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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

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# ***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.

## **2018 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.
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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

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## **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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**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY**

Status and Legislative Review Expiration Dates .....1  
 Committee List of Regulations Submitted to General Assembly .....2

**EXECUTIVE ORDERS**

Executive Order No. 2018-24 Ordering Special Election for Town of Govan .....3  
 Executive Order No. 2018-25 Ordering that the Flags Atop the State Capitol be Lowered to Half-Staff in Honor of Senator John McCain .....3  
 Executive Order No. 2018-26 Declaration of State of Emergency (Hurricane Florence) .....5  
 Executive Order No. 2018-27 Suspending Certain Motor Vehicle Regulations Due to Emergency .....6  
 Executive Order No. 2018-28 Mandatory Medical Evacuation of Healthcare Facilities .....8  
 Executive Order No. 2018-29 Hurricane Florence Evacuation Order .....10  
 Executive Order No. 2018-30 School and Government Office Closures .....11  
 Executive Order No. 2018-31 Partial Evacuation Rescission .....12  
 Executive Order No. 2018-32 Partial Closure Rescission .....13  
 Executive Order No. 2018-33 Rescheduling Local Election Due to Hurricane Florence .....15  
 Executive Order No. 2018-34 Partial Evacuation Rescission .....16  
 Executive Order No. 2018-35 Partial Closure Rescission, Except Georgetown and Horry Counties .....17  
 Executive Order No. 2018-36 Rescinding Georgetown and Horry County Restrictions .....18

**NOTICES**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**

Air Pollution Control Regulations and Standards (Termination of Document No. 4814) .....20  
 Certificate of Need .....20  
 Notice of Cancellation and Rescheduling of Public Hearing for Document No. 4815, Air Pollution Control Regulations and Standards .....22  
 Notice of Cancellation and Rescheduling of Public Hearing for Proposed Designation of Capacity Use Area .....23  
 Notice of Voluntary Cleanup Contract, Contribution Protection, and Comment Period - American Fittings Site .....23  
 Notice of Voluntary Cleanup Contract, Contribution Protection, and Comment Period - Dresser Industries-Jeffrey Manufacturing Site .....24  
 Notice of Voluntary Cleanup Contract, Contribution Protection, and Comment Period - Pharmaceutical Associates #1 Site .....25

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**

**Building Codes Council**

Adoption of 2018 International Codes and 2017 National Code .....26

**DRAFTING NOTICES**

**FISCAL ACCOUNTABILITY AUTHORITY, STATE**

Consolidated Procurement Code .....27

**TABLE OF CONTENTS**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**  
 Air Pollution Control Regulations and Standards (Exempt from General Assembly review) ..... 27

**HUMAN AFFAIRS COMMISSION, SOUTH CAROLINA**  
 Guidelines Established ..... 28  
 Hearing Procedures (Review and Enforcement) ..... 28  
 Notices to be Posted ..... 29

**INSURANCE, DEPARTMENT OF**  
 Annual Audited Financial Reporting Regulation ..... 29  
 Corporate Governance Annual Disclosures ..... 30

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
**Dietetics, Panel for**  
 Licensure by Examination; Licensure by Registration; and Licensure by Endorsement ..... 30  
**Optometry, Board of Examiners in**  
 Licensure Requirements; Continuing Education; and Licensure by Endorsement ..... 30

**NATURAL RESOURCES, DEPARTMENT OF**  
 Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas (123-40, 123-51, 123-52, 123-53, and 123-54)..... 31

**PROPOSED REGULATIONS**

**EDUCATION, STATE BOARD OF**  
 Document No. 4819      Medical Homebound Instruction..... 32

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
 Document No. 4820      Auctioneers’ Commission ..... 33  
 Document No. 4821      Real Estate Commission..... 36  
**Dentistry, Board of**  
 Document No. 4823      Laboratory Work Authorization Form; Use of Lasers in a Dental Setting;  
 Sanitary Standards; Ethics; and Use of Botox and Other Neuromodulators  
 in a Dental Setting ..... 38  
**Manufactured Housing Board**  
 Document No. 4824      Manufactured Home Installation Requirements..... 40  
**Pharmacy, Board of**  
 Document No. 4822      Administrative Citations and Penalties ..... 43

**EMERGENCY REGULATIONS**

**INSURANCE, DEPARTMENT OF**  
 Document No. 4818      Moratorium on Cancellation Due to Nonpayment of Premiums and Certain  
 Nonrenewals and Extension of Insurance-Related Provisions Affecting  
 Insureds in South Carolina Impacted by Hurricane Florence ..... 45

**NATURAL RESOURCES, DEPARTMENT OF**  
 Document No. 4817      Mourning Dove Seasons and Dove Management Area Regulations ..... 50

# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>
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## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date  
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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>
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**Executive Order No. 2018-24**

**WHEREAS**, by letter of August 21, 2018, a copy of which is attached hereto, the Board of Voter Registration and Elections of Bamberg County (“Board”) has advised the undersigned that two members of the Town Council for the Town of Govan have tendered their resignations; and

**WHEREAS**, section 5-7-200(b) of the South Carolina Code of Laws, as amended, provides that “[a] vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

**WHEREAS**, the Board has advised the undersigned that the aforementioned vacancies were created one hundred eighty days or more prior to the next general election but that the requisite special election has not been held to date due to a delay in notifying the Board of the resignations; and

**WHEREAS**, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides as follows: “When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that a special election shall be held on November 6, 2018, to fill the aforementioned vacancies on the Town Council for the Town of Govan. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, as amended, I designate and appoint the Board to perform the necessary official duties pertaining to the special election, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. In order to qualify as a candidate to run in the special election, all candidates must file with the Board a statement of intention of candidacy, and submit any applicable filing fees, between noon on Friday, August 31, 2018, and noon on Friday, September 7, 2018. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 24th DAY OF AUGUST, 2018.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2018-25**

**WHEREAS**, I have been notified of the passing of John Sidney McCain, III, senior United States Senator from the State of Arizona; and

**WHEREAS**, Senator McCain represented the United States of America and the State of Arizona with honor and distinction as a member of Congress from 1983 until his passing on August 25, 2018, at the age of 81, dutifully serving in the United States House of Representatives from 1983 to 1987, and in the United States Senate since 1987; and

#### **4 EXECUTIVE ORDERS**

**WHEREAS**, in 2008, Senator McCain was nominated by the Republican Party as its candidate for President of the United States of America; and

**WHEREAS**, prior to his distinguished tenure in Congress, Senator McCain, a graduate of the United States Naval Academy at Annapolis, served honorably and heroically in the United States Navy for twenty-three years, including extensive combat duty as a naval aviator; and

**WHEREAS**, while flying a bombing mission in support of Operation Rolling Thunder during the Vietnam War, Senator McCain's aircraft was shot down and he was captured and held by the North Vietnamese as a prisoner of war for over five years; and

**WHEREAS**, the North Vietnamese offered to release Senator McCain, who was the son and grandson of admirals, for propaganda purposes when his father was named commander of all American forces in the Vietnamese theater; however, Senator McCain refused release, in accordance with the military code of conduct governing prisoners of war, unless and until every prisoner of war captured before him was also released; and

**WHEREAS**, Senator McCain continued to endure unimaginable torture and inhumane treatment for over four more years after refusing an offer of early release, yet Senator McCain never relented despite suffering tremendously at the hands of his captors; and

**WHEREAS**, in recognition of his incredible bravery and courageous military service, Senator McCain received numerous decorations and awards, including the Silver Star, Distinguished Flying Cross, Prisoner of War Medal, three Bronze Stars, two Legion of Merit medals, two Purple Hearts, and two Navy and Marine Corps Commendation Medals; and

**WHEREAS**, Senator McCain was a remarkable man, decorated American hero, and dedicated and respected public servant, and his distinguished and patriotic service is an inspiration to all Americans; and

**WHEREAS**, the passing of Senator McCain warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of distinguished and patriotic service to the United States of America; and

**WHEREAS**, section 10-1-161(E) of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time upon the death of a person of extraordinary stature.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that the flags atop the State Capitol Building be lowered to half-staff until sunset on the day of Senator McCain's internment in tribute to Senator McCain's extraordinary legacy and lifetime of distinguished and patriotic service to the United States of America. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 26th DAY OF AUGUST, 2018.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2018-26**

**WHEREAS**, the National Hurricane Center has determined that the coastline of the State of South Carolina may be impacted by Hurricane Florence, a strengthening hurricane that continues to develop in the Atlantic Ocean; and

**WHEREAS**, I have been advised that Hurricane Florence represents a significant threat to the State of South Carolina and requires that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State.

**NOW, THEREFORE**, by virtue of the power and authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective at noon, September 8, 2018, I hereby declare that a State of Emergency exists in South Carolina. I direct that the South Carolina Emergency Operations Plan be placed into effect. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Florence.

**FURTHER**, I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to my authority under section 25-1-1840 of the South Carolina Code of Laws, as amended, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, 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.

I also order Dual Status Command to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status) as necessary.

**IT IS FURTHER ORDERED that** all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina be suspended, and the South Carolina Law Enforcement Division (“SLED”) shall initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

I also note that the prohibitions against price gouging stated in section 39-5-145 of the South Carolina Code of Laws are in effect due to the State of Emergency.

This Order shall take effect immediately. Further proclamations and directives deemed necessary to ensure 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. This State of Emergency shall remain in effect until rescinded or otherwise amended.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 8th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER**  
Governor

## 6 EXECUTIVE ORDERS

### Executive Order No. 2018-27

#### **Temporary Suspension of Certain Motor Vehicle Regulations Due to Existing Emergencies in South Carolina and North Carolina**

**WHEREAS**, the potential impact of Tropical Storm Florence, which is strengthening and is anticipated to become Hurricane Florence (“Hurricane Florence”), will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal and essentials such as food, water, medicine and medical supplies, fuel oil, livestock and poultry, feed for livestock and poultry, and other agricultural products; and

**WHEREAS**, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is essential before, during, and after Hurricane Florence, and any interruption in the availability, transportation, or delivery of such commodities and materials does and would threaten the public welfare; and

**WHEREAS**, the prompt restoration of utility services is essential to the safety and well-being of the people of South Carolina and neighboring states; and

**WHEREAS**, Hurricane Florence poses an imminent threat of severe economic loss and other dangers to livestock, poultry, or crops ready to be harvested in South Carolina and in neighboring states, which may necessitate transportation of the same; and

**WHEREAS**, in light of the foregoing and due to the imminent threat of widespread damage in connection with Hurricane Florence, it is prudent to assist in facilitating and supporting the operation of critical transportation services; and

**WHEREAS**, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127; and

**WHEREAS**, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

**WHEREAS**, the undersigned has issued Executive Order 2018-26 contemporaneously herewith declaring that a state of emergency exists throughout the State of South Carolina due to the potential impact of Hurricane Florence; and

**WHEREAS**, in addition to the foregoing, whenever a state of emergency is declared in the State of North Carolina that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and

**WHEREAS**, the Governor of North Carolina issued two Executive Orders on September 7, 2018, copies of which are attached hereto, declaring that a state of emergency exists throughout the State of North Carolina and temporarily suspending certain motor vehicle regulations related to the same.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, in accordance with the aforementioned authorities, I hereby suspend the federal rules and regulations that establish certain registration, permitting, length, width, weight, load, and hours of service requirements, as fully set forth below, for commercial vehicles responding to the existing emergencies in the in the State of South Carolina and

the State of North Carolina. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of such federal rules and regulations, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, for the following commercial vehicles responding to the declared emergencies:

- (1) Persons and vehicles transporting essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, food for livestock and poultry, and crops ready to be harvested; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

**IT IS FURTHER ORDERED** that notwithstanding the waiver of the federal rules and regulations that restrict registration, permitting length, width, and load requirements, drivers in South Carolina are still subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating they are responding to this emergency.

(d) Any dimensions and/or weights of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order is effective immediately and shall remain in effect for thirty (30) days or until the state of emergency ceases, whichever is less, in accordance with section 56-5-70 of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 8th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER**  
**Governor**

## 8 EXECUTIVE ORDERS

### Executive Order No. 2018-28

#### **Mandatory Medical Evacuation of Healthcare Facilities**

**WHEREAS**, the National Hurricane Center advises that Hurricane Florence, anticipated to be a category 4 hurricane, will likely affect or strike the coast of South Carolina; and

**WHEREAS**, the force of Hurricane Florence represents an imminent threat to the safety, security, and welfare of the residents and patients of coastal healthcare facilities; and

**WHEREAS**, I am authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, as the elected Chief Executive of the State, to direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

**WHEREAS**, I have declared a State of Emergency in South Carolina pursuant to Executive Order 2018-26; and

**WHEREAS**, I have determined that evacuation of healthcare facilities is necessary for the preservation of life in and surrounding the threatened area; and

**WHEREAS**, I, with consultation of the South Carolina Emergency Management Division and the South Carolina Department of Health and Environmental Control (DHEC), have determined that due to time and logistical concerns, evacuation of healthcare facilities should begin prior to a general population evacuation.

**NOW THEREFORE**, by virtue of the power and authority vested in me as the Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective at the time of one o'clock PM, September 10, 2018, I do hereby order a mandatory medical evacuation of all healthcare facilities licensed by DHEC and located in the following Evacuation Zones in Jasper (Zones A, B), Beaufort (Zone A), Colleton (Zones A, B), Charleston (Zones A, B and C), Dorchester (Zones D, E and F), Berkeley (Zones B, G, H and I), Georgetown (Zones A, B and C), and Horry (Zones A, B and C). Specific details of the areas for the evacuation follow this Order in Attachment 1., Evacuation Zones.

For purposes of this Order, healthcare facilities include acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, rehabilitation hospitals, nursing homes, community residential care facilities (also called assisted living facilities), ambulatory surgical facilities, hospice facilities, radiation therapy facilities, abortion facilities, day care facilities for adults, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability (ICFPID), narcotic treatment programs, inpatient facilities that treat individuals for psychoactive substance abuse or dependence, and birthing centers.

Upon the effective date and time of this Order, all healthcare facilities in the evacuation zones are hereby ordered to initiate evacuation procedures and to stop admission of any non-emergent patients. All inpatient facilities in the evacuating zones shall immediately begin to reduce their census of patients, limit services to emergent or essential patient needs (for example, non-elective procedures, dialysis, giving birth, medications, and chemotherapy), and take other measures as necessary to ensure evacuation is completed pursuant to this Order.

It is important to begin evacuating healthcare facilities in advance of the approaching hurricane and prior to further general population to ensure the safety of patients. Each healthcare facility is unique with different needs and should begin implementing its plan now. Recognizing that fully evacuating takes time and the needs of each healthcare facility are different, each healthcare facility must notify DHEC upon completion

of its evacuation so that the State has a census of healthcare facilities. Such notification to DHEC may be made by e-mail or by telephone: [acc-healthreg@dhec.sc.gov](mailto:acc-healthreg@dhec.sc.gov) or 1-800-833-0099.

**OBTAINING EXEMPTION FROM THE MANDATORY MEDICAL EVACUATION**

In accordance with applicable law and regulations, a hospital seeking an exemption from this Order must request the exemption from DHEC. DHEC will base its exemption decisions on the hospital's Critical Data Sheet (CDS) on file with DHEC. Based upon the CDSs and other relevant criteria, DHEC may grant exemptions from a full mandatory evacuation to those hospitals which qualify. Nursing homes, ICFIDs, and hospice facilities are generally NOT allowed an exemption. Under limited circumstances, DHEC may exempt nursing facilities (nursing homes), ICFIDs, and hospice facilities pursuant to SC Regs. 61-17, 61-13, and 61-78, respectively. Attached to this Order are DHEC's Mandatory Medical Evacuation Protocols that shall be enforced while this Order is in place.

DHEC will maintain the list of hospitals that are granted exemptions from the requirement to evacuate. DHEC may revoke an exemption as needed, such as due to deteriorating conditions. Those requesting exemptions should be aware that assistance may not be available due to the severe weather or the effects of the severe weather.

**APPROVING SHELTER-IN-PLACE FOR MEDICALLY-FRAGILE PATIENTS**

Under limited circumstances, a physician may determine that it is medically advisable for a medically-fragile patient to shelter-in-place in a hospital that has otherwise evacuated. In this scenario, such hospital should work through this issue according to DHEC's protocols. Attached to this Order are DHEC's Mandatory Medical Evacuation Protocols that shall be enforced while this Order is in place.

**RE-ENTRY**

After a county is evacuated, re-entry decisions into the county will be made at a local level based on local conditions. Thus, if a hospital requests to re-establish emergency services, including those services necessary to support emergency services, within a part of the hospital after the hurricane has subsided but before the expiration of this Order, or after the expiration of this Order but before a county is allowing re-entry, the hospital must work with DHEC and the **local emergency management authority** to gain re-entry into the county and hospital. The hospital, in consultation with DHEC, must conduct an inspection of the facility to determine if that section can function safely and meet regulatory requirements. The inspection must be certified by the facility manager and the CEO or their designees. Upon approval from DHEC, the hospital must obtain approval of the local emergency management authority in the county prior to re-establishing services. The local emergency management authority is appropriate to assist in re-entry decisions as they will have intimate knowledge of the local conditions, such as road conditions and risks to patients' lives and safety.

Further Proclamations and Orders deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by me, and thereafter published for dissemination within the succeeding twenty-four-hour period.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 10th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER**  
Governor



## 10 EXECUTIVE ORDERS

### Executive Order No. 2018-29

**WHEREAS**, the National Hurricane Center has advised that Hurricane Florence will impact the State of South Carolina, especially the coastal areas; and

**WHEREAS**, Hurricane Florence and the associated wind, heavy rain, localized flooding, and other severe weather, represent a significant threat to the State of South Carolina and require that the State take timely precautions to protect property, critical infrastructure, communities, and the general safety, security, and welfare of the people of this State; and

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

**WHEREAS**, as the Chief Executive of this State, pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, the undersigned is authorized to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is deemed necessary for the preservation of life or other disaster mitigation, response, or recovery; and

**WHEREAS**, the undersigned has determined that an evacuation is necessary for the preservation of life in and surrounding the threatened areas or for other emergency mitigation, response, or recovery efforts.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective at the time of twelve o'clock PM (noon), September 11, 2018, I do hereby order an evacuation of all persons located in the following Evacuation Zones in Jasper (Zones A, B), Beaufort (Zone A), Colleton (Zones A, B), Charleston (Zones A, B, and C), Dorchester (Zones D, E, and F), Berkeley (Zones B, G, H, and I), Georgetown (Zones A, B, and C), and Horry (Zones A, B, and C) Counties, with the exception of those critical or emergency response personnel, as designated by the appropriate municipal, county, or special purpose district officials, necessary to provide essential services during or immediately following the event. All other persons are ordered to evacuate the areas as expeditiously as possible. Specific details regarding the areas for evacuation are attached to this Executive Order.

Any persons or non-Emergency Management personnel who remain in the Evacuation Zones, and any medical facilities, nursing home facilities, businesses, or other organizations or entities that allow or require persons under their charge to remain in the Evacuation Zones are responsible for the safety and well-being of themselves and of those under their charge. Any such persons or entities are charged with the knowledge that should they need the assistance of emergency personnel or services, those personnel or services may not be available or capable of coming to their aid.

**FURTHER**, I hereby direct that specified units of the South Carolina National Guard, at the discretion of the Adjutant General in consultation with the Director of the Emergency Management Division (EMD), may remain on duty to assist civil authorities in these areas, including Emergency Support Functions (ESF) 13 and 16, the South Carolina Department of Public Safety (DPS), and the South Carolina Law Enforcement Division (SLED), taking all reasonable precautions as necessary for the preservation of life and property. The South Carolina National Guard may supplement units as needed. DPS will remain to assist with all traffic control points as assigned and needed.

Persons in other areas near the projected path of Hurricane Florence should take all precautions necessary to ensure their protection from potential high winds, heavy rain, localized flooding, and other severe weather.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued verbally by me and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 10th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2018-30**

**Temporary Closure in Specified Counties of State Schools and Government Offices, including  
State-Supported Colleges, Universities, and Technical Colleges**

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

**WHEREAS**, Hurricane Florence and the associated wind, heavy rain, localized flooding, and other severe weather, represent a significant threat to the State of South Carolina and require that the State take timely precautions to protect property, critical infrastructure, communities, and the general safety, security, and welfare of the people of this State; and

**WHEREAS**, as the Chief Executive of this State, pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, the undersigned is authorized to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is deemed necessary for the preservation of life or other disaster mitigation, response, or recovery; and

**WHEREAS**, the foregoing provision authorizes the undersigned to direct and compel the closure of state government offices and schools to effectuate and support the evacuation of the public from those areas threatened by the impacts of Hurricane Florence; and

**WHEREAS**, the undersigned has determined that it is necessary to reduce traffic on the interstates and highways to assist in the safe evacuation of coastal counties; and

**WHEREAS**, the undersigned has determined that its necessary to utilize state schools to serve as shelters and school buses to assist in the evacuation; and

**WHEREAS**, the aforementioned measures are necessary for emergency mitigation and response, as well as to safeguard the public evacuating in accordance with Executive Order 2018-29, which requires the evacuation of specified Evacuation Zones in certain counties.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I do hereby order the following:

1. The closure of all schools, beginning Tuesday, September 11, 2018, in the following counties in order to support shelter operations for persons evacuated from the coastal counties: Beaufort, Jasper, Colleton, Hampton, Allendale, Bamberg, Barnwell, Aiken (Southern Conglomerate); Charleston, Berkeley, Dorchester, Orangeburg, Calhoun, Richland, Lexington (Central Conglomerate); and Horry, Georgetown, Williamsburg,

## 12 EXECUTIVE ORDERS

Marion, Florence, Dillon, Clarendon, Sumter, Darlington, Lee, and Marlboro (Northern Conglomerate). The duration of this closure is for the duration of shelter operations, which will be open for the period of the evacuation and until conditions allow the public to reenter evacuated areas. A subsequent Order shall be issued to lift this closure.

2. The closure of all state government offices (to include state-supported colleges, universities, and technical colleges), beginning Tuesday, September 11, 2018, in the following counties in order to support evacuation operations by allowing the evacuation of needed areas and reducing traffic on the roadways: Beaufort, Jasper, Colleton, Hampton, Allendale, Bamberg, Barnwell, Aiken (Southern Conglomerate); Charleston, Berkeley, Dorchester, Orangeburg, Calhoun, Richland, Lexington (Central Conglomerate); and Horry, Georgetown, Williamsburg, Marion, Florence, Dillon, Clarendon, Sumter, Darlington, Lee, Marlboro (Northern Conglomerate). This Order affects all employees except for those emergency, governmental, or essential personnel whose presence the Director of said state government office deems necessary. The duration of closure will be for the period of the evacuation. A subsequent Order shall be issued to lift this closure.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued verbally by me and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 10th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER  
Governor**

### **Executive Order No. 2018-31**

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to the significant threat posed by Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

**WHEREAS**, upon consultation with the South Carolina Emergency Management Division and the South Carolina Department of Health and Environmental Control (DHEC), the undersigned determined that the evacuation of certain threatened areas was necessary for the preservation of life and that the evacuation of certain healthcare facilities in the threatened areas should begin prior to a general population evacuation due to timing and logistical concerns; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-28, ordering a mandatory medical evacuation, effective at 1:00 p.m. on September 10, 2018, of all healthcare facilities licensed by DHEC located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties in accordance with DHEC's Mandatory Medical Evacuation Protocols; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-29, ordering the evacuation, effective at 12:00 p.m. on September 11, 2018, of all persons located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties, with the exception of critical or emergency response personnel, due to the imminent danger posed by Hurricane Florence and based on the forecasted track of the same; and

**WHEREAS**, the foregoing evacuation orders were issued in light of the anticipated path and impact of Hurricane Florence and the resulting threats to the safety, security, and welfare of the general population and of

residents and patients of coastal healthcare facilities and the need to take timely precautions to protect people, property, critical infrastructure, and communities; and

**WHEREAS**, according to the National Weather Service, Beaufort County, Jasper County, and certain portions of Colleton County are no longer within the National Hurricane Center's Track Forecast Cone and are not currently under a hurricane watch; and

**WHEREAS**, DHEC has advised that Hurricane Florence no longer poses an imminent threat to the life, health, safety, or welfare of residents and patients of coastal healthcare facilities in Beaufort County, Jasper County, and certain portions of Colleton County; and

**WHEREAS**, after carefully considering the latest weather forecasts and other relevant information regarding Hurricane Florence's projected track, the undersigned has determined that it is appropriate based on current conditions for county authorities to make decisions about access to threatened areas in Beaufort County, Jasper County, and Colleton County (with the exception of Edisto Beach).

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the mandatory medical evacuation and general population evacuation orders for Beaufort County (Zone A), Jasper County (Zones A and B), and Colleton County (Zones A and B, with the exception of Edisto Beach), effective at 12:00 p.m. on September 11, 2018. A map of the remaining evacuation area for Edisto Beach is attached to this Executive Order. The corresponding provisions of Executive Order 2018-28 and Executive Order 2018-29 are hereby modified and amended to reflect the foregoing and to be consistent with the directives set forth herein.

**FURTHER**, nothing in this Order prohibits local officials from establishing a curfew or restricting access to areas of danger to ensure the welfare and safety of the general population and of healthcare facility patients, residents, and visitors. Accordingly, to the extent necessary, I hereby authorize state officials to assist in enforcing any applicable local curfews or restrictions to help ensure the welfare and safety of residents and visitors. All residents and visitors remaining in or returning to the foregoing areas should continue to monitor weather forecasts and conditions and exercise due caution to travel safely across roads and bridges and should understand that portions of these areas may be without power or access to essential services.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure 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.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 11th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2018-32**

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-28, ordering a mandatory medical evacuation, effective at 1:00 p.m. on September 10, 2018, of all healthcare facilities licensed by the South Carolina Department of Health and Environmental Control (DHEC) located in specified Evacuation

## 14 EXECUTIVE ORDERS

Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties in accordance with DHEC's Mandatory Medical Evacuation Protocols; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-29, ordering the evacuation, effective at 12:00 p.m. on September 11, 2018, of all persons located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties, with the exception of critical or emergency response personnel, due to the imminent danger posed by Hurricane Florence and based on the forecasted track of the same; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-30, temporarily closing state government offices and schools, including state-supported colleges, universities, and technical colleges, in 26 counties to effectuate and support the evacuation of the public from those areas threatened by the impacts of Hurricane Florence; and

**WHEREAS**, according to the National Weather Service, Beaufort County, Jasper County, and certain portions of Colleton County are no longer within the National Hurricane Center's Track Forecast Cone and are not currently under a hurricane watch; and

**WHEREAS**, on September 11, 2018, after consideration of the latest weather forecasts and other relevant information regarding Hurricane Florence's projected track, the undersigned issued Executive Order 2018-31, rescinding the mandatory medical evacuation and general population evacuation orders for Beaufort County (Zone A), Jasper County (Zones A and B), and Colleton County (Zones A and B, with the exception of Edisto Beach), effective at 12:00 p.m. on September 11, 2018, thereby modifying and amending the provisions of Executive Order 2018-28 and Executive Order 2018-29; and

**WHEREAS**, the modification and amendment of the mandatory medical evacuation and general population evacuation orders, as specified in Executive Order 2018-31, lessens the need to utilize schools as shelters and school buses for evacuation purposes and reduces expected traffic volumes on the corresponding evacuation routes; and

**WHEREAS**, it is therefore no longer necessary to close state government offices and schools, including state-supported colleges, universities, and technical colleges, in the following counties: Beaufort, Jasper, Colleton, Hampton, Allendale, Bamberg, Barnwell, and Aiken (Southern Conglomerate).

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the previous directive to close state government offices (to include state-supported colleges, universities, and technical colleges) and schools, effective Wednesday, September 12, 2018, for the Southern Conglomerate. Accordingly, state government offices in the Southern Conglomerate should adhere to normal state procedure, following county closures for inclement weather, and state schools in the Southern Conglomerate should adhere to the applicable school district policy in resuming regular activities. Notwithstanding the foregoing, because Edisto Beach is still considered at-risk and subject to Executive Order 2018-29, any state government offices, to include state-supported colleges, universities, and technical colleges, and schools located in the Edisto Beach evacuation area, as detailed in the attachment to Executive Order 2018-31, shall remain closed. State government offices in counties not listed above shall remain closed in accordance with Executive Order 2018-30, except for those emergency, governmental, or essential personnel whose presence the director of said state government office deems necessary. A subsequent Order shall be issued to lift this closure.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued verbally by me and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 11th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER**  
**Governor**

**Executive Order No. 2018-33**

**WHEREAS**, due to the recent death of Willie R. Davis, there presently exists a vacancy on Dorchester County Council in the office and seat representing District One; and

**WHEREAS**, the Dorchester County Board of Elections and Registration (“Board”) previously scheduled and noticed a special primary runoff for September 11, 2018, in connection with the election to fill the aforementioned vacancy; and

**WHEREAS**, the State Election Commission (“Commission”), on behalf of the Board, has advised the undersigned that the Board was unable to conduct the special primary runoff as scheduled due to the anticipated impact of Hurricane Florence and the State of Emergency, evacuation, and closure of government offices related to the same; and

**WHEREAS**, the Commission has advised the undersigned of the Board’s request to reschedule the special primary runoff for Tuesday, September 18, 2018, in view of the approaching general election and deadlines associated with the same; and

**WHEREAS**, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides as follows: “When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order that the special primary runoff in connection with the election to fill the vacancy on Dorchester County Council for the seat representing District One shall be held on Tuesday, September 18, 2018. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, as amended, I designate and appoint the Board to perform the necessary official duties pertaining to the special primary runoff, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 11th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER**  
**Governor**

## 16 EXECUTIVE ORDERS

### Executive Order No. 2018-34

#### **Rescission of Mandatory Medical and General Population Evacuation for Berkeley County, Charleston County, Dorchester County, and Edisto Beach**

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to the significant threat posed by Hurricane Florence; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-28, ordering a mandatory medical evacuation, effective at 1:00 p.m. on September 10, 2018, of all healthcare facilities licensed by DHEC located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties in accordance with DHEC's Mandatory Medical Evacuation Protocols; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-29, ordering an evacuation, effective at 12:00 p.m. on September 11, 2018, of all persons located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties, except for critical or emergency response personnel, due to the imminent danger and forecasted track posed by Hurricane Florence; and

**WHEREAS**, on September 11, 2018, the undersigned issued Executive Order 2018-31, effective at 12:00 p.m. on September 11, 2018, rescinding the mandatory medical evacuation and general population evacuation orders for all persons located in specified Evacuation Zones in Jasper, Beaufort, and Colleton Counties, with the exception of Edisto Beach, and modifying the corresponding provisions of Executive Order 2018-28 and Executive Order 2018-29.

**WHEREAS**, Hurricane Florence has been downgraded to a Tropical Storm and, based on reports by the National Weather Service, no longer poses an imminent threat to the life, health, safety, or welfare of persons in Berkeley County, Charleston County, Dorchester County, or Edisto Beach.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the mandatory medical evacuation and general population evacuation orders for Berkeley County, Charleston County, Dorchester County, and Edisto Beach, effective at 12:00 p.m. (noon) on September 15, 2018. The corresponding provisions of Executive Orders 2018-28, 2018-29, and 2018-31 are hereby modified and amended to correspond with and be consistent with this Order.

**FURTHER**, this Order does not rescind general population or medical evacuation orders for Georgetown and Horry counties, pursuant to Executive Orders 2018-28 and 2018-29, which will only be rescinded when local officials provide notification that these areas are safe. However, for the health and welfare of the citizens, dialysis centers licensed by DHEC and hospitals that have re-established emergency services pursuant to the re-entry provision in Executive Order 2018-28 are allowed to open in all counties to provide essential, non-elective services regardless of the medical and general evacuation orders in place for that county.

**FURTHER**, all residents and visitors returning to the foregoing areas should continue to monitor weather forecasts and conditions and exercise due caution to travel safely across roads and bridges and should understand that portions of these areas may be without power or access to essential services.

Nothing in this Order prohibits local officials from establishing a curfew or restricting access to areas of danger to ensure the welfare and safety of the general population and of healthcare facility patients, residents, and visitors. Accordingly, to the extent necessary, I hereby authorize state officials to assist in enforcing any applicable local curfews or restrictions to help ensure the welfare and safety of residents and visitors.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure 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.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 15th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2018-35**

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-30, temporarily closing state government offices and schools, including state-supported colleges, universities, and technical colleges, in 26 counties to effectuate and support the evacuation of the public from those areas threatened by the impacts of Hurricane Florence; and

**WHEREAS**, on September 11, 2018, the undersigned rescinded closures for state government offices and schools, including state-supported colleges, universities, and technical colleges, in the following counties: Beaufort, Jasper, Colleton, Hampton, Allendale, Bamberg, Barnwell, and Aiken (Southern Conglomerate) effective Wednesday, September 12, 2018; and

**WHEREAS**, there are additional counties for which Hurricane Florence, now a tropical storm, no longer poses an imminent threat.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the previous directive to close state government offices (to include state-supported colleges, universities, and technical colleges) and schools, effective Saturday, September 15, 2018, for the following counties: Charleston, Berkeley, Dorchester, Orangeburg, Calhoun, Richland, Lexington (Central Conglomerate), and Williamsburg, Marion, Florence, Dillon, Clarendon, Sumter, Darlington, Lee, and Marlboro (a portion of the Northern Conglomerate).

Accordingly, state government offices in these counties should adhere to normal state procedure, following county closures for inclement weather, and state schools in these counties should adhere to the applicable school district policy in resuming regular activities.

Notwithstanding the foregoing, Georgetown County and Horry County are still considered at-risk. Therefore, any state government offices (to include state-supported colleges, universities, and technical colleges) and schools located in Georgetown County and Horry County shall remain closed in accordance with Executive Order 2018-30, except for those emergency, governmental, or essential personnel whose presence the director of said state government office deems necessary. A subsequent Order shall be issued to lift the closures of state government offices and state schools in Georgetown County and Horry County.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued verbally by me and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



## 18 EXECUTIVE ORDERS

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 15th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER  
Governor**

### **Executive Order No. 2018-36**

**WHEREAS**, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-28, ordering a mandatory medical evacuation, effective at 1:00 p.m. on September 10, 2018, of all healthcare facilities licensed by the South Carolina Department of Health and Environmental Control (DHEC) located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties in accordance with DHEC's Mandatory Medical Evacuation Protocols; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-29, ordering the evacuation, effective at 12:00 p.m. on September 11, 2018, of all persons located in specified Evacuation Zones in Jasper, Beaufort, Colleton, Charleston, Dorchester, Berkeley, Georgetown, and Horry Counties, except for critical or emergency response personnel; and

**WHEREAS**, on September 10, 2018, the undersigned issued Executive Order 2018-30, effective September 11, 2018, temporarily closing state government offices and schools (including state-supported colleges, universities, and technical colleges) in 26 counties to effectuate and support the evacuation of the public from those areas threatened by the impacts of Hurricane Florence; and

**WHEREAS**, the undersigned has issued Executive Orders 2018-31, 2018-32, 2018-34, and 2018-35 rescinding portions of the medical and general populace evacuations, and rescinding portions of the prior closures of government offices and schools; and

**WHEREAS**, the undersigned has left in place a mandatory evacuation effective for Georgetown (Zones A, B, and C), and Horry (Zones A, B, and C) Counties; and

**WHEREAS**, the undersigned has left closed state government and schools, including state-supported colleges, universities, and technical colleges, in Georgetown and Horry Counties; and

**WHEREAS**, as Hurricane Florence, now a tropical storm, no longer poses an imminent threat to South Carolina, the undersigned has determined that it is appropriate based on current weather conditions to lift all remaining restrictions upon Georgetown and Horry Counties, and allow county authorities to make decisions about access and applicable school districts to make decisions about school openings.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective at 9:00 am on Sunday, September 16, 2018, I hereby rescind the mandatory medical evacuation and general population evacuation orders for Georgetown (Zones A, B, and C) and Horry (Zones A, B, and C) Counties.

Nothing in this Order prohibits local officials from establishing a curfew or restricting access to areas of danger to ensure the welfare and safety of the general population and of healthcare facility patients, residents,

and visitors. Accordingly, to the extent necessary, I hereby authorize state officials to assist in enforcing any applicable local curfews or restrictions to help ensure the welfare and safety of residents and visitors. All residents and visitors remaining in or returning to the foregoing areas should continue to monitor weather forecasts and conditions and exercise due caution to travel safely across roads and bridges and should understand that portions of these areas may be without power or access to essential services.

**FURTHER**, effective at 9:00 am on Sunday, September 16, 2018, I also rescind the previous directive to close state government offices (to include state-supported colleges, universities, and technical colleges) and schools, for Georgetown and Horry Counties. Accordingly, Georgetown and Horry County state government offices should adhere to normal state procedure, following county closures for inclement weather, and schools should adhere to the applicable school district policy in resuming regular activities.

**ACCORDINGLY**, as of this order, all previous evacuation orders, state government office closures, and school closures have been rescinded.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued verbally by me and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 15th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER  
Governor**

## 20 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

Termination of State Register Document No. 4814

September 28, 2018

The Department of Health and Environmental Control (“Department”) published a Notice of Proposed Regulation, identified as Document No. 4814, in the June 22, 2018, State Register to amend R.61-62, Air Pollution Control Regulations and Standards. The Department proposed these amendments to incorporate changes to U.S. Environmental Protection Agency regulations and maintain compliance with federal law. As a result of comments received in response to the Notice of Proposed Regulation, the Department canceled the previously scheduled public hearing and will be restarting the promulgation process to incorporate federal law-related amendments to R.61-62 with a new Notice of Drafting.

Document No. 4814 is hereby terminated.

For more information, please see the Department’s new Notice of Drafting for R.61-62 published in this (September 28, 2018) volume of the State Register.

### 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 September 28, 2018 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 Horry County

##### **Tidelands Health ASC, LLC d/b/a Tidelands Health Medical Park at the Market Common Ambulatory Surgery Center**

Development of a multi-specialty Ambulatory Surgery Facility within the new Tidelands Health Medical Park at The Market Common at a total project cost of \$13,926,702.

##### Affecting Jasper County

##### **Friends of Caroline Hospice of Beaufort, Inc. d/b/a Caroline's Cottage**

Construction of an eight-bed inpatient and residential hospice facility as well as a new administrative building at a total project cost of \$6,565,000.

##### Affecting Laurens County

##### **Interim HealthCare of the Upstate, LLC**

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

##### Affecting Lexington County

##### **Lexington County Health Services District, Inc. d/b/a Lexington Medical Center**

Addition of a fourth cardiac catheterization lab to the existing Cardiac Cath Department at a total project cost of \$2,961,659.

**Lexington County Health Services District, Inc. d/b/a Lexington Medical Center**

Addition of 72 inpatient beds for a total of 557 licensed beds at a total project cost of \$6,332,655.

**Affecting Sumter County**

**Palmetto Health Tuomey d/b/a Palmetto Health Tuomey**

Renovation and expansion of the current emergency department with no increase in licensed bed capacity or services at a total project cost of \$23,016,888.

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 September 28, 2018. "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 Anderson County**

**Providence Home Health, LLC**

Establishment of a Home Health Agency in Anderson County at a total project cost of \$78,608.

**Affecting Beaufort County**

**Hilton Head Health System, L.P. d/b/a Hilton Head Hospital**

Acquisition of a Globus Excelsius GPS Navigation System at a total project cost of \$1,351,619.

**Affecting Berkeley County**

**Low Country Endoscopy Center, LLC**

Development of an endoscopy only ambulatory surgery facility at a total project cost of \$7,708,591.

**Affecting Cherokee County**

**Providence Home Health, LLC**

Establishment of a Home Health Agency in Cherokee County at a total project cost of \$78,834.

**Affecting Greenville County**

**Providence Home Health, LLC**

Establishment of a Home Health Agency in Greenville County at a total project cost of \$78,608.

**Affecting Horry County**

**HHC South Carolina, Inc. d/b/a Lighthouse Behavioral Health Hospital**

Addition of 7 psychiatric beds and 2 substance abuse beds for a total of 76 psychiatric beds and 29 substance abuse beds at a total project cost of \$0.00

## 22 NOTICES

### Affecting Lancaster County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in Lancaster County at a total project cost of \$78,834.

### Affecting Laurens County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in Laurens County at a total project cost of \$78,608.

#### **Interim HealthCare of the Upstate, LLC**

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

### Affecting Lexington County

#### **Lexington County Health Services District, Inc. d/b/a Lexington Medical Center**

Addition of a fourth cardiac catheterization lab to the existing Cardiac Cath Department at a total project cost of \$2,961,659.

### Affecting Pickens County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in Pickens County at a total project cost of \$76,608.

### Affecting Spartanburg County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in Spartanburg County at a total project cost of \$78,608.

### Affecting York County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in York County at a total project cost of \$78,834.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

#### Notice of Cancellation and Rescheduling of Public Hearing State Register Document No. 4815

September 28, 2018

The Department of Health and Environmental Control published a Notice of Proposed Regulation in the June 22, 2018, State Register, identified as Document No. 4815, to propose amendments of R.61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP). The aforementioned Notice scheduled a public comment period that closed July 23, 2018, and gave notice of a public hearing scheduled before the Board of Health and Environmental Control (Board) for September 13, 2018.

Due to inclement weather, the Board meeting for September 13, 2018, was canceled, and the public hearing before the Board is now rescheduled for November 8, 2018. The public hearing will be held in the Board Room (3420), Third Floor, Aycock Building, at the Department of Health and Environmental Control, 2600 Bull Street,

Columbia, S.C. Due to admittance procedures at the DHEC building, all visitors must 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 to meeting times. Persons desiring to make oral comments at the public hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentations for the record.

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

### **NOTICE OF GENERAL PUBLIC INTEREST**

NOTICE OF RESCHEDULED PUBLIC HEARING AND OPPORTUNITY OF PUBLIC COMMENT ON  
PROPOSED DESIGNATION OF CAPACITY USE AREA PURSUANT TO S.C. CODE SECTION 49-5-60

September 28, 2018

The South Carolina Department of Health and Environmental Control ("Department") proposes the designation of all of Aiken County, Allendale County, Bamberg County, Barnwell County, Calhoun County, Lexington County, and Orangeburg County as part of the Western Capacity Use Area. Interested persons are invited to make oral or written comments on the proposed Capacity Use Area at a public hearing to be conducted by the Board of Health and Environmental Control on November 8, 2018. This public hearing replaces the previously scheduled September 13, 2018, public hearing, which is hereby rescheduled for the November 8, 2018, date. The public hearing will be held in the Board Room of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m. The Board's agenda will be published 24 hours 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 presentations for the record.

SCDHEC's technical report on groundwater conditions in Aiken, Allendale, Bamberg, Barnwell, Calhoun, Lexington, and Orangeburg Counties is available on the Internet at <http://www.scdhec.gov/sites/default/files/Library/CR-012038.pdf>. A copy of the report may be obtained by contacting Ms. Amira Berezowska at 803-898-3563.

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

### **NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File # 58614  
American Fittings Site

### **NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with TPS-SFG, LLC (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the American Fittings facility located in Greenville County at 1925 Geer Highway, Travelers

## 24 NOTICES

Rest, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later than October 29, 2018, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

### **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File #50834  
Dresser Industries – Jeffrey Manufacturing Site

#### **NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Komatsu Mining Corp. and Goodman Conveyor Company (the Respondents). The VCC provides that the Respondents, with DHEC's oversight, will fund and perform future response actions at the Dresser Industries – Jeffrey Manufacturing facility located in Anderson County, at 645 Floyd Wright Drive, Belton, South Carolina (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Respondents funding and performing an Assessment to determine the source, nature, and extent of release of hazardous substances, pollutants, or contaminants and, if necessary, a Feasibility Study to evaluate alternatives to clean-up the Site. Further, the Respondents will reimburse the Department's costs of overseeing the work performed by the Respondents and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later October 28, 2018 and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

### **NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File # 58692  
Pharmaceutical Associates #1 Site

### **NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Pharmaceutical Associates, Inc. and BP Properties, LLC (the Responsible Parties). The VCC provides that the Responsible Parties, with DHEC's oversight, will fund and perform future response actions at the Pharmaceutical Associates #1 facility located in Greenville County at 1700 A/B Perimeter Road, Greenville, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Parties funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Parties shall reimburse the Department's future costs of overseeing the work performed by the Responsible Parties and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).



## 26 NOTICES

Any comments to the proposed VCC must be submitted in writing, postmarked no later than October 29, 2018, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Parties will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Parties shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Parties may seek contribution from any person who is not a party to this administrative settlement.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina.

Mandatory codes include the:

- 2018 Edition of the International Building Code;
- 2018 Edition of the International Residential Code;
- 2018 Edition of the International Fire Code;
- 2018 Edition of the International Plumbing Code;
- 2018 Edition of the International Mechanical Code;
- 2018 Edition of the International Fuel Gas Code;
- 2017 Edition of the National Electrical Code.

Permissive codes include the:

- 2018 Edition of the International Property Maintenance Code;
- 2018 Edition of the International Existing Building Code;
- 2018 Edition of the International Swimming Pool and Spa Code;
- 2018 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before November 21, 2018.

**STATE FISCAL ACCOUNTABILITY AUTHORITY**  
**CHAPTER 19**  
 Statutory Authority: 1976 Code Sections 11-35-10 et seq.

**Notice of Drafting:**

The State Fiscal Accountability Authority proposes to amend Regulation 19-445. Interested persons may submit comments to Office of General Counsel, Attn: Keith McCook, 1201 Main Street, Suite 420, Columbia, S.C. 29201 or to [regulations@ogc.sc.gov](mailto:regulations@ogc.sc.gov).

**Synopsis:**

The Consolidated Procurement Code authorizes the State Fiscal Accountability Authority to promulgate regulations relating to implementation of Title 11, Chapter 35 (Sections 11-35-60 & -540(1)). The proposed regulation will address various matters regarding Regulation 19-445 and procurement in general.

Legislative review of this proposal will be required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**  
 Statutory Authority: 1976 Code Sections 48-1-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (“State Implementation Plan” or “SIP”). Interested persons may submit comment(s) on these proposed amendments to Roger Jerry, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201, or via email at [jerryre@dhec.sc.gov](mailto:jerryre@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on October 29, 2018, the close of the drafting comment period. This notice supersedes the Notice of Drafting published in the March 23, 2018, South Carolina State Register (Volume 42, Issue 3).

**Synopsis:**

The United States Environmental Protection Agency (EPA) has been promulgating amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 60, 61, and 63 include technical amendments regarding New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.61, National Emission Standards for Hazardous Air Pollutants, and R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference recent federal amendments promulgated from January 1, 2017, through December 31, 2017. The Department also proposes changes to R. 61-62.68, Chemical Accident Prevention Provisions, to maintain compliance with federal law and make corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary. Additionally, the Department proposes striking paragraph (a)(6) of Section 70.3, Applicability, in R.61-62.70, Title V Operating Permit Program, to maintain state compliance with federal regulations.

## 28 DRAFTING NOTICES

The Department also proposes amending R.61-62.96 to repeal the Clean Air Interstate Rule (CAIR) trading program regulations (Subparts AA through II, AAA through III, and AAAA through IIII) and reinstate applicable portions of the EPA's "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (NO<sub>x</sub> SIP Call), with amendments as necessary, to maintain state compliance with federal regulations. The Department adopted R.61-62.97, the Cross-State Air Pollution Rule (CSAPR) Trading Program, on August 25, 2017. Subparts AA through II, AAA through III, and AAAA through IIII of R.61-62.96 are based on the federal CAIR regulation, which EPA has since replaced with federal CSAPR requirements implemented by R.61-62.97. As a result, federal CAIR requirements implemented by R.61-62.96 are no longer in effect. The proposed NO<sub>x</sub> SIP Call regulations will maintain state compliance with federal NO<sub>x</sub> SIP Call requirements that remain applicable following the sunset and repeal of CAIR.

The Department may also propose other changes to Regulation 61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include, but are not limited to, corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**  
**CHAPTER 65**  
Statutory Authority: 1976 Code Sections 1-13-70 and 1-13-80

**Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to amend Regulation 65-30, Guidelines Established. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201.

**Synopsis:**

Regulation 65-30, Guidelines Established, should be updated due to new requirements of the Pregnancy Accommodations Act.

Legislative review is required.

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**  
**CHAPTER 65**  
Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

**Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to amend Regulation 65-235, Hearing Procedures (Review and Enforcement). Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201.

**Synopsis:**

Regulation 65-235, Hearing Procedures (Review and Enforcement), should be renumbered to avoid citation errors. Additionally, the place for a hearing should ordinarily be at the Commission, rather than in the vicinity

of the discriminatory housing practice. Finally, the Administrative Law Court is the appropriate forum for judicial review of an Order of the Commission following a hearing.

Legislative review is required.

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**  
**CHAPTER 65**

Statutory Authority: 1976 Code Sections 1-13-70 and 1-13-80

**Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to amend Regulation 65-24, Notices to be Posted. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201.

**Synopsis:**

Regulation 65-24, Notices to be Posted, should be changed to reflect that all employers must post notices prepared and distributed by the Commission, due to new requirements of the Pregnancy Accommodations Act.

Legislative review is required.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-13-80, 38-90-150 and 38-90-630

**Notice of Drafting:**

The Department of Insurance proposes to revise Regulation 69-70, Annual Audited Financial Reporting Regulation. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email [mmanning@doi.sc.gov](mailto:mmanning@doi.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. October 10, 2018, the close of the drafting comment period.

**Synopsis:**

The Department is proposing to amend Regulation 69-70 to add the definition of “internal audit function” and to add certain internal audit function requirements in accordance with NAIC Model Regulation #205. These amendments will aid the Department’s monitoring of the financial condition of insurers. States must adopt the changes on or before January 1, 2020 to maintain their accreditation.

Proposed revisions will require legislative review.

## **30 DRAFTING NOTICES**

### **DEPARTMENT OF INSURANCE CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-21-430

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

The Department of Insurance proposes to draft a new Regulation 69-80 that addresses insurers' and insurance groups' corporate governance structures, policies and practices reported to the director through an annual disclosure statement. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email [mmanning@doi.sc.gov](mailto:mmanning@doi.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. October 10, 2018, the close of the drafting comment period.

#### **Synopsis:**

This new Corporate Governance Annual Disclosure Act and Regulation is based upon the (NAIC) Model Act #305 and Model Regulation #306. States must adopt the changes on or before January 1, 2020 to maintain their accreditation. This new regulation requires an annual corporate disclosure to its lead regulator. In the disclosure, insurers document information about the corporate governance structure framework and disclose policies and practices used by the board of directors on critical issues. This information will enable the director to gain and maintain an understanding of an insurer's corporate governance framework which should enable the Department to provide more effective oversight.

Proposed revisions will require legislative review.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION PANEL FOR DIETETICS CHAPTER 40**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-20-50(A)

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

The Panel for Dietetics proposes to amend 40-5.1, 40-5.2 and 40-5.3 to eliminate redundancy. Interested parties may submit comments to April Koon, Administrator, Panel for Dietetics, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### **Synopsis:**

The Panel for Dietetics proposes to amend 40-5.1, 40-5.2 and 40-5.3 to eliminate redundancy.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN OPTOMETRY CHAPTER 95**

Statutory Authority: 1976 Code Section 40-37-40(A)(7)

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

The South Carolina Board of Examiners in Optometry proposes to amend: R.95-3 regarding examination requirements; R.95-4 regarding continuing education (CE) requirements, use of an electronic CE tracking

service offered through the Agency, and the number of CE hours that may be obtained online during each licensure period; and R.95-5 regarding licensure by endorsement. Interested persons may submit comments to April Koon, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Examiners in Optometry proposes to amend: R.95-3 to eliminate the requirement that all portions of the national examination be passed; R.95-4 to reduce CE requirements, require the use of an electronic CE tracking service offered through the Agency, and establish the number of CE hours that may be obtained online; and R.95-5 eliminating and modifying certain requirements for obtaining licensure by endorsement.

Legislative review of this amendment is required.

**DEPARTMENT OF NATURAL RESOURCES**  
**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 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, 50-11-2200 and 50-11-2210

**Notice of Drafting:**

The Department of Natural Resources proposes to amend Regulations 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; 123-53, Bear Hunting Rules and Seasons; and 123-54, Chronic Wasting Disease Carcass Importation Regulations. The subject of the proposed action is to amend bag limits and methods of hunting and taking of wildlife on existing Wildlife Management Areas, clarify antlerless deer tag regulations, provide additional bear hunting opportunity, and provide additional regulation for the purpose of wildlife disease prevention. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

**Synopsis:**

These amended regulations will standardize deer and turkey bag limits and restrict methods of hunting turkeys on Wildlife Management Areas. These regulations provide additional hunting opportunities for bears on private lands in portions of Game Zone 2. Amendments are also made to limit the use of substances with potential disease causing agents for deer hunting.

Legislative review is required.

## 32 PROPOSED REGULATIONS

Document No. 4819  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-21-540(11), 59-33-20(c), and 59-33-30

43-241. Medical Homebound Instruction.

### **Preamble:**

The State Board of Education proposes to amend R.43-241, Medical Homebound Instruction, to add “nurse practitioner” and “physician’s assistant” as additional providers who may sign forms recommending Homebound Instruction.

Notice of Drafting for the proposed amendment to the regulation was published in the *State Register* on April 27, 2018.

### Section-by-Section Discussion

Entire Document	Clean up of section and sub-section numbering to conform with other State Board of Education regulations, and punctuation (hyphens) corrections
Section I(A)(1)	Changes “A physician,” to “A physician, nurse practitioner, or physician’s assistant,”

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

A public hearing will be held on November 13, 2018, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed regulation will be posted on the State Board of Education web site for review and comment. To review the regulation click on the attached link [2018–19 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Victoria Ladd, State School Nurse Consultant, Office of Health and Nutrition, Division of Operations and Support, 1401 Senate Street, Columbia, South Carolina 29201 or by e-mail to [vladd@ed.sc.gov](mailto:vladd@ed.sc.gov) on or before 5:00 p.m. on October 29, 2018.

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

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-231.

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

DESCRIPTION OF REGULATION: Medical Homebound Instruction.

Purpose: Changes to 43-241 are proposed to add “nurse practitioner” and “physician’s assistant” as additional providers who may sign forms recommending Homebound Instruction.

Legal Authority: 1976 Code Sections 59-21-540(11), 59-33-20(c), and 59-33-30.

Plan for Implementation: The proposed amendment would be incorporated within R.43-231 upon publication in the *State Register* as a final regulation.

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

The change reflects the current signatory practices of other medical forms

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendment result in any increased cost to the school districts. The proposed amendment will benefit students, schools, districts and the state.

**UNCERTAINTIES OF ESTIMATES:**

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

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed regulation has no effect on the environment.

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

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

**Statement of Rationale:**

School districts are required to collect numerous student related medical documents for a variety of reasons. It is customary that students are treated by other providers in addition to physicians, and the Homebound regulation needs to be updated to allow for these providers to sign as is customary with other medical school forms.

**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. 4820  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
CHAPTER 10  
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50 and 40-6-60

10-5. Auctioneers' Commission.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Auctioneers' Commission, proposes to amend its regulations to delete pro-rated fees.

Section-by-Section Discussion

10-5. Auctioneers' Commission.



## 34 PROPOSED REGULATIONS

- 10-5(A) No change.
- 10-5(A)(1) No change.
- 10-5(A)(1)(a) No change.
- 10-5(A)(1)(b) No change.
- 10-5(A)(1)(c) No change.
- 10-5(A)(1)(d) No change.
- 10-5(A)(1)(e) Delete.
- 10-5(A)(2) No change.
- 10-5(A)(2)(a) No change.
- 10-5(A)(2)(b) No change.
- 10-5(A)(2)(c) No change.
- 10-5(A)(2)(d) Delete.
- 10-5(A)(3) No change.
- 10-5(A)(3)(a) No change.
- 10-5(A)(3)(b) Strike upper case A and insert lower case a.
- 10-5(B) No change.
- 10-5(B)(1) No change.
- 10-5(B)(1)(a) No change.
- 10-5(B)(1)(b) No change.
- 10-5(B)(1)(c) No change.
- 10-5(B)(1)(d) Delete.
- 10-5(B)(1)(e) No change.
- 10-5(B)(2) No change.
- 10-5(B)(2)(a) No change.
- 10-5(B)(2)(b) Strike upper case A and insert lower case a.
- 10-5(C) No change.
- 10-5(C) (1) No change.
- 10-5(C)(1)(a) No change.
- 10-5(C)(1)(b) No change.
- 10-5(C)(1)(c) No change.
- 10-5(C)(1)(d) No change.
- 10-5(C)(2) No change.
- 10-5(C)(2)(a) No change.
- 10-5(C)(2)(b) No change.
- 10-5(C)(2)(c) Strike upper case A and insert lower case a.
- 10-5(C)(2)(d) No change.
- 10-5 (D) No change.
- 10-5 (D)(1) No change.
- 10-5 (D)(2) No change.
- 10-5 (D)(3) No change.
- 10-5 (D)(4) No change.

A Notice of Drafting was published in the *State Register* on July 27, 2018.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 13, 2018. Written comments may be directed to Amy Holleman, Administrator, Auctioneers' Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 29, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

The Commission, by and through the Department, proposes to amend its regulations to delete pro-rated fees as there is no statutory authorization to charge a lesser fee than that established in regulation for licensure.

**DESCRIPTION OF REGULATION:**

Purpose: The regulation deletes prorated licensure fees.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50 and 40-6-60.

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

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

The Auctioneers' Commission reviewed its regulations in conjunction with the Governor's Executive Order 2017-09 and concluded there is no authority in the Code of Laws that authorizes the Commission to charge a licensure fee in an amount different from the amount established in regulation.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

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

**Statement of Rationale:**

The Auctioneers' Commission reviewed its regulations in conjunction with the Governor's Executive Order 2017-09 and concluded there is no authority in the Code of Laws that authorizes the Commission to charge a licensure fee in an amount different from the amount established in regulation.

## 36 PROPOSED REGULATIONS

### Text:

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

Document No. 4821

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70

10-37. Real Estate Commission.

### Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Real Estate Commission, proposes to amend its regulation containing the fee schedule to reduce the late renewal fee from \$25 to \$15.

### Section-by-Section Discussion

10-37. Real Estate Commission.

10-37(A)(1-5) No change.

10-37(B)(1-3) No change.

10-37(B)(4) Change \$25 to \$15.

10-37(B)(5) No change.

10-37(C)(1-6) No change.

10-37(D)(1-3) No change.

10-37(E)(1-7) No change.

A Notice of Drafting was published in the *State Register* on July 27, 2018.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on November 13, 2018. Written comments may be directed to Roderick Atkinson, Administrator, Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 29, 2018. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

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

### Statement of Need and Reasonableness:

These regulations are amended to reduce the amount of the monthly fee for late renewal from \$25 to \$15.

### DESCRIPTION OF REGULATION:

Purpose: The Commission, by and through the Department, is amending its regulations to reduce the amount of the monthly fee for late renewal from \$25 to \$15.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70.

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

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

The Commission, by and through the Department, is amending its regulations to reduce the amount of the monthly fee for late renewal from \$25 to \$15. The need to reduce the fee is reflected by the Commission's budget which indicates there is no need to generate additional revenue. The fee should not be eliminated altogether as it serves the purpose of encouraging the licensees timely renew.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

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

**Statement of Rationale:**

The renewal fee is being reduced as there is no need to generate additional revenue. The fee is not eliminated so as to serve as a deterrent to late renewal.

**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.

## 38 PROPOSED REGULATIONS

Document No. 4823  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF DENTISTRY**  
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G)

- 39-8. Laboratory Work Authorization Form.
- 39-9. Use of Lasers in a Dental Setting. (New section)
- 39-10. Sanitary Standards.
- 39-11. Ethics.
- 39-19. Use of Botox and other Neuromodulators in a Dental Setting. (New section)

### **Preamble:**

The South Carolina Board of Dentistry proposes to amend regulations regarding laboratory work authorization forms, sanitary standards and ethics, and further proposes to establish standards for the use of lasers and the use of Botox and other neuromodulators in a dental setting.

### Section-by-Section Discussion

- 39-8 Strike title and all language. Rename “Laboratory Interactions”.
- 39-8(A) Add new language describing requirements for work authorization form.
- 39-8(B) Add new language establishing protocol for materials having had contact with patients.
- 39-8(C) Add new language establishing protocol for materials that will have contact with patients.
- 39-9 New section entitled “Use of Lasers in a Dental Setting”.
- 39-9(A) Exclude use of non-adjustable laser units used for purposes of diagnoses and curing.
- 39-9(B) Establish that only a dentist may use a laser for removal of hard or soft tissue in the treatment of a dental patient.
- 39-9(C) Establish requirements for use by dental hygienist.
- 39-9(D)(1)-(3) Establish requirements for use of a laser.
- 39-9(E) Establish documentation requirements.
- 39-10 (A) No change.
- 39-10(A)(1) Modify CDC abbreviation.
- 39-10(A)(2)-(5) No change.
- 39-10(A)(6)(a) Replace “according to usage, i.e., autoclave, boiling water sterilization, or cold sterilizer solutions as indicated” with “in compliance with the current recommendations of the CDC”.
- 39-10(A)(6)(b) No change.
- 39-11 (1A – 4D) Strike all and replace with updated version of the Code of Ethics.
- 39-19 New section entitled “Use of Botox and other Neuromodulators in a Dental Setting”.
- 39-19A Establish requirements for dentists using Botox or other neuromodulators.
- 39-19B Establish continuing education and competency requirements or dentists to using Botox or other neuromodulators.
- 39-19C Provide that Botox or other neuromodulators are limited to the injection of resorbable materials only.
- 39-19D Establish location of the body in which dentist can administer Botox or other neuromodulators.
- 39-19E Establish requirements for dentist-patient relationship and recordkeeping requirements.
- 39-19F Establish adherence to FDA and manufacturer’s guidelines.
- 39-19G Establish requirements for setting wherein neuromodulators can be administered.
- 39-19H Establish requirements for cosmetic use.
- 39-19I Provide that patient safety is the responsibility of the dentist
- 39-19J Provide that dentists administering Botox and other neuromodulators are subject to the dental practice act.

A Notice of Drafting was published in the *State Register* on July 27, 2018.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on November 15, 2018. Written comments may be directed to Rita Melton, Administrator, Board of Dentistry, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., October 29, 2018. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

The Dental Practice Act requires the Board to adopt rules and regulations for the practice of dentistry, and specifically for the performance of dental technological work. Therefore, the Board of Dentistry proposes to amend its regulations to address two newer areas in which dentists practice that are not addressed in the practice act, the use of lasers and Botox and other neuromodulators. The Board also seeks to update its code of ethics, as the American Dental Association has issued its ethics code with official advisory opinions revised in February 2018. Additionally, the Board intends to update its regulation regarding sanitary standards to be consistent with the CDC. Finally, the Board seeks to update its regulation regarding the laboratory work authorization form to provide more guidance to the licensee on the requirements.

**DESCRIPTION OF REGULATION:**

**Purpose:** The South Carolina Board of Dentistry proposes to update its regulation pertaining to laboratory work authorization forms to provide more guidance to the public on what they must contain. The Board further seeks to update its regulations related to be sanitary standards to be consistent with CDC standards. The Board is striking its ethics code and reissuing the same, following consideration of the ADA Code of Ethics and updated advisory opinions. Finally, the Board proposes to establish standards for the use of lasers and the use of Botox and other neuromodulators in a dental setting.

**Legal Authority:** 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G).

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

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

The Dental Practice Act requires the Board to adopt rules and regulations for the practice of dentistry, and specifically for the performance of dental technological work. Therefore, the Board of Dentistry proposes to amend its regulations to address two newer areas in which dentists practice that are not addressed in the practice act, the use of lasers and Botox and other neuromodulators. The Board also seeks to update its code of ethics, as the American Dental Association has issued its ethics code with official advisory opinions revised in February 2018. Additionally, the Board intends to update its regulation regarding sanitary standards to be consistent with the CDC. Finally, the Board seeks to update its regulation regarding the laboratory work authorization form to provide more guidance to the licensee on the requirements.

## **40 PROPOSED REGULATIONS**

### **DETERMINATION OF COSTS AND BENEFITS:**

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

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

### **Statement of Rationale:**

The South Carolina Board of Dentistry proposes to update its regulation pertaining to laboratory work authorization forms to provide more guidance to the public on what they must contain. The Board further seeks to update its regulations related to be sanitary standards to be consistent with CDC standards. The Board is striking its ethics code and reissuing the same, following consideration of the ADA Code of Ethics and updated advisory opinions. Finally, the Board proposes to establish standards for the use of lasers and the use of Botox and other neuromodulators in a dental setting.

### **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. 4824  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**MANUFACTURED HOUSING BOARD**  
CHAPTER 79  
Statutory Authority: 1976 Code Section 40-29-10(D)(3)-(7)

79-42. Manufactured Home Installation Requirements.

### **Preamble:**

The South Carolina Manufactured Housing Board proposes to amend its regulations relating to the installation of manufactured homes.

#### Section-by-Section Discussion

79-42. Manufactured Home Installation Requirements.

79-42(A) Add reference to the CFR for new manufactured homes for which instructions are not available; Add reference to the section for used manufactured homes for which instructions are not available.

79-42(B) Update CFR Code section. Add requirement for design by design professional and approval by DAPIA for conditions not covered by section or if installer chooses alternative design for installation.

79-42(B)(1) No change.

79-42(B)(2) Update CFR Code section.

79-42(B)(3) Replace Standard Building Code with South Carolina Residential Code.

79-42(B)(3)(a)(1-4) No change.

79-42(B)(3)(b)(1) No change.

79-42(B)(3)(b)(2)(a) Delete sentence stating the Board may approve methods other than those specified herein.

79-42(B)(3)(b)(2)(b-d) No change.

79-42(B)(3)(b)(3-5) No change.

79-42(B)(4-6) No change.

79-42(C) No change.

79-42 (D) No change.

79-42 (E) (1) No change.

79-42(E)(2) Replace Standard Building Code with South Carolina Residential Code.

79-42(E)(3-4) No change.

79-42 (F) No change.

79-42(G) No change.

A Notice of Drafting was published in the *State Register* on July 27, 2018.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 20, 2018. Written comments may be directed to Roger Lowe, Administrator, Manufactured Housing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on October 29, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

The Model Manufactured Home Installation Standards serve as the basis for developing manufacturers' installation instructions as required by 24 CFR Part 3285. The Model Manufactured Home Installation Standards include methods for performing specific operations or assembly of a manufactured home that will not take the home out of compliance with the Manufactured Home Construction and Safety Standards (24 CFR 3280). States that choose to operate an installation program for manufactured homes in lieu of the federal program must implement installation standards that provide protection to their residents that equals or exceeds the protection provided by these Model Installation Standards. The revisions to the regulations, as proposed hereinbelow, have been approved by the South Carolina Manufactured Housing Board and the US Department of Housing and Urban Development, which oversees the federal program.

**DESCRIPTION OF REGULATION:**

Purpose: These proposed regulations are being offered to conform to HUD-approved standards for installing manufactured homes.

Legal Authority: 1976 Code Section 40-29-10(D)(3)-(7).



## 42 PROPOSED REGULATIONS

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

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

These proposed regulations are being offered to conform to HUD-approved standards for installing manufactured homes.

### DETERMINATION OF COSTS AND BENEFITS:

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

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

### Statement of Rationale:

The Model Manufactured Home Installation Standards serve as the basis for developing manufacturers' installation instructions as required by 24 CFR Part 3285. The Model Manufactured Home Installation Standards include methods for performing specific operations or assembly of a manufactured home that will not take the home out of compliance with the Manufactured Home Construction and Safety Standards (24 CFR 3280). States that choose to operate an installation program for manufactured homes in lieu of the federal program must implement installation standards that provide protection to their residents that equals or exceeds the protection provided by these Model Installation Standards. The revisions to the regulations, as proposed hereinbelow, have been approved by the South Carolina Manufactured Housing Board and the US Department of Housing and Urban Development, which oversees the federal program.

### Text:

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

Document No. 4822  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF PHARMACY**  
CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(C) and (D)(8), 40-43-86(B), and 40-43-150

99-45. Administrative Citations and Penalties.

**Preamble:**

The South Carolina Board of Pharmacy proposes to amend existing regulations to conform to Act No. 29 of 2015 and Act No. 91 of 2017. The Board further proposes to decrease the fine for a pharmacist-in-charge's violation of Act No. 91 of 2017.

Section-by-Section Discussion

99-45. Administrative Citations and Penalties.

99-45A(1)-(9). No change.

99-45A(10). Change the ratio of 3:1 to 4:1 and decrease the fine from \$500 to \$250.

99-45A(10)-(11). Change the ratio of 3:1 to 4:1.

99-45A(12)-(13). No change.

99-45A(14). Strike Flu and insert Immunization.

99-45A(15). No change.

99-45B - G. No change.

A Notice of Drafting was published in the *State Register* on July 27, 2018.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 19, 2018. Written comments may be directed to Traci Collier, Chief Drug Inspector and Administrator, Board of Pharmacy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 29, 2018. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

These regulations are amended to conform to Act No. 29 of 2015 and Act No. 91 of 2017. The regulations would also decrease the fine for a violation of Act No. 91 of 2017.

**DESCRIPTION OF REGULATION:**

Purpose: The proposed regulations replace the reference to a flu protocol violation with an immunization protocol violation to reflect that pharmacists may administer vaccinations other than a flu shot pursuant to the joint written protocol. The proposed regulation will update the existing language to reflect the current ratio of pharmacy technicians to pharmacists as modified in 2017. It further seeks to decrease the fine for a pharmacist-in-charge's violation of the ratio from \$500 to \$250.

#### **44 PROPOSED REGULATIONS**

Legal Authority: 1976 Code Sections 40-1-70, 40-43-60(C) and (D)(8), 40-43-86(B), and 40-43-150.

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

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

These regulations are amended to conform to Act No. 29 of 2015 and Act No. 91 of 2017. The regulations would also decrease the fine for a violation of Act No. 91 of 2017.

#### **DETERMINATION OF COSTS AND BENEFITS:**

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

#### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

#### **Statement of Rationale:**

The proposed regulations replace the reference to a flu protocol violation with an immunization protocol violation to reflect that pharmacists may administer vaccinations other than a flu shot pursuant to the joint written protocol. The proposed regulation will update the existing language to reflect the current ratio of pharmacy technicians to pharmacists as modified in 2017. It further seeks to decrease the fine for a pharmacist-in-charge's violation of the ratio from \$500 to \$250.

#### **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: September 14, 2018 8:30am**

Document No. 4818  
**DEPARTMENT OF INSURANCE**  
 CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-10 et seq., 38-3-110, 38-3-410 et seq., and Executive Order 2018-26

69-79. Moratorium on Cancellation Due to Nonpayment of Premiums and Certain Nonrenewals and Extension of Insurance-Related Provisions Affecting Insureds in South Carolina Impacted by Hurricane Florence.

**Emergency Situation:**

On September 8, 2018, by Executive Order 2018-26, Governor Henry McMaster declared a state of emergency due to Hurricane Florence, a hurricane that represents a significant threat to the State of South Carolina. Areas of South Carolina have been directly impacted by Hurricane Florence's tropical and hurricane force winds, heavy rainfall, and storm surge creating flooding and other emergency conditions. The threat of hurricane, tropical force winds and storm surge necessitated the closing of many businesses, schools, roads and interstates throughout South Carolina. Coastal counties in South Carolina were subject to mandatory evacuations to protect the health, safety, and welfare of South Carolina residents and visitors. Hurricane Florence has impacted the public health, safety, and welfare of South Carolina consumers necessitating the immediate promulgation of an emergency regulation.

To help provide safeguards for consumers and to ensure that South Carolina insureds affected by this disaster do not suffer any additional unnecessary hardship, all individuals, entities, and persons licensed or authorized to transact insurance business in this State are hereby required to implement the safeguards listed below for all lines of business. These safeguards address problems consumers may face due to circumstances that make it difficult for them to take normal action required by policy language or otherwise required by insurer policies or procedures. These measures are intended to provide some peace of mind during the recovery process and help ensure that disaster victims do not lose important insurance coverage during the time they need it most.

**Text:**

**Section 1. Purpose**

This Emergency Regulation is issued to expedite and facilitate the state's recovery from Hurricane Florence to protect the interests of South Carolina insureds in light of this catastrophic event.

S.C. Code Ann. Section 38-3-410 *et. seq.* gives the Director the authority to adopt procedures that facilitate recovery from the emergency. South Carolina law requires that the emergency regulation address claims reporting requirements; grace periods for payment of premiums and performance of other duties by insureds; temporary postponement of cancellations and nonrenewals; and *any* other rule the Director considers necessary to aid the state's recovery from this catastrophic event.

Hurricane Florence has disrupted the lives of many South Carolinians. Some consumers have been evacuated and may experience the destruction or damage of their homes and property. Thus, many victims are displaced and currently unable to timely act or respond to insurance notices or to timely pay insurance premiums and may need additional time within which to act or respond. Additionally, insureds who wish to make timely payment may be otherwise prevented from making such payments because of the effects of Hurricane Florence and the aforementioned circumstances. This Emergency Regulation provides emergency relief to the insureds of South Carolina affected by this disaster event. It is the expectation of this Department that insurers will be guided by a "reasonableness" standard and, when uncertain, will "err" on the side of the consumer.

## **46 EMERGENCY REGULATIONS**

### **Section 2. Definitions**

As used in this regulation, the terms below have the following meaning:

(1) “Insured” includes, but is not limited to, a person, policyholder, member, subscriber, enrollee, covered individual, or certificate holder for which coverage or benefits are provided under an insurance contract that is subject to regulation under the South Carolina Insurance Law directly impacted by Hurricane Florence. For purposes of this regulation, an insured directly impacted by Hurricane Florence means the insured has experienced emergency conditions that make it difficult for the insured to timely act or respond to insurance notices, documentation requests or timely pay premiums.

(2) “Insurer” means any person or entity that is licensed, authorized, registered, or otherwise subject to regulation under the South Carolina Insurance Law that provides insurance coverage for one or more of the line(s) of insurance as defined in sub-item (3).

(3) “Line of insurance” or “lines of insurance” includes any insurance contract that is subject to regulation under the South Carolina Insurance Law and includes, but is not limited to, flood insurance (not issued pursuant to the National Flood Insurance Program), property insurance, automobile insurance, liability insurance, casualty insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, life insurance, accident and health insurance, credit life insurance, credit property insurance, annuities, health maintenance organizations (HMOs), excess and surplus lines insurance, reciprocal insurance, and stop loss insurance. It does not include workers’ compensation insurance.

(4) “Person” means, as defined in S.C. Code Section 38-1-20(44) (2015).

(5) “Impacted area” includes all forty-six South Carolina counties.

(6) “Insurance contract” means a plan, policy, contract, certificate, or agreement that is subject to regulation under the South Carolina Insurance Law. It includes premium service company agreements relating to people, property, or risks located in the impacted area.

### **Section 3. Scope and Applicability**

This regulation shall apply to all insurers with respect to any insurance contract that is (1) for any line of insurance and (2) relates to either an insured residing in an impacted area or an insured’s risk located in an impacted area.

### **Section 4. 60-Day Moratorium on Cancellations Due to Nonpayment of Premium and on Nonrenewals**

There is a 60-day moratorium on the cancellation of any insurance contract attributed to a failure to pay premium(s) by insureds directly impacted by this disaster. This is not a waiver; it is only an extension or grace period for insureds directly impacted by this disaster to pay premiums.

In the case of an insurance contract for which a nonrenewal takes effect during the moratorium period, coverage shall be continued at the request of insured for the duration of the moratorium period. An insured requesting a temporary extension of coverage under this provision is responsible for any additional premium owed during the time period for which coverage is extended.

After the moratorium, insurers shall work with insureds directly impacted by the disaster event that may request or require additional time to pay premiums that would have been due during the moratorium (e.g., payment plan or further extension of the date by which the amount due must be paid in full).

The 60-day moratorium period begins Friday, September 14, 2018 and ends November 13, 2018.

### **Section 5. Exceptions to Contract Requirements or Underwriting Decisions for Insureds Directly Impacted by the Disaster Event**

Insurers shall consider exceptions to insurance contracts or underwriting requirements for insureds directly impacted by the disaster event. This includes, but is not limited to:

- a. an extension of proof of loss deadlines;
- b. waivers of limitations relating to the use of out-of-network providers; and
- c. insureds that may temporarily be unable to receive or timely act in response to notices regarding underwriting decisions.

Any such exception will not be considered unfairly discriminatory if it is focused on providing additional consumer protections for insureds that are directly impacted by this disaster event.

With respect to insureds that contact their insurer, or a representative of their insurer, for the express purpose of obtaining a letter documenting that coverage does not exist for damages resulting from the disaster event in order to complete an application for governmental assistance (e.g., Federal Emergency Management Agency Individual Assistance), an insurer must not consider this contact as a claim or a claim inquiry for purposes of rating, underwriting, or reporting to a third-party claims history database.

### **Section 6. Cancellation and Nonrenewal**

No insurance contract shall be cancelled or nonrenewed solely because of a claim resulting from this disaster event.

### **Section 7. Policy Cancellation Permissible Upon Request**

Nothing in this regulation shall prevent an insurer from cancelling an insurance contract upon the documented request or concurrence of the insured.

### **Section 8. Copy of Insurance Contract to be Provided at No Cost to Impacted Insureds**

If an insured displaced as a result of, or directly impacted by, the disaster event requests a copy of his insurance contract, the insurer shall provide a copy of the requested contract at no cost to the insured within fifteen calendar days of the written request.

### **Section 9. Adjustment and Settlement of Claims**

Insurers should always promptly and in good faith adjust and pay all valid insurance claims. This is extremely important following a declared disaster emergency with respect to claims related to the disaster. S. C. Code Ann. Section 38-59-20(4) (2015) requires that claim payments be made in a prompt, fair, and equitable manner. The Director expects insurers take the following action upon receiving notice of a claim, keeping in mind that the magnitude of and circumstances surrounding the disaster may impact the adjustment and settlement of individual claims:

- a. Promptly establish contact with the claimant;
- b. Promptly survey and assess the claimant's damage;
- c. Accurately and completely respond to Department inquiries, including inquiries made relating to consumer complaints filed with the Department, by the deadline prescribed by the Department;
- d. Promptly inform claimants of any documents that must be submitted to evaluate or process a claim;
- e. Provide prompt and accurate responses to claimants;
- f. Provide prompt payment for additional living expenses and temporary repairs after the assessment of the insured's or claimant's damage;
- g. Promptly set appointments with the claimant for examination and resolution of claim matters.

## **48 EMERGENCY REGULATIONS**

If necessary, the Director may establish a mediation program to facilitate the resolution of disputed open claims for damage to real and personal property resulting from the disaster. The requirements for any such program will be established by order or subsequent amendment to this regulation.

### **Section 10. Method of Payment for Claims**

In order to facilitate the resolution of claims in an expeditious manner, claims payment for losses due to Hurricane Florence may be made by insurers by issuance of a prepaid debit card or any other form of electronic transfer *provided* (1) the insured is informed that payment in this manner is a voluntary option for payment and agrees to the method of payment; (2) the method of payment is not subject to any fees that would result in the insured receiving less than the full amount due; (3) the insured is permitted, at any time, to convert any balance into cash; and (4) the insured is notified of applicable terms and conditions.

### **Section 11. Premium Offset**

In the course of settlement of a claim from an insured, any claim payment made to the insured or beneficiary under the insurance policy may not include an offset for any premium due unless the insured or beneficiary agrees in writing to an offset.

This section is not applicable to accident and health insurance coverage or any coverage provided by HMOs.

### **Section 12. Prescription Refills**

An insurance policy or contract, including an HMO, that provides coverage for prescription drugs must allow one early refill of a prescription if there are authorized refills remaining or allow one replacement prescription for a prescription that was recently filled for insureds who reside in the impacted area. This section is valid for requests made on or before September 30, 2018.

### **Section 13. Cancellation for Fraud or Material Representation**

This regulation shall not be construed so as to prevent an insurer from canceling or terminating coverage for fraud or material misrepresentation in accordance with applicable law.

### **Section 14. Insured's Obligation to Provide Information and Cooperation**

This regulation shall not relieve an insured who has a claim caused by this disaster event from compliance with the insured's obligation to provide information and cooperate in the adjustment or investigative process related to the claim.

### **Section 15. Waiver of Certain Interest, Penalties, Fees and Other Charges**

The Director expects insurers to suspend the imposition of fees, penalties, or interest that would be charged due to an insured's temporary inability to submit premium payments or otherwise respond as a result of this disaster event. Examples include, but are not limited to, fees, penalties, or interest resulting from insufficient funds, late payments, or reinstatements.

Fees that are not the result of an insured's failure to timely or completely respond are not impacted by this provision.

### **Section 16. Intent and Construction**

The benefits, entitlements, and protections of this regulation shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum consumer protection for the insureds of South Carolina.

Insurers, as defined in this regulation, should take into consideration the difficulties related to this weather event that citizens of this state have suffered and continue to suffer and should take such consideration into account when dealing with matters relating to collection of premium, cancellation, nonrenewal, documentation and other requirements or policy provisions, including, but not limited to: notifications of hospital admissions; due dates relating to claims; premium payments; optional service fees; prior authorization requirements; and limitations on prescription refills.

The Department will review allegations or disputes, and if warranted, direct the insurer to work with the insured by providing the relief required in this regulation or to take other corrective action. If the insurer fails to comply, the matter will be referred for further investigation.

**Section 17. Sanctions for Violations**

The Director retains the authority to enforce violations of this regulation. Accordingly, any insurer, person, or entity subject to regulation under the South Carolina Insurance Law who violates any provision of this regulation shall be subject to institution of administrative or civil action by the Director under any applicable provisions of the South Carolina Insurance Law, including the provisions of S.C. Code Ann. Section 38-2-10. These provisions include penalties of up to \$15,000 for each violation or \$30,000 for each violation if the violation is willful. In addition to the fines listed, the insurer, person or entity may also be subject to suspension or revocation of its authority to transact business subject to the Insurance Law in South Carolina.

**Section 18. Rate, Rule, and Form Filing Deemer Dates**

The Director may extend the timeframes set forth in filing statutes, if necessary, to enable the Department to devote the resources necessary to the state’s recovery from this catastrophic event.

**Section 19. Authority**

The Director reserves the right to extend, amend, modify, alter or rescind all or any portions of this emergency regulation via subsequent regulation or by order of the Director.

**Section 20. Severability Clause**

If any section or provision of this emergency regulation is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of this regulation, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

**Section 21. Effective Date**

In accordance with S.C. Code Section 38-3-410, this regulation shall be effective immediately upon filing and shall continue for 120 days unless otherwise extended or terminated by the Director.

**Statement of Need and Reasonableness:**

The emergency regulation is needed to protect the interests of South Carolina insurance consumers and to expedite and facilitate the state’s recovery from Hurricane Florence.

**Fiscal Impact Statement:**

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



## 50 EMERGENCY REGULATIONS

Filed: August 23, 2018 11:19am

Document No. 4817  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-2200, and 50-11-2210

### 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 begins September 1, it is necessary to file these regulations as emergency.

### Text:

#### WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2018-19

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 1 - October 13, November 10 - November 24, December 15, 2018 - January 15, 2019.

Bag Limit: Mourning Doves: 15 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. No shooting after 6:00 p.m. during the first segment of the season (September 1 – October 13).

#### **ABBEVILLE**

U.S. Forest Service – Power of Partnerships Field – Sept. 1 is youth hunt only. Sept. 8 is Wheelin Sportsmen Hunt Only and morning hunting will be allowed for this event. 1<sup>st</sup> season – Saturdays Only beginning Sept. 15. 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. 5, 19; Oct. 3.

#### **ANDERSON**

Clemson University - Fant's Grove WMA. 1<sup>st</sup> season - Saturdays only beginning Sept. 1. Field Closed Oct. 6. Open 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

#### **BERKELEY**

\*U.S. Army Corps of Engineers - Canal WMA. Sept. 1, 8; Oct. 13; Nov. 17. Sept. 22 is Wounded Warrior Hunt Only -Invitation Only.

\*DNR - Bonneau Ferry WMA. Sept. 1, 8, 22. All hunts are Youth Only.

#### **CHARLESTON**

DNR Botany Bay Plantation WMA. Sept. 1, 8, Oct. 13, Nov. 10. All hunts are Youth Only.

**CHEROKEE**

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 1. Dove Hunting Only.

**CHESTER**

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

DNR Landsford Canal Forest Legacy Area. 1<sup>st</sup> season - Saturdays Only beginning Sept. 1. 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. 1. 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 – Opening Day Sept. 1, then Wednesdays Only beginning Sept. 12. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat.

**CLARENDON**

\*Santee Cooper - Santee Dam WMA. Sept. 1, 8, 29; Nov. 24; Dec. 29.

\*SC Forestry Commission - Oak Lea WMA. Sept. 1, 8, 12, 22, 26; Jan. 2, 9.

**COLLETON**

DNR - Donnelley WMA. Sept. 1, 8; Oct. 6; Nov. 10.

**FLORENCE**

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

**GEORGETOWN**

DNR Samworth WMA. Sept. 1, 8, 22; Oct. 6; Nov. 17; Dec. 15.

**HAMPTON**

\*DNR - Webb Wildlife Center. Sept. 1, 8, 29; Oct. 13; Nov. 17.

**LAURENS**

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

**LEXINGTON**

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

**MCCORMICK**

\*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 1 & 19; Oct. 3; Nov. 21, Dec. 19; Jan. 9; 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. 1. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. - Sat.

## **52 EMERGENCY REGULATIONS**

US Army Corp of Engineers - Plum Branch Field. 1<sup>st</sup> season – Saturdays Only beginning Sept. 1. 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. 1. Dove Hunting Only.

DNR Belfast WMA. Sept. 1, 8; Nov. 22, 23, 24. 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. 1. 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. 1. 2<sup>nd</sup> season – Open November 17 Only. 3<sup>rd</sup> season – Closed.

U.S. Forest Service - Ross Mtn. Field. Saturdays Only during statewide dove season beginning Sept. 1.

### **ORANGEBURG**

\*Santee Cooper - Santee Cooper WMA. Entire WMA under Dove Area Regulations. Sept. 1 is Youth Hunt Only. Sept. 8, 29; Nov. 17; Dec. 29.

### **PICKENS**

DNR Property - Rifle Range. Open Saturdays only during the statewide dove season beginning Sept. 1. Dove Hunting Only.

Clemson University - Gravely WMA - Causey Tract. Saturdays Only during statewide dove season beginning Sept. 1.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesdays only during the statewide dove season beginning Sept. 19.

### **SALUDA**

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

### **SPARTANBURG**

Santee Cooper. 1<sup>st</sup> season – Sept. 1, 8, 15, 22, 29. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field. Saturdays Only beginning Sept 1. Dove hunting only.

### **SUMTER**

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

Bland Field 1. Sept. 1 is Youth Hunt Only. 1<sup>st</sup> season - Saturdays Only beginning Sept. 8. 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. 1. 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 1. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. – Sat. (Designated fields and the general forest).

**UNION**

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

U.S. Forest Service - Sedalia. Sept. 1 is Youth Only. 1<sup>st</sup> season – Saturdays Only beginning Sept. 8. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat.

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

**SPECIAL YOUTH DOVE HUNTS:**

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds. Pre-registration is no longer required for youth only hunts.

**ABBEVILLE COUNTY YOUTH HUNT**

U.S. Forest Service - Power of Partnerships Field - September 1. No pre-registration required.

**BERKELEY COUNTY YOUTH HUNT**

Bonneau Ferry WMA - September 1, 8, 22. No pre-registration required.

**CHARLESTON COUNTY YOUTH HUNT**

Botany Bay Plantation WMA - September 1, 8; Oct. 13; Nov. 10. No pre-registration required.

**ORANGEBURG COUNTY YOUTH HUNT**

Santee Cooper - Santee Cooper WMA. September 1. No pre-registration required.

**SUMTER COUNTY YOUTH HUNT**

Manchester State Forest Bland Tract Field 1 near Wedgefield - September 1. No pre-registration required.

**UNION COUNTY YOUTH HUNT**

U.S. Forest Service Sedalia Field - September 1. No pre-registration required.

**YORK COUNTY YOUTH HUNT**

DNR Draper WMA - September 1. No pre-registration required.

**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

## **54 EMERGENCY REGULATIONS**

hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

### **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.