart B—Scope

Note to Subpart B: All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these Subarticle 3 regulations. However, most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records.

71-301 Partial exemption for employers with 10 or fewer employees.

(a) Basic requirement.

(1) If your company had ten (10) or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing that you must keep records under 71-342. However, as required by 71-339, all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees. (2) If your company had more than ten (10) employees at any time during the last calendar year, you must keep OSHA injury and illness records unless your establishment is classified as a partially exempt industry under 71-302. (b) Implementation. (1) Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment? The partial exemption for size is based on the number of employees in the entire company.

(2) How do I determine the size of my company to find out if I qualify for the partial exemption for size? To determine if you are exempt because of size, you need to determine your company's peak employment during

the last calendar year. If you had no more than 10 employees at any time in the last calendar year, your company qualifies for the partial exemption for size.

(3) Does the partial exemption for size apply to public sector [State of South Carolina and any political subdivision thereof]? No, the above exemption of not more than 10 employees does not apply to employers in the public sector.

(Cross Reference: 1904.1)

71-302 Partial exemptions for establishments in certain industries.

(a) Basic requirement.

(1) If your business establishment is classified in a specific low hazard retail, service, finance, insurance, or real estate industry listed in Appendix A to this Subpart B, you do not need to keep OSHA injury and illness records unless the government asks you to keep the records under 71-342. However, all employers must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see 71-339).

(2) If one or more of your company's establishments are classified in a non-exempt industry, you must keep OSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under 71-301.

(b) Implementation.

(1) Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance, or real estate industries (SICs 52-89)? Yes, business establishments classified in agriculture; mining; construction; manufacturing; transportation; communication, electric, gas and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.

(2) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.

(3) How do I determine the Standard Industrial Classification code for my company or for individual establishments? You determine your Standard Industrial Classification (SIC) code by using the Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget. You may contact your nearest OSHA office or State agency for help in determining your SIC.

(4) Does the partial industry classification exemption apply to public sector [State of South Carolina and any political subdivision thereof]? No, the above exemption applies only to establishments in the private sector. The exemption does not apply to the State of South Carolina or any political subdivisions thereof.

(Cross Reference: 1904.2)

71-303 Keeping records for more than one agency.

If you create records to comply with another government agency's injury and illness recordkeeping requirements, OSHA will consider those records as meeting OSHA's Subarticle 3 recordkeeping requirements if OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this Subarticle 3 requires you to record. You may contact your nearest OSHA office or State agency for help in determining whether your records meet OSHA's requirements.

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Non-Mandatory Appendix A to Subpart B—Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following Standard Industrial Classification (SIC) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see 71-339).

(Cross Reference: 1904.3)

SIC Code	Industry Description	SIC Code	Industry description
525...	Hardware Stores	725...	Shoe Repair and Shoeshine Parlors
542...	Meat and Fish Markets	726...	Funeral Service and Crematories
544...	Candy, Nut, and Confectionery Stores	729...	Miscellaneous Personal Services
545...	Dairy Products Stores	731...	Advertising Services
546...	Retail Bakeries	732...	Credit Reporting and Collection Services
549...	Miscellaneous Food Stores	733...	Mailing, Reproduction, & Stenographic Services
551...	New and Used Car Dealers	737...	Computer and Data Processing Services
552...	Used Car Dealers	738...	Miscellaneous Business Service
554...	Gasoline Service Stations	764...	Reupholstery and Furniture Repair
557...	Motorcycle Dealers	78....	Motion Picture
56....	Apparel and Accessory Stores	791...	Dance Studios, Schools, and Halls
573...	Radio, Television, & Computer Stores	792...	Producers, Orchestras, Entertainers
58...	Eating and Drinking Places	793...	Bowling Centers
591...	Drug Stores and Proprietary Stores	801...	Offices & Clinics of Medical Doctors
592...	Liquor Stores	802...	Offices & Clinics of Dentists
594...	Miscellaneous Shopping Goods Stores	803...	Offices of Osteopathic
599...	Retail Stores, Not Elsewhere Classified	804...	Offices of Other Health Practitioners
60...	Depository Institutions (banks and savings institutions)	807...	Medical and Dental Laboratories
61...	Nondepository	809...	Health and Allied Services, Not Elsewhere Classified
62...	Security and Commodity	81...	Legal Services
63...	Insurance Carriers	82 ...	Educational Services (schools, colleges, universities and libraries)
64...	Insurance Agents, Brokers & Services	832...	Individual and Family Services
653...	Real Estate Agents and Managers	835...	Child Day Care Services
654...	Title Abstract Offices	839...	Social Services, Not Elsewhere Classified
67...	Holding and Other Investments Offices	841...	Museums and Art Galleries
722...	Photographic Studios, Portrait	86....	Membership Organizations
723...	Beauty Shops	87...	Engineering, Accounting, Research Management, and Related Services
724...	Barber Shops	899...	Services, Not Elsewhere Classified

C—Recordkeeping Forms and Recording criteria

Note to Subpart C: This Subpart describes the work-related injuries and illnesses that an employer must enter into the OSHA records and explains the OSHA forms that employers must use to record work-related fatalities, injuries, and illnesses.

71-304 Recording criteria.

(a) Basic requirement.

Each employer required by this Subarticle to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

- (1) Is work-related; and
- (2) Is a new case; and
- (3) Meets one or more of the general recording criteria of 71-307 or the application to specific cases of 71-308 through 71-312.

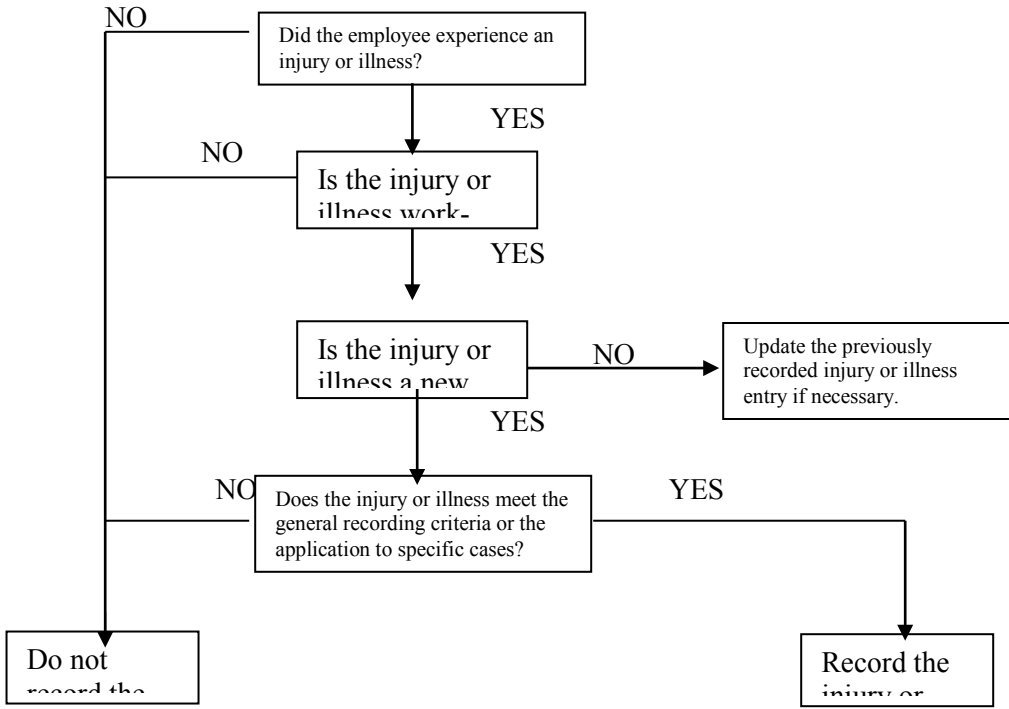
(b) Implementation.

(1) What sections of this rule describe recording criteria for recording work related injuries and illnesses? The table below indicates which sections of the rule address each topic.

- (i) Determination of work-relatedness. See 71-305.
- (ii) Determination of a new case. See 71-306.
- (iii) General recording criteria. See 71-307.
- (iv) Additional criteria. (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases). See 71-308 through 71-312.

(2) How do I decide whether a particular injury or illness is recordable? The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination.

(Cross Reference: 1904.4)



71-305 Determination of work-relatedness.

(a) Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in 71-305(b)(2) specifically applies.

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(b) Implementation. (1) What is the “work environment”? OSHA defines the work environment as “the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical location, but also the equipment or materials used by the employee during the course of his or her work.”

(2) Are there situations where an injury or illness occurs in the work environment and is not considered work-related? Yes, an injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable.

71-305(b)(2) You are not required to record injuries and illnesses if . . .

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- (i)... At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
 - (ii)... The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.
 - (iii)... The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
 - (iv)... The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer’s premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer’s establishment, the case would not be considered work-related.
NOTE: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.
 - (v)... The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee’s assigned working hours.
 - (vi)... The injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or is intentionally self-inflicted.
 - (vii)... The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
 - (viii)... The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).
 - (ix)... The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

(3) How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work? In these situations, you must evaluate the employee’s work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

(4) How do I know if an event or exposure in the work environment “significantly aggravated” a preexisting injury or illness? A preexisting injury or illness has been significantly aggravated, for purposes of OSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:

- (i) Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.
- (ii) Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.
- (iii) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(iv) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(5) Which injuries and illnesses are considered pre-existing conditions? An injury or illness is a preexisting condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

(6) How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs? Injuries or illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities “in the interest of the employer.” Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed below.

71-305(b)(6)	If the employee has . . .	You may use the following to determine if an injury or illness is work-related
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(i) . . . Checked into a hotel or motel for one or more days.	When a traveling employee checks into a hotel, motel, or other temporary residence, he or she establishes a “home away from home.” You must evaluate the employee’s activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a non-traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a “home away from home” and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
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(ii) . . . Taken a detour for personal reasons. occur	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).
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(7) How do I decide if a case is work-related when the employee is working at home? Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee’s fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

(Cross Reference: 1904.5)

71-306 Determination of new cases.

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(a) Basic requirement. You must consider an injury or illness to be a “new case” if:

(1) The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body, or

(2) The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.

(b) Implementation. (1) When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case? No, for occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

(2) When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, must I treat the episode as a new case? Yes, because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.

(3) May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case? You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the physician or other licensed health care professional’s recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

(Cross Reference: 1904.6)

71-307 General recording criteria.

(a) Basic requirement. You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

(b) Implementation. (1) How do I decide if a case meets one or more of the general recording criteria? A work-related injury or illness must be recorded if it results in one or more of the following:

(i) Death. See 71-307(b)(2).

(ii) Days away from work. See 71-307(b)(3).

(iii) Restricted work or transfer to another job. See 71-307(b)(4).

(iv) Medical treatment beyond first aid. See 71-307(b)(5).

(v) Loss of consciousness. See 71-307(b)(6).

(vi) A significant injury or illness diagnosed by a physician or other licensed health care professional. See 71-307(b)(7).

(2) How do I record a work-related injury or illness that results in the employee’s death? You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death. You must also report any work-related fatality to OSHA within eight (8) hours, as required by 71-339.

(3) How do I record a work-related injury or illness that results in days away from work? When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

- (i) Do I count the day on which the injury occurred or the illness began? No, you begin counting days away on the day after the injury occurred or the illness began.
- (ii) How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.
- (iii) How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway? In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.
- (iv) How do I count weekends, holidays, or other days the employee would not have worked anyway? You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of work-related injury or illness.
- (v) How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend? You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.
- (vi) How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation or a temporary plant closing? You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.
- (vii) Is there a limit to the number of days away from work I must count? Yes, you may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work and/or days of job transfer or restriction. In such a case, entering 180 in the total days away column will be considered adequate.
- (viii) May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company? Yes, if the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.
- (ix) If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years? No, you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.
- (4) How do I record a work-related injury or illness that results in restricted work or job transfer? When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job

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transfer or restriction and an entry of the number of restricted or transferred days in the restricted work days column.

(i) How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness:

(A) You keep the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or

(B) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

(ii) What is meant by “routine functions”? For recordkeeping purposes, an employee’s routine functions are those work activities the employee regularly performs at least once per week.

(iii) Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began? No, you do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.

(iv) If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a “restricted work” case? No, a recommended work restriction is recordable only if it affects one or more of the employee’s routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee’s job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing one or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee’s work has been restricted and you must record the case.

(v) How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness? A partial day of work is recorded as a day of job transfer, or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

(vi) If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

(vii) How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in “light duty” or “take it easy for a week”? If you are not clear about the physician or other licensed health care professional’s recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is “Yes,” then the case does not involve a work restriction and does not have to be recorded as such. If the answer to one or both of these questions is “No,” the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional that recommended the restriction, record the injury or illness as a case involving restricted work.

(viii) What do I do if a physician or other licensed health care professional recommends a job restriction meeting OSHA’s definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the OSHA 300 Log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

(ix) How do I decide if an injury or illness involved a transfer to another job? If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: This does not include the day on which the injury or illness occurred.

(x) Are transfers to another job recorded in the same way as restricted work cases? Yes, both job transfer and restricted work cases are recorded in the same box on the OSHA 300 Log. For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his

or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

(xi) How do I count days of job transfer or restriction? You count days of job transfer or restriction in the same way you count days away from work, using 71-307(b)(3)(i) to (viii), above. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.

(5) How do I record an injury or illness that involves medical treatment beyond first aid? If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

(i) What is the definition of medical treatment? "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of Subarticle 3, medical treatment does not include:

(A) Visits to a physician or other licensed health care professional solely for observation or counseling;

(B) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or

(C) "First aid" as defined in paragraph (b)(5)(ii) of this section.

(ii) What is "first aid"? For the purposes of Subarticle 3, "first aid" means the following:

(A) Using a non-prescription medication at nonprescription strength (for medications available in prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);

(B) Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);

(C) Cleaning, flushing or soaking wounds on the surface of the skin;

(D) Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);

(E) Using hot or cold therapy;

(F) Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);

(G) Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);

(H) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;

(I) Using eye patches;

(J) Removing foreign bodies from the eye using only irrigation or a cotton swab;

(K) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;

(L) Using finger guards;

(M) Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or

(N) Drinking fluids for relief of heat stress.

(iii) Are any other procedures included in first aid? No, this is a complete list of all treatments considered first aid for Subarticle 3 purposes.

(iv) Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment? No, OSHA considers the treatment listed in 71-307(b)(5)(ii) of this Subarticle to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of Subarticle 3. Similarly, OSHA considers treatment beyond first aid to be medical

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treatment even when it is provided by someone other than a physician or other licensed health care professional.

(v) What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation? If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

(6) Is every work-related injury or illness case involving a loss of consciousness recordable?

Yes, you must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.

(7) What is a "significant" diagnosed injury or illness that is recordable under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness? Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional. Note to 71-307: OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in 71-307(a): death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. OSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

(Cross Reference: 1904.7)

71-308 Recording criteria for needlestick and sharps injuries.

(a) Basic requirement. You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by 29 CFR 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in paragraphs, 71-329(b)(6) through 71-329(b)(9)).

(b) Implementation. (1) What does "other potentially infectious material" mean? The term "other potentially infectious materials" is defined in the OSHA Bloodborne Pathogens standard at 1910.1030(b). These materials include:

(i) Human bodily fluids, tissues and organs, and

(ii) Other materials infected with the HIV or hepatitis B (HBV) virus such as laboratory cultures or tissues from experimental animals.

(2) Does this mean that I must record all cuts, lacerations, punctures, and scratches? No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the recording criteria in 71-307.

(3) If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the OSHA 300 Log? Yes, you must update the classification of the case on the OSHA 300 Log if the case results in death, days away from work, restricted work, or job transfer. You must also update the description to identify the infectious disease and change the classification of the case from an injury to an illness.

(4) What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to record this incident? You need to record such an incident on the OSHA 300 Log as an illness if:

- (i) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or
 - (ii) It meets one or more of the recording criteria in 71-307.
- (Cross Reference: 1904.8)

71-309 Recording criteria for cases involving medical removal under OSHA standards.

- (a) Basic requirement. If an employee is medically removed under the medical surveillance requirements of an OSHA standard, you must record the case on the OSHA 300 Log.
 - (b) Implementation. (1) How do I classify medical removal cases on the OSHA 300 Log? You must enter each medical removal case on the OSHA 300 Log as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the OSHA 300 Log by checking the “poisoning” column.
 - (2) Do all of OSHA’s standards have medical removal provisions? No, some OSHA standards, such as the standards covering bloodborne pathogens and noise, do not have medical removal provisions. Many OSHA standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to lead, cadmium, methylene chloride, formaldehyde, and benzene.
 - (3) Do I have to record a case where I voluntarily removed the employee from exposure before the medical removal criteria in an OSHA standard is met? No, if the case involves voluntary medical removal before the medical removal levels required by an OSHA standard, you do not need to record the case on the OSHA 300 Log.
- (Cross Reference: 1904.9)

71-310 Recording criteria for cases involving occupational hearing loss.

- (a) Basic requirement. If an employee’s hearing test (audiogram) reveals that a Standard Threshold Shift (STS) has occurred, you must record the case on the OSHA 300 Log by checking the “hearing loss” column.
 - (b) Implementation. (1) What is a Standard Threshold Shift? A Standard Threshold Shift, or STS is defined in the occupational noise exposure standard at 29 CFR 1910.95(g)(10)(i) as a change in hearing threshold, relative to the most recent audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz in one or both ears.
 - (2) How do I determine whether an STS has occurred? If the employee has never previously experienced a recordable hearing loss, you must compare the employee’s current audiogram with that employee’s baseline audiogram. If the employee has previously experienced a recordable hearing loss, you must compare the employee’s current audiogram with the employee’s revised baseline audiogram (the audiogram reflecting the employee’s previous recordable hearing loss case).
 - (3) May I adjust the audiogram results to reflect the effects of aging on hearing? Yes, when comparing audiogram results, you may adjust the results for the employee’s age when the audiogram was taken using Tables F-1 or F-2, as appropriate, in Appendix F of 29 CFR 1910.95.
 - (4) Do I have to record the hearing loss if I am going to retest the employee’s hearing? No, if you retest the employee’s hearing within 30 days of the first test, and the retest does not confirm the STS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the STS, you must record the hearing loss illness within seven (7) calendar days of the retest.
 - (5) Are there any special rules for determining whether a hearing loss case is work-related? Yes, hearing loss is presumed to be work-related if the employee is exposed to noise in the workplace at an 8-hour time-weighted average of 85 dBA or greater, or to a total noise dose of 50 percent, as defined in 29 CFR 1910.95. For hearing loss cases where the employee is not exposed to this level of noise, you must use the rules in 71-305 to determine if the hearing loss is work-related.
 - (6) If a physician or other licensed health care professional determines the hearing loss is not work-related, do I still need to record the case? If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.
- (Cross Reference: 1904.10)

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71-311 Recording criteria for work-related tuberculosis cases.

(a) Basic requirement. If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the OSHA 300 Log by checking the “respiratory condition” column.

(b) Implementation. (1) Do I have to record, on the Log, a positive TB skin test result obtained at a pre-employment physical? No, you do not have to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.

(2) May I line-out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure? Yes, you may line-out or erase the case from the Log under the following circumstances:

(i) The worker is living in a household with a person who has been diagnosed with active TB;

(ii) The Public Health Department has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace; or

(iii) A medical investigation shows that the employee’s infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

(Cross Reference: 1904.11)

71-312 Recording criteria for cases involving work-related musculoskeletal disorders.

(a) Basic requirement. If any of your employees experiences a recordable work-related musculoskeletal disorder (MSD), you must record it on the OSHA 300 Log by checking the “musculoskeletal disorder” column.

(b) Implementation.

(1) What is a “musculoskeletal disorder” or MSD? Musculoskeletal disorders (MSDs) are disorders of the muscles, nerves, tendons, ligaments, joints, cartilage, and spinal discs. MSDs do not include disorders caused by slips, trips, falls, motor vehicle accidents, or other similar accidents. Examples of MSDs include: Carpal tunnel syndrome, Rotator cuff syndrome, DeQuervain’s disease, Trigger finger, Tarsal tunnel syndrome, Sciatica, Epicondylitis, Tendonitis, Raynaud’s phenomenon, Carpet layers knee, Herniated Spinal disc, and Low back pain.

(2) How do I decide which musculoskeletal disorders to record? There are no special criteria for determining which musculoskeletal disorders to record. An MSD case is recorded using the same process you would use for any other injury or illness. If a musculoskeletal disorder is work-related, and is a new case, and meets one or more of the general recording criteria, you must record the musculoskeletal disorder. The following table will guide you to the appropriate section of the rule for guidance on recording MSD cases.

(i) Determining if the MSD is work-related. See 71-305.

(ii) Determining if the MSD is a new case. See 71-306.

(iii) Determining if the MSD meets one or more of the general recording criteria.

(A) Days away from work, see 71-307(b)(3).

(B) Restricted work or transfer to another job, see 71-307(b)(4).

(C) Medical treatment beyond first aid, see 71-307(b)(5).

(3) If a work-related MSD case involves only subjective symptoms like pain or tingling, do I have to record it as a musculoskeletal disorder? The symptoms of an MSD are treated the same as symptoms for any other injury or illness. If an employee has pain, tingling, burning, numbness or any other subjective symptom of an MSD, and the symptoms are work-related, and the case is a new case that meets the recording criteria, you must record the case on the OSHA 300 Log as a musculoskeletal disorder.

(Cross Reference: 1904.12)

71-313—71-328 [Reserved]

71-329 Forms.

- (a) Basic requirement. You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.
- (b) Implementation. (1) What do I need to do to complete the OSHA 300 Log? You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness and summarize this information on the OSHA 300-A at the end of the year.
- (2) What do I need to do to complete the OSHA 301 Incident Report? You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.
- (3) How quickly must each injury or illness be recorded? You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.
- (4) What is an equivalent form? An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information required by OSHA.
- (5) May I keep my records on a computer? Yes, if the computer can produce equivalent forms when they are needed, as described under 71-335 and 71-340; you may keep your records using the computer system.
- (6) Are there situations where I do not put the employee's name on the forms for privacy reasons? Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under 71-335(b)(2). You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.
- (7) How do I determine if an injury or illness is a privacy concern case? You must consider the following injuries or illnesses to be privacy concern cases:
- (i) An injury or illness to an intimate body part or the reproductive system;
 - (ii) An injury or illness resulting from a sexual assault;
 - (iii) Mental illness;
 - (iv) HIV infection, hepatitis, or tuberculosis;
 - (v) Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (see 71-308 for definitions); and
 - (vi) Other illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the log. Musculoskeletal disorders (MSDs) are not considered privacy concern cases.
- (8) May I classify any other types of injuries and illnesses as privacy concern cases? No, this is a complete list of all injuries and illnesses considered privacy concern cases for Subarticle 3 purposes.
- (9) If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do further protect the employee's privacy? Yes, if you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."
- (10) What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives? If you decide to voluntarily disclose the Forms to persons other than government representatives, employees, former employees or authorized representatives (as required by 71-335 and 71-340), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the Forms with personally identifying information only:

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- (i) to an auditor or consultant hired by the employer to evaluate the safety and health program;
 - (ii) to the extent necessary for processing a claim for workers' compensation or other insurance benefits;
- or
- (iii) to a public health authority or law enforcement agency for uses and disclosures for which consent, and authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR 164.512.
- (Cross Reference: 1904.29)

Subpart D—Other OSHA Injury and Illness Recordkeeping Requirements

71-330 Multiple business establishments.

(a) Basic requirement. You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

(b) Implementation. (1) Do I need to keep OSHA injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year)? Yes, however, you do not have to keep a separate OSHA 300 Log for each such establishment. You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.

(2) May I keep the records for all of my establishments at my headquarters location or at some other central location? Yes, you may keep the records for an establishment at your headquarters or other central location if you can:

(i) Transmit information about the injuries and illnesses from the establishment to the central location within seven (7) calendar days of receiving information that a recordable injury or illness has occurred; and

(ii) Produce and send the records from the central location to the establishment within the time frames required by 71-335 and 71-340 when you are required to provide records to a government representative, employees, former employees or employee representatives.

(3) Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees? You must link each of your employees with one of your establishments, for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment or on an OSHA 300 Log that covers that employee's short-term establishment.

(4) How do I record an injury or illness when an employee of one of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments? If the injury or illness occurs at one of your establishments, you must record the injury or illness on the OSHA 300 Log of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment at which the employee normally works.

(Cross Reference: 1904.30)

71-331 Covered employees.

(a) Basic requirement. You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

(b) Implementation. (1) If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness? No, self-employed individuals are not covered by the OSHA Act or this regulation.

(2) If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees? You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.

(3) If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee? If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

(4) Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I supervise on a day-to-day basis? No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once; either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

(Cross Reference: 1904.31)

71-332 Annual summary.

(a) Basic requirement. At the end of each calendar year, you must: (1) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

(2) Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;

(3) Certify the summary; and

(4) Post the annual summary.

(b) Implementation. (1) How extensively do I have to review the OSHA 300 Log entries at the end of the year? You must review the entries as extensively as necessary to make sure that they are complete and correct.

(2) How do I complete the annual summary? You must:

(i) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

(ii) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

(iii) If you are using an equivalent form other than the OSHA 300-A summary form, as permitted under 71-306(b)(4), the summary you use must also include the employee access and employer penalty statements found on the OSHA 300-A Summary form.

(3) How do I certify the annual summary? A company executive must certify that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded that the annual summary is correct and complete.

(4) Who is considered a company executive? The company executive who certifies the log must be one of the following persons:

(i) An owner of the company (only if the company is a sole proprietorship or partnership);

(ii) An officer of the corporation;

(iii) The highest ranking company official working at the establishment; or

(iv) The immediate supervisor of the highest ranking company official working at the establishment.

(5) How do I post the annual summary? You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material.

(6) When do I have to post the annual summary? You must post the summary no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30.

(Cross Reference: 1904.32)

71-333 Retention and updating.

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(a) Basic requirement. You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover.

(b) Implementation. (1) Do I have to update the OSHA 300 Log during the five-year storage period? Yes, during the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

(2) Do I have to update the annual summary? No, you are not required to update the annual summary, but you may do so if you wish.

(3) Do I have to update the OSHA 301 Incident Reports? No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.

(Cross Reference: 1904.33)

71-334 Change in business ownership.

If your business changes ownership, you are responsible for recording and reporting work-related injuries and illnesses only for that period of the year during which you owned the establishment. You must transfer the Subarticle 3 records to the new owner. The new owner must save all records of the establishment kept by the prior owner, as required by 71-333 of this Subarticle, but need not update or correct the records of the prior owner.

(Cross Reference: 1904.34).

71-335 Employee involvement.

(a) Basic requirement. Your employees and their representatives must be involved in the recordkeeping system in several ways.

(1) You must inform each employee of how he or she is to report an injury or illness to you.

(2) You must provide limited access to your injury and illness records for your employees and their representatives.

(b) Implementation. (1) What must I do to make sure that employees report work-related injuries and illnesses to me?

(i) You must set up a way for employees to report work-related injuries and illnesses promptly; and

(ii) You must tell each employee how to report work-related injuries and illnesses to you.

(2) Do I have to give my employees and their representatives access to the OSHA injury and illness records? Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed below.

(i) Who is an authorized employee representative? An authorized employee representative is an authorized collective bargaining agent of employees.

(ii) Who is a "personal representative" of an employee or former employee? A personal representative is:

(A) Any person that the employee or former employee designates as such, in writing; or

(B) The legal representative of a deceased or legally incapacitated employee or former employee.

(iii) If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it? When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

(iv) May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative? No, you must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in paragraphs 71-329(b)(6) through 71-329(b)(9).

(v) If an employee or representative asks for access to the OSHA 301 Incident Report, when do I have to provide it?

(A) When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

(B) When an authorized employee representative asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Information about the case." You must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that you give to the authorized employee representative.

(vi) May I charge for the copies? No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

(Cross Reference: 1904.35)

71-336 Prohibition against discrimination.

Section 11(c) of the Act prohibits you from discriminating against an employee for reporting a work-related fatality, injury, or illness. That provision of the Act also protects the employee who files a safety and health complaint, asks for access to the Subarticle 3 records, or otherwise exercises any rights afforded by the OSH Act.

(Cross Reference: 1904.36)

71-337 Deviations from recordkeeping requirements.

(a) Any private sector employer who wishes to maintain records in a manner different from that required by this Subarticle, may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210, in accordance with the instructions set forth under 29 CFR (Code of Federal Regulations) Part 1904.38. Any private sector employer granted a petition by the Assistant Secretary of Labor for Occupational Safety and Health must transmit a copy of the petition along with a copy of the final order to the OSHA Compliance Office of the South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina, 29211, within ten (10) days after receipt thereof. After such transmittal, compliance with the order shall constitute compliance with the requirements of this Subarticle.(b) Any public sector employer who wishes to maintain records in a manner different from that required by this Subarticle, may submit a petition to the Director of the South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina in accordance with the instructions set forth under 29 CFR Part 1904.38.

71-338 [Reserved]

71-339 Reporting fatalities and multiple hospitalization incidents to OSHA.

(a) Basic requirement. Within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the OSHA Compliance Office of the South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina, 29211. You may also call 1-803-734-9607 or use the OSHA central telephone number, 1-800-321-OSHA.

(b) Implementation. (1) If the Office is closed, may I report the incident by leaving a message on OSHA's answering machine, faxing the office, or sending an e-mail? No, if you can't talk to a person at the Office, you must report the fatality or multiple hospitalization incident using 1-803-734-9607 or 1-800-321-OSHA.

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(2) What information do I need to give to OSHA about the incident? You must give OSHA the following information for each fatality or multiple hospitalization incident:

- (i) The establishment name;
- (ii) The location of the incident;
- (iii) The time of the incident;
- (iv) The number of fatalities or hospitalized employees;
- (v) The names of any injured employees;
- (vi) Your contact person and his or her phone number; and
- (vii) A brief description of the incident.

(3) Do I have to report every fatality or multiple hospitalization incident resulting from a motor vehicle accident? No, you do not have to report all of these incidents. If the motor vehicle accident occurs on a public street or highway, and does not occur in a construction work zone, you do not have to report the incident to OSHA. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(4) Do I have to report a fatality or multiple hospitalization incident that occurs on a commercial or public transportation system? No, you do not have to call OSHA to report a fatality or multiple hospitalization incident if it involves a commercial airplane, train, subway or bus accident. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(5) Do I have to report a fatality caused by a heart attack at work? Yes, your local OSHA Compliance Office will decide whether to investigate the incident, depending on the circumstances of the heart attack.

(6) Do I have to report a fatality or hospitalization that occurs long after the incident? No, you must only report each fatality or multiple hospitalization incident that occurs within thirty (30) days of an incident.

(7) What if I don't learn about an incident right away? If you do not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under paragraphs (a) and (b) of this section, you must make the report within eight (8) hours of the time the incident is reported to you or to any of your agent(s) or employee(s).

(Cross Reference: 1904.39)

71-340 Providing records to government representatives.

(a) Basic requirement. When an authorized government representative asks for the records you keep under Subarticle 3, you must provide copies of the records within four (4) business hours.

(b) Implementation. (1) What government representatives have the right to get copies of my Subarticle 3 records? The government representatives authorized to receive the records are:

- (i) A representative of the Secretary of Labor conducting an inspection or investigation under the Act;
- (ii) A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health-NIOSH) conducting an investigation under section 20(b) of the Act; or
- (iii) A representative of a State agency responsible for administering a State plan approved under section 18 of the Act.

(2) Do I have to produce the records within four (4) hours if my records are kept at a location in a different time zone? OSHA will consider your response to be timely if you give the records to the government representative within four (4) business hours of the request. If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

(Cross Reference: 1904.40)

71-341 [Reserved]

71-342 Requests from the Bureau of Labor Statistics for data.

(a) Basic requirement. If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS); or a BLS designee, you must promptly complete the form and return it following the instructions contained on the survey form.

(b) Implementation. (1) Does every employer have to send data to the BLS? No, each year the BLS sends injury and illness survey forms to randomly selected employers and uses the information to create the Nation's occupational injury and illness statistics. In any year, some employers will receive a BLS survey form and others will not. You do not have to send injury and illness data to the BLS unless you receive a survey form.

(2) If I get a survey form from the BLS, what do I have to do? If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, you must promptly complete the form and return it, following the instructions contained on the survey form.

(3) Do I have to respond to a BLS survey form if I am normally exempt from keeping OSHA injury and illness records? Yes, even if you are exempt from keeping injury and illness records under 71-301 to 71-303, the BLS may inform you in writing that it will be collecting injury and illness information from you in the coming year. If you receive such a letter, you must keep the injury and illness records required by 71-305 to 71-315 and make a survey report for the year covered by the survey.

(4) Do I have to answer the BLS survey form if I am located in a State-Plan State? Yes, all employers who receive a survey form must respond to the survey, even those in State-Plan States.

(Cross Reference: 1904.42).

Subpart F-Transition From the Former Rule

71-343 Summary and posting of the 2001 data.

(a) Basic requirement. If you were required to keep OSHA 200 Logs in 2001, you must post a 2001 annual summary from the OSHA 200 Log of occupational injuries and illnesses for each establishment.

(b) Implementation. (1) What do I have to include in the summary?

(i) You must include a copy of the totals from the 2001 OSHA 200 Log and the following information from that form:

(A) The calendar year covered;

(B) Your company name;

(C) The name and address of the establishment; and

(D) The certification signature, title and date.

(ii) If no injuries or illnesses occurred at your establishment in 2001, you must enter zeros on the total line and post the 2001 summary.

(2) When am I required to summarize and post the 2001 information?

(i) You must complete the summary by February 1, 2002; and

(ii) You must post a copy of the summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the summary is not altered, defaced or covered by other material.

(3) You must post the 2001 summary from February 1, 2002 to March 1, 2002.

(Cross Reference: 1904.43)

71-344 Retention and updating of old forms.

You must save your copies of the OSHA 200 and 101 forms for five years following the year to which they relate and continue to provide access to the data as though these forms were the OSHA 300 and 301 forms. You are not required to update your old 200 and 101 forms.

(Cross Reference: 1904.44).

71-345 [Reserved]

Subpart G—Definitions

71-346 Definitions.

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The Act. The Act means the Occupational Safety and Health Act of Section 41-15-210 et. seq., Code of Laws of South Carolina, 1976. The definitions contained in Regulations Chapter 71, Article 1, Code of Laws of South Carolina and related interpretations apply to such terms when used in this Subarticle 3.

Establishment. An establishment is a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

(1) Can one business location include two or more establishments? Normally, one business location has only one establishment. Under limited conditions, the employer may consider two or more separate businesses that share a single location to be separate establishments. An employer may divide one location into two or more establishments only when:

- (i) Each of the establishments represents a distinctly separate business;
- (ii) Each business is engaged in a different economic activity;
- (iii) No one industry description in the Standard Industrial Classification Manual (1987) applies to the joint activities of the establishments; and
- (iv) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumberyard, the employer may consider each business to be a separate establishment.

(2) Can an establishment include more than one physical location? Yes, but only under certain conditions. An employer may combine two or more physical locations into a single establishment only when:

- (i) The employer operates the locations as a single business operation under common management;
- (ii) The locations are all located in close proximity to each other; and
- (iii) The employer keeps one set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(3) If an employee telecommutes from home, is his or her home considered a separate establishment? No, for employees who telecommute from home, the employee's home is not a business establishment and a separate 300 Log is not required. Employees who telecommute must be linked to one of your establishments under 71-330(b)(3).

(4) Is the definition of establishment any different for the State of South Carolina and any political subdivision thereof [public sector]? Yes, for public sector only, an establishment is either (a) a single location where a specific governmental function is performed; or (b) that location which is the lowest level where attendance or payroll records are kept for a group of employees who perform the same governmental functions or who are in the same specific organizational unit, even though the activities are carried on at more than a single physical location.

Injury or illness. An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation.

Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. (Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the Subarticle 3 recording criteria.)

Physician or Other Licensed Health Care Professional. A physician or other licensed health care professional is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

You. "You" means an employer as defined in Regulations Chapter 71, Article 1, Code of Laws of South Carolina, 1976.

The following are related revisions to Chapter 71, Article I, Subarticles 1, 2, and 5 as a result of the revision to Subarticle 3 above:

Replace the definition of “Establishment” in 71-102 O., 71-201 O., and 71-501 O. with the following:

O. “Establishment” means a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary service; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

Remove and Reserve:

71-102 K., (the definition of “Recordable Occupational Injuries or Illnesses”)
71-102 L., (the definition of “Medical Treatment”)
71-102 M., (the definition of “First Aid.”)

Remove and Reserve:

71-201 K., (the definition of “Recordable Occupational Injuries and Illnesses”),
71-201 L., (the definition of “Medical Treatment”),
71-201 M., (the definition of “First Aid.”)

Remove and Reserve:

71-501 K., (the definition of “Recordable Occupational Injuries or Illnesses”)
71-502 L., (the definition of “Medical Treatment”),
71-502 M., (the definition of “First Aid.”)