

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

2019 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4848			Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852			Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873			Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4876			Electronic Transmissions	4/26/20	Secretary of State
4880			Control of Anthrax	5/13/20	Department of Health and Envir Control
Committee Request Withdrawal					
4843			Board of Physical Therapy Examiners	Tolled	LLR
4861			Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4873	Air Pollution Control Regulations and Standards	Regulations and Admin. Procedures	Agriculture and Natural Resources
4876	Electronic Transmissions	Regulations and Admin. Procedures	Judiciary
4880	Control of Anthrax		
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance

Executive Order No. 2019-32

WHEREAS, the undersigned has been notified of the passing of A. Lane Cribb, Jr., Sheriff of Georgetown County; and

WHEREAS, in addition to his distinguished service as Sheriff of Georgetown County for over twenty-five years, Sheriff Cribb previously served the State of South Carolina in various other law enforcement capacities with the Georgetown County Sheriff's Office, Florence County Sheriff's Office, and South Carolina Alcoholic Beverage Control Commission; and

WHEREAS, Sheriff Cribb was a dedicated public servant, principled leader, and beloved father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that "upon the death of a person of extraordinary stature, the Governor may 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."

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 from sunrise until sunset on Sunday, September 22, 2019, in honor of Sheriff Cribb and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF SEPTEMBER, 2019.

HENRY MCMASTER
Governor

Executive Order No. 2019-33

WHEREAS, the undersigned has been notified of the passing of Dr. Emily England Clyburn; and

WHEREAS, Dr. Emily England Clyburn, wife of Congressman James E. Clyburn, was known as a passionate educator, tireless community advocate, dedicated public servant in her own right, and beloved wife, mother, and grandmother, and her passing warrants the people of this State further recognizing and appropriately honoring her extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that "upon the death of a person of extraordinary stature, the Governor may 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."

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 from sunrise until sunset on Monday, September 23, 2019, in honor of Dr. Emily England Clyburn and in

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recognition of her extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF SEPTEMBER, 2019.

HENRY MCMASTER
Governor

Executive Order No. 2019-34

WHEREAS, on August 31, 2019, the undersigned issued Executive Order No. 2019-26, declaring a State of Emergency due to the significant threat posed by Hurricane Dorian; and

WHEREAS, upon consultation with state and local agencies and officials, the undersigned determined that it was necessary to evacuate healthcare facilities and persons in specified Evacuation Zones in Jasper County, Beaufort County, Colleton County, Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, and other applicable law, on September 1, 2019, the undersigned issued Executive Order No. 2019-27, ordering a mandatory medical evacuation, effective immediately, and Executive Order No. 2019-28, ordering a general population evacuation, effective at noon, September 2, 2019, for the following Evacuation Zones: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A); and

WHEREAS, in addition to the foregoing, on September 1, 2019, the undersigned issued Executive Order No. 2019-29, ordering the closure of state government offices and public schools, to include state-supported colleges, universities, and technical colleges, in the counties subject to, or including certain areas subject to, evacuation in accordance with Executive Order No. 2019-28, beginning September 2, 2019, and until further notice; and

WHEREAS, on September 5, 2019, the undersigned issued Executive Order No. 2019-30, rescinding the applicable mandatory medical evacuation and general population evacuation orders for the above-referenced Evacuation Zones in Beaufort County, Jasper County, and Colleton County, as well as the order closing state government offices and public schools in said counties, and modifying and amending the corresponding provisions of Executive Order No. 2019-27, Executive Order No. 2019-28, and Executive Order No. 2019-29; and

WHEREAS, on September 6, 2019, the undersigned issued Executive Order No. 2019-31, rescinding the applicable mandatory medical evacuation and general population evacuation orders for the above-referenced Evacuation Zones in Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County, as well as the order closing state government offices and public schools in said counties, and rescinding all remaining provisions of Executive Order No. 2019-27, Executive Order No. 2019-28, and Executive Order No. 2019-29, as modified and amended by Executive Order No. 2019-30, effective at 10:00 a.m. on September 6, 2019; and

WHEREAS, in rescinding the provisions of Executive Order No. 2019-29, which ordered the closure of state government offices and public schools in the counties subject to, or including certain areas subject to, evacuation in accordance with Executive Order No. 2019-28, the undersigned advised that state government

offices should adhere to normal state procedure, following county government closures for hazardous weather conditions, and that public schools in the aforementioned counties should adhere to any applicable school district policies or directives in resuming regular activities; and

WHEREAS, as a result of the aforementioned State of Emergency and hazardous weather conditions associated with Hurricane Dorian, and in accordance with the cited Executive Orders, as well as the normal state procedure, state government offices in numerous counties throughout the State were closed or operated on an abbreviated schedule, or both, on one or more days during the period from September 2, 2019, through September 6, 2019, to ensure the safety of state employees and the general public; and

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions.”

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 and direct as follows:

Section 1. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the State of Emergency and hazardous weather conditions associated with Hurricane Dorian, whether pursuant to the aforementioned Executive Orders or in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following counties and on the following dates:

September 2, 2019:

Closed: Beaufort County, Berkeley County, Charleston County, Colleton County, Dorchester County, Georgetown County, Horry County, Jasper County

September 3, 2019:

Closed: Beaufort County, Berkeley County, Charleston County, Colleton County, Dorchester County, Georgetown County, Horry County, Jasper County

September 4, 2019:

Closed: Beaufort County, Berkeley County, Charleston County, Colleton County, Dorchester County, Georgetown County, Hampton County, Horry County, Jasper County

Abbreviated Schedule: Barnwell County (closed at 12:00 p.m.), Orangeburg County (closed at 1:00 p.m.), Williamsburg County (closed at 12:00 p.m.)

September 5, 2019:

Closed: Allendale County, Bamberg County, Barnwell County, Beaufort County, Berkeley County, Calhoun County, Charleston County, Clarendon County, Colleton County, Darlington County, Dillon County, Dorchester County, Florence County, Georgetown County, Hampton County, Horry County, Jasper County, Lee County, Marion County, Marlboro County, Orangeburg County, Sumter County, Williamsburg County

September 6, 2019:

Closed: Beaufort County, Berkeley County, Charleston County, Dorchester County, Horry County, Marion County

Abbreviated Schedule: Dillon County (opened at 10:00 a.m.), Georgetown County (opened at 10:00 a.m.), Williamsburg County (opened at 10:00 a.m.)

Section 2. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned State of Emergency and hazardous weather

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conditions associated with Hurricane Dorian, I hereby authorize the Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add the county to the list of covered closures.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF OCTOBER, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-35

WHEREAS, the undersigned has been notified of the passing of Fire Engineer Paul E. Quattlebaum, Jr. of the Lexington County Fire Service, who dutifully served as a firefighter in this State and died in the line of duty; and

WHEREAS, Fire Engineer Quattlebaum dedicated his life to protecting and serving the citizens of the United States and the people of the State of South Carolina, both in the United States Marine Corps and as a twenty-two year veteran of the Lexington County Fire Service, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any firefighter in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased firefighter and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

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 all flags on state buildings be lowered to half-staff from sunrise until sunset on Tuesday, October 8, 2019, in tribute to Fire Engineer Quattlebaum and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 7th DAY OF OCTOBER, 2019.**

**HENRY MCMASTER
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC COMMENT PERIOD FOR THE JOHNSON CONTROLS BATTERY GROUP,
INCORPORATED WOODS AMBIENT AIR MONITORING SITE SITING WAIVER**

Statutory Authority: S.C. Code Sections 48-1-10 et seq.

In accordance with 40 Code of Federal Regulation (CFR) Part 58, Appendix E Section 10, the South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the proposed Johnson Controls Battery Group (JCI) Woods (45-041-8003) Site Waiver. The JCI Woods Site Waiver is available for public inspection and comment for 30 days prior to submission to the Environmental Protection Agency (EPA) to include any received comments. For comments to be considered, the Department must receive them no later than 5:00 p.m. on November 25, 2019, the close of the comment period. Interested persons may also contact G. Renee' Madden, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-3822; or email at maddengr@dhec.sc.gov for more information. A copy of the state's proposed JCI Site Waiver is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Synopsis:

The JCI Woods (45-041-8003) Ambient Air Monitoring Site (Site) is located in a wooded area on the grounds of the JCI facility. The trees around the Site have been logged, but a steep grade to the east prohibits more trees being removed safely. This Site meets all of the requirements in the CFR 40 Part 58, Appendix E siting requirements except the spacing from obstructions specified in 40 CFR Part 58 Appendix E, Section 4(a)-Spacing from Obstructions and Section 11-Summary-Footnotes 4 and 5. The Department believes that the regulatory requirements for meeting a siting waiver have been met, and is applying to the EPA for the JCI Site Waiver.

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 on **October 25, 2019** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Berkeley County

Roper St. Francis Hospital-Berkeley, Inc. d/b/a Roper St. Francis Hospital-Berkeley

Purchase of a da Vinci Xi Robotic Surgical System at a total project cost of \$2,275,452.

Affecting Charleston County

East Cooper Community Hospital, Inc. d/b/a East Cooper Medical Center

Replacement of existing Da Vinci robotic surgery system with updated equipment at the current hospital location at a total project cost of \$1,833,263.

Medical University Hospital Authority d/b/a MUSC Health-Sea Islands

Construction of a 10,940 sf Free Standing Emergency Department in Charleston County at a total project cost of \$15,298,187.

8 NOTICES

Affecting Chester County

BAYADA Home Health Care, Inc., d/b/a BAYADA Home Health Care d/b/a BAYADA Home Health Care – Chester

Services to serve Chester County at a total project cost of \$50,000.

Affecting Lexington County

Presbyterian Home of South Carolina d/b/a Presbyterian Communities of South Carolina d/b/a Presbyterian Communities of South Carolina-The Columbia Presbyterian Community

Renovation of 12 existing rooms and addition of 10 new rooms for the conversion of 16 semi private beds to 16 private beds at a total project cost of \$6,581,928.

Three Rivers Residential Treatment-Midlands Campus, Inc. d/b/a Three Rivers Midlands Residential Treatment

Construction for the addition of 5,146 sf and the addition of 17 RTF beds (for a total of 81 RTF beds) at a total project cost of \$5,238,320.

Affecting Pickens County

Greenville Endoscopy Center Inc.'s Clemson Endoscopy Center d/b/a Clemson Endoscopy Center

Construction of a 5,809 sf Ambulatory Surgery center for endoscopy only at a total project cost of \$2,377,496.64.

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 **October 25, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 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 Aiken County

Aiken Regional Medical Centers, LLC d/b/a Aiken Regional Medical Centers d/b/a Aiken Regional Medical Centers

Renovation for the addition of an Electrophysiology (EP) laboratory at a total project cost of \$2,734,298.

Affecting Charleston County

East Cooper Community Hospital, Inc. d/b/a East Cooper Medical Center

Replacement of existing Da Vinci robotic surgery system with updated equipment at the current hospital location at a total project cost of \$1,833,263.

Affecting Greenville County

American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC

Establishment of a Freestanding Imaging center with MRI and CT in Greenville County at a total project cost of \$2,099,825.

Affecting Lexington County

American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC

Establishment of a Freestanding Imaging center with MRI and CT in Lexington County (Irmo) at a total project cost of \$2,002,400.

American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC

Establishment of a Freestanding Imaging center with MRI and CT in Lexington County (West Columbia) at a total project cost of \$2,198,025.

Affecting Richland County**American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC**

Establishment of a Freestanding Imaging center with MRI and CT in Richland County at a total project cost of \$2,102,400.

Lexington County Health Services District, Inc. d/b/a LMC Northeast Outpatient Surgery Center

Construction of a new Ambulatory Surgical Facility with the transfer of 3 outpatient surgery suites at a total project cost of \$19,894,166.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

The South Carolina Health Planning Committee has scheduled regional public hearings regarding the Draft 2020 South Carolina Health Plan. These hearings will take place at the following times and locations:

Upstate

Wednesday, November 20, 2019, 10:00 a.m., Greenville Health Department, 200 University Ridge, Greenville, SC 29601;

Midlands

Monday, November 18, 2019, 10:00 a.m., Department of Health and Environmental Control Headquarters, People's Auditorium, 2600 Bull Street, Columbia, SC 29201;

Pee Dee

Thursday, November 21, 2019, 10:00 a.m., Florence Health Department, 145 East Cheves Street, Florence, SC 29506;

Lowcountry

Tuesday, November 19, 2019, 10:00 a.m., Charleston County Library, 68 Calhoun Street, Charleston, SC 29401

The South Carolina Health Planning Committee invites public comment on the Draft 2020 South Carolina Health Plan from November 1, 2019 until 5:00 PM on November 30, 2019. Comments may be submitted in writing via e-mail to coninfo@dhec.sc.gov or mail to Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201. Alternatively, comments may be presented in person at one of the regional hearings noted above. Changes to the 2020 South Carolina Health Plan will include, but not be limited to, changes to narrative and numerical need methodologies, service areas for certain health care services, population projections, as well as scrivener's errors and similar corrections.

The Draft 2020 South Carolina Health Plan shall be accessible beginning November 1, 2019 via the following link:

<http://www.scdhec.gov/Health/FHPP/HealthFacilityRegulationsLicensing/CertificateOfNeed/>.

For further information, (803) 545-4200.

10 DRAFTING NOTICES

STATE BOARD OF FINANCIAL INSTITUTIONS CONSUMER FINANCE DIVISION CHAPTER 15

Statutory Authority: 1976 Code Sections 34-41-10 et seq.,
particularly Section 34-41-130

Notice of Drafting:

The South Carolina State Board of Financial Institutions/Consumer Finance Division proposes to amend Regulation 15-65 addressing the supervision of check cashing service providers. Interested parties are invited to present their views in writing to Ronald R. Bodvake, Commissioner, South Carolina State Board of Financial Institutions/Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, SC 29201. To be considered, comments must be received no later than 5 p.m. on November 7, 2019, the close of the drafting comment period.

Synopsis:

The South Carolina State Board of Financial Institutions/Consumer Finance Division seeks to amend Regulation 15-65 in order to clarify licensing requirements established by 1998 Act 433 pertaining to check cashing services in South Carolina.

This regulation will require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-70

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63, Radioactive Materials (Title A). Interested persons may submit comment(s) on the proposed amendments to Ms. Lynne Garner of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; garnerld@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on November 25, 2019, the close of the draft comment period.

Synopsis:

The United States Nuclear Regulatory Commission (NRC), promulgates amendments to NRC Regulation, Title 10, Code of Federal Regulations (CFR), throughout each calendar year. Recent amendments include revisions to transportation safety requirements and harmonization with the International Atomic Energy Agency Transportation requirements, including amendments to 10 CFR Part 71 (RATS ID 2015-3). These final rules were published in the Federal Register at 80 FR 33987 on June 12, 2015, and 80 FR 48683 on August 14, 2015. The Department proposes amending R.61-63, Radioactive Materials (Title A) to incorporate the above federal regulations to maintain conformity with federal requirements found in 10 CFR Part 71 and to ensure compliance with federal standards as required by Section 274 of the Atomic Energy Act of 1954.

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

**COMMISSION ON HIGHER EDUCATION
CHAPTER 62**

Statutory Authority: 1976 Code Sections 59-114-10 et seq.

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that governs requirements for the operation and administration of the South Carolina Teachers Loan Program under SC Code of Laws, Section 59-26-20 et seq. The program is administered by the South Carolina Student Loan Corporation, with administrative budgetary oversight by the South Carolina Commission on Higher Education. Interested persons may submit comments in writing to Dr. Karen Woodfaulk, Director of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 300, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Thursday, November 7, 2019, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend the regulation (R.62-120) that addresses borrower eligibility for the South Carolina Teachers Loan Program. The regulation for the South Carolina Teachers Loan Program was last amended in 2002.

The proposed changes to the regulation will clarify eligibility requirements for students seeking to participate in the South Carolina Teachers Loan Program.

Legislative review of this proposal will be required.

**COMMISSION ON HIGHER EDUCATION
CHAPTER 62**

Statutory Authority: 1976 Code Section 59-58-40

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to amend Regulation 62-6 that addresses Licensing Criteria. Interested persons may submit written comments to John Lane, Director of Academic Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, S.C. 29201. To be considered, comments must be received no later than November 7, 2019, the close of the drafting comment period.

Synopsis:

The Commission proposes to amend Regulation 62-6 to make permanent 2019 Act No. 102 (H. 3697), Sections 1 and 2, approved March 20, 2019. Act No. 102 allows the Commission to grant institutions flexibility to use teach-out options for students affected by a nonpublic institution's abrupt closure before enrolled students, with less than twenty-five percent of the program remaining, could complete program requirements.

Legislative review of this amendment is required.

12 DRAFTING NOTICES

COMMISSION ON HIGHER EDUCATION CHAPTER 62

Statutory Authority: 1976 Code Sections 59-114-10 et seq.

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that governs requirements for the operation and administration of the South Carolina National Guard College Assistance Program under SC Code of Laws, Section 59-114-10 et seq. The program is administered by the Commission in coordination with the South Carolina National Guard and provides financial assistance for eligible enlisted guard members enrolled in undergraduate programs. Interested persons may submit comments in writing to Dr. Karen Woodfaulk, Director of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 300, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Thursday, November 7, 2019, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend the regulation (R.62-253) that addresses student eligibility for the South Carolina National Guard College Assistance Program. The regulation for the South Carolina National Guard College Assistance Program was last amended in 2017.

The proposal to add a definition of a full Reserve Officer's Training Corps (ROTC) scholarship to Regulation 62-253(F) will clarify eligibility of ROTC scholarship recipients for the South Carolina National Guard College Assistance Program.

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to correct scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Building Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to correct scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Building Code.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to correct scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Fire Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to correct scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Fire Code.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to correct scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Fuel Gas Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to correct a scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Fuel Gas Code.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to correct scribes' errors in the modifications to the 2018 South Carolina Building Codes, the International Mechanical Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

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Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Mechanical Code.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Residential Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Residential Code.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the 2017 Edition of the National Electrical Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the 2017 Edition of the National Electrical Code.

Legislative review of these amendments is required.

Document No. 4912

OFFICE OF THE ATTORNEY GENERAL
CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

- 13-206. Intrastate Offering Exemption.
- 13-207. Fairness Hearings under Section 35-1-202(9). (New)
- 13-308. Required Filings for Federal Covered Securities under Section 18(b)(4)(D) of the Securities Act of 1933.
- 13-309. Offerings Made Under Tier 2 of Federal Regulation A. (New)
- 13-413. Investment Adviser Information Security and Privacy. (New)
- 13-414. Business Continuity and Succession Planning. (New)
- 13-502. Dishonest or Unethical Practices by Investment Advisers, Investment Adviser Representatives and Federal Covered Advisers.
- 13-603. Consents to Service of Process.

Preamble:

The Office of the Attorney General proposes to amend certain current regulations and promulgate additional regulations to implement the South Carolina Uniform Securities Act of 2005 and to reflect recent developments in securities regulation. The Notice of Drafting regarding this regulation was published on August 23, 2019, in the *State Register*.

Section-by-Section Discussion

- 13-206. This section is amended to keep in step with changes made to federal laws regarding Rule 147, new federal Rule 147A, and Section 3(a)(11) of the Securities Act of 1933.
- 13-207. This section is added to make available the procedures currently used for requesting a fairness hearing under Section 35-1-202(9).
- 13-308. This section is amended to require Regulation D Rule 506 filings to be made through the Electronic Filing Depository.
- 13-309. This section, based on a model rule, is added following a change in the federal laws regarding Regulation A offerings and the notice filing requirements.
- 13-413. This section is added to adopt the model rule for privacy and security of investment adviser records and information.
- 13-414. This section is added to adopt the model rule requiring investment advisers to implement a business continuity and succession plan to protect their clients in the case of a sudden or unexpected event that might impact business operations.
- 13-502. This section is amended to keep current with adopted amendments to the model rule on dishonest or unethical practices.
- 13-603. This section is amended, in connection with the new Regulation 13-309, to allow for the filing of the Uniform Notice of Regulation A – Tier 2 Offering to comply with the consent to service of process requirements.

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, such a hearing will be held at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, Suite 224, 1205 Pendleton Street, Columbia, S.C., on December 11, 2019, at 10:00 am. If no qualifying request is received by November 25, 2019, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than 5:00 p.m. on November 25, 2019.

16 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Securities Regulations.

Purpose: To update certain current regulations and enact new regulations to reflect recent changes in federal and state securities laws and to further implement portions of the South Carolina Uniform Securities Act of 2005.

Legal Authority: S.C. Code Ann. Sections 35-1-101 et seq.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Attorney General, as Securities Commissioner, oversees and enforces the provisions of the South Carolina Uniform Securities Act of 2005. The implementation of these proposed regulations will promote compliance with the Act, the protection of investors, and capital formation in South Carolina, and it will keep the State up to date with changes in the federal securities laws.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivision. The proposed regulations reflect recent developments in securities regulation, promote compliance with the Act, and promote capital formation in South Carolina.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations will have no effect on the environment or public health of this State.

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

Statement of Rationale:

The regulations are being added to reflect recent developments in state and federal securities regulation, to promote capital formation, and to further implement provisions of the South Carolina Uniform Securities Act of 2005.

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. 4910
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 23, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 6, 2019 at 9:00 a.m. If no request is received by December 2, 2019, the hearing will be canceled. Written comments may be directed to James T. Miller, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 no later than December 2, 2019.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

18 PROPOSED REGULATIONS

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

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. 4911

**CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27**

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

27-1022. State Poultry Products Inspection Regulation.

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 23, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 6, 2019 at 9:00 a.m. If no request is received by December 2, 2019, the hearing will be canceled. Written comments may be directed to Dr. James T. Miller, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 no later than December 2, 2019.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

20 PROPOSED REGULATIONS

Statement of Rationale:

None.

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. 4918
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-26-10, 59-26-30, and 59-26-40

43-205.1. Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

Preamble:

The Department of Education proposes to revise Regulation 43-205.1, Assisting, Developing, and Evaluating Professional Teaching (ADEPT), to change the annual ADEPT Plan due date and to give districts more flexibility in assigning contract levels to newly hired teachers with previous teaching experience.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2019.

Section-by-Section Discussion

Section III(C)	Adds language that allows districts to offer an annual contract to teachers who complete an induction-contract in another districts.
Sections III(E), IV(G), and V(D)	Changes the ADEPT Plan due date to June 1 for teachers on induction, annual, and continuing contracts.
Section VII (A)	Adds language that allows districts to offer teachers employed from out of state with an initial certificate and more than one year of teaching experience the choice of an induction or an annual contract.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 10, 2019, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the 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 [2019-20 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Lilla Toal Mandsager, Director, Office of Educator Effectiveness and Leadership Development, Division of Educator, Federal, and Community Resources or by e-mail to lmandsager@ed.sc.gov on or before 5:00 p.m. on November 25, 2019.

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.43-205.1.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

Purpose: Changes are proposed to align the ADEPT Plan due date with 2016 amendments to the date by which teacher contracts must be issued. Additionally, changes are proposed to allow districts flexibility in assigning contract levels to educators with previous teaching experience in other districts and other state.

Legal Authority: 1976 Code Sections 59-26-10, 59-26-30, and 59-26-40.

Plan for Implementation: The proposed amendments would be incorporated within R 43-205.1 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:

District staff and teachers have approached the South Carolina Department of Education for the additional flexibility detailed in proposed amendments.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state, nor will the proposed amendments result in any increased cost school districts or teachers. The proposed amendments will provide clarity for districts and increased mobility for teachers.

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 or on public health.

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

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

Statement of Rationale:

The 2016 updates to Sections 59-25-410 and 59-25-420 established that teacher contracts must be issued by April 30 and returned by May 10. In R.43-205.1, the current May 1 due date for annual ADEPT plans falls during this busy contract window. Since 2016, the State Board of Education, has extended the ADEPT plan due date to June 1. Changing the ADEPT plan due date to June 1 permanently would allow districts to focus on contracts during April and then use that data to complete their ADEPT plans for the coming year.

Additionally, over the course of the past two years, the Office of Educator Effectiveness and Leadership Development has sought feedback from district ADEPT leads on two changes that support district flexibility in hiring teachers with experience out of state or in another district. The proposed changes would grant districts flexibility to offer teachers with experience out of state or in another district an induction or an annual contract.

22 PROPOSED REGULATIONS

Text:

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

Document No. 4919
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-110, 59-25-115, 59-26-40,
and 59-26-85

43-53. Credential Classification.

Preamble:

State Board of Education Regulation 43-53 governs the type of certificates issued to educators. Amendments to Regulation 43-53 will give the State Board of Education the authority to develop guidelines for acceptable degree and coursework requirements for the issuance of the master's plus 30 hours credential classification.

Notice of Drafting for the proposed amendment to the regulation was published in the *State Register* on August 23, 2019.

Section-by-Section Discussion

Section II(D)(2)

Add language that grants the authority to the State Board of Education to develop guidelines concerning acceptable degree and coursework requirements for the master's plus 30 credential classification.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 10, 2019 at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the 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 [2019-20 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mary Hipp, Director, Office of Educator Services, Division of Educator, Community and Federal Resources, 8301 Parklane Road, Columbia, SC 29223 or by e-mail to mhipp@ed.sc.gov on or before 5:00 p.m. on November 25, 2019.

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.43-53.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Credential Classification.

Purpose: Changes to R.43-53 are proposed to give the State Board of Education the authority to develop guidelines regarding the acceptable degree and coursework requirements for the issuance of the master's plus 30 credential classification. To ensure that educators may achieve the master's plus 30 classification for compensation purposes using comparable graduate semester hour totals, guidelines will address master's degrees with a wide range of semester hour requirements in the programs of study.

Legal Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-110, 59-25-115, 59-26-40, and 59-26-85.

Plan for Implementation: The proposed amendments would be incorporated within R.43-53 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:

None.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the school districts. The proposed amendments 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 or on public health.

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

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

Statement of Rationale:

Amendments to R.43-53 will add a clause that grants the SCDE authority to create guidelines regarding semester hour requirements for a master's degree and the acceptable coursework for the master's plus 30 credential classification.

Text:

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

Document No. 4920
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, and 59-25-110

43-55. Renewal of Credentials.

Preamble:

The State Board of Education proposes to amend R.43-55, Renewal of Credentials, to modify references to the teacher certification office and to remove a renewal credit requirement of a graduate level course for certified educators without a master's degree.

24 PROPOSED REGULATIONS

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2019.

Section-by-Section Discussion

Section IV	Replaces “Office of Teacher Certification” with “teacher certification office”.
Section IV(A)	Corrects a scrivener’s error in the acronym.
Section V	Deletes the renewal credit requirement for certified educators who do not have a master’s degree.
Section VI	Renumbers this section to Section V.
Section VII	Renumbers this section to Section VI and replaces “Office of Teacher Certification” with “teacher certification office”.
Section VIII	Renumbers this section to Section VII and replaces “Office of Teacher Certification” with “teacher certification office”.
Section IX	Renumbers this section to Section VIII.
Section X	Renumbers this section to Section IX.
Section X(A)	Replaces “Office of Teacher Certification” with “teacher certification office”.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 10, 2019 at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the 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 [2019-20 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mary Hipp, Director, Office of Educator Services, Division of Educator, Community and Federal Resources, 8301 Parklane Road, Columbia, SC 29223 or by e-mail to mhipp@ed.sc.gov on or before 5:00 p.m. on November 25, 2019.

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.43-55.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Renewal of Credentials.

Purpose: Changes to R.43-55 are proposed to change references to the “Office of Teacher Certification” in favor of more general language and remove the renewal credit requirement for certified educators who do not have a master’s degree.

Legal Authority: 1976 Code Sections 59-5-60, 59-5-65, and 59-25-110 .

Plan for Implementation: The proposed amendments would be incorporated within R.43-55 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:

None.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the school districts. The proposed amendments 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 or on public health.

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

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

Statement of Rationale:

Amendments to R.43-55 will substitute a general office description for a specific office title no longer in use. Additional amendments will remove the requirement for a certified educator without a master's degree to complete at least three semester hours of college coursework at the graduate level every five years for certificate renewal purposes.

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. 4913
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-112-100

62-600 through 62-612. Determination of Rates of Tuition and Fees.

Preamble:

R.62-600 through 62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the regulation is being updated to reflect recently passed Act 10 of 2019, relating to the allowance of veterans and covered individuals using specific education benefits to be charged at a tuition rate equivalent to the institution's in-state rate. The revisions seek to promote consistency among the State institutions and their residency classification processes.

A Notice of Drafting for the proposed regulation was published in the *South Carolina State Register* on March 22, 2019.

26 PROPOSED REGULATIONS

Section-by-Section Discussion

- Section 62-602 Sets forth clarifications to definition used in the regulation. “Independent” is clarified to specify the type of loan that can be used towards establishing support.
- Section 62-609 Amended to ensure that regulation is consistent with Section 59-112-50 of SC Code of Laws, related to active duty military members and veterans. Changes were necessary due to the passage of Act 10 of 2019, related to veterans who are receiving federal educational benefits.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 5, 2019, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on December 2, 2019. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 5, 2019, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-600 through 62-612. DETERMINATION OF RATES OF TUITION AND FEES.

Purpose: R.62-600 through 62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the regulation is being updated to reflect recently passed Act 10 of 2019, relating to the allowance of veterans and covered individuals using specific education benefits to be charged at a tuition rate equivalent to the institution’s in-state rate. The revisions seek to promote consistency among the State institutions and their residency classification processes

Legal Authority: The legal authority for R.62-600 through 62-612 is 1976 Code Section 59-112-100.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive in state tuition and fee classification and to provide guidance to state institutions when classifying students as in state students for tuition and fee purposes.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving in state classification and institutions by providing guidance in determining student residency classification.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

R.62-600 through 62-612 of Chapter 62 is being amended. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the regulation is being updated to reflect recently passed Act 10 of 2019, relating to the allowance of veterans and covered individuals using specific education benefits to be charged at a tuition rate equivalent to the institution's in-state rate. The revisions seek to promote consistency among the State institutions and their residency classification processes.

Text:

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

Document No. 4929

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-13-1030

69-80. Corporate Governance Annual Disclosure Regulation.

Preamble:

The Corporate Governance Annual Disclosure Regulation was passed in 2019 along with corresponding new legislation. Accordingly, some of the citations in the regulation referencing the new legislation need to be renumbered to accurately correspond to the correct provision in the new legislation.

28 PROPOSED REGULATIONS

Section-by-Section Discussion

Sections I through IV – Some of the citations have been renumbered to accurately correspond to the correct provision in the new legislation.

The Notice of Drafting was published in the *State Register* on August 23, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 10:00 a.m. on December 6, 2019, at the Administrative Law Court, 2nd Floor Hearing Room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by November 25, 2019, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Geoffrey Bonham, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on November 25, 2019.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-80.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-80, Corporate Governance Annual Disclosure Regulation was passed in 2019 along with corresponding new legislation. Accordingly, some of the citations in the regulation referencing the new legislation need to be renumbered to accurately correspond to the correct provision in the new legislation.

Purpose: The purpose of this Regulation is to adopt the requirements of the (NAIC) Model Regulation #306 and to set forth the procedures for filing and the required contents of the Corporate Governance Annual Disclosure (CGAD), deemed necessary by the director to carry out the provisions of Section 38-13-1000 et seq. This 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 enables the director to gain and maintain an understanding of an insurer's corporate governance framework which enables the Department to provide more effective oversight. Corporate Governance Annual Disclosure Regulation was passed in 2019 along with corresponding new legislation. Accordingly, some of the citations in the regulation referencing the new legislation need to be renumbered to accurately correspond to the correct provision in the new legislation.

Legal Authority: Sections 1-23-110, 38-3-110, and 38-13-1030 of the Code of Laws of South Carolina 1976, as amended.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

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

Corporate Governance Annual Disclosure Regulation was passed in 2019 along with corresponding new legislation. Accordingly, some of the citations in the regulation referencing the new legislation need to be renumbered to accurately correspond to the correct provision in the new legislation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

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 amendments have no effect on the environment or on public health.

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

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

Statement of Rationale:

Corporate Governance Annual Disclosure Regulation was passed in 2019 along with corresponding new legislation. Accordingly, some of the citations in the regulation referencing the new legislation need to be renumbered to accurately correspond to the correct provision in the new legislation.

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. 4931
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-61-30

69-5.1. Minimum Standards for the Readability of Commonly Purchased Insurance Policies.

Preamble:

The Insurance Law gives the Director or his designee the authority to prescribe the standards for service to be observed by insurers transacting business in this state. That authority is also codified in the provisions referenced above. This regulation proposes amendments to the readability standards insurers must observe when drafting insurance policies. The amendments give the insurer the option of providing a certification that the form meets the Flesch Kincaid standard or providing the actual form and the score to the Department for its review and approval.

30 PROPOSED REGULATIONS

Section-by-Section Discussion

References to the Chief Insurance Director or Commissioner have been stricken and the term “Director” was added in sections B(1), B(2), D(3), D(5) and E and other places where applicable throughout the regulation. A specific code reference to Section 38-1-20 was also added. The first sentence was also deleted to eliminate redundant language.

Section C includes numerical and other grammatical corrections.

Section D deletes the reference to the Drafting Notes from the model regulation. A hyphen was added to the term 100 word and subcaptions. Additionally, language was added to this subsection regarding the certification requirements for non-English language policies. Section D was also amended to permit insurers to provide the actual score or a certification that the form meets the requirements of subsection D(1) of the regulation. The certification must state that the form meets the required reading ease score or that the score is lower than the minimum required.

Grammatical corrections were made in Sections E and F.

The effective date language in Section G has been stricken and language added that states the regulation becomes effective upon publication in the State Register.

Insurers who violate the provisions of the regulation shall be subject to the penalties set forth in Section 38-2-10. The former language in this section has been stricken.

Notice of Drafting for the proposed amendments was published in the *State Register* on August 23, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the Code of Laws of South Carolina 1976, as amended, such hearing will be held on December 4, 2019, at 10:00 a.m. in Room 252 of the Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina 29201. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to Office of General Counsel, 1201 Main Street, Suite 1000, Columbia, S.C. 29201 or to sdubois@doi.sc.gov, on or before 5:00 p.m. on November 25, 2019.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Insurance estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 69-5.1.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this regulation is to clarify the standards that apply to the readability of insurance policy forms.

Legal Authority: Sections 1-23-110, 38-3-110, and 38-61-30 of the Code of Laws of South Carolina 1976, as amended.

Plan for Implementation: The proposed amendments will be incorporated into Chapter 69 upon publication in the State Register as a final regulation. The Department generally issues a bulletin to inform licensees of statutory and regulation changes.

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

This regulation is proposed to clarify readability requirements. These changes should facilitate compliance with South Carolina law.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community. The proposed amendments will benefit licensee by clarifying the readability requirements.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will not have any effect on the environment or public health.

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

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

Statement of Rationale:

The proposed changes are needed to accommodate technological changes and to further clarify readability requirements. This should help facilitate the insurance form review process.

Text:

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

Document No. 4932
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-71-2200 et seq.

69-77. Pharmacy Benefits Managers.

Preamble:

Regulation 69-77 is a new regulation promulgated to implement the provisions of Act No. 48 of 2019 (“the Act”) regarding the licensure and regulation of pharmacy benefits managers. Set forth below is a section-by-section summary.

32 PROPOSED REGULATIONS

Section-by-Section Discussion

Section I sets forth the purpose of the regulation, which is to implement the Act and to provide licensing, reporting and activity standards for pharmacy benefits managers.

Section II sets forth the licensing requirements for pharmacy benefits managers. Section II.A provides that licenses are effective in 2021 and Section II.B provides for renewal annually thereafter. Section II.C prescribes the initial license fee of \$1,000 and \$500 thereafter for license renewals and the information and materials to be included in each application. Section II.C also sets forth the documents and other information that must be submitted with the application for licensure. Section II.D describes the license denial process for both new and renewal license applications as well as the standards for review of new and renewal license applications. The information submitted with the application is afforded confidential treatment under Section 38-71-2250 of the Code of Laws of South Carolina 1976, as amended.

Section III sets forth the requirements for contracts and provides that no contract can contain language that violates the Act. This section also makes clear that the Department does not review or approve marketing materials.

Section IV addresses examinations (i.e., audits) of pharmacy benefits managers and the frequency of the examination. No regular examinations have been prescribed by the law. However, the Director or his designee can conduct an examination any time it is deemed necessary to ensure compliance with the law. Examinations are conducted in accordance with the requirements of Chapter 13 of Title 38 of the Code of Laws of South Carolina 1976, as amended.

Section V covers reporting requirements for pharmacy benefits managers and requirements for Maximum Allowable Cost reporting. Pharmacy benefits managers are required to collect statistical information and must provide it to the Director or his designee upon request.

Section VI sets forth a transition process for converting the current third-party administrator (TPA) license to the new pharmacy benefits manager license.

Section VII sets forth the penalties for violation of this regulation.

Section VIII provides that any provision that is deemed invalid or unconstitutional is severable and will not affect the validity of the remainder of the regulation.

Notice of Drafting for the proposed regulation was published in the *State Register* on August 23, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the Code of Laws of South Carolina 1976, as amended, such hearing will be held on December 4, 2019, at 2:00 p.m. in Room 252 of the Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to Office of General Counsel, 1201 Main Street, Suite 1000, Columbia, S.C. 29201 or to sdubois@doi.sc.gov, on or before 5:00 p.m. on November 25, 2019.

Preliminary Fiscal Impact Statement:

Please find attached the fiscal impact statement provided by the Department to the S.C. General Assembly. The South Carolina Department of Insurance estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 69-77.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this regulation is to implement the requirements of Act No. 48 of 2019 pertaining to pharmacy benefits managers.

Legal Authority: Sections 1-23-110, 38-3-110, and 38-71-2200 et seq. of the Code of Laws of South Carolina 1976, as amended.

Plan for Implementation: The proposed amendments will be incorporated into Chapter 69 upon publication in the State Register as a final regulation. The Department generally issues a bulletin to inform licensees of statutory and regulation changes and the plan for implementation.

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

This regulation is proposed to implement the Act. This new regulation should facilitate compliance with the new South Carolina law.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will not have any effect on the environment or public health.

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

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

Statement of Rationale:

The proposed changes are needed to implement the new pharmacy benefits manager legislation.

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.

34 PROPOSED REGULATIONS

Document No. 4922

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

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

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedules for the boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

Section-by-Section Discussion:

10-1. Division of Professional and Occupational Licensing. Agency fees consolidated and fees for optional services added.

10-2. Board of Accountancy. Fees updated.

10-3. Board of Architectural Examiners. No change.

10-4. Athletic Commission. Fees updated.

10-5. Auctioneers Commission. No change.

10-6. Board of Barber Examiners. No change.

10-7. Building Codes Council. No change.

10-8. Perpetual Care Cemetery Board. No change.

10-9. Board of Chiropractic Examiners. No change.

10-10. Contractor's Licensing Board. No change.

10-11. Board of Cosmetology. No change.

10-12. Board of Dentistry – License to Practice Dentistry. Fees updated.

10-13. Panel for Dietetics. No change.

10-14. Board of Registration for Professional Engineers and Surveyors. Fees updated.

10-15. Environmental Certification Board. No change.

10-16. Board of Registration for Foresters. Fees updated.

10-17. Board of Funeral Service. No change.

10-18. Board of Registration for Geologists. No change.

10-19. Board of Landscape Architectural Examiners. No change.

10-20. Liquefied Petroleum Gas Board. No change.

10-21. Long Term Health Care Administrators Board. No change.

10-22. Manufactured Housing Board. No change.

10-23. Panel for Massage/Bodywork. No change.

10-24. Board of Medical Examiners. Fees updated.

10-25. Board of Nursing. Fees updated.

10-26. Board of Occupational Therapy. Correction of scrivener's error only.

10-27. Board of Examiners in Opticianry. Fees updated.

10-28. Board of Examiners in Optometry. No change.

10-29. Board of Pharmacy. No change.

10-30. Board of Physical Therapy Examiners. No change.

10-31. Pilotage Commission. No change.

10-32. Board of Podiatry Examiners. No change.

10-33. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Licensed Psycho-educational Specialists. Fees updated.

10-34. Board of Examiners in Psychology. No change.

10-35. Board of Pyrotechnic Safety. No change.

10-36. Real Estate Appraisers Board. Fees updated.

10-37. Real Estate Commission. Fees updated.

10-38. Residential Builders Commission. No change.

10-39. Board of Social Work Examiners. No change.

10-40. Soil Classifiers Advisory Council. Fees updated.

- 10-41. Board of Examiners in Speech-Language Pathology and Audiology. No change.
- 10-42. Board of Veterinary Medical Examiners. No change.

The Notice of Drafting was published in the *State Register* on March 22, 2019.

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 December 9, 2019. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2019. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions at the end of the fiscal year 2018-19, the Director concluded that fees for certain boards included hereinabove must be adjusted to comport with Section 40-1-50(D).

Specifically, fees for the following boards must be increased in order to ensure sufficient revenue is collected to cover the costs to the State to operate the boards: Accountancy, Foresters, Medical, Nursing, Opticianry, and Soil Classifiers. Fees for the following boards must be decreased in order to ensure revenue in excess of that which is needed to operate the boards is not collected: Counselors, Dentistry, Engineers, Real Estate Appraisers and the Real Estate Commission. Agency fees are also consolidated and scrivener's errors are corrected.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to comply with the statutory requirement that the agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

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

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

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

The proposed regulation is necessary to carry out the requirements of statute which establishes that the agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State,

for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

36 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

The proposed regulation is necessary to carry out the requirements of statute which establishes that the agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

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. 4923
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ACCOUNTANCY
CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

- 1-01. General Requirements for Licensure as a CPA.
- 1-02. Examinations.
- 1-04. Reciprocity.
- 1-05. Firm registration.
- 1-06. Reinstatement.
- 1-07. Return of Certificate.
- 1-08. Continuing Professional Education.
- 1-09. Peer Review.
- 1-10. Professional Standards.
- 1-11. Application for Licensure as an Accounting Practitioner.
- 1-12. Safeguarding Client Files When a Licensee is Incapacitated, Disappears, or Dies.

Preamble:

The South Carolina Board of Accountancy proposes to amend Chapter 1 of the Code of Regulations regarding requirements for licensure as a CPA, examinations, reciprocity, firm registration, reinstatement, continuing professional education, peer review, professional standards, licensure as an accounting practitioner, and safeguarding client files in the event of a licensee's incapacitation, disappearance or death.

Section-by-Section Discussion

- 1-01(A). No change.
- 1-01(B). No change.
- 1-01(C). Strike all.
- 1-01(D). Renumber. Rephrase. Correct reference to statute. Add as education financial accounting, managerial accounting, taxation and auditing which must be taught at the junior level.
- 1-02(A). Strike redundant language that states that the applicant will be expected to provide documentary evidence of verifiable hardship which prevents compliance with the conditions of the administration of the exam.
- 1-02(B). Correct spelling website and strike web address for Board.
- 1-02(C). New section establishing that the Board will designate an acceptable South Carolina Rules and Regulations course on the Board's website.
- 1-04. (Heading) Add "Deleted".
- 1-04(A). Strike all.
- 1-04(B). Strike all.
- 1-04(C). Strike all.
- 1-05. (Heading). Add resident managers and firm names.
- 1-05(A). Strike all and replace with "Firm registration requirements."
- 1-05(A)(1). New section establishing when firm with an office in the state must be registered.
- 1-05(A)(2). New section establishing when a firm without an office in the state must be registered.
- 1-05(A)(3). New section providing licensee who does not perform services or use his title is not required to obtain a firm registration.
- 1-05(A)(4). New section providing licensee may use CPA, PA or AP title in accordance with his or her licensure with his or her personal name.
- 1-05(B). No change.
- 1-05(C). New section establishing firm may not use misleading firm name.
- 1-05(C)(1). New section establishing parameters of firm's use of former partners' name in firm name.
- 1-05(C)(2). New section prohibiting use of name of non-licensed owners in firm name.
- 1-05(C)(3). New section providing the Board shall determine if firm name is misleading and that all firm names are subject to Board approval.
- 1-06(A). Strike letter A. Strike language and replace with, "For reinstatement of a license that has been inactive or lapsed for 3 years or more."
- 1-06(A). Add that the required 120 hours of CPE must be completed within the previous 18 months.
- 1-06(B). Strike language and provide that the required additional experience must be completed in accordance with the initial licensing experience requirements in effect at the time the reinstatement application is submitted.
- 1-07. No change.
- 1-08. Strike all and re-write in its entirety regarding Continuing Professional Education.
- 1-09(A). No change.
- 1-09(A)(1). No change.
- 1-09(A)(2). No change.
- 1-09(A)(3). No change.
- 1-09(A)(4). No change.
- 1-09(A)(5). No change.
- 1-09(A)(6). No change.
- 1-09(A)(7). No change.
- 1-09(A)(8). No change.

- 1-09(B). No change.
- 1-09(C). No change.

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- 1-09(C)(1). No change.
- 1-09(C)(2). Correct spelling of website.
- 1-09(D). No change.
- 1-09(E). No change.
- 1-09(F). No change.
- 1-09(F)(1). No change.
- 1-09(F)(1)(a). No change.
- 1-09(F)(1)(b). No change.
- 1-09(F)(1)(c). Replace Final Letter of Acceptance (FLOA) with peer review acceptance letter.
- 1-09(F)(1)(d). Strike all.
- 1-09(F)(2). Replace Final Letter of Acceptance (FLOA) with peer review acceptance letter.
- 1-09(F)(3). Strike other.
- 1-09(G). Strike all.
- 1-09(G)(1). Strike all.
- 1-09(G)(2). Strike all.
- 1-09(H). Renumber as G.
- 1-09(H)(1). Renumber as G(1).
- 1-09(H)(2). Renumber as G(2).
- 1-10(A). Remove full name of AICPA. Add, in general, to sentence providing that licensees may rely upon the interpretations of ethical standards as published by the Professional Ethics Executive Committee of the AICPA.
- 1-10(B). No change.
- 1-10(C). No change.
- 1-10(D). Strike or permit holder and replace with registered firm. Strike or associate with in and replace with within. Add in the practice of accounting. Replace capital letters with lower case letters when referring to boards of accountancy in other states. Strike or associating. Add “e” to licensee. Strike permit holder and replace with registered firm.
- 1-11(A). No change.
- 1-11(A)(1). No change.
- 1-11(A)(2). No change.
- 1-11(A)(3). Add a transcript from. Strike or any independent senior college in South Carolina certified by the State Department of Education for teaching training.
- 1-11(B). Remove full name of AICPA.
- 1-11(B)(1). No change.
- 1-11(B)(2). No change.
- 1-12. (In the heading). Replace Files with Records.
- 1-12(A). Add or firm that has custody or ownership of client records. Replace files with records. Add or dissolution of the firm.
- 1-12(B). Replace files with records.
- 1-12(C). Strike appointed and replace with appointed pursuant to Reg. 1-12(B).
- 1-12(C)(1). Strike licensee’s. Replace files with records. Add of the licensee whose practice has been discontinued or interrupted.
- 1-12(C)(2). Replace files with records.
- 1-12(C)(3). Add on the appointed licensee’s website for thirty (30) days. Add whose practice has been discontinued or interrupted last. Replace files with records.
- 1-12(C)(4). No change.
- 1-12(C)(5). No change.
- 1-12(C)(6). No change.

A Notice of Drafting was published in the *State Register* on December 28, 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 December 13, 2019. Written comments may be directed to Susanna Sharpe, Administrator, Board of Accountancy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2019. 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 board is amending its regulations regarding requirements for licensure as a CPA, examinations, reciprocity, firm registration, reinstatement, continuing professional education, peer review, professional standards, licensure as an accounting practitioner, and safeguarding client files in the event of a licensee's incapacitation, disappearance or death.

DESCRIPTION OF REGULATION:

Purpose: The board proposes to amend R.1-01 regarding the general requirements for licensure as a CPA, R.1-02 regarding examinations, R.1-04 regarding reciprocity, R.1-05 regarding firm registration, R.1-06 regarding reinstatement, R.1-08 regarding continuing professional education, R.1-09 regarding peer review, R.1-10 regarding professional standards, R.1-11 regarding licensure for accounting practitioners, and R.1-12 regarding safeguarding client files in the event of a licensee's incapacitation, disappearance or death.

Legal Authority: 1976 Code Sections 40-1-70 and 40-2-70.

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 proposed regulations will make clarifications and update regulations pertaining to licensure, examination, reciprocity, firm registration, reinstatement, continuing education, peer review, professional standards, application for licensure as an accounting practitioner, and safeguarding client records when a licensee is incapacitated, disappears or dies.

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:

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

Statement of Rationale:

The updated regulations pertaining to licensure, examination, reciprocity, firm registration, reinstatement, continuing education, peer review, professional standards, application for licensure as an accounting practitioner, and safeguarding client records when a licensee is incapacitated, disappears or dies.

Text:

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

Document No. 4921
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF COSMETOLOGY
CHAPTER 35
Statutory Authority: 1976 Code Section 40-13-70

35-23. Continuing Education Requirements; Expired Licenses.

35-24. Continuing Education Programs.

Preamble:

The South Carolina Board of Cosmetology proposes to amend R.35-23 and 35-24 regarding continuing education and continuing education programs. Specifically, as to R.35-23, the Board proposes to reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the Board proposes to reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The Board further proposes to allow the continuing education hours to be obtained in-person or online. As to R.35-24, the Board proposes clarifying the requirements for continuing education programs, establishing guidance for in-person and online course offerings. The Board additionally establishes requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.

Section-by-Section Discussion

35-23(A). Add that provision applies to license renewal for cosmetologists, estheticians and nail technicians. Reduce twelve contact hours to four contact hours. Add that continuing education courses must be obtained in board-approved courses specific to board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Strike three-hour sanitation or client health and safety requirement. Add that courses may be completed through board-approved in-person or online classes.

35-23(B). No change.

35-23(C). Clarify that a license expired for three years or less may be reinstated but that after three years, both the theory and practical examinations must be re-taken and passed, and the applicant will be considered newly-licensed.

35-23(C)(1). Section combined with R.35-23(C).

35-23(C)(2). Strike all.

35-23(D). Add that provision applies to license renewal for instructors. Reduce twelve contact hours to four contact hours. Add that continuing education courses must be obtained in board-approved courses. Add that courses may be completed through board-approved in-person or online classes.

35-23(E). Strike existing language regarding employment on military installations. Add that changes apply to renewals beginning in 2021.

35-24(A). Strike Division of Continuing Education. Add that only continuing education programs approved by the board will be accepted toward meeting license renewal requirements.

35-24(A)(1). No change.

35-23(A)(1)(a). Strike examples of what is not considered generic. Add that all courses must have content sufficient to meet the required number of contact hours for instruction.

35-24(A)(1)(b). Add associations as course providers. Add requirement that sponsors monitor sign-in for in-person continuing education courses.

35-24(A)(1)(c). Add associations as course providers.

35-24(A)(1)(c)(i). No change.

35-24(A)(1)(c)(ii). No change.

35-24(A)(1)(c)(iii). Add user and administrative log-in information for online courses.

35-24(A)(1)(c)(iv). Renumber.

35-24(A)(2). New section stating approval of a course is valid for the term of the licensing period in which it was approved until December 31 of the year preceding the year in which the licensing period ends. Add that the Board may require a provider to update or correct course material and resubmit for board review.

35-24(B). No change.

35-23(C). Add space for in-person courses.

35-24(C)(1). No change.

35-24(C)(2). No change.

35-24(C)(3). No change.

35-24(C)(4). No change.

35-24(C)(5). No change.

35-24(C)(6). No change.

35-24(C)(7). No change.

35-24(C)(8). Add that continuing education program participants must provide two forms of identification at any time they enter the education area, of which one must be a copy of the participant's board-issued license.

35-24(D). New section. Add program format for online courses.

35-24(D)(1). New section. Add that program shall be completely generic and may not mention, promote or sell products.

35-24(D)(2). New section. Add that prior to beginning instruction, all participants in the program shall provide two forms of identification, one of which must be a government-issued photographic identification and one of which must be a copy of the participant's board issued license. This identification shall be required to be resubmitted at least once during the course.

35-24(E). Previously Section D. No change.

35-24(E)(1). Previously Section D (1). Add that board-approved Methods of Teaching instructors may teach Instructors continuing education.

35-24(E)(1)(a). Previously Section D (1)(a). No change.

35-24(E)(2). Previously Section D(2). Add For In-Person courses.

35-24(E)(2)(a). Previously Section D(2). No change.

35-24(E)(2)(b). Previously Section D(3). No change.

35-24(E)(2)(c). Previously Section D(4). No change.

35-24(E)(3). New section stating for online courses, the monitor shall verify that the course has been fully completed by the participant.

35-24(F). New section. Add that the board must approve an organization or association to provide continuing education that qualifies to meet renewal and reinstatement requirements. The board may withdraw approval for an organization or association that fails to comply with the board's statutes and regulations regarding continuing education.

35-24(G). Previously Section E. Add that section applies to Electronic Verification Templates. Reword section requiring providers to timely submit verification of attendance to USC in an approved format. Establish

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requirements for in-person verification and online verification. Reword section requiring attendance and evaluation shall not be passed out or completed until the end of the program.

35-24(G)(1). Previously Section E(1). Strike monitor shall verify participants' attendance and signature on a verification program. Add that monitor shall ensure attendance verification on a form or template including participant's full name, license and license type as shown on board-issued license.

35-24(G)(2). Previously Section E(2). Add association as a course provider. Specify method for verification forms for in-person and online classes.

35-24(G)(3). Previously Section E(3). Add electronic verification template and add requirement that USC keep forms for four years.

35-24(G)(4). Previously Section E(4). No change.

35-24(G)(5). Previously Section E(5). Add electronic verification template. Strike Division of Continuing Education. Change language stating that forms will be provided to organizations or associations to read that they may be obtained by organizations and associations. Add that forms can be obtained from USC at least two weeks prior to the start date of the course.

35-24(H). Previously Section F. Strike Division of Continuing Education.

35-24(H)(1). Previously Section F(1). Add courses must be fully approved by the board. Strike remainder of section.

35-24(H)(2). Previously Section F(2). Strike.

35-24(H)(3). Previously Section F(3). Renumber as (2). Strike section stating that once the course has been approved by the board and the provider has officially requested that USC serve as the certificating agent, course attendance forms and general program evaluation forms can be obtained by the Division of Continuing Education at least two weeks before the start of the course. Add that a complete copy of all participants' verification forms and electronic verification templates must be forwarded to USC before the certificating process can begin.

35-24(H)(4). Previously Section F(4). Renumber as (3). No change.

35-24(H)(4)(a). Previously Section F(4)(a). Renumber as (3)(a). No change.

35-24(H)(4)(b). Previously Section F(4)(b). Renumber as (3)(b). Strike and professional license numbers, add organization, and strike and the board.

35-24(H)(4)(c). Renumber as (3)(c). New section.

35-24(H)(4)(d). Previously Section F(4)(c). Add by the University of South Carolina.

35-24(H)(5). Strike all.

35-24(G). No change.

A Notice of Drafting was published in the *State Register* on December 28, 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 December 17, 2019. Written comments may be directed to Theresa Brown, Administrator, Board of Cosmetology, 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 November 25, 2019. 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:

These regulations are amended to reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the regulations are amended to reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The regulations are further amended to allow the continuing education hours to be obtained in-person or online. As to R.35-24, the regulations are amended to clarify and establish requirements for continuing education programs, and to establish guidance for in-person and online course offerings. The regulations are additionally amended to establish requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations regarding continuing education and continuing education programs. Specifically, as to R.35-23, the Board proposes to reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the Board proposes to reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The Board further proposes to allow the continuing education hours to be obtained in-person or online. As to R.35-24, the Board proposes clarifying the requirements for continuing education programs, establishing guidance for in-person and online course offerings. The Board additionally establishes requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.

Legal Authority: 1976 Code Section 40-13-70.

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 proposed regulations will reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the regulations will reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The regulations will allow the continuing education hours to be obtained in-person or online. As to R.35-24, the regulations will clarify and establish requirements for continuing education programs, and will establish guidance for in-person and online course offerings. The regulations will additionally establish requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.

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.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will reduce the continuing education requirements for cosmetologists, nail technicians and estheticians from 12 hours biennially to 4 hours biennially and to establish the subjects in which continuing education should be obtained to ensure the health and safety of the public: board laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Additionally, the regulations will reduce the continuing education requirements for instructors from 12 hours biennially to 4 hours biennially. The regulations will allow the continuing education hours to be obtained in-person or online. As to R.35-24, the regulations will clarify and establish requirements for continuing education programs, and will establish guidance for in-person and online course offerings. The regulations will additionally establish requirements to ensure continuing education participants' identities are confirmed and that they receive credit for their attendance at approved courses.

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. 4924

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR GEOLOGISTS
CHAPTER 131

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-77-70

131-06. Examinations.

131-10. Requirements for Renewal/Reactivation of Expired or Lapsed Registrations.

131-12. Continuing Professional Competency.

Preamble:

The Board of Registration for Geologists proposes to amend R.131-06 regarding examinations, R.131-10 regarding the requirements for renewal/reactivation of expired or lapsed registrations, and R.131-12 regarding continuing professional competency.

Section-by-Section Discussion

131-06(A). No change.

131-06(B). No change.

131-06(C). No change.

131-06(D). No change.

131-06(E). Strike language.

131-06(F). Strike language.

131-06(G). Renumber as 131-06(E).

131-10(A). No change.

131-10(B). Increase the number of years a registration can be lapsed and reactivated from five to six. Add reference to fee schedule. Remove the number of required CE hours and cross-reference regulation containing CE requirements. Add CE requirements for reactivation after license lapses.

131-10(C). Strike language requiring registrants lapsed for more than five years to apply as new applicants and replace with requirements for reactivation after a lapse of registration of more than six years.

131-12(A). No change.

131-12(B)(1). Change 32 to 24 required contact hours of CE per biennium.

131-12(B)(2). No change.

131-12(C)(1). No change.

131-12(C)(2). No change.

131-12(D)(1). No change.

131-12(D)(1)(a). No change.

131-12(D)(1)(b). No change.

131-12(D)(1)(c). No change.

131-12(D)(1)(d). No change.

131-12(D)(2). No change.

131-12(E). No change.

131-12(E)(1). No change.

131-12(E)(1)(a). No change.

131-12(E)(1)(b). No change.

A Notice of Drafting was published in the *State Register* on April 26, 2019.

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 December 12, 2019. Written comments may be directed to Pam Dunkin, Administrator, Board of Registration for Geologists, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2019. 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 Board of Registration for Geologists is reducing regulatory burdens on registrants. The Board proposes removing requirements regarding an appeal of a failed examination and the Board's authority to adjust the scoring based on the outcome of an appeal. The Board further proposes to increase the number of years a registration may be lapsed before a registrant is required to reactivate from five (5) to six (6) years and further proposes removing the requirement that registrants lapsed over six years cannot reactivate and must, instead, file a new application. The Board then proposes to establish the requirements for reactivation after six years, which include: the same requirements as reactivation within five years; a cap on the number of CE requirements that must be satisfied; and a certification that the registrant has not engaged in unlicensed practice during the pendency of the lapse. Finally, the Board proposes reducing the number of continuing education contact hour requirements from 32 to 24 per biennium.

DESCRIPTION OF REGULATION:

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Purpose: The Board of Registration for Geologists proposes removing requirements regarding an appeal of a failed examination and the Board's authority to adjust the scoring based on the outcome of an appeal. The Board further proposes to increase the number of years a registration may be lapsed before a registrant is required to reactivate from five (5) to six (6) years and further proposes removing the requirement that registrants lapsed over six years cannot be reactivate and must, instead, file a new application. The Board then proposes to establish the requirements for reactivation after six years, which include: the same requirements as reactivation within five years; a cap on the number of CE requirements that must be satisfied; and a certification that the registrant has not engaged in unlicensed practice during the pendency of the lapse. Finally, the Board proposes reducing the number of continuing education contact hour requirements from 32 to 24 per biennium.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-77-70.

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 Board of Registration for Geologists is reducing regulatory burdens on registrants. The Board proposes removing requirements regarding an appeal of a failed examination and the Board's authority to adjust the scoring based on the outcome of an appeal. The Board further proposes to increase the number of years a registration may be lapsed before a registrant is required to reactivate from five (5) to six (6) years and further proposes removing the requirement that registrants lapsed over six years cannot reactivate and must, instead, file a new application. The Board then proposes to establish the requirements for reactivation after six years, which include: the same requirements as reactivation within five years; a cap on the number of CE requirements that must be satisfied; and a certification that the registrant has not engaged in unlicensed practice during the pendency of the lapse. Finally, the Board proposes reducing the number of continuing education contact hour requirements from 32 to 24 per biennium.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will reduce regulatory burdens on registrants. First, the regulations would remove language regarding an appeal of a failed examination and the Board's authority to adjust the scoring based on the outcome of an appeal. The regulations would then increase the number of years a registration may be lapsed before a registrant is required to reactivate from five (5) to six (6) years and would remove the requirement that registrants lapsed over six years cannot reactivate and must, instead, file a new application. The regulations would establish the requirements for reactivation after six years, which include: the same requirements as reactivation within five years; a cap on the number of CE requirements that must be satisfied; and a certification that the registrant has not engaged in unlicensed practice during the pendency of the lapse. Finally, the regulations would reduce the number of continuing education contact hour requirements from 32 to 24 per biennium.

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. 4925

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTICIANRY**

CHAPTER 96

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

96-105. Examinations.

96-106. Apprenticeship Registration and Program Provisions.

Preamble:

The South Carolina Board of Examiners in Opticianry proposes to amend R.96-105 regarding examinations and R.96-106 regarding apprenticeships.

Section-by-Section Discussion

96-105(A). Clarify that examinations are approved by the Board. Strike language allowing applicants who pass only one section of the exam to re-test on that section only if no more than five (5) years have passed, or appear before the Board for consideration if more than five (5) years have passed. Clarify when the competency and practical exams may be taken.

96-105(A)(1). No change.

96-105(A)(2). Strike language prescribing restrictions applicable after failing the exam twice. Add language stating applicant must receive Board approval to take the exam for all subsequent attempts after failing twice and further establishing that the Board can require training, work or study prior to approval to re-test.

96-105(B). Add the word, "also"; otherwise, no change.

96-106(A). Provide that a registered apprenticeship commences upon written Board approval and includes supervised work experience and a formal education program.

96-106(A)(1). No change.

96-106(A)(2). Clarify that the work experience is either two continuous years of directly supervised work experience in full-time employment training, 32 hours per week, or three continuous years of directly supervised work experience in part-time employment training, a minimum of 21 hours per week but less than 32 hours per week.

96-106(A)(3). Remove existing language regarding supervisor's limitations and replace with requirement that the apprentice submit proof of completion of a Board-approved formal education program in opticianry.

96-106(A)(4). Restore language requiring supervisor to be licensed optician, optometrist or ophthalmologist who does not train more than two registered apprentices at a time.

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96-106(A)(5). Add that the apprenticeship must be completed in two years (full-time) and three years (part-time) and that apprentice must submit a final evaluation signed by the sponsor within 60 days of completion of the apprenticeship reserving the Board's authority to extend the apprenticeship an additional year for good cause shown and payment of a fee.

96-106(B). No change.

96-106(B)(1). No change.

96-106(B)(2). No change.

96-106(B)(3). Modify requirements for apprenticeship agreement, requiring that it be signed by the apprentice and sponsor, that it include verification that the sponsor can supervise the apprenticeship and conduct training and confirming that the sponsor has the facilities and equipment adequate for training.

96-106(B)(4). No change.

96-106(B)(5). Strike annual submission requirement and add that the evaluation must be submitted on a form approved by the Board and that it must be submitted six months after the date of the commencement of the apprenticeship. Add that the evaluation must be signed by both the apprentice and the primary sponsor. Add that subsequent evaluations must be submitted every six (6) months until completion of the apprenticeship, at which time the final evaluation must be submitted. Add that failure to timely submit signed evaluations may result in the Board rescinding the approval of the apprenticeship.

96-106(B)(6). New section requiring applicants to submit to the Board, within six (6) months after the date of the commencement of the apprenticeship, evidence of enrollment in a Board approved formal education program in opticianry. Provide that the failure to timely enroll and submit evidence to the Board as required may result in the Board rescinding approval of the apprenticeship. Provide that all formal education programs not approved by the Board must be submitted for the Board review and approval prior to the apprenticeship commencement.

96-106(C). Strike all.

96-106(D). Renumber as (C). Otherwise, no change.

96-106(D)(1). Strike nature of the apprenticeship program and replace with documentation of the primary and secondary sponsor's agreement to supervise and conduct training according to Board requirements.

96-106(D)(2). Strike proposed curriculum and replace with facilities and equipment of the apprenticeship locations.

96-106(D)(3). Strike facilities and equipment of the apprenticeship location and replace with enrollment in a Board approved formal education program in opticianry.

96-106(D)(4). Strike all.

96-106(E). Renumber as (D). Add the requirement that if a change in sponsor occurs, or the apprenticeship is terminated, the primary sponsor must submit notification to the Board of the change and documentation of the apprenticeship time completed. Failure to do so may affect the Board's approval of future sponsorships.

96-106(F). Strike all.

96-106(G). Renumber as (E). Strike "curriculum is" and replace with "training requirements are". Replace "followed or taught" with "met".

96-106(F). New section providing apprentices who fail to submit a completed application for licensure in opticianry within three years of the apprenticeship completion date may be required to recommence the apprenticeship program and meet all requirements in 96-106(B).

A Notice of Drafting was published in the *State Register* on September 27, 2019.

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 December 18, 2019. Written comments may be directed to Meredith Buttler, Administrator, Board of Examiners in Opticianry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 25, 2019. 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:

These regulations are amended to clarify the number of times applicants for licensure may take the competency and practical exams and when they may take them. The regulations also establish requirements for apprenticeships. Specifically, they: describe the parameters for full-time and part-time programs; establish requirements and time lines for evaluation forms which must be completed, signed by the apprentice and the sponsor, and submitted to the Board to provide sufficient proof of training; and provide the criteria which the Board will consider in approving an apprenticeship, among other things.

DESCRIPTION OF REGULATION:

Purpose: The Board is amending its regulations to clarify the number of times applicants for licensure may take the competency and practical exams and when they may take them. The Board is further amending its regulations to establish requirements for apprenticeships. Specifically, they: describe the parameters for full-time and part-time programs; establish requirements and time lines for evaluation forms which must be completed, signed by the apprentice and the sponsor, and submitted to the Board to provide sufficient proof of training; and provide the criteria which the Board will consider in approving an apprenticeship, among other things.

Legal Authority: S.C. Code Sections 40-1-70 and 40-38-60.

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 proposed regulations will clarify the number of times applicants for licensure may take the competency and practical exams and when they may take them. The proposed regulations will also establish requirements for apprenticeships. Specifically, they: describe the parameters for full-time and part-time programs; establish requirements and time lines for evaluation forms which must be completed, signed by the apprentice and the sponsor, and submitted to the Board to provide sufficient proof of training; and provide the criteria which the Board will consider in approving an apprenticeship, among other things.

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:

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

Statement of Rationale:

The updated regulations will clarify the number of times applicants for licensure may take the competency and practical exams and when they may take them. The updated regulations will also establish requirements for apprenticeships. Specifically, they: describe the parameters for full-time and part-time programs; establish requirements and time lines for evaluation forms which must be completed, signed by the apprentice and the sponsor, and submitted to the Board to provide sufficient proof of training; and provide the criteria which the Board will consider in approving an apprenticeship, among other things.

Text:

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

Document No. 4926
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY
CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(C), (D)(5) & (D)(8), and 40-43-86(B)

99-47. Compounding of Veterinary Drug Preparations. (New)

Preamble:

The South Carolina Board of Pharmacy proposes adding a regulation regarding compounding medications for use in veterinary practice.

Section-by-Section Discussion

99-47(A). Clarify that a licensed pharmacist practicing in a permitted pharmacy may compound veterinary drug preparations to be used by veterinarians in their offices for administration to animals.

99-47(B). Establish the circumstances in which a veterinarian may dispense compounded medications.

99-47(C). Provide that compounded medications may not be distributed by an entity other than the pharmacy that compounded the medication.

A Notice of Drafting was published in the *State Register* on June 28, 2019.

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 December 10, 2019. 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., November 25, 2019. 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:

This proposed regulation is needed to clarify that pharmacists may compound office use drug preparations for veterinarians, which may be dispensed by the veterinarian in certain circumstances. This issue was brought to the Board's attention by a member of the veterinary community who expressed concerns about veterinarians obtaining necessary medications from compounding pharmacies. The Board formed a joint committee with the Board of Veterinary Medical Examiners to study the issue.

The joint committee identified the unique needs of veterinarians regarding their use of compounded medications. Specifically, veterinarians are often required to dispense compounded medications to the owners of herds of animals in the field in emergency situations when it is impossible to administer the medications to the animals in an office setting.

Looking to the relevant provisions of the Pharmacy Practice Act, the joint committee noted the following provisions:

S.C. Code Section 40-43-86(CC)(2)(f), which provides:

Pharmacists may not offer compounded medications to other pharmacies for resale; however, pharmacists may compound preparations based on an order from a practitioner for administration to a patient in institutional or office settings.

S.C. Code Section 40-43-86(CC)(2)(h), which provides:

Physicians who administer compounded medications in an office or licensed ambulatory surgical facility setting shall be allowed to order and purchase those medications from the compounding pharmacy, store them in the office for future use but not for resale, and administer those medications according to their usual physician/patient/pharmacy practice relationship. A prescription for an individual patient for each administration of the drug shall not be required.

The first section makes clear that a pharmacist may compound medications for a practitioner to administer to a patient in an institutional or office setting. "Practitioner" is defined in S.C. Code Section 40-43-30(72) as "a physician, dentist, optometrist, podiatrist, veterinarian, or other health care provider authorized by law to diagnose and prescribe drugs and devices." Thus, it is clear that a pharmacist may compound medications for a veterinarian to administer in an office setting.

The confusion in the pharmacy and veterinary communities arises regarding the second section cited above. This section provides that a pharmacist may compound medications for a physician to store in his/her office for future use, but not for resale. In other words, it would prevent the physician from dispensing the compounded medications obtained from a pharmacy.

The Board is informed and believes that the legislature deliberately chose to distinguish between practitioners and physicians in the sections cited above. This distinction is consistent with federal law, which would prohibit the resale (dispensing) of a compounded medication for human use, but would not prohibit the resale (dispensing) for use by animals. The proposed regulation identifies this distinction by the legislature and would establish the circumstances under which a veterinarian could dispense the medications obtained from a pharmacy.

DESCRIPTION OF REGULATION:

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Purpose: The proposed regulations will clarify that pharmacists may compound office use drug preparations for veterinarians, which may be dispensed by the veterinarian in certain circumstances.

Legal Authority: 1976 Code Sections 40-1-70, 40-43-60(C), (D)(5) & (D)(8), and 40-43-86(B).

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 clarify that pharmacists may compound office use drug preparations for veterinarians, which may be dispensed by the veterinarian in certain circumstances.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will clarify that pharmacists may compound office use drug preparations for veterinarians, which may be dispensed by the veterinarian in certain circumstances.

Text:

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

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

99-43. Facility Permit Classifications.

Preamble:

The South Carolina Board of Pharmacy proposes promulgating a regulation to determine permit classifications of all permits and establish minimum standards for the permits.

Section-by-Section Discussion

99-43(A)-(D). Strike all and insert new language.

99-43(A)(1)-(4). Establish definitions for use in Section 43.

99-43(B) (1)-(2). Add language establishing requirements for resident and non-resident pharmacy permits and providing minimum standards required for issuance of the permits.

99-43(C)(1)-(3). Add language establishing requirements for non-resident non-dispensing pharmacy permits and providing minimum standards required for issuance of the permits.

99-43(D)(1)-(3). Add language establishing requirements for resident and non-resident outsourcing facility permits and providing minimum standards required for issuance of the permits.

99-43(E)(1)-(3). Add language establishing requirements for resident and non-resident medical gas/legend device permits and providing minimum standards required for issuance of the permits.

99-43(F)(1)-(2). Add language establishing requirements for resident and non-resident drug outlet permits and providing minimum standards required for issuance of the permits.

99-43(G)(1)-(3). Add language establishing requirements for resident and non-resident wholesale distributor permits and providing minimum standards required for issuance of the permits.

99-43(H)(1)-(3). Add language establishing requirements for resident and non-resident manufacturer/repackager permits and providing minimum standards required for issuance of the permits.

99-43(I)(1)-(2). Add language establishing requirements for federally qualified health center drug outlet permits and providing minimum standards required for issuance of the permits.

99-43(J)(1)-(3). Add language establishing requirements for resident and non-resident third-party logistics provider permits and providing minimum standards required for issuance of the permits.

A Notice of Drafting was published in the *State Register* on August 23, 2019.

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 December 11, 2019. 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., November 25, 2019. 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:

South Carolina Code Section 40-43-83(C) provides that the Board of Pharmacy “shall determine and promulgate the permit classifications of all permits by regulation under this chapter and establish minimum

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standards for such permits.” The current regulation was promulgated in 1999; since that time, there have been a number of significant changes in the pharmacy industry.

First, federal legislation has resulted in the creation of new entities, such as 503B Outsourcing Facilities. While such facilities are regulated by the U.S. Food and Drug Administration, they are also subject to the jurisdiction of the individual states, which has created confusion in the regulatory landscape. The Board’s proposed regulations serve to clarify much of the confusion by providing a streamlined source of information about the type of permits required under state law and what an applicant must do to obtain a required permit.

Additionally, the mail-order pharmacy industry has grown exponentially since the permitting regulations were promulgated in 1999. The Board now receives a large number of applications from pharmacies located in other states (non-resident pharmacies) seeking to ship prescriptions to patients in the state. Many pharmacies, as part of their business plan, intentionally seek permits in all 50 states. The proposed regulations would provide clarity to entities seeking such permits.

Finally, the Board has encountered situations where entities who are required to be permitted pursuant to the Practice Act have mistakenly concluded that no permit was required due to the current regulations. The proposed regulations would specifically identify all necessary permits and the process required to apply for them. This would eliminate uncertainty as to this state’s requirements as expressed by non-resident pharmacies. It would also likely reduce the number of disciplinary actions taken against non-resident pharmacies for shipping drugs and/or devices into South Carolina without the appropriate permit.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulations will clarify the classifications of permits issued by the Board and provide the minimum standards required for the issuance of such permits. The purpose of this proposed amendment is to comply with the Board’s obligations under the Practice Act, to update its regulations to reflect changes in the pharmacy industry since the regulations were last amended, and to provide clarity to applicants as to what permits are required and the minimum standards necessary to obtain the permits.

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 permittees 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 clarify the classifications of permits issued by the Board and provide the minimum standards required for the issuance of such permits. The purpose of this proposed amendment is to comply with the Board’s obligations under the Practice Act, to update its regulations to reflect changes in the pharmacy industry since the regulations were last amended, and to provide clarity to applicants as to what permits are required and the minimum standards necessary to obtain the permits.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will clarify the classifications of permits issued by the Board and provide the minimum standards required for the issuance of such permits. The purpose of this proposed amendment is to comply with the Board's obligations under the Practice Act, to update its regulations to reflect changes in the pharmacy industry since the regulations were last amended, and to provide clarity to applicants as to what permits are required and the minimum standards necessary to obtain the permits.

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. 4914

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-203. General Regulation.

123-204. Additional Regulations Applicable to Specific Properties.

Preamble:

The South Carolina Department of Natural Resources is proposing to create a new regulation that governs the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department of Natural Resources. The following is a summary of the proposed changes and additions:

123-203-General Regulation.

D.(8)(c) Allows use of electric cargo haulers on WMA lands

123-204 - Additional Regulations Applicable to Specific Properties.

N.(2)(a) Allows use of electric cargo haulers on Jocassee Gorges

Z. Simplifies and shortens language related to Tom Yawkey Wildlife Center sanctuary status

A Notice of Drafting was published in the *State Register* on September 27, 2019, Volume 43, Issue no. 9.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on December 5, 2019 at 10:00 am in Room 335 of the Rembert C.

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Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than November 25, 2019.

Preliminary Fiscal Impact Statement:

The modifications to Regulation 123-204 will have a minimal fiscal impact due to the new Sassafras Tower. No other changes will have a fiscal impact. These regulations will reduce damage to and conflicts on the area and minimize financial inputs from the department and have little change to fiscal impacts on the users.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123 by modifying regulation 123-204 in order to manage public use on WMAs and other lands owned and managed by the Department.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all special use restrictions related to use of Department-owned and leased land. Under Section 50-11-2200(C) of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in all DNR land use documents and the Managed Lands section of the DNR website. The public will be notified through the website and through news releases and other Department media outlets and publications.

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

These regulations regulate use of properties on lands owned and leased by DNR for this purpose.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulations will require no additional costs to the state. Regulation changes will have minimal impact. There are minimal impacts on Wildlife Management Areas and no effect on hunting seasons.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate significant costs with the promulgation of this regulation. Regulation changes have no costs estimates due to the lack of anticipated costs and the uncertainties associated with them.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale :

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in establishing public use areas. Contractual agreements with the landowners and authorizing statutes provide guidelines for the use and management of the properties.

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. 4915

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

123-40. Wildlife Management Area Regulations.

123-51. Turkey Hunting Rules and Seasons.

123-52. Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day.

Preamble:

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

123-40. Wildlife Management Area Regulations.

A. Game Zone 1

3. Long Creek Tract

(a) Specifies no deer hunting for clarity

B. Game Zone 2

6. Belfast WMA

(e)(i) Specifies seasons and bag limits for small game

(e) delete (ii) as redundant to change above

12. Delta South WMA

(c)(i) Specifies seasons and bag limits for small game

(c) delete (ii) as redundant to change above

C. Game Zone 3

4. Ditch Pond Heritage Preserve WMA

(b)(i) Specifies seasons and bag limits for small game

(b) delete (ii) as redundant to change above

5. Henderson Heritage Preserve WMA

(b) Prohibits small game hunting on Henderson Heritage Preserve WMA

7. Moultrie

(c) Greenfield WMA

(ii) (1) Specifies seasons and bag limits for small game

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- (ii) delete (2) as redundant to change above
- 8. Santee Cooper WMA
 - (f) Prohibits take of fox squirrels on Santee Cooper WMA
 - (f)(i) Specifies seasons and bag limits for small game
 - (f) delete (ii) as redundant to change above
- 11. Donnelley WMA
 - (e)(i) Specifies seasons and bag limits for small game
 - (e) delete (ii) as redundant to change above
- 12. Hatchery WMA
 - (b) Prohibits small game hunting on Hatchery WMA
- 14. Santee Coastal Reserve WMA
 - (d)(i) Specifies seasons and bag limits for small game
 - (d) delete (ii) as redundant to change above
- 16. Edisto River WMA
 - (d)(i) Specifies seasons and bag limits for small game
 - (d) delete (ii) as redundant to change above
- 19. St. Helena Sound Heritage Preserve WMA
 - (a) Removes small game hunting prohibition
 - (b) Adds North Williman Island and Buzzard Island to St. Helena Sound archery hunts
 - (c) Prohibits small game hunting on St. Helena Sound Heritage Preserve WMA
- 20. Tillman Sand Ridge Heritage Preserve WMA
 - (b)(i) Specifies seasons and bag limits for small game
 - (b) delete (ii) as redundant to change above
- 20. Old Island Heritage Preserve WMA
 - (b) Prohibits small game hunting on Old Island Heritage Preserve WMA
- 25. Congaree Bluffs Heritage Preserve WMA
 - (b) Prohibits small game hunting on Congaree Bluffs Heritage Preserve
- 27. South Fenwick Island
 - (c) Prohibits small game hunting on South Fenwick Island
- 28. Turtle Island WMA
 - (a) Prohibits hunting except for waterfowl and marsh hens
- D. Game Zone 4
 - 4. Add new (a). Requires sign-in and prohibits ATVs on McBee WMA
 - (a) Changes designation to (b) to accommodate change above
 - (b) Changes designation to (c) to accommodate change above
 - (c) Changes designation to (d) to accommodate change above.
 - (c)(i) Sets bag limit for quail on McBee WMA
 - (d) Changes designation to (e) to accommodate change above
 - 5. Pee Dee Station Site WMA
 - (d)(i) Specifies seasons and bag limits for small game
 - (d) delete (ii) as redundant to above
 - 6. Woodbury WMA
 - (h) remove (h) and (h)(i) in order to combine regulations
 - (i) Change designation to (h) to accommodate change above
 - (i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
 - 7. Little Pee Dee Complex WMA
 - (g) remove (g) and (g)(i) in order to combine regulations
 - (h) Change designation to (g) to accommodate change above
 - (i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
 - (i) Change designation to (h) to accommodate changes above
 - 8. Great Pee Dee Heritage Preserve WMA

- (g) remove (g) and (g)(i) in order to combine regulations
- (h) Change designation to (g) to accommodate change above
 - (i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
- 9. Longleaf Pine Heritage Preserve WMA
 - (c)(i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
- 10. Manchester State Forest WMA
 - (f)(i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
- 15. Wee Tee WMA
 - (e) remove (e) and (e)(i) in order to combine regulations
 - (f) Change designation to (e) to accommodate change above
 - (i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
 - (g) Change designation to (f) to accommodate changes above
- 16. Santee Delta WMA
 - (c) Prohibits small game hunting on Santee Delta WMA
- 17. Samworth WMA
 - (c) Prohibits small game hunting with exception of dove hunting during scheduled hunts
- 18. Cartwheel Bay Heritage Preserve WMA
 - (b)(i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
- 19. Lewis Ocean Bay Heritage Preserve WMA
 - (e)(i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above
- 20. Waccamaw River Heritage Preserve WMA
 - (f)(i) Specifies seasons and bag limits for small game
 - (ii) Remove as redundant to change above

General Regulations

- 2.12 Changes limit for antlerless deer and specifies that tags are not required on the statewide youth deer hunt day to conform to statute
- 2.16 Specifies licensing requirement for hog hunters hunting during deer season

Weapons

- 3.1 Allows use of muskets for small game
- 3.2 Allows use of muskets during primitive weapons season for big game

Deer

- 4.4 Delete all of regulation 4.4 as obsolete due to statutory changes
- 4.5 Renumber as 4.4; changes limit for antlerless deer in Game Zone 1; specifies limit for deer during statewide youth hunt day to conform to statute
- 4.6 Renumber as 4.5; specifies limits for use of antlerless deer tags in all game zones to conform to statute
- 4.7 Renumber as 4.6
- 4.8 Renumber as 4.7
- 4.9 Renumber as 4.8

123-51. Turkey Hunting Rules and Seasons

- 1. Sets daily and season bag limit for residents and nonresidents to conform to statutory changes
 - A. Game Zone 1

1-10 1. (b) Sets bag limit for residents and nonresidents; allows only one turkey to be taken between April

B. Game Zone 2

- 1.(b) Sets bag limit for nonresidents; allows only one turkey to be taken between April 1-10
- 2.(b) Allows only one turkey to be taken between April 1-10

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- 3.(b) Allows only one turkey to be taken between April 1-10
- 5.(b) Allows only one turkey to be taken between April 1-10
- 6.(b) Allows only one turkey to be taken between April 1-10
- 7.(b) Allows only one turkey to be taken between April 1-10
- 8.(b) Allows only one turkey to be taken between April 1-10
- 10.(b) Allows only one turkey to be taken between April 1-10

C. (1)(b) Sets turkey bag limit for residents and nonresidents to conform to statutory changes

D. (1)(b) Sets turkey bag limit for residents and nonresidents to conform to statutory changes

E.(1)(a) Changes limit on statewide youth turkey hunting day to conform to statute

E.(3), (3)(a), (3)(b), and 3(c) added to accommodate electronic harvest reporting as required by statutory changes.

123-52. Changes subheading to better reflect revised content.

1,2,3,4 deleted to reflect statutory changes

5. Renumber to 1 to accommodate changes above. Consolidates wording for brevity and provides instructions for use of bonus individual antlerless deer tags

6. Renumber to 2 to accommodate changes above. Prescribes use of individual antlerless deer tags in all game zones.

Add new number 3. Sets date and limits for Statewide Youth Deer Hunt Day

7. Renumber as 4 to accommodate changes above.

A Notice of Drafting for this regulation was published on September 27, 2019 in the *South Carolina State Register*, Volume 43, Issue No. 9.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on December 5, 2019 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than November 25, 2019.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Regulations 123-40, 123-51, and 123-52 in order to set seasons, bag limits and methods of hunting and taking of wildlife on an additional Wildlife Management Area and amend bear hunting regulations to provide for seasons, bag limit, quota, tagging requirement, and reporting requirements.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife. Under Section 50-11-525, the Department of Natural Resources is authorized to establish seasons, dates, areas,

bag limits, and other restrictions for hunting turkeys on all Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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

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

Periodically, additional lands are added to or removed from the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Under existing authority, seasons and bag limits are changed periodically to increase public opportunity while meeting management objectives for specific properties. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public and hinder management objectives for specific properties.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Management objectives for specific properties are

continually evaluated for needed changes. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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Text:

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

Document No. 4916
DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-5-1650

63-307. Contractor Performance Evaluation.

Preamble:

South Carolina Department of Transportation (SCDOT) proposes to amend Regulation 63-307 to clarify that the contract performance evaluation system applies to enhancement projects, school sidewalk projects, and beautification projects as well as the usual highway and bridge construction contracts. Also, SCDOT proposes to amend the Regulation to substitute the word “time” for “schedule” in Section (A)(1)(a) to avoid confusion with the contractor’s Critical Path Method (CPM) schedule.

A Notice of Drafting for the proposed amendments to Regulation 63-307 was published in the *State Register* on September 27, 2019.

Section-by-Section Discussion:

63-307(A)(1) Clarify that SCDOT may use the contract performance evaluation system to evaluate performance on all construction contracts, not only highway and bridge contracts. Other contracts might include enhancement, school sidewalk or beautification projects.

63-307(A)(1)(a) Substitute the word “time” for the word “schedule,” to avoid confusion with a contractor’s Critical Path Method (CPM) schedule. A contractor is evaluated on whether the contractor completed the project on time, measured by the contract time, not schedule.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, the hearing will be conducted at 955 Park Street, Columbia, South Carolina in connection with the SCDOT Commission’s December 5, 2019 meeting, which begins at 9:00 a.m. Written comments about these proposed amendments to Regulation 63-307 or requests for a hearing may be directed to Linda C. McDonald, SCDOT Chief Counsel, Post Office Box 191, Columbia, SC 29202. To be considered, comments or requests must be received no later than November 25, 2019.

Preliminary Fiscal Impact Statement:

There should be no costs to the State or its political subdivisions to comply with the proposed amendments to the regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 63-307. Contractor Performance Evaluation.

Purpose: The purpose of the proposed amendments is to clarify that enhancement projects, school sidewalk projects, and beautification projects are considered to be construction projects subject to the contractor performance evaluation system. Also, SCDOT proposes to amend the Regulation to substitute the word “time” for “schedule” in Section (A)(1)(a) to avoid confusion with the contractor’s Critical Path Method (CPM) schedule.

Legal Authority: SCDOT has authority to promulgate regulations regarding contractor qualification for bidding pursuant to S. C. Code Section 57-5-1650.

Plan for Implementation: The proposed amendment to Regulation 63-307 will have no effect on the practices of SCDOT. It will conform the regulations to SCDOT’s current practices.

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

SCDOT needs to clarify that the contractor performance evaluation system applies to enhancement projects, school sidewalk projects and beautification projects, as well as traditional highway and bridge projects. Also, SCDOT needs to clarify that the contractor will be evaluated on whether the contractor completes the contract on time, as measured by contract time, not the Critical Path Method (CPM) schedule.

DETERMINATION OF COSTS AND BENEFITS:

SCDOT anticipates no additional costs to the State will be created by the proposed amendment. The benefit of the proposed amendment is to eliminate an erroneous statement in the regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

SCDOT needs to clarify that the contractor performance evaluation system applies to enhancement projects, school sidewalk projects and beautification projects, as well as traditional highway and bridge projects. Also, SCDOT needs to clarify that the contractor will be evaluated on whether the contractor completes the contract on time, as measured by contract time, not the Critical Path Method (CPM) schedule. Therefore, the Regulation needs to be amended to make the above clarifications.

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Text:

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

Document No. 4917

DEPARTMENT OF TRANSPORTATION CHAPTER 63

Statutory Authority: 1976 Code Section 57-5-1650

63-306. Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation.

Preamble:

South Carolina Department of Transportation (SCDOT) proposes to amend Regulation 63-306 by revising the definition of “affiliate” in Regulation 63-306(B)(1) to delete the reference to “contractor score.” A contractor’s score is not relevant to the disqualification and suspension process addressed in Regulation 63-306. Contractor score is addressed in Regulation 63-307.

A Notice of Drafting for the proposed amendments to Regulation 63-306 was published in the *State Register* on September 27, 2019.

Section-by-Section Discussion:

63-306(B)(1) The reference to a contractor being “prevented from bidding because of a contractor’s score” is eliminated. Contractor performance scores are determined by the process set forth in Regulation 63-307. Contractor scores can prevent a contractor from bidding on specific projects, but do not disqualify the contractor from participation in all contracts with SCDOT. Therefore, the reference to contractor score in 63-306(B)(1) is improper and should be eliminated.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, the hearing will be conducted at 955 Park Street, Columbia, South Carolina in connection with the SCDOT Commission’s December 5, 2019 meeting, which begins at 9:00 a.m. Written comments about these proposed amendments to Regulation 63-306 or requests for a hearing may be directed to Linda C. McDonald, SCDOT Chief Counsel, Post Office Box 191, Columbia, SC 29202. To be considered, comments or requests must be received no later than November 25, 2019.

Preliminary Fiscal Impact Statement:

There should be no costs to the State or its political subdivisions to comply with the proposed amendments to the regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 63-306. Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation.

Purpose: The purpose of the proposed amendments is to delete the reference to “contractor score” in the definition of “affiliate” found in 63-306(B)(1). Contractor score is not relevant to the disqualification regulation.

Contractor score and its impact on a contractor are addressed in Regulation 63-307 “Contractor Performance Evaluation.”

Legal Authority: SCDOT has authority to promulgate regulations regarding contractor qualification for bidding pursuant to S. C. Code Section 57-5-1650.

Plan for Implementation: The proposed amendment to Regulation 63-306 will have no effect on the practices of SCDOT. It will conform the regulations to SCDOT's current practices.

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

The reference to "contractor score" in Regulation 63-306(B)(1) is irrelevant to the disqualification regulations found in 63-306(B)(1). It should be eliminated from this regulation. The full process and effect of contractor scores are addressed in Regulation 63-307.

DETERMINATION OF COSTS AND BENEFITS:

SCDOT anticipates no additional costs to the State will be created by the proposed amendment. The benefit of the proposed amendment is to eliminate an erroneous statement in the regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECTS ON ENVIRONMENTAL AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

The reference in Regulation 63-306(B)(1) to a contractor being "prevented from bidding because of a contractor's score" should be eliminated. Contractor performance scores are determined by the process set forth in Regulation 63-307. Contractor scores can prevent a contractor from bidding on specific projects, but do not disqualify the contractor from participation in all contracts with SCDOT. Therefore, the reference to contractor score in 63-306(B)(1) is erroneous.

Text:

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