

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2017 PUBLICATION SCHEDULE**

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

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

## **PUBLIC INSPECTION OF DOCUMENTS**

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4624			Professional Employer Organizations	5/10/17	Department of Consumer Affairs
4625			Licensing Standards for Continuing Care Retirement Communities	5/10/17	Department of Consumer Affairs
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4656			At-Risk Students	5/10/17	State Board of Education
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4671			WIC Vendors	5/10/17	Department of Health and Envir Control



## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

<b>DOC. No.</b>	<b>SUBJECT</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
4624	Professional Employer Organizations		
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**Executive Order No. 2016-46**

**WHEREAS**, as the State of South Carolina continues to recover from the effects of Hurricane Matthew, there exists a continued need to conduct building and other structural inspections to ensure the safety, security, welfare, and property of citizens living in Marion County, a county that was particularly decimated by river flooding following the effects of Hurricane Matthew; and

**WHEREAS**, officials representing Marion County have requested additional support to augment existing building inspection capacity, which is significantly limited, for the estimated 1,100 homes in the flood plain that still need to be assessed; and

**WHEREAS**, these conditions constitute an emergency as is contemplated under Sections 40-3-325 and 40-22-295 of the South Carolina Code of Laws, which allow volunteer Engineers and Architects to be provided immunity from wrongful personal injury, wrongful death, property damage, or other loss caused by the licensed Engineers' or Architects' acts, errors, or omissions in performing the architectural engineering services for a structure, building, piping, or other engineered system, either publicly or privately owned; and

**WHEREAS**, this Administration is committed to supporting local governments and communities in need recover from the devastating effects of Hurricane Matthew.

**NOW, THEREFORE**, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a state of emergency exists in Marion County for the limited purpose of supporting volunteer Engineer and Architectural personnel to assist with housing assessments and other recovery efforts in Marion County.

This Order shall take effect immediately and shall last through December 18, 2016.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 18<sup>th</sup> DAY OF NOVEMBER, 2016.**

**NIKKI R. HALEY**  
Governor

**Executive Order No. 2016-47**

**WHEREAS**, on November 8, 2016, a severe wildfire began in the Pinnacle Mountain area of Pickens County, which has since spread to Greenville County and grown in size to span approximately 6,000 acres; and

**WHEREAS**, due to unfavorable weather conditions, including high winds and low humidity, the increase in strength and size of the wildfire has resulted in the loss of property and natural resources in the State of South Carolina; and

**WHEREAS**, local evacuations have occurred and may continue to occur as the wildfire continues to threaten the lives, health, safety, and welfare of citizens in Pickens and Greenville Counties; and

**WHEREAS**, it has been presented to me that the wildfire will require additional assistance beyond the scope of local or state agencies for firefighting, evacuations, logistics, and other emergency measures, and it is my intention to provide local and state officials with all the support necessary to abate and ultimately extinguish the wildfire.

#### **4 EXECUTIVE ORDERS**

**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 a State of Emergency exists in Greenville and Pickens Counties due to the ongoing wildfire. I hereby direct that the South Carolina Emergency Operations Plan be placed into effect in order to provide for the health, safety, and welfare of the citizens of South Carolina and direct that all prudent preparations be taken at the individual, local, and state levels in response to the wildfire.

**FURTHER**, I hereby place specified units and/or personnel of the South Carolina National Guard and/or State Guard, as necessary, on State Active Duty pursuant to my authority under Section 25-1-1840 of the South Carolina Code of Laws and hereby direct the Adjutant General to issue supplemental orders to this effect. I further order the utilization of the South Carolina National Guard's personnel with appropriate equipment, at the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this state.

Further proclamations and regulations deemed necessary to insure the fullest protection of life and property during this state of emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

Pursuant to Section 25-1-440(a)(2), this Order shall take effect immediately and shall last through midnight on December 7, 2016.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 22<sup>nd</sup> DAY OF NOVEMBER, 2016.**

**NIKKI R. HALEY  
Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 23, 2016 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 Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

**Affecting Aiken County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Aiken County at a total project cost of \$15,000.

**Affecting Allendale County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Allendale County at a total project cost of \$15,000.

**Affecting Bamberg County****Amedisys SC, LLC d/b/a Amedisys Home Health of Lexington**

Establishment of a new Home Health Agency in Bamberg County at a total project cost of \$15,075.

**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Bamberg County at a total project cost of \$15,000.

**Affecting Barnwell County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Barnwell County at a total project cost of \$15,000.

**Affecting Beaufort County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Beaufort County at a total project cost of \$15,000.

**Affecting Calhoun County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Calhoun County at a total project cost of \$15,000.

**Affecting Charleston County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Charleston County at a total project cost of \$15,000.

**Townes Holdings, LLC d/b/a Brightstar Care of Charleston**

Establishment of a new Specialty Home Health Agency in Charleston County at a total project cost of \$800.

## 6 NOTICES

### Affecting Cherokee County

#### **Amedisys SC, LLC d/b/a Neighbors Care Home Health, an Amedisys Company**

Establishment of a new Home Health Agency in Cherokee County at a total project cost of \$15,075.

### Affecting Chesterfield County

#### **Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Conway**

Establishment of a new Home Health Agency in Chesterfield County at a total project cost of \$15,075.

### Affecting Darlington County

#### **Amedisys SC, LLC d/b/a Amedisys Home Health of Camden**

Establishment of a new Home Health Agency in Darlington County at a total project cost of \$15,075.

### Affecting Dillon County

#### **Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Conway**

Establishment of a new Home Health Agency in Dillon County at a total project cost of \$15,075.

### Affecting Edgefield County

#### **Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Edgefield County at a total project cost of \$15,000.

### Affecting Florence County

#### **McLeod Regional Medical Center of the Pee Dee, Inc. d/b/a McLeod Ambulatory Surgery Center**

Renovation for the addition of 2 operating rooms and supporting spaces for a total of 4 operating rooms at a total project cost of \$2,131,782.

### Affecting Georgetown County

#### **Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Georgetown County at a total project cost of \$15,000.

### Affecting Greenwood County

#### **Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Greenwood County at a total project cost of \$15,000.

### Affecting Hampton County

#### **Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Hampton County at a total project cost of \$15,000.

### Affecting Horry County

#### **Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Horry County at a total project cost of \$15,000.

**Affecting Kershaw County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Kershaw County at a total project cost of \$15,000.

**Affecting Lexington County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Lexington County at a total project cost of \$15,000.

**Affecting Marion County****Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Conway**

Establishment of a new Home Health Agency in Marion County at a total project cost of \$15,075.

**Affecting Marlboro County****Amedisys SC, LLC d/b/a Amedisys Home Health of Camden**

Establishment of a new Home Health Agency in Marlboro County at a total project cost of \$15,075.

**Affecting McCormick County****Amedisys SC, LLC d/b/a Amedisys Home Health of Lexington**

Establishment of a new Home Health Agency in McCormick County at a total project cost of \$15,075.

**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in McCormick County at a total project cost of \$15,000.

**Affecting Newberry County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Newberry County at a total project cost of \$15,000.

**Affecting Oconee County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Oconee County at a total project cost of \$15,000.

**Affecting Orangeburg County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Orangeburg County at a total project cost of \$15,000.

**Affecting Richland County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Richland County at a total project cost of \$15,000.

**Affecting Saluda County****Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Saluda County at a total project cost of \$15,000.

## 8 NOTICES

### Affecting Union County

#### **Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Clinton**

Establishment of a new Home Health Agency in Union County at a total project cost of \$15,075.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from December 23, 2016. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

### Affecting Bamberg County

#### **Amedisys SC, LLC d/b/a Amedisys Home Health of Lexington**

Establishment of a new Home Health Agency in Bamberg County at a total project cost of \$15,075.

### Affecting Cherokee County

#### **Amedisys SC, LLC d/b/a Neighbors Care Home Health, an Amedisys Company**

Establishment of a new Home Health Agency in Cherokee County at a total project cost of \$15,075.

### Affecting Chesterfield County

#### **Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Conway**

Establishment of a new Home Health Agency in Chesterfield County at a total project cost of \$15,075.

### Affecting Darlington County

#### **Amedisys SC, LLC d/b/a Amedisys Home Health of Camden**

Establishment of a new Home Health Agency in Darlington County at a total project cost of \$15,075.

### Affecting Dillon County

#### **Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Conway**

Establishment of a new Home Health Agency in Dillon County at a total project cost of \$15,075.

### Affecting Laurens County

#### **Clear Skye Medical Holdings, LLC d/b/a Clear Skye Treatment Center of Laurens**

Establishment of a new Narcotics Treatment Program in Laurens County at a total project cost of \$88,277.

### Affecting Marion County

#### **Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Conway**

Establishment of a new Home Health Agency in Marion County at a total project cost of \$15,075.

### Affecting Marlboro County

#### **Amedisys SC, LLC d/b/a Amedisys Home Health of Camden**

Establishment of a new Home Health Agency in Marlboro County at a total project cost of \$15,075.

**Affecting McCormick County****Amedisys SC, LLC d/b/a Amedisys Home Health of Lexington**

Establishment of a new Home Health Agency in McCormick County at a total project cost of \$15,075.

**Affecting Union County****Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Clinton**

Establishment of a new Home Health Agency in Union County at a total project cost of \$15,075.

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

State Register Document No. 4667

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on September 23, 2016, identified as Document No. 4667, to promulgate amendments of Regulation 61-105, *Infectious Waste Management Regulations*. The aforementioned Notice scheduled a write-in public comment period that closed October 24, 2016, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for December 8, 2016.

Due to time needed for the Department to evaluate the comments received during the public comment period, the Public Hearing originally scheduled for December 8, 2016, was cancelled and has been rescheduled before the Department's Board for March 9, 2017. The hearing will be held at the regularly-scheduled Board meeting on March 9, 2017, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

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 noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. 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.



## 10 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### CHAPTER 126

Statutory Authority: 1976 Code Section 44-6-90

#### **Notice of Drafting:**

The Department of Health and Human Services proposes to revise Article 1, Subarticles 2 and 4 in Chapter 126 of the SC Code of Regulations. Interested persons may submit their comments in writing to Colleen Mullis, Deputy Communications Director, South Carolina Department of Health and Human Services, 1801 Main Street, Suite 1100, Columbia, SC 29201. For questions, call 803-898-2452 or email [Colleen.Mullis@scdhhs.gov](mailto:Colleen.Mullis@scdhhs.gov). To be considered, all comments must be received in writing no later than 5:00 p.m. EST on January 27, 2017, the close of the drafting period.

#### **Synopsis:**

The Department of Health and Human Services conducted a review of Article 1, Subarticles 2 and 4 of Chapter 126 and proposes to revise the regulatory language to conform to current statutory requirements, update outdated references, amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### CHAPTER 126

Statutory Authority: 1976 Code Section 44-6-90

#### **Notice of Drafting:**

The Department of Health and Human Services proposes to revise Article 3 in Chapter 126 of the SC Code of Regulations. Interested persons may submit their comments in writing to Colleen Mullis, Deputy Communications Director, South Carolina Department of Health and Human Services, 1801 Main Street, Suite 1100, Columbia, SC 29201. For questions, call 803-898-2452 or email [Colleen.Mullis@scdhhs.gov](mailto:Colleen.Mullis@scdhhs.gov). To be considered, all comments must be received in writing no later than 5:00 p.m. EST on January 27, 2017, the close of the drafting period.

#### **Synopsis:**

The Department of Health and Human Services conducted a review of Article 3 of Chapter 126 and proposes to amend and modify Article 3 to ensure proper and efficient administration of its duties, and repeal certain sections that are not necessary for the proper and efficient administration of its duties.

Legislative review of these amendments is required.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**CHAPTER 126**

Statutory Authority: 1976 Code Section 44-6-90

**Notice of Drafting:**

The Department of Health and Human Services proposes to revise Article 4, Article 5, Article 7 and Article 8 in Chapter 126 of the SC Code of Regulations. Interested persons may submit their comments in writing to Colleen Mullis, Deputy Communications Director, South Carolina Department of Health and Human Services, 1801 Main Street, Suite 1100, Columbia, SC 29201. For questions, call 803-898-2452 or email Colleen.Mullis@scdhhs.gov. To be considered, all comments must be received in writing no later than 5:00 p.m. EST on January 27, 2017, the close of the drafting period.

**Synopsis:**

The Department of Health and Human Services conducted a review of Articles 4, 5, 7 and 8 of Chapter 126 and proposes to revise the regulatory language to conform to current statutory requirements, update outdated references, and amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

## 12 PROPOSED REGULATIONS

Document No. 4740

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-10(d)

61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

#### **Preamble:**

The Department of Health and Environmental Control is proposing amendments to Regulation 61-16. These amendments are necessary to incorporate recent changes in state law as well as changes to current practices and standards. The amendment will incorporate provisions allowing dietitians to prescribe diets and other dietary services; incorporate requirements of S.C. Code Sections 44-41-410 through -480 relating to the provision of abortion services; incorporate existing inspection and construction fees; and incorporate new safe haven requirements. Legislative review of this amendment is required.

A Notice of Drafting was published in the *State Register* on September 23, 2016.

#### Section-by-Section Discussion of Proposed Amendments:

#### TABLE OF CONTENTS

The table of contents was updated to reflect amended sections.

#### **Section 61-16.101. Definitions**

The definition of 101.G Dietitian has been redefined as an individual who is currently licensed as a dietitian by the South Carolina Department of Labor, Licensing and Regulation.

#### **Section 61-16.201. License Requirements**

Section 201.E was amended to delete an unnecessary statutory reference and to require that a hospital shall comply with Chapter 41 of Title 44 of the S.C. Code of Laws. Former Section 201.G was relocated to new Section 201.H. Section 201.G (formerly 202) was amended to require that annual license fees include any outstanding inspection fees.

#### **Section 61-16.202. Licensing Fees**

Section 202 has been deleted and moved to Section 201.G.

#### **Section 61-16.202. Exceptions to Licensing Standards (formerly 61-16.203)**

Section 202 (formerly 203) was renumbered to adjust the codification.

#### **Section 61-16.302. Inspections and Investigations**

New Section 302.F was added to delineate inspection fees the Department is authorized to collect pursuant to S.C. Code Section 44-7-270.

#### **Section 61-16.1303. Providing a Safe Haven for Abandoned Babies**

Section 1303.A was amended to require that facilities accept infants not more than sixty (60) days old, pursuant to a statutory change.

#### **Section 61-16.1505. Diets**

Section 1505 introductory paragraph was amended to include dietitians. Section 1505.A was amended to require that diets be prescribed, dated and signed or authenticated by the physician or dietitian. New Section 1505.F was added to allow facility policy to permit a dietitian to order or prescribe patient diets, including therapeutic diets;

order laboratory tests to monitor the effectiveness of diets; and/or make subsequent modifications to patient diets based on lab results, if permitted by the facility's policies.

**Section 61-16.1903. Submission of Plans**

New Section 1903.D was added to require the licensee to pay inspection fees during the construction phase of a project. A Construction Inspection Fees table was added to clearly delineate the required construction inspection fees.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments on the proposed regulation by writing to Gwen C. Thompson by mail at Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 545-4212; or by e-mail at [HealthRegComm@dhec.sc.gov](mailto:HealthRegComm@dhec.sc.gov). Comments may also be submitted electronically on the Public Comments for Health Regulations page at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>. To be considered, comments must be received no later than 5:00 p.m. on January 23, 2017, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Interested persons may also make oral and/or written comments on the proposed amendments of R.61-16 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on February 9, 2017. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. 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. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Copies of the proposed amendments for public comment as published in the State Register on December 23, 2016, may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Health Facilities Regulations topic and scan down to the proposed amendments of R.61-16. A copy can also be obtained by contacting Gwen Thompson at the above address or by email at [thompsgw@dhec.sc.gov](mailto:thompsgw@dhec.sc.gov).

**Preliminary Fiscal Impact Statement:**

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any inherent requirements of this regulation. There are no external costs anticipated.

**Statement of Need and Reasonableness:**

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

Purpose: The purpose of these amendments to R.61-16 is to update statutory requirements recently enacted by the General Assembly. These amendments include incorporation of provisions allowing dietitians to prescribe

## 14 PROPOSED REGULATIONS

diets and other dietary services; new requirements of S.C. Code Sections 44-41-410 through -480 relating to the provision of abortion services; adding existing inspection and construction fees; and new requirements relating to safe havens.

Legal Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-70(a).

Plan for Implementation: Copies of the regulation will be available electronically on the South Carolina Legislature website and the Department regulation development website (<http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate>). Printed copies will be available for a fee from the Department's Freedom of Information Office.

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

These amendments are necessary to incorporate recent statutory changes for abortion services and safe haven requirements. Additionally, the amendments incorporate provisions allowing dietitians to prescribe diets and other dietary services, and incorporate existing inspections and construction fees.

### DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these amendments. There are no anticipated additional costs to the regulated community. Amendments to R.61-16 update statutory requirements enacted by the General Assembly, update requirements for dietitians, and incorporate existing inspection and construction fees.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-16 seek to support the Department's goals relating to the protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment. If the revision is not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

### Statement of Rationale:

The Department of Health and Environmental Control is proposing amending Regulation 61-16. These amendments are necessary to incorporate recent changes in state law as well as changes to current practices and standards. The amendments will incorporate provisions allowing dietitians to prescribe diets and other dietary services; incorporate requirements of S.C. Code Sections 44-41-410 through -480 relating to the provision of abortion services; incorporate existing inspection and construction fees; and incorporate new safe haven requirements.

**Text:**

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

Document No. 4741

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-650, 50-11-10, 50-11-65, 50-11-96, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-350, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

123-51. Turkey Hunting Rules and Seasons

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-4

**Preamble:**

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

123-40. Wildlife Management Area Regulations.

B. Game Zone 2

4. (c)(ii) Fant's Grove WMA – changes deer limit on special deer hunt.

12. Delta South WMA - Provides additional opportunity for archery deer hunting, firearms deer hunting and small game hunting.

13. Forty Acre Rock Heritage Preserve WMA - Establishes Forty Acre Rock HP WMA as a named WMA, establishes deer and small game seasons on the WMA.

C. Game Zone 3

9. Webb WMA – insert new (e) Raccoon and Opossum

(e)(i) expands opportunity and provides open periods for raccoon and opossum hunting on the WMA.

(e)(ii) Prescribes time for hunting raccoons and opossums on the WMA

(e)(iii) Prescribes bag limits for raccoons and opossums on the WMA

(f) formerly designated as e. Changed to accommodate insertion of new section (e)

(g) formerly designated as f. Changed to accommodate insertion of new section (e)

13. Bonneau Ferry WMA – provides additional public access on Bonneau Ferry WMA and provides for either-sex deer harvest on Adult/Youth Side of Bonneau Ferry WMA.

18. Palachucola WMA – insert new (f) Raccoon and Opossum

(f)(i) expands opportunity and provides open periods for raccoon and opossum hunting on the WMA.

(f)(ii) Prescribes time for hunting raccoons and opossums on the WMA

(f)(iii) Prescribes bag limits for raccoons and opossums on the WMA

(g) formerly designated as f. Changed to accommodate insertion of new section (f)

22. Hamilton Ridge WMA – insert new (f) Raccoon and Opossum

(f)(i) expands opportunity and provides open periods for raccoon and opossum hunting on the WMA.

(f)(ii) Prescribes time for hunting raccoons and opossums on the WMA

(f)(iii) Prescribes bag limits for raccoons and opossums on the WMA

(g) formerly designated as f. Changed to accommodate insertion of new section (e)

26. Wateree River HP WMA

(f)(i) changes small game season start date from Thanksgiving to January 2

2.8 – Deletes the licensing requirement for adults accompanying youth hunters on WMA lands.

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- 4.2 – Clarifies wording and requires tagging of antlerless deer to conform to 2016 Act Number 257
- 4.4 (b) – Changes either-sex day in December.
  - (c) – Clarifies wording and requires tagging to conform to 2016 Act Number 257.
  - (d) – Conforms regulations to 2016 Act Number 257.
- 4.5 – Prescribes antlerless deer limit for WMAs in Game Zone 1, and changes daily limit for antlerless deer to conform to 2016 Act Number 257.
- 4.6 – Conforms regulations to 2016 Act Number 257.
- 4.7 – Conforms regulations to 2016 Act Number 257.
- 4.8 – Clarifies wording to define antler spread.
- 7.1 – Provides archery hunters during archery only deer seasons an exemption to the requirement to wear interntional orange clothing.
  - 10.7 – Delete
  - 10.8 – Delete
  - 10.9 – renumbered as new 10.7. Combines old 10.7, 10.8 & 10.9. Provides additional public access on Sandy Beach Waterfowl Area and Bonneau Ferry WMA.
  - 10.10 – renumbered as 10.8.
  - 10.11 – renumbered as 10.9.
  - 10.12 – renumbered as 10.10
  - 10.13 – renumbered as 10.11.
  - 10.14 – renumbered as 10.12 and changed hunting dates on #20, 21, 24, 33, 35, 36, 37, 38 & 39.
  - 10.15 – renumbered as 10.13.
  - 10.16 – renumbered as 10.14
  - 10.17 – renumbered as 10.15.
  - 10.18 – renumbered as 10.16.
  - 10.19 – renumbered as 10.17.
  - 10.20 – renumbered as 10.18.

### 123-51. Turkey Hunting Rules and Regulations.

- B. Game Zone 2
  - 8. (c) delete
  - 9. Delta South WMA – Establishes turkey season for the new Delta South WMA.
  - 10. Forty Acre Rock HP WMA – Establishes turkey season for the new Forty Acre Rock HP WMA.
- C. Game Zone 3
  - 1.(b) Establishes turkey bag limit consistent with statewide bag limit for turkeys.
  - E.2.(e) Substitutes wording for consistency and conformity to statutes.

### 123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-4.

- 1. Eliminates abbreviation and spells out November for clarity.
- 2. Changes either-sex date for deer in Game Zones 2-4. Eliminates abbreviations and spells out months of the year for clarity.
- 3. Delete as superfluous
- 4. Renumbered as 3. Increases daily limit for antlerless deer to conform to 2016 Act Number 257.
- 5. Renumbered as 4. Specifies tagging requirement for deer taken by archery hunters to conform to 2016 Act Number 257.
- 6. Renumbered as 5. Clarifies general tagging requirements for antlerless deer and denotes increased daily limit for antlerless deer to conform to 2016 Act Number 257.
- 7. Renumbered as 6. Specifies antlerless deer limit for each game zone and increases daily limit for antlerless deer to conform to 2016 Act Number 257.
- 8. Renumbered as 7. Provides requirement that all antlerless deer must be tagged to conform to 2016 Act Number 257.

A Notice of Drafting for this regulation was published on October 28, 2016 in the *South Carolina State Register*, Volume 40, Issue No. 10.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 24, 2017 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than January 24, 2017.

**Preliminary Fiscal Impact Statement:**

The amendment of Regulations 123-40, 123-51 and 123-52 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

**Statement of Need and Reasonableness:**

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).

**DESCRIPTION OF THE REGULATION:**

**Purpose:** These regulations amend Chapter 123-40, 123-51 and 123-52 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

**Legal Authority:** Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife. Under Section 50-11-525, the Department of Natural Resources is authorized to establish seasons, dates, areas, bag limits, and other restrictions for hunting turkeys on all Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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

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

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations.

**DETERMINATION OF COSTS AND BENEFITS:**

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting



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opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

### **UNCERTAINTIES OF ESTIMATES:**

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

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

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

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

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

### **Statement of Rationale:**

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

### **Text:**

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

**Filed: November 23, 2016 9:13am**

Document No. 4739  
**DEPARTMENT OF NATURAL RESOURCES**  
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

**Emergency Situation:**

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season continues through January 15, it is necessary to refile these regulations as emergency.

**Text:**

**WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2016-17**

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (\*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

**Statewide Season Dates:**

September 3 - October 15, November 12 - November 26, December 15, 2016 - January 15, 2017

Bag Limit: Mourning Doves: 12 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon.

**ABBEVILLE**

U.S. Forest Service – Power of Partnerships Field - 1<sup>st</sup> season – Saturdays Only beginning Sept. 17. 2<sup>nd</sup> and 3<sup>rd</sup> seasons open Mon. – Sat.

**AIKEN**

\*US Dept of Energy - Crackerneck WMA. 1<sup>st</sup> season – Sept. 7, 21; Oct.5.

**ANDERSON**

Clemson University - Fant's Grove WMA. 1<sup>st</sup> season - Saturdays only beginning Sept. 3. Field Closed Oct. 1. Open 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only

**BERKELEY**

\*U.S. Army Corps of Engineers - Canal WMA. Sept. 3, 10; Oct. 15; Nov. 19;

\*DNR - Bonneau Ferry WMA. Sept. 3, 10, 24. All hunts are Youth Only.

**CHARLESTON**

DNR Botany Bay Plantation WMA. Sept. 3, 10, Nov. 19, Dec. 17, Jan. 14. All hunts are Youth Only.

**CHEROKEE**

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 3. Dove Hunting Only.

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### **CHESTER**

U.S. Forest Service - Worthy Bottoms. 1<sup>st</sup> season - Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. – Sat.

### **CHESTERFIELD**

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1<sup>st</sup> season –Saturdays Only beginning Sept. 3; 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1<sup>st</sup> season – Sept. 3, then Wednesdays Only beginning Sept. 14. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat.

### **CLARENDON**

\*Santee Cooper - Santee Dam WMA. Sept. 3, 10; Oct. 1; Nov. 26; Dec. 31.

\*SC Forestry Commission - Oak Lea WMA. Sept. 3, 10; Jan. 9.

### **COLLETON**

DNR - Donnelley WMA. Sept. 3, 10; Oct. 1; Nov. 19.

### **DARLINGTON**

DeWitt Property. 1<sup>st</sup> season - Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons-Saturdays Only. Dove Hunting Only.

### **FLORENCE**

Santee Cooper – Pee Dee Station Site WMA. 1<sup>st</sup> season- Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Saturdays Only. Dove Hunting Only.

### **GEORGETOWN**

DNR Samworth WMA. Sept. 3, 10; Oct. 8; Nov. 12.

### **HAMPTON**

\*DNR - Webb Wildlife Center. Sept. 3, 10, 28; Oct. 12; Nov. 19.

### **LAURENS**

DNR Gray Court Field. 1<sup>st</sup> season - Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. - Sat.

DNR Cliff Pitts WMA. 1<sup>st</sup> season - Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. - Sat.

### **LEXINGTON**

Hallman Field. 1<sup>st</sup> season - Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons- Saturdays Only. Dove Hunting Only.

### **MARLBORO**

DNR - Lake Wallace WMA. 1<sup>st</sup> season - Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Saturdays Only. Dove Hunting Only.

### **MCCORMICK**

\*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 3 & 21; Oct. 12; Nov. 23, Dec. 21; Jan. 11, Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field. 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Field. 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. - Sat.

**NEWBERRY**

SCDOT McCullough Field. Open Saturdays only during the statewide dove season beginning Sept. 3. Dove Hunting Only.

DNR Belfast WMA. Sept. 3, 10; Nov. 24, 25, 26. 3<sup>rd</sup> season - Open Mon. - Sat.

**OCONEE**

S.C. Forestry Commission - Piedmont Forestry Center. 1<sup>st</sup> and 2<sup>nd</sup> seasons - Saturdays Only beginning Sept. 3. 3<sup>rd</sup> season – Closed.

U.S. Forest Service – Long Creek Tract. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1<sup>st</sup> season – Saturdays Only Beginning Sept. 3. 2<sup>nd</sup> season – Open November 19 Only. 3<sup>rd</sup> season – Closed.

U.S. Forest Service - Ross Mtn. Field. Saturdays Only during statewide dove season beginning Sept. 3.

**ORANGEBURG**

\*Santee Cooper - Santee Cooper WMA. Entire WMA under Dove Area Regulations. Sept. 3 is Youth Hunt Only. Sept. 10; Oct. 1; Nov. 19; Dec. 31.

**PICKENS**

DNR Property-Rifle Range. Open Saturdays only during the statewide dove season beginning Sept. 3. Dove Hunting Only.

Clemson University - Gravely WMA - Causey Tract. Saturdays Only during statewide dove season beginning Sept. 3.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesdays only during the statewide dove season beginning Sept. 14.

**SALUDA**

SCE&G Saluda River Field. 1<sup>st</sup> season - Saturdays Only beginning Sept 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat.

**SPARTANBURG**

Santee Cooper. 1<sup>st</sup> season – Sept. 3, 10, 17, 24. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field. Saturdays Only beginning Sept 3. Dove hunting only.

**SUMTER**

\*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 3 is Youth Hunt Only. 1<sup>st</sup> season - Saturdays Only beginning Sept. 10. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. – Sat. (Designated fields and the general forest).

\*Tuomey Fields Field A – 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. – Sat. (Designated fields and the general forest).

\*Tuomey Fields Field B – 1<sup>st</sup> season – Saturdays Only beginning Sept 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. – Sat. (Designated fields and the general forest).

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### **UNION**

DNR Thurmond Tract. 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. Sept. 3 is Youth Hunt Only. 1<sup>st</sup> season - Saturdays Only beginning Sept. 10. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat.

### **YORK**

DNR - Draper Tract. 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1<sup>st</sup> season – Saturdays Only beginning Sept. 3. 2<sup>nd</sup> & 3<sup>rd</sup> seasons Open Mon. - Sat.

### **Statement of Need and Reasonableness:**

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts continue through January 15, it is necessary to refile these regulations as emergency so they remain in effect throughout the duration of the season.

### **Fiscal Impact Statement:**

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

**Filed: November 23, 2016 9:13am**

Document No. 4738

### **DEPARTMENT OF NATURAL RESOURCES**

#### **CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations.

### **Emergency Situation:**

These emergency regulations amend and supersede sections indicated below of South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on these areas continue through March 15, it is necessary to refile these regulations as emergency.

**Text:**

## HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

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

**B. Game Zone 2****12. Delta South WMA**

- (a) ~~Deer Hunts~~ Archery Hunts for Deer
  - (i) ~~No open season except for hunters selected by drawing Sept. 15 - Sept. 30 either-sex.~~
  - (ii) ~~1 deer per day, either sex~~
- (b) Still Gun Hunts for Deer
  - (i) Nov. 1-Nov. 21, Wednesdays and Saturdays Only.
  - (ii) Special hunts for youth or mobility impaired hunters as published by SCDNR.
- (c) Small Game (no fox squirrels)
  - (i) Thanksgiving Day – Mar. 1
  - (ii) Game Zone 2 bag limits

**13. Forty Acre Rock HP WMA**

- (a) Archery Hunts for Deer
  - (i) Sept. 15 - Sept. 30, either-sex
- (b) Primitive Weapons for Deer
  - (i) Oct. 1 - Oct. 10
- (c) Still Gun Hunts for Deer
  - (i) Oct. 11 - Jan. 1
- (d) Small Game (no fox squirrels)
  - (i) Game Zone 2 seasons and bag limits apply

**C. Game Zone 3****13. Bonneau Ferry WMA**

- (b) Adult/Youth Side
  - (i) Still Gun Hunts for Deer
    - (1) Sept. 15 – Jan. 1, Wed., Fri. and Sat., entire week of Thanksgiving and 5 days before Christmas until Jan. 1, either-sex.

**26. Wateree River Heritage Preserve WMA**

- (f) Small Game (no fox squirrels)
  - (i) Thanksgiving Jan. 2 - Mar. 1
  - (ii) Game Zone 3 bag limits.

## GENERAL REGULATIONS

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.

## VISIBLE COLOR CLOTHING

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game hunters must wear either a hat, coat, or vest of solid visible international orange, ~~except~~

## 24 EMERGENCY REGULATIONS

Archery hunters during archery only deer seasons and hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

### WATERFOWL & DOVE REGULATIONS

10.7 Sandy Beach Waterfowl Area and the impoundments on Bonneau Ferry WMA are closed to public access from Nov. 1 - ~~Mar. 4~~ Feb. 8, except for special hunts designated by the Department.

#### **Statement of Need and Reasonableness:**

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts continue through March 15, it is necessary to refile these regulations as emergency so they continue in effect throughout the duration of the seasons.

#### **Fiscal Impact Statement:**

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

**Filed: November 23, 2016 9:13am**

Document No. 4737

### DEPARTMENT OF NATURAL RESOURCES

#### CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, and 50-11-2200

123-203. General Regulation.

123-204. Additional Regulations Applicable to Specific Properties.

#### **Emergency Situation:**

These emergency regulations establish regulations on Department owned and leased lands that regulate public use to increase recreational opportunities and reduce natural resource impacts. The Department is increasing public use by adding two new properties, Liberty Hill WMA and Wateree River HP WMA. Since we are opening the properties to public use immediately, we must refile these regulations as emergency. Authority to close Department properties is needed to protect human safety in event of emergency or hazardous conditions. Additionally, since fall and winter are periods of high use of public shooting ranges, immediate enactment of shooting range regulations is necessary for enhanced public safety.

#### **Text:**

### REGULATION OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT

123-203. General Regulation.

P. Emergency closure of Department properties.

(1) The Department may close all or part of any WMA, state lake, shooting range or any other property for a special event, in cases of emergency or catastrophe, or any time human health and/or safety may be at risk.

#### 123-204. Additional Regulations Applicable to Specific Properties.

##### N. Jim Timmerman Natural Resources Area at Jocassee Gorges.

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

##### (1) Camping.

(a) Backcountry camping by permit will be allowed at any time during the year that the main roads allowing access to the Jocassee Gorges are not opened in connection with big game hunting. Backcountry camping is allowed by permit only at any location within the Jocassee Gorges, except for any area closed for camping by the Department. Backcountry camping is defined as minimal impact camping. No fires are allowed and each permitted camper is responsible for camping in a manner that results in no trace of the camping activity being left after breaking camp. Backcountry campers must apply for camping permits over the Department internet site. No camping is permitted within twenty-five (25) feet of a stream, lake, or as posted by the Department.

(b) The Foothills Trail and the Palmetto Trail passes through portions of the Jocassee Gorges. Use of the Foothills Trail and the Palmetto Trail shall be limited to hiking and primitive camping. Camping is allowed at any point along the trails and within one hundred feet of either side of the trails. Camping along the Foothills Trail and the Palmetto Trail is restricted to hikers while engaged in backpacking.

##### U. Samworth WMA.

(2) The mainland nature trail will be open ~~without day or time restriction~~ during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) to foot traffic only.

##### V. Santee Coastal Reserve.

(1) The Santee Coastal Reserve is open during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) for limited public use year round ~~except during annually scheduled hunts. Notice of the hunts will be issued annually.~~ as listed below.

(2) Managed wetlands will be open for wildlife observation, bird watching, photography, or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by the Department.

(3) The dikes around the waterfowl impoundments ~~and the canoe trail~~ will be closed, except by prior arrangement, during the period of November 1 through February 8 of the next year.

(4) Prior arrangements must be made with the Reserve Manager to use observation blinds for waterfowl.

(5) ~~The~~ Upland nature trails will be available during open periods stated above.

~~(6) The hiking/biking trail will also be available during open periods, however, it will be closed between the dates of November 1 and February 8.~~

~~(7)~~ The beaches on Cedar and Murphy Islands will be open year round, seven days a week.

~~(8)~~ Bicycles may be ridden on nature upland trails year round and on dikes from February 9 - October 31.

~~(9)~~ Fishing is permitted from the Santee River dock and the Hog Pen impoundment except during scheduled waterfowl hunts. Fishing will be allowed during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset). Fishing is permitted on Murphy and Cedar Island beaches at any time on a year round basis.

~~(10)~~ A permit is required for all camping. Primitive camping is available on Cedar and Murphy Islands beaches year round which requires no prior arrangement. All arrangements for camping should be made with the supervisor of the Santee Coastal Reserve. Primitive camping is allowed year round with no registration on the beaches of Murphy and Cedar Islands. Camping on the mainland portion is restricted to the designated campground. Registration is required at the campground self-serve kiosk. Advance registration is required for groups greater than 15 people.

(10) A permit is required for all camping. Primitive camping is available on Cedar and Murphy Islands beaches year round which requires no prior arrangement. All arrangements for camping should be made with the supervisor of the Santee Coastal Reserve.

##### AA. Victoria Bluff Heritage Preserve.



## 26 EMERGENCY REGULATIONS

~~(1) Camping is allowed only during Department designated archery hunts. Gas lanterns and gas grills only may be used by campers.~~

~~(2) No campfires or any other use of fire shall be allowed.~~

JJ. Daily use cards are required for all users of Hamilton Ridge WMA, Palachucola WMA, Webb WMA, ~~Victoria Bluff Heritage Preserve, Tillman Sand Ridge Heritage Preserve, Bonneau Ferry WMA, Bear Island WMA, Donnelley WMA, Great Pee Dee River Heritage Preserve, Lynchburg Savanna Heritage Preserve, Savage Bay Heritage Preserve,~~ Belfast WMA, Congaree Bluffs Heritage Preserve, Marsh WMA, Woodbury WMA, Worth Mountain WMA, and Santee Cooper WMA. Cards must be in possession while on the property and completed cards must be returned daily upon leaving the property.

### KK. Liberty Hill WMA

(1) All terrain vehicles are prohibited.

### LL. Wateree River HP WMA

(1) All terrain vehicles are prohibited.

(2) The waterfowl impoundments are closed to all public access from November 1 through March 1, except for scheduled hunts.

(3) The area is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by the Department.

(4) All users, including hunters and anglers must obtain and possess a day use pass upon entering the area and follow instructions on the pass. The completed form must be deposited in the designated container before leaving the area.

(5) Special events may be permitted by the Department.

(6) Horseback riding is prohibited except by special permit.

### MM. Lewis Ocean Bay HP WMA

(1) Horseback riding is also allowed during the period January 2 through March 1, subject to the restrictions in Regulation 123-203, Paragraph G, sections (2) through (11).

### 123-211. Terms and Conditions for the Public's Use of Department Shooting Ranges.

A. The Department may construct shooting ranges on property it owns or leases for the purpose of providing public shooting opportunity. The following rules apply to Department firearm and archery ranges:

(1) Ranges may only be used during open days and hours of operation. Open days and hours of operation shall be designated on signs and at least one of such signs will be posted at the entrance to each Department range.

(2) Where suitable, the Department may offer clay target shooting opportunities for the public. The Department may charge up to \$5.00 per 25 clay targets on shotgun ranges to recoup the cost of clay targets.

(3) Approved eye and ear protection must be used at all times by shooters and spectators.

(4) Visitors may not be under the influence of or in possession of alcoholic beverages, drugs, or other controlled substances. No alcoholic beverages, drugs, or any other controlled substances are allowed.

(5) All firearms entering or leaving the range must be unloaded and properly cased until on the firing line. All firearms must be unloaded and properly cased before leaving the firing line.

(6) Loading and unloading of the firearm may only be completed at the firing line with the muzzle pointed down range.

(7) All firearms must be unloaded and actions open while targets are being hung or checked. \_\_\_\_\_ (8) Persons under the age of 16 must be accompanied by an adult (age 21 or older) who is responsible for their actions. Persons under the age of 16 are not allowed to be on the firing line at any pistol range contained within a Department range facility. In addition, persons under the age of 21 in possession of a pistol on a Department range must be accompanied by an adult age 21 or older.

(9) Only paper or cardboard targets may be used.

(10) Incendiary or explosive targets are prohibited.

(11) All targets must be located so that a bullet will strike between the base of and halfway up the backstop/berm, so that no bullet strikes the ground in front of the backstop/berm.

(12) All visitors must clean up their areas. All targets, litter, and spent ammunition cases must be removed by the shooter before leaving.

(13) No shooter may fire from points other than designated firing points. Shooters may shoot targets in their lane only.

(14) Food, drinks, and tobacco products are prohibited on the firing line at all times.

(15) Climbing on berms or benches is prohibited.

(16) Open toed shoes are prohibited on the firing line.

(17) No firearm of a .50 caliber or greater may be used. Muzzle loaders above .50 caliber are allowed.

(18) The following ammunition types are prohibited: tracer, incendiary, explosive, armor piercing, or penetrator rounds.

(19) The possession of a fully automatic weapon is prohibited.

(20) Arrows with broadheads are prohibited on Department archery ranges.

(21) Any activity that would be considered to present a safety hazard is prohibited.

**Statement of Need and Reasonableness:**

Since existing regulations only apply to specific Wildlife Management Areas and Heritage Preserves, new regulations must be filed to establish public use guidelines on new properties as well as defining and expanding use opportunities on existing properties. Since the properties are available for immediate public use, it is necessary to refile these regulations as emergency so they take effect immediately. Fall and winter are periods of high use of public shooting ranges necessitating immediate enactment of shooting range regulations for enhanced public safety.

**Fiscal Impact Statement:**

This amendment of Regulation 123-204 will result in increased public recreational opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government. There may be minor economic impact to users of public shooting ranges in the form of a user fee for a voluntary activity.

## 28 FINAL REGULATIONS

Document No. 4673  
**CLEMSON UNIVERSITY**  
**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**  
CHAPTER 27  
Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

### **Synopsis:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2016.

### **Instructions:**

Replace Reg.27-1023 with the following amendment.

### **Text:**

27-1023. State Meat Inspection Regulation.

#### A. Definitions.

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

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

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

#### C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2017 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

## D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

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

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

Document No. 4674

**CLEMSON UNIVERSITY**

**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**

CHAPTER 27

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

27-1022. State Poultry Products Inspection Regulation.

**Synopsis:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2016.

**Instructions:**

Replace Reg.27-1022 with the following amendment.

## 30 FINAL REGULATIONS

### Text:

27-1022. State Poultry Products Inspection Regulation.

#### A. Definitions.

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

#### B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2017 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

#### C. Exceptions to the Federal Poultry Products Inspection Regulations.

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

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

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

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

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