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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
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.

## **2021 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

## **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**

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

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

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

## **EMERGENCY REGULATIONS**

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

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

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regsrch.php>

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4952			Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	01/21/2022	Public Service Commission	Regs and Admin Procedures	Judiciary
5028			Term and Universal Life Insurance Reserve Financing	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5029			Credit for Reinsurance	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5033			Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products	03/14/2022	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5032			Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034			Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
5037			Licensing Provisions; and Continuing Education	05/08/2022	LLR-Board of Funeral Service	Regs and Admin Procedures	Labor, Commerce and Industry
5043			Price Changes for Forest Tree Seedlings	05/11/2022	Commission of Forestry		
5044			General Regulations on South Carolina Forestry Commission Lands	05/11/2022	Commission of Forestry		
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5046			Allocation of Forest Tree Seedlings in Short Supply	05/11/2022	Commission of Forestry		
<b>Committee Request Withdrawal</b>							
4977			Standards for Licensing Day Care Facilities for Adults	Tolled	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4993			South Carolina Jobs-Economic Development Authority	Tolled	SC Jobs-Economic Development Auth	Regs and Admin Procedures	Labor, Commerce and Industry



## **2 EXECUTIVE ORDERS**

### **Executive Order No. 2021-34**

**WHEREAS**, the undersigned has been notified of the passing of Lieutenant John Stewart of the Lake City Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

**WHEREAS**, Lieutenant Stewart dedicated his life to protecting and serving the people of the United States and the State of South Carolina, both in the United States Marine Corps and as a decorated law enforcement officer with the Lake City Police Department, 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 law enforcement officer 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 law enforcement officer 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 Friday, September 24, 2021, in tribute to Lieutenant Stewart 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 22nd DAY OF SEPTEMBER, 2021.**

**HENRY MCMASTER**  
Governor

### **Executive Order No. 2021-35**

**WHEREAS**, on September 16, 2021, a Grand Jury convened in Dorchester County returned two Indictments charging Barbara Crosby, a member of the Board of Trustees of Dorchester County School District No. 2, with Unlawful Neglect of Child or Helpless Person, in violation of section 63-5-70 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

**WHEREAS**, Barbara Crosby, as a member of the Board of Trustees of Dorchester County School District No. 2, is an officer of the State or its political subdivisions; and

**WHEREAS**, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

**WHEREAS**, section 63-5-70 of the South Carolina Code of Laws, titled “[u]nlawful conduct toward a child,” provides, in pertinent part, that “[i]t is unlawful for a person who has charge or custody of a child . . . or who is responsible for the welfare of a child . . . to: (1) place the child at unreasonable risk of harm affecting the child’s life, physical or mental health, or safety; (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or (3) wilfully abandon the child,” and further provides that one who violates the foregoing “is guilty of a felony and . . . must be fined in the discretion of the court or imprisoned not more than ten years, or both”; and

**WHEREAS**, upon consideration of the circumstances presented, to include the statutory definition of the offense, the classification of the crime as a felony, and the particularized facts alleged in the Indictments, the undersigned has determined that the aforementioned Indictments charge Barbara Crosby with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see Baddourah*, 433 S.C. at 108, 113–14, 856 S.E.2d at 571, 574; *see also State v. Jenkins*, 278 S.C. 219, 222, 294 S.E.2d 44, 45–46 (1982) (noting that predecessor statute, which was previously categorized as a misdemeanor, was “enacted to provide protection for those persons whose tender years or helplessness renders them incapable of self-protection” and that “the legislature intended that one who simply, without knowledge or intent that his act is criminal, fails to provide proper care and attention for a child or helpless person of whom he has legal custody, so that the life, health, and comfort of that child or helpless person is endangered or is likely to be endangered, violates [the statute]”); *Op. Att’y Gen.*, 1991 WL 474760, at \*2 (S.C.A.G. Apr. 30, 1991) (“Based upon a review of the facts set forth in the indictment, it is the opinion of this office that the offense [of Mistreatment of a Child] charged in the indictment constitutes one of moral turpitude.”); and

**WHEREAS**, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2 until such time as she shall be acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first.

**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 suspend Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2 until such time as she shall be formally acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Barbara Crosby and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 23rd DAY OF SEPTEMBER, 2021.**

**HENRY MCMASTER**  
Governor

## 4 EXECUTIVE ORDERS

### Executive Order No. 2021-36

**WHEREAS**, the undersigned has been notified that there presently exists a vacancy in the office of Judge of Probate for Union County due to the resignation of William D. All, III, effective September 3, 2021; and

**WHEREAS**, in the event of a vacancy in the office of a county judge of probate, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as judge of probate pursuant to sections 1-3-220(2), 4-11-20(1), and 14-23-50 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, Toni S. Allen, of Union, South Carolina, is a fit and proper person to serve as Judge of Probate for Union County.

**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 appoint Toni S. Allen to serve as Judge of Probate for Union County until her successor is appointed or elected and qualified as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 28th DAY OF SEPTEMBER, 2021.**

**HENRY MCMASTER**  
Governor

### Executive Order No. 2021-37

**WHEREAS**, the undersigned has been notified of the passing of Jimmy C. Bales, who dutifully served as a member of the South Carolina House of Representatives; and

**WHEREAS**, in addition to his service as a member of the South Carolina House of Representatives, Jimmy C. Bales previously served the State of South Carolina as a member of Richland County Council and in various other capacities over the course of his thirty-three-year career in public education; and

**WHEREAS**, prior to his distinguished public service and his extensive career in public education, Jimmy C. Bales served honorably in the United States Army; and

**WHEREAS**, Jimmy C. Bales was a dedicated public servant, tireless community advocate, principled leader, passionate educator, and devoted 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**, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; 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

**EXECUTIVE ORDERS 5**

conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, October 2, 2021, in honor of Jimmy C. Bales 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 28th DAY OF SEPTEMBER, 2021.**

**HENRY MCMASTER  
Governor**

## 6 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

##### Bureau of Air Quality Permitting Exemption List (October 22, 2021)

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

In accordance with South Carolina (SC) Regulation 61-62.1, Definitions and General Requirements, Section II(B)(2), the South Carolina Department of Health and Environmental Control (Department or DHEC) has determined that no construction permit shall be required for sources listed herein, unless otherwise specified by Regulation 61-62.70 or any other state or federal requirement.

The Department is placing exempt sources listed in Section II(B)(2) and other sources that have been determined will not interfere with attainment or maintenance of any state or federal standard, on a list of sources to be exempted without further review. This list of exempt sources will be maintained by the Department and periodically published in the South Carolina State Register. Additionally, this list of exempt sources will be maintained on the DHEC website at: <https://www.scdhec.gov/environment/air-quality/air-quality-permits>. If you have questions or comments, please contact Lance Davis, Air Permitting Division, at (803) 898-4123.

No construction permit shall be required for sources listed herein, unless otherwise specified by Regulation 61-62.70 or any other state or federal requirement. The construction permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Whether exempt or not, the emissions will need to be included when determining whether a facility or project is subject to an applicable air regulation such as Prevention of Significant Deterioration (PSD), Title V, or Maximum Achievable Control Technology (MACT) standards. The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of pollutants, location, proximity to residences, and commercial establishments, etc. Sources listed under Section A will not require recordkeeping. Sources listed under Section B will require recordkeeping.

#### **Section A.**

The following activities/emission sources are considered insignificant and are not required to be documented unless otherwise specified by any State or Federal requirements.

1. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.
2. Any consumer product used for the same purposes, and in similar quantities, as would be used in normal consumer use such as janitorial cleaning supplies, office supplies, personal items, maintenance supplies, hand sanitizer etc.
3. Recreational, residential, and portable type wood stoves, heaters, or fireplaces, and non-production related smokehouses (used exclusively for smoking food products).
4. Indoor or outdoor kerosene space heaters.
5. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities).
6. Water heaters which are used solely for domestic purposes.

7. Motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled vehicles with internal combustion engines and its refueling operations. This exemption only applies to the emissions from the internal combustion engines used to propel such vehicles and the emissions associated with refueling. This exemption does not apply to petroleum distribution facilities. Gasoline Dispensing Facilities (GDF) which have a monthly throughput of less than 320,000 gallons per month will not require a permit. "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12. Although exempt from the requirement to obtain an air construction permit, the source may be subject to federal regulation 40 CFR 60 CCCCCC (6C).

8. Fugitive particulate emissions from passenger vehicle traffic and routine lawn and grounds keeping operations.

9. Laboratory equipment and compounds used for chemical, biological, or physical analyses such as quality control, environmental monitoring, bench-scale research or studies, training in chemical analysis techniques, and minor research and development (this does not apply to facilities where R&D is the primary objective). This exemption extends to the venting of in-line and in-situ process analysis equipment and other monitoring and sampling equipment.

10. Non-production laboratory equipment used at non-profit health or non-profit educational institutions for chemical or physical analyses, bench scale experimentation or training, or instruction.

11. Vacuum production devices used in laboratory operations.

12. Equipment used for hydraulic or hydrostatic testing.

13. Routine housekeeping or plant upkeep activities such as painting, roofing, paving, including all associated preparation.

14. Brazing, soldering, or welding equipment used for regular maintenance at the facility.

15. Blast cleaning equipment using a suspension of abrasives in water.

16. Batch cold cleaning machines, small maintenance cleaning machines, and parts washers using only nonhalogenated solvents or CFC-113 and not subject to 40 CFR 60 Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners).

17. Flares used solely to indicate danger to the public.

18. Firefighting equipment, "prop fires," and any other activities or equipment associated with firefighter training. "Prop fires" must be fired on natural gas or propane. See Section B for fire pump exemption determination.

19. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.

20. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and/or other farm related activities such as the application of fungicide, herbicide, pesticide, or fumigants.

21. Equipment on the premises of restaurants, industrial and manufacturing operations, etc. used solely for the purpose of preparing food for immediate human consumption.

## 8 NOTICES

22. Reproduction activities, such as blueprint copiers, xerographic copies, and photographic processes, except operation of such units on a commercial basis.

23. Devices used solely for safety such as pressure relief valves, rupture discs, etc., if associated with a permitted emission unit.

24. Pressurized storage tanks containing fluids such as liquid petroleum gas (LPG), liquid natural gas (LNG), natural gas, or inert gases.

25. All petroleum storage tanks less than 3.8 cubic meters (1000 gallons).

26. Water treating systems for non-contact process cooling water or boiler feedwater, and water tanks, reservoirs, or other containers designed to cool, store, or otherwise handle water (including rainwater). See section B for non-contact cooling tower exemption determination.

27. Electric motors emitting only ozone.

28. Refrigeration equipment including Transport Refrigeration Unit (TRU) that does not meet any one of the following criteria:

- i. using an ozone-depleting substance regulated under Title VI of the Clean Air Act and/or 40 CFR Part 82.
- ii. located at a Title V source.
- iii. used as or in conjunction with air pollution control equipment.

29. Construction sand and gravel facilities without crushers, grinders, or dryers. These operations shall be conducted in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line. The owner/operator of all such operations shall maintain dust control on the premises and any roadway owned or controlled by the owner/operator by paving or other suitable measures. Oil treatment is prohibited.

30. Shooting ranges that are not part of a permitted source such as a military installation.

31. Venting of refrigerants that are exempt from the venting prohibition contained in 40 CFR 82 subpart F.

### **Section B.**

The following activities/emission sources are exempt from construction permits however, documentation is required as specified below.

#### Project Emissions:

- Emissions from exempt sources must be included in total project emissions to determine regulatory applicability such as PSD, Title V, or MACT standards.

- Emissions calculations, description of the source, safety data sheets (SDS), throughput records, and any other information necessary to determine qualification for exemptions must be maintained and readily available.

#### Facility-Wide Emissions:

- Emissions from Section B shall be included in the facility-wide emissions.

#### Documentation:

- The above information shall be kept on site and made readily available to the Department upon request.

- If your facility has an operating permit, this information shall be submitted as indicated in your operating permit.

Some exemptions may require additional information outside what is indicated above such as SC Regulation 61-62.5, Standard No. 8 demonstration (modeling), New Source Performance Standard (NSPS) and MACT requirements, etc. These additional requirements are specified within the exemptions.

For further information on exemptions, see the Bureau of Air Quality Simplifying Air Permitting Process Exemption Booklet ([Exemption Booklet](#)).

**Stationary or portable combustion sources:** Please note that although these sources are exempt from requiring an air construction permit, they may be subject to federal regulations associated with combustion such as 40 CFR 60 IIII (4I), 40 CFR 60 JJJJ (4J), 40 CFR 63 ZZZZ (4Z), and/or 40 CFR 63 JJJJJ (6J).

### 1. External Combustion Sources

i. Burn virgin fuel and which were constructed prior to February 11, 1971, and which are not located at a facility that meets the definition of a major source as defined in Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

- a. Natural gas boilers.
- b. Oil-fired boilers of 50 million British thermal unit per hour (Btu/hr) rated input capacity or smaller.
- c. Coal-fired boilers of 20 million Btu/hr rated input capacity or smaller.

ii. Boilers and space heaters of less than 1.5 million Btu/hr rated input capacity which burn only virgin liquid fuels or virgin solid fuels.

iii. Boilers and space heaters of less than 10 million Btu/hr rated input capacity which burn only virgin gas fuels.

iv. Temporary replacement boilers of the same size/capacity or smaller (including the same fuel if required) remaining on-site for 12 months or less, used in place of permanent boilers while the permanent boiler is not in operation for maintenance, malfunction, or similar reason and whose emissions do not exceed those of the permanent boiler or differ from the character of the permanent boiler's emissions and whose exhaust point is within close proximity to the permanent boiler's exhaust point. This exemption excludes operation of a temporary boiler while a new, previously unpermitted boiler is under construction.

If a temporary replacement boiler does not meet the definition of a temporary boiler or another exemption per the applicable regulation, it is subject to:

- 40 CFR 60 Subpart Dc if the heat input capacity is greater than or equal to 10 million BTU/hr and construction, reconstruction or modification commenced after June 9, 1989
- 40 CFR 63 Subpart DDDDD if it is located at or part of a major source of hazardous air pollutants (HAP)
- 40 CFR 63 Subpart JJJJJ if it located at or is part of an area source of HAP. If the boiler meets the definition of gas fired boiler per 40 CFR 63.11237 it is not subject to this Subpart.

If the temporary boiler is subject to a regulation such as those listed above, then a determination that the boiler met the applicable requirements of the regulation must be kept on-site and provided to the Department upon request. The owner/operator shall also keep a record of the startup date and usage periods of the temporary boiler and provide them to the Department upon request.



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v. Industrial incinerators with total design capacity of less than 1 million Btu/hr including auxiliary devices used to recondition parts. The Opacity from these sources shall not exceed 20% and the facility shall maintain records documenting the contaminant being removed and possible emissions from the process.

vi. Ovens with integral afterburners used to recondition or clean parts with a combined heat input of less than 10 million Btu/hr, either being electric or combusting natural gas only. The Opacity from these sources shall not exceed 20%, the particulate matter limit shall not exceed 0.5 lbs/million Btu total heat input, and the facility shall maintain records documenting the contaminant being removed and possible emissions from the process.

### 2. Internal Combustion Engines:

i. Emergency or portable engines as described below:

a. Engines of less than or equal to 150 kilowatt (kW) rated capacity.

b. Engines of greater than 150 kW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

ii. Temporary or portable engines that meet the definition of “non-road engine” below. However, processes powered by the internal combustion engine shall be evaluated for permitting applicability.

a. Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another and does not remain at a location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

iii. Diesel engine driven emergency fire pumps that are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

iv. Internal Combustion engines used to drive compressors or pumps with a mechanical power output of less than 200 horsepower.

v. Oxidation catalyst on generators.

### 3. Surface Coating:

i. Stand-alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter and use either:

a. Electric Heated Ovens and apply less than 100 tons per year (tpy) of powder coatings.

b. Natural Gas Heated Ovens with a heat input of less than 10 million Btu/hr and apply less than 98.0 tpy of powder coatings.

HAP containing materials are used, the facility is expected to demonstrate compliance with SC Standard No. 8 using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request.

ii. Facilities that conduct surface finishing within a building and uses 3 gallons per day or less of non-HAP containing surface finishing materials (such as paints and paint components, other materials mixed with paints prior to application, and cleaning solvents).

iii. Painting, blasting equipment, non-commercial and non-industrial vacuum cleaning systems used for regular maintenance at the facility.

#### **4. Wood Working/Processing:**

Good housekeeping practices that minimize fugitive emissions are required for all wood working/processing exemptions.

i. Small woodworking shops that do not conduct surface coating where the woodworking activities (such as sawing, milling, sanding, etc.) are conducted within a building and the total combined maximum processing throughput for all woodworking equipment is less than 0.19 tons/hr.

ii. Sawmill equipment that only processes green wood (wood moisture content >12%), does not conduct fuel combustion operations, and has a maximum throughput capacity of less than 2.45 million board-feet per year.

iii. The following wood working equipment:

- a. Hand Sanders.
- b. Hand Saws (chain saw, hand drills, etc.).
- c. Hand Distressing Tools (chisel, etc.).
- d. Equipment used for boring, notching, etc.

#### **5. Storage Vessels:**

If an owner/operator is required to have an operating permit, then the owner/operator shall submit a list of storage tanks installed since the last issue or revision to the previous operating permit that qualify for an exemption with any new permit renewal or modification request. If an owner/operator is not required to have an operating permit, then the owner/operator must keep a list of storage tanks that qualify for an exemption on-site and provide the list to the Department upon request.

i. Any size and combination of above ground vertical gasoline storage tanks with a total storage capacity equal to or less than 5,000 gallons and not used for distribution.

ii. Any size and combination of above ground horizontal and vertical gasoline storage tanks with a total storage capacity equal to or less than 3,000 gallons and not used for distribution.

iii. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 3,218,418 gallons containing virgin or re-refined No.2 Fuel Oil and fuel oils similar in composition to No.2 Fuel Oil.

iv. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 5,042,000 gallons containing virgin or re-refined No.6 Fuel Oil, fuel oils similar in composition to No.6 Fuel Oil, residual fuel oils and lubricating oils (i.e. motor oil, hydraulic oil).

v. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 2,100,000 gallons containing Jet Kerosene.

vi. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 30,000 gallons containing Jet Naphtha (JP-4).

vii. Any size and combination of above ground horizontal and vertical storage tanks with a total storage capacity equal to or less than 25,000 gallons containing JP-4.

## 12 NOTICES

viii. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 84,000 gallons containing only Ethanol.

ix. All storage tanks, excluding those listed in Section A, with a capacity less than 38.7 cubic meters (10,000 gallons) that store organic liquids, excluding those that store a hazardous air pollutant except as an impurity.

### 6. Others:

i. Sources with a total uncontrolled PTE of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of volatile organic compounds (VOCs) will not require construction permits. Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be submitted to the Department for a case-by-case exemption determination. If approved by the Department, emissions calculations and any other information necessary to document this exemption must be maintained on-site and provided to the Department upon request.

ii. Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case-by-case basis. Exempt sources of VOCs may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit.

iii. Modifications to permitted sources that result in an uncontrolled potential emission increase of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of volatile organic compounds (VOCs) will not require construction permits.

iv. Grain Dryers as described below:

a. Rack dryer of less than 10 million Btu/hr rated input capacity which only burns natural gas as fuel and dry maximum of 100,000 bushels/yr of grains.

b. Column dryer of less than 10 million Btu/hr rated input capacity which only burns natural gas as fuel and dry maximum of 1,400,000 bushels/yr of grains.

v. Laundry dryers, extractors, or tumblers with a maximum throughput of 100,000 lb/month of shop towels processed.

vi. Petroleum dry cleaning facilities with a solvent consumption less than 1,600 gallons per year and not subject to 40 CFR 60 Subpart JJJ.

vii. Air strippers used in petroleum underground storage tank (UST) cleanups with well pump rates less than or equal to 23 gallons per minute (gpm) and Benzene concentrations less than the concentration as determined by the following equation and not subject to 40 CFR 63 Subpart 5Gj:

$C(\text{mg/l}) = 0.075/((Q)(5.0E-04))$  where Q = well pump rate in gpm.

Air strippers used in petroleum UST cleanups with well pump rates equal to or less than 23 gpm and Benzene concentrations greater than the concentration as determined by the equation are still exempt from permitting but must first submit air dispersion modeling to comply with SC Regulation 61-62.5 Standard No. 8. Documentation of the well pump rate capacity and Benzene concentration must be maintained on-site.

viii. Portable wood Processors:

Facilities that operate one (1) single mobile wood processor (e.g. grinders, hogs, shredders, etc.), remaining at any one site for more than 12 consecutive months, processing less than 415,000 tons per year (or have a maximum throughput of 47.5 tons per hour) of only non-dry (>12% moisture content), clean wood.

Facilities that simultaneously operate one (1) single mobile wood processor, one (1) single conveyor, and one (1) single screener remaining at any one site for more than 12 consecutive months, processing less than 200,000 tons per year of only non-dry (>12% moisture content), clean wood.

Any wood processor, screener, or conveyor that replaces an existing wood processor, screener, or conveyor at a location and that is intended to perform the same or similar function as the replaced equipment shall be included in calculating the consecutive 12-months.

All wood processing, screening, and conveying operations shall be conducted in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line. Fugitive Particulate emissions from material handling, process equipment, control equipment, or storage piles shall be minimized to the maximum extent possible. This includes proper maintenance of the process equipment and control system such as scheduled inspections, replacement of damaged or worn parts, etc.

Fugitive emissions from dust buildup shall be controlled by proper housekeeping and/or wet suppression. The owner/operator of all such operations shall maintain dust control on the premises and any roadway owned or controlled by the owner/operator by paving or other suitable measures. Oil treatment is prohibited.

If any complaints are received, operations may be required to cease as the matter is addressed by the Department. If a facility has an operational scenario not listed, contact the Department for an exemption determination.

ix. Welding performed for employee training purposes on equipment that is not part of a permitted source.

x. The processing of whole tires into shreds or specifically sized chips. This does not include the removal of metal or further size reduction by grinding or fine shredding. Good housekeeping practices that minimize fugitive emissions are required.

xi. Sources that only emit Particulate matter (PM) that is not an air toxic or hazardous air pollutant, located within a closed building (a building where minimal PM emissions escape to the outside ambient air through, but not limited to, windows, louvers, vents, and doors), all equipment associated with the process is located inside of the closed building, and do not exhaust directly through piping, a stack, etc. to the atmosphere. A facility not meeting this criterion may still request an exemption, if sufficient information is provided to verify PM emissions to the ambient atmosphere are below exemptible threshold. The PM emissions to the ambient air from each individual process or emission point must be less than five (5) tons/year. The facility must conduct proper maintenance and good housekeeping practices to aid in the minimization of fugitive emissions to the atmosphere.

xii. Non-contact Cooling Towers that have the potential to emit of any criteria pollutant less than 5 TPY and VOC less than 1,000 lb/month are exempt from construction permit requirement. Cooling towers generally emit PM/PM<sub>10</sub>/PM<sub>2.5</sub> but some facilities might have VOC and TAP emissions. TAP emissions will be exempted on a case by case basis per Standard 8.

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xiii. Portable and temporary crushing and/or screening plant with a cumulative rated capacity of all initial crushers of 150 tons per hour or less that is comprised of a crusher that reduce the size of nonmetallic mineral material by means of physical impaction upon the material (including but not limited to jaw, cone, hammermill, or impactor), and any combination of the following: screens that separate material according to size using mesh screens, conveying equipment that transports material from one piece of equipment or location to another location (including but not limited to feeders or belt conveyors), portable diesel engines or electric motors to power process equipment, and fuel storage tanks. These operations must meet all the following criteria:

- a. The equipment processes nonmetallic minerals only.
- b. Wet suppression is used as needed during operation.
- c. The equipment is not being used at the site of an existing facility, in support of the existing facility's primary air-permitted operation.
- d. The equipment is portable or transportable and does not reside at any one site for more than 12 consecutive months.

1. Portable plant means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

2. A site is one or more contiguous or adjacent properties that are under common control. The amount of time that equipment is kept in storage does not count towards the 12-month residence time requirement. Equipment in storage shall be placed in a separate storage location within the facility and not set up in an operational configuration. Equipment set up at a location ready to operate, shall count towards the 12-month period, even if it is not turned on.

- e. The equipment is powered by electricity or diesel engines.
  1. The diesel engines are fired on low sulfur (500 ppm or less) diesel.
  2. The diesel engines are certified by the manufacturer to meet EPA's nonroad diesel engine emission standards/tiers (40 CFR 89 and 1039).

The temporary crushing and screening operation is subject to all applicable provisions of S.C. Regulation 61-62.5, Standard 4, Sections VIII, IX, X and S.C. Regulation 61-62.6, Section III.

The facility shall keep onsite records of any information necessary to document qualification for this exemption including but not limited to start and end of operation at each site, performance test results, equipment list, amount of fuel purchased, fuel supplier certification of sulfur content of fuel purchased, and any other recordkeeping requirements required by applicable state and federal regulations.

## 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 22, 2021** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

#### Affecting Beaufort County

#### **Beaufort County Memorial Hospital d/b/a Beaufort County Hospital (BMH)**

Renovation of existing space and construction for the addition of 2,022 sf to add 1 operating room and convert existing cystoscopy room to an operating room at a total project cost of \$18,913,465.

**Affecting Horry County****Myrtle Beach Rehabilitation Hospital, LLC d/b/a Tidelands Health Rehabilitation Hospital at Carolina Bays, an affiliate of Encompass Health**

Construction for the establishment of a 36 bed Inpatient Rehabilitation Hospital in Horry county at a total project cost of \$28,237,708.

**Affecting Richland County****Prisma Health d/b/a Prisma Health Richland Hospital**

Replacement and relocation of catherization lab equipment from Prisma Health Baptist Hospital to Prisma Health Richland Hospital campus at a total project cost of \$5,004,586.

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

Establishment of diagnostic cardiac catheterization services through the addition of a diagnostic cardiac catheterization laboratory at a total project cost of \$1,749,154.

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 22, 2021**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to 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) 545-4200 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Aiken County****PAM Rehabilitation Hospital of Aiken, LLC d/b/a PAM Health Rehabilitation Hospital of Aiken**

Construction for the establishment of a 36-bed acute inpatient rehabilitation hospital in Aiken County at a total project cost of \$26,904,973.

**Affecting Berkeley County****PPCP Endoscopy, LLC d/b/a PPCP Endoscopy Center**

Construction for the establishment of a 6,580-sf ambulatory surgery facility including 3 operating rooms restricted to gastrointestinal endoscopy procedures at a total project cost of \$4,610,810.

**Affecting Charleston County****Trident Medical Center, LLC d/b/a Trident Medical Center**

Addition of a third Cardiac Catheterization lab to the existing Cardiac Cath Department at a total project cost of \$4,071,305.00.

**Affecting Florence County****McLeod Regional Medical Center of the Pee Dee, Inc.**

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,296,000.

**Affecting Horry County****Pathway Treatment Center, LLC**

Renovation of a 5,601-sf facility for the establishment of an opioid treatment program (OTP) in Horry county at a total project cost of \$967,764.

**Tidelands Carolina Bays LTACH, LLC d/b/a Tidelands Health Extended Care Hospital**

Construction for the establishment of a 24 Long Term Acute Care bed hospital in Horry county at a total project cost of \$17,594,733.22.

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### **Affecting Lancaster County**

#### **Medical University Hospital Authority d/b/a MUSC Health Indian Land Cancer Center**

Establishment of a new outpatient radiation therapy center with one Varian TrueBeam Linear Accelerator, Siemens Somatom go.Open Pro CT Simulation System, and Varian BRAVOS HDR Brachytherapy Treatment System within an existing medical office building at a total project cost of \$10,615,556.

### **Affecting Oconee County**

#### **EHA Surgery Center Seneca, LLC (EHAS-LLC) d/b/a EHA Surgery Center Seneca**

Construction for the establishment of a 6,388-sf ambulatory surgery facility including 2 operating rooms specializing in ophthalmic procedures at a total project cost of \$4,967,543.

**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 add Chapter 8, Article 14, to reflect modifications to the 2021 South Carolina Building Codes, the International Plumbing Code. Interested persons may submit comments to the administrator for the Council, Molly F. 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 add Chapter 8, Article 14, to reflect modifications to the 2021 South Carolina Building Codes, the International Plumbing Code.

Legislative review is required.



## 18 PROPOSED REGULATIONS

Document No. 5068  
**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 27, 2021.

### **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, 2021 at 9:00 a.m. If no request is received by December 1, 2021, the hearing will be canceled. Written comments may be directed to James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406, not later than December 1, 2021.

### **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.

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. 5069  
**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 27, 2021.

**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, 2021 at 9:00 a.m. If no request is received by December 1, 2021, the hearing will be canceled.

## **20 PROPOSED REGULATIONS**

Written comments may be directed to Dr. James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406, not later than December 1, 2021.

### **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.

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. 5081

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, 40-7-60, and 40-7-355

10-6. Board of Barber Examiners.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Board of Barber Examiners whose fees appear in Chapter 10 of the South Carolina Code of Regulations, specifically in R.10-6.

Section-by-Section Discussion

- 10-6(A). No change.
- 10-6(A)(1). Add \$45.
- 10-6(A)(1)(a). No change.
- 10-6(A)(1)(b). No change.
- 10-6(A)(1)(c). No change.
- 10-6(A)(2). No change.
- 10-6(A)(3). Strike.
- 10-6(A)(4). Renumber as (3) and change fee to \$150.
- 10-6(A)(5). Renumber as (4).
- 10-6(B). No change.
- 10-6(B)(1). Add \$45.
- 10-6(B)(1)(a). No change.
- 10-6(B)(1)(b). No change.
- 10-6(B)(1)(c). No change.
- 10-6(B)(2). No change.
- 10-6(B)(3). Strike.
- 10-6(B)(4). Renumber as (3) and change fee to \$175.
- 10-6(B)(5). Renumber as (4).
- 10-6(C). New section. Add Upgrade Registered Barber Apprentice to Registered Barber License \$80.
- 10-6(D). New section. Add Upgrade Master Hair Care Specialist Apprentice to Master Hair Care Specialist License \$100.
- 10-6(E) Formerly letter C. No change.
- 10-6(E)(1). No change.
- 10-6(E)(2). No change.
- 10-6(E)(3). Strike.
- 10-6(E)(4). Renumber as (3) and change fee to \$125.
- 10-6(F). Formerly letter D.
- 10-6(F)(1). Add \$45.
- 10-6(F)(1)(a). No change.
- 10-6(F)(2). No change.
- 10-6(F)(3). Strike.
- 10-6(F)(4). Renumber as (3) and change fee to \$165.
- 10-6(F)(4). New section. Add Endorsement/Reciprocity \$140.
- 10-6(G). Formerly letter E. Change Barber Shop to Barbershop. Add Mobile Barbershop. Replace license with permit.

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- 10-6(G)(1). No change.
- 10-6(G)(2). No change.
- 10-6(G)(3). Strike.
- 10-6(G)(4). Renumber to (3) and change to \$150.
- 10-6(H). Formerly letter F. Add Mobile Barbershop.
- 10-6(I). Formerly letter G. Add Mobile Barbershop. Strike \$100 and replace with \$10.
- 10-6(J). Formerly letter H. Strike \$100 and replace with \$250.
- 10-6(K). New section. Add Change of Barbershop Manager/Mobile Barbershop Operator. \$10.
- 10-6(L). Formerly letter I. No change.
- 10-6(L)(1). No change.
- 10-6(L)(2). No change.
- 10-6(L)(3). No change.
- 10-6(M). Formerly letter J. No change.
- 10-6(N). Formerly letter K. Change \$140 to \$10.
- 10-6(O). Formerly letter L. No change.
- 10-6(P). Formerly letter M. No change.
- 10-6(Q). Formerly letter N. No change.
- 10-6(Q)(1). No change.
- 10-6(Q)(2). No change.
- 10-6(Q)(3). Change to \$125.
- 10-6(R). Formerly letter O. No change.
- 10-6(S). Formerly letter P. No change.
- 10-6(T). Formerly letter Q. No change.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

### **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, 2021. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, Post Office Box 11329, Columbia, SC 29211, no later than 5:00 p.m., November 22, 2021. 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 Department has determined it is necessary to amend the fee schedule for the Board of Barber Examiners, whose fees appear in R.10-6, in Chapter 10 of the South Carolina Code of Regulations, to add fees as they relate to mobile barbershops, a new licensure type created by Act No. 65 of 2021. Additionally, the Department has determined it is necessary to clarify or rename existing fees and add other fees where required by statute. The Department has further determined that the fees proposed are reasonable as they are established to support the cost to the Department of providing necessary support staff for the Board.

### **DESCRIPTION OF REGULATION:**

Purpose: The Department is proposing to amend the fee schedule for the Board of Barber Examiners whose fees appear in Chapter 10 of the South Carolina Code of Regulations, specifically in R.10-6, to add fees as they relate to mobile barbershops, clarify or rename existing fees, and add fees required by statute.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, 40-7-60, and 40-7-355.

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 Department's website.

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

The Department is proposing to amend the fee schedule for the Board of Barber Examiners whose fees appear in Chapter 10 of the South Carolina Code of Regulations, specifically in R.10-6, to add fees as they relate to mobile barbershops, clarify or rename existing fees, and add fees required by statute.

**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 amend the fee schedule for the Board of Barber Examiners whose fees appear in Chapter 10 of the South Carolina Code of Regulations, specifically in R.10-6, to add fees as they relate to mobile barbershops, clarify or rename existing fees, and add fees required by statute.

**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. 5082  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF ARCHITECTURAL EXAMINERS**  
CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-3-50, and 40-3-60

- 11-1. Definitions.
- 11-2. Officers.
- 11-3. Meetings.
- 11-4. Seal of the Board.

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- 11-5. Applications and Fees.
- 11-6. Registration by Examination.
- 11-7. Registration by Reciprocity.
- 11-8. Renewals.
- 11-8.1. Continuing Education.
- 11-9. Duplicate Certificates.
- 11-10. Practice of Firms.
- 11-11. Seals.
- 11-12. Code of Professional Ethics.
- 11-13. Manner of Discipline.
- 11-14. Reinstatement Procedures.

### Preamble:

The South Carolina Board of Architectural Examiners proposes to amend its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

### Section-by-Section Discussion

- 11-1. No change.
- 11-1(1). Strike “IDP” and replace with “AXP”; strike “Intern Development Program” and replace with “Architectural Experience Program”.
- 11-1(2)-(6). No change.
- 11-2. No change.
- 11-3. No change.
- 11-4. No change.
- 11-5A. Add that all online applications must be accompanied by the application fee in the form of an online payment on the Board website.
- 11-5B. No change.
- 11-6A. Add “of the South Carolina Code of Laws” after legal citation; replace “Intern Development Program (IDP)” with “Architectural Experience Program (AXP)”.
- 11-6A(1). No change.
- 11-6A(2). Replace “Intern Development Program (IDP)” with “Architectural Experience Program (AXP)”.
- 11-6A(3). No change.
- 11-6(B). Add “of the South Carolina Code of Laws” after legal citation.
- 11-7. No change.
- 11-8. No change.
- 11-8.1A. No change.
- 11-8.1B(1)-(3). No change.
- 11-8.1B(4). Add “of the South Carolina Code of Laws” after legal citation.
- 11-8.1C(1). Replace 12 with 24 CE hours and replace calendar year with biennial licensure period.
- 11-8.1C(2). Strike “2 calendar years preceding the calendar year in which the license is set to expire” with “prior biennial licensure period.”
- 11-8.1C(3)-(4). No change.
- 11-8.1D. No change.
- 11-9. No change.
- 11-10. No change.
- 11-11A. Change “responsible architect” to “architect in responsible charge.” Add “and dated” to “signed.”
- 11-11B. No change.

- 11-11C. No change.
- 11-11D. No change.
- 11-11E. No change.
- 11-11E(1). Strike “professional” and add “architect in responsible charge.”
- 11-11E(2). Add “having been signed and dated” to verifiable.
- 11-11E(3). Strike “and sole” to direct control.
- 11-11E(4). Delete.
- 11-11E(5). Delete.
- 11-11E(6). Delete.
- 11-11E(7). Renumber as (4).
- 11-11E(8). Renumber as (5).
- 11-12. No change.
- 11-12 A(1). Delete.
- 11-12A(2)-(5). Renumber.
- 11-12B No changes.
- 11-12C-E. No changes.
- 11-13. No change.
- 11-14. No change.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

**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 6, 2021. Written comments may be directed to Lenora Addison-Miles, Administrator, Board of Board of Architectural Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211, no later than 5:00 p.m., November 22, 2021. 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 this regulation.

**Statement of Need and Reasonableness:**

This regulation is amended to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

**DESCRIPTION OF REGULATION:**

Purpose: The board is amending its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-3-50, and 40-3-60.



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Plan for Implementation: The revised regulation 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 regulation on the agency's website.

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

The proposed regulation will: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of this regulation.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation 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 this regulation is not implemented.

### Statement of Rationale:

The updated regulation will: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; and modify and delete language regarding seals; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

### 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. 5083  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE ATHLETIC COMMISSION**  
CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-70(4) and 40-81-70(A)(3), (6)

20-28.01. Code of Ethics. (New)

**Preamble:**

The South Carolina Athletic Commission proposes to amend its regulations to add a code of ethics.

Section-by-Section Discussion:

20-28.01. New text.

The Notice of Drafting was published in the *State Register* on June 25, 2021.

**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 7, 2021. Written comments may be directed to Holly Beeson, 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 22, 2021. If qualifying requests pursuant to Section 1-23-110(A)(3) of the 1976 Code 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 necessary to comply with the recommendations of the Inspector General, that the SC Athletic Commission formally approve a code of ethics. The code of ethics has been adopted by the Commission and is published on the Commission website. The Commission now seeks to promulgate the code of ethics in regulation. Additionally, the regulation is necessary to comply with S.C. Code Section 40-81-70(3), which provides that the Commission shall promulgate an appropriate code of professional ethics.

**DESCRIPTION OF REGULATION:**

Purpose: The Commission is seeking to amend its regulation to add the code of ethics it adopted on October 27, 2020.

Legal Authority: 1976 Code Sections 40-1-70(4) and 40-81-70(A)(3), (6).

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. The code of ethics, as approved by the Commission, is currently posted on the website.

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

The proposed regulation will memorialize the code of ethics as adopted by the Athletic Commission.

### 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 memorialize the code of ethics as adopted by the Athletic Commission following a recommendation by the Inspector General that the Commission formally adopt the same. Additionally, the regulation will ensure compliance with S.C. Code Section 40-81-70(3), which provides that the Commission shall promulgate an appropriate code of professional ethics.

### 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. 5073  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF BARBER EXAMINERS**  
CHAPTER 17  
Statutory Authority: 1976 Code Sections 40-7-50, 40-7-60, and 40-7-355

- 17-1. Barber Schools, Managers, Teachers and Instructors.
- 17-2. Barber Schools, Managers, Teachers and Instructors [; Filing of Name of Designated Manager].
- 17-3. Barber Schools, Managers, Teachers and Instructors [; Teachers and Instructors to Devote Full Time].
- 17-4. Barber Schools, Managers, Teachers and Instructors. [; Certain Teachers and Instructors to Take Examinations].
- 17-5. Barber Schools, Applications and Fees.
- 17-6. Barber Schools, Applications and Fees [; Change in Ownership].
- 17-7. Barber Schools, Disqualifying Actions.
- 17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.
- 17-9. Barber Students, Applications, Permits, Progress Reports, Examinations [; When Enrollment Commences].

- 17-10. Barber Students, Applications, Permits, Progress Reports, Examinations [; Issuance of Permit].
- 17-11. Barber Students, Applications, Permits, Progress Reports, Examinations [; Monthly Progress Report].
- 17-12. Barber Students, Applications, Permits, Progress Reports, Examinations [; Re-Examination].
- 17-13. Barber Students, Applications, Permits, Progress Reports, Examinations [; Additional Training].
- 17-14. Barber Schools, Requirements of.
- 17-15. Barber Schools, Requirements of [; Sanitary Inspections].
- 17-16. Rules and Regulations.
- 17-17. Rules and Regulations [; Revocation of Prior Rules and Regulations].
- 17-20. Barbershop Requirements; Applications for Inspection and Registration and Shop License.
- 17-21. Mobile Barbershops. (New)
- 17-22. Portable Barber Operations. (New)
- 17-30. Certificate of Results of Chest X-ray.
- 17-50. Sanitary Rules Governing Barbers, Barber Shops and Barber Colleges.
- 17-51. Minimum Requirements for Licensing of Cosmetologists as Master Hair Care Specialists.

**Preamble:**

The South Carolina Board of Barber Examiners proposes to amend various sections in Chapter 17 of the Code of Regulations, add regulations for mobile barbers as required by Act No. 65 of 2021, and amend R.17-50, the sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

Section-by-Section Discussion

- 17-1. Add on the job training instructors to title. Add all teachers or instructors in a barber school or college or providing personal supervision of on the job training of a student training in a barbershop must be a Board-licensed instructor. Delete no person shall serve as a teacher or instructor in a barber school or college unless he is qualified under Section 40-7-350 of the Code.
- 17-2. Add Barbershops to the title. Delete brackets in title. Add and each barbershop shall file with the Board the name of the manager of the barbershop.
- 17-3. Delete brackets in title. Add in barber schools or colleges to clarify reference to teachers and instructors. Add during school hours referencing the prohibition on doing professional work.
- 17-4. Delete brackets in title. Clarify who is required to take the instructor exam and why, adding that licensed instructors who have not provided on the job training 5 years and licensed instructors who have not attended the exam overview for 2 of the 5 years are required to take it to ensure competency as an instructor. Adding that licensed instructors who attended the overview but did not teach must provide proof of attendance.
- 17-5. Add that barber schools and colleges must pay the prescribed fee along with the application, and that they are not approved to open until the Board conducts an inspection. Add that applicant must submit self-inspection prior to scheduling the inspection.
- 17-6. Delete brackets in title. Delete reference to annual, as opposed to biennial, fee.
- 17-7. No change.
- 17-8. No change.
- 17-8(1). Add applicability to master hair care specialist who is a qualified on the job training instructor. Replace registered barber with qualified on the job training instructor in three places. Adding that student who wishes to train under a qualified on the job training instructor must meet, along with the instructor, with a Board representative, prior to issuance of the permit. Delete that representative shall make recommendation to the Board at its next meeting and that applicant can seek review of the Board at the next meeting. Add that to be eligible for licensing as a master hair care specialist, a student training in a barbershop must train under the personal supervision of a qualified on the job training instructor currently licensed as master hair care specialist.
- 17-8(1)(A). Add post-secondary. Replace 8 with 7.5 days hours per day in two places. Replace registered barber with qualified on the job training instructor.
- 17-8(1)(B). No change.
- 17-8(1)(C). Replace registered barber with qualified on the job training inspector.

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17-8(1)(D). Add post-secondary. Replace 40 with a minimum of 75 weeks. Replace registered barber with qualified on the job training inspector. Replace 48 with a minimum of 96 weeks.

17-9. Delete brackets in title. Replace registered barber with qualified on the job training instructor.

17-10. Delete brackets in title. Replace registered barber with qualified on the job training instructor in three places. Strike second (a) and (b) sections describing process for school that terminated student permit to object to issuance of a new permit. Strike references to school objecting to issuance of new permit. Strike holder of the existing student permit. Strike language stating applicant's failure to appear will terminate further consideration of the objection. Replace both parties with applicant.

17-11. Delete brackets in title. Replace registered barber with qualified on the job training instructor in two places. Strike to be submitted and replace with should be submitted.

17-12. Delete brackets in title. Replace registered barber with qualified on the job training instructor.

17-13. Delete brackets in title. Replace registered barber with qualified on the job training instructor.

17-14(a)-(c). No change.

17-14(d). Strike (d) requiring school to have a roster system to ensure each student has substantially equal number of patrons.

17-14(e). Re-letter as (d). Add that barber schools are required to receive instruction in laws and regulations of the board, and that master hair care specialist students are required to be given instruction in the use of chemicals to wave, relax, straighten and bleach hair.

17-14(f). Re-letter as (e).

17-14(g). Re-letter as (f). Add requirement that school have a time clock or other means of accurately keeping a record of the number of hours each student attends class.

17-14(h). Re-letter as (g).

17-14(i). Re-letter as (h).

17-14(j). Re-letter as (i).

17-14(k). Re-letter as (j).

17-14(l). Re-letter as (k). Strike subjects required by law and replace with the required subjects.

17-14(m). Re-letter as (l).

17-14(n). Re-letter as (m). Add requirement that school have and maintain a copy of the candidate information bulletin from the Board-approved exam provider. Also add qualifier that the textbooks should be Board-approved. Add catch-all provision that the school should have additional equipment necessary for the instruction of students required by the Board.

17-15. Delete brackets in title. Add Shops, Mobile barbershops to title. Replace of with for in title. Remove Sanitary as qualifier of Inspections in title and in text. Add mobile barbershop to inspection requirement. Add that no manager, instructor, teacher, operator, owner or employee shall obstruct or interfere with the inspection.

17-16. Replace registered barbers with qualified on the job training instructors. Delete sentence stating the Board reserved the right to add to or amend these rules at any time.

17-17. Repeal.

17-20. Add that a newly established barbershop must comply with all applicable state, federal and local laws, regulations, ordinances and codes. Add that there shall be at least 5 feet of space between each barber chair measured from the center of each chair and delete that there must be a minimum of 12 feet in width at the entrance of a newly established barbershop. Delete the requirement that the barbershop shall have 7 feet of pace from each chair to the wall of the shop, front and rear and replace with space sufficient to allow for the adequate and safe provision of services. Add that barbershops shall have a working, easily accessible fire extinguisher. Reword the requirement that the Board should be notified immediately if a new barbershop is not ready for inspection by the date stated on the application.

17-21. New section – Mobile Barbershops.

17-22. New section – Portable Barber Operations.

17-30. Add of Physical Examination to title. Add that all applicants for licensure as a registered barber or master hair care specialist shall attach to their application for licensure a certificate showing a negative test for TB, or a normal chest X-ray. Add that if the test or X-rays are positive, the applicant must furnish a letter from the doctor or County Health Department affirming that the applicant is not contagious. Delete results of chest X-ray. Delete barbers practicing barbering. Delete upon applying for a license therefore shall furnish to the said Board.

Delete requirements for submitting chest X-ray to the Board and reference to submitting this rule to the Secretary of State's Office in 1939.

17-50. Replace Barber Shop with Barbershop in title. Add that a mobile barbershop must comply with all sanitary rules set out below. Add definition of barbershop to include any location or place subject to registration or licensing by the Board, including but not limited a barbershop, mobile barbershop, or barber school or college.

17-50(1). Delete or any other place where barber service is rendered. Capitalize Board of Barber Examiners.

17-50(2). No change.

17-50(3). Delete or any other place where barber service is rendered. Delete cuspidors and paper jars must be kept clean and sanitary at all times.

17-50(4). Delete or any other place where barber service is rendered.

17-50(5). Combine 5 and 6. Reword requirement that barbershops shall provide a supply of hot and cold running water. Delete or any other place where barber service is rendered. Delete qualifier that hot and cold running water should be provided in cities or towns having water systems. Delete requirements that hot water receptacles hold not less than 5 gallons and that a sink or lavatory have a drain pipe to drain wastewater outside of the building. Reword to require that water should be provided in such quantities as necessary to provide the service and conduct the shop in a safe and sanitary manner. Delete prohibition on house to house barbering.

17-50(6). Add section on mobile barbershops requiring them to cease operation when wastewater storage capacity has been reached, toilets or sinks are non-functioning, or there is no longer adequate cold or hot running water or adequate wastewater capacity to complete all barbering services. Add need for adequate water supply for chemical services.

17-50(7). Add first aid kits requirement.

17-50(8). Change requirement that sterilizing solution be 60% alcohol to at least 60% alcohol or an EPA registered disinfectant.

17-50(9). No change.

17-50(10). No change.

17-50(11). No change.

17-50(12). No change.

17-50(13). No change.

17-50(14). Change bath to bathrooms in two places.

17-50(15). Replace barber hands with hand hygiene.

17-50(16). No change.

17-50(17). Strike all.

17-50(18). Strike all.

17-50(19). Re-number as 17.

17-50(20). Re-number as 18. Delete person serving as a, qualifier for barber. Add that alternatively, any implements or items used must be immediately and thoroughly cleaned, sanitized and disinfected.

17-50(19) (new). Add new section prohibiting animals in shops except service animals.

17-50(21). Re-number as 20. Add operator. Delete or any other place where barber services are rendered. Replace in said shop with within the premises.

17-50(22). Re-number as 21. Capitalize State Board of Barber Examiners. Remove reference to requesting a license to construct a barbershop. Add or registration. Add applicability to new mobile barbershops and new barber schools or colleges. Delete references to "said" and replace, when necessary with "the". Replace all lower case references to board with Board. Add reference to mobile unit in two places. Delete reference to filing the rule in the Office of the Secretary of State.

17-50(23). Re-number as 22. Strike Shop and replace with lower case shop. Delete When. Restate that barbershops will be inspected periodically. Delete reference to inspecting barber colleges or schools. Delete reference to card being posted and replace it with inspection report being posted and add that it will be posted on the premises. Add that the findings are determined by the Inspector based upon inspection findings. Delete reference to filing the rule in the Office of the Secretary of State.

17-51. No change.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

## 32 PROPOSED REGULATIONS

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 9, 2021. Written comments may be directed to Theresa Brown, Administrator, Board of Barber Examiners, 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 22, 2021. 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 Barber Examiners has concluded it is both reasonable and necessary to amend its regulations to clarify certain sections in Chapter 17 of the Code, namely that: instructors are required to be licensed to teach students; all regulated entities are required to have a designated manager; licensed instructors are not barred from providing professional services outside of school hours; inactive instructors are not required to attend an exam overview for purposes of competency; instructors may only train within the scope of their practice; instructors may be registered barbers or master hair care specialists; master hair care specialists are required to train in chemical services; and schools are required to keep accurate records of student hours. The proposed regulation also sets forth the inspection process, changes references from annual to biennial; corrects training hour requirements; adds master hair care specialists to certain regulations written before the master hair care license was created; removes the school's objection to the issuance of a new student permit for on the job training; establishes the minimum equipment necessary to train students; removes shop space requirements to make ownership less burdensome; and modifies language regarding DHEC's physical exam requirement. The regulation is also amended to repeal outdated language. Additionally, the regulation implements Act No. 65 of 2021 regarding mobile barbers, and amends R.17-50, the sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

### **DESCRIPTION OF REGULATION:**

Purpose: The board is amending its regulations to to clarify certain sections in Chapter 17 of the Code, namely that: instructors are required to be licensed to teach students; all regulated entities are required to have a designated manager; licensed instructors are not barred from providing professional services outside of school hours; inactive instructors are not required to attend an exam overview for purposes of competency; instructors may only train within the scope of their practice; instructors may be registered barbers or master hair care specialists; master hair care specialists are required to train in chemical services; and schools are required to keep accurate records of student hours. The proposed regulation also sets forth the inspection process, changes references from annual to biennial; corrects training hour requirements; adds master hair care specialists to certain regulations written before the master hair care license was created; removes the school's objection to the issuance of a new student permit for on the job training; establishes the minimum equipment necessary to train students; removes shop space requirements to make ownership less burdensome; and modifies language regarding DHEC's physical exam requirement. The regulation is also amended to repeal outdated language. Additionally, the regulation implements Act No. 65 of 2021 regarding mobile barbers, and amends R.17-50, the sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

Legal Authority: 1976 Code Sections 40-7-50, 40-7-60, and 40-7-355.

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 certain sections in Chapter 17 of the Code, namely that: instructors are required to be licensed to teach students; all regulated entities are required to have a designated manager; licensed instructors are not barred from providing professional services outside of school hours; inactive instructors are not required to attend an exam overview for purposes of competency; instructors may only train within the scope of their practice; instructors may be registered barbers or master hair care specialists; master hair care specialists are required to train in chemical services; and schools are required to keep accurate records of student hours. The proposed regulation also sets forth the inspection process, changes references from annual to biennial; corrects training hour requirements; adds master hair care specialists to certain regulations written before the master hair care license was created; removes the school's objection to the issuance of a new student permit for on the job training; establishes the minimum equipment necessary to train students; removes shop space requirements to make ownership less burdensome; and modifies language regarding DHEC's physical exam requirement. The regulation is also amended to repeal outdated language. Additionally, the regulation implements Act No. 65 of 2021 regarding mobile barbers, and amends R.17-50, the sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

**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 certain sections in Chapter 17 of the Code, namely that: instructors are required to be licensed to teach students; all regulated entities are required to have a designated manager; licensed instructors are not barred from providing professional services outside of school hours; inactive instructors are not required to attend an exam overview for purposes of competency; instructors may only train within the scope of their practice; instructors may be registered barbers or master hair care specialists; master hair care specialists are required to train in chemical services; and schools are required to keep accurate records of student hours. The proposed regulation also sets forth the inspection process, changes references from annual to biennial; corrects training hour requirements; adds master hair care specialists to certain regulations written before the master hair care license was created; removes the school's objection to the issuance of a new student permit for on the job training; establishes the minimum equipment necessary to train students; removes shop space requirements to make ownership less burdensome; and modifies language regarding DHEC's physical exam



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requirement. The regulation is also amended to repeal outdated language. Additionally, the regulation implements Act No. 65 of 2021 regarding mobile barbers, and amends R.17-50, the sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

### 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. 5084  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**  
CHAPTER 8

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

8-800 through 8-811. International Building Code.

### Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2021 South Carolina Building Codes.

### Section-by-Section Discussion

Title. Strike 2018 and replace with 2021.

8-800. Strike 2018 and replace with 2021 in two places.

8-801. Renumber to add new section, IBC Section 101.4.7 Existing Buildings.

8-802. Renumber to add new section, IBC Section 101.4.7.1 Structural Concrete.

8-803. Renumber prior section 8-801. Strike Chapter 2 in title.

8-804. Renumber prior section 8-802. No change.

8-805. Renumber prior section 8-803. No change.

8-806. Renumber prior section 8-804. No change.

8-805 (Numbering in prior version). Deleted.

8-806 (Numbering in prior version). Deleted.

8-807. Renumber to add new section, IBC Section 1010.2.13 Controlled egress doors in Groups I-1 and I-2 as well as I-4 (Adult Day Care occupancy only).

8-808. Renumber prior section 8-807. Add Where access to two or more exits or exit access doorways is required in Section 1006.2.1, and replace capital A with lowercase a. Add to Section 3006 of the South Carolina Building Code.

8-809. Renumber prior section 8-808. Add reference to Section 1803.5.10.

8-810. Renumber prior section 8-809. No change.

8-811. Renumber prior section 8-810. No change.

8-812. Renumber prior section 8-811. No change.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

### 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 8, 2021. Written comments may be directed to Molly Price, Administrator, Building Codes Council, 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 22, 2021. 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:**

**DESCRIPTION OF REGULATION:**

**Purpose:** The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2021 South Carolina Building Codes.

**Legal Authority:** 1976 Code Sections 6-9-40 and 40-1-70.

**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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2021 South Carolina Building Codes.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

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

**Statement of Rationale:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2021 South Carolina Building Codes.

**Text:**

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

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Document No. 5085  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**  
CHAPTER 8

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

8-900 through 8-921. International Fire Code.

### **Preamble:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

### Section-by-Section Discussion

Title. Strike 2018 and replace with 2021.

8-900. Strike 2018 and replace with 2021 in two places.

8-901. No change.

8-902. No change.

8-903. Strike “the following use”.

8-904. New section. IFC Section 315.3.3 Equipment rooms.

8-904. Prior section deleted.

8-905. New section. IFC Section 319.11 Clearance requirements.

8-906. New section. IFC Section 503.1.2 Additional access.

8-907. New section. IFC Section 503.1.2.1 One- or two-family dwelling residential developments having less than 50 units.

8-908. Renumber existing section 8-905. No change.

8-909. Renumber existing section 8-906. No change.

8-909. Prior section deleted.

8-910. Prior section deleted.

8-910. Renumber existing section 8-907. No change.

8-911. New section. IFC Section 507.5.1.1 Hydrant for standpipe systems.

8-912. New section. IFC Section 507.5.4 Obstruction.

8-913. New section. IFC Section 607.1 General.

8-914. Renumber existing section 8-908. No change.

8-915. Prior section deleted.

8-915. New section. IFC Section 907.6.5 Access.

8-916. Prior section deleted.

8-916. New section. IFC Section 1010.2.14 Controlled egress doors in Groups I-1 and I-2 as well as I-4 (Adult Day Care occupancy only).

8-917. Renumber existing section 8-911. Add “Where access to two or more exits or exit access doorways is required in Section 1006.2.1”. Then, strike capital A in “access” and replace with lowercase a. Replace “International” with “South Carolina”.

8-918. New section. IFC Section 2303.2.2 Testing.

8-919. New section. IFC Section 2305.5 Fire extinguishers.

8-920. Renumber existing section 8-912. Strike “structures” and replace with “exposures”. Strike “International”.

8-921. Renumber existing section 8-913. Strike quotation marks. Strike “is removed”.

8-922. Renumber existing section 8-914. No change.

8-923. Renumber existing section 8-917. No change.

8-924. Renumber existing section 8-918. No change.

8-925. Renumber existing section 8-919. Strike “IFC” and replace with “Section”.

8-926. Renumber existing section 8-920. Strike “Temporarily out of” and replace with “Removed from service” in title.

8-927. Renumber existing section 8-921. No change.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

**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 8, 2021. Written comments may be directed to Molly Price, Administrator, Building Codes Council, 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 22, 2021. 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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

**DESCRIPTION OF REGULATION:**

Purpose: The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

**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.

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

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

### Statement of Rationale:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

### 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. 5086  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**

CHAPTER 8

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

- 8-1000. International Fuel Gas Code.
- 8-1001. IFGC Section 401.10 Third-party testing and certification.
- 8-1002. IFGC Section 412.4 Listed equipment.
- 8-1003. IFGC Section 412.6 Location.
- 8-1004. IFGC Section 412.8.3 Vehicle impact protection.
- 8-1005. IFGC Section 412.10 Private fueling of motor vehicles.
- 8-1006. IFGC Section 505.1.1 Commercial cooking appliances vented by exhaust hoods.

### Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

### Section-by-Section Discussion

- Title. Strike 2018 and replace with 2021.
- 8-1000. Strike 2018 and replace with 2021 in two places.
- 8-1001. New section IFGC Section 401.9.
- 8-1002. Renumber prior section 8-1001. Strike IFGC and replace with South Carolina Fuel Gas Code.
- 8-1003. Renumber prior section 8-1002. No change.
- 8-1004. Renumber prior section 8-1003. Strike “International” and replace with “South Carolina” in two places.
- 8-1005. Renumber prior section 8-1004. No change.
- 8-1006. Renumber prior section 8-1005. Strike International and replace with South Carolina.
- 8-1007. Renumber prior section 8-1006. No change.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

**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 8, 2021. Written comments may be directed to Molly Price, Administrator, Building Codes Council, 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 22, 2021. 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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

**DESCRIPTION OF REGULATION:**

Purpose: The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

**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.

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### Statement of Rationale:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

### 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. 5087  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**  
CHAPTER 8  
Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

- 8-1300. International Mechanical Code.
- 8-1301. IMC Section 504.8.2 Duct Installation.
- 8-1302. IMC Table 1103.1 Refrigerant Classification, Amount, and OEL. (New)
- 8-1303. IMC Section 1104.3.1 Air conditioning for human comfort. (New)
- 8-1304. IMC Chapter 15 Referenced Standards. (New)

### Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

#### Section-by-Section Discussion

- Title. Strike 2018 and add 2021.
- 8-1300. Strike 2018 and add 2021 in both places code year is referenced.
- 8-1301. Strike 504.8.2 and add 504.9.2.
- 8-1302. New section. Add IMC Table 1103.1 Refrigerant Classification, Amount, and OEL. Add Modify Footnote c to state: The ASHRAE Standard 34 flammability classification for this refrigerant is 2L.
- 8.1303. New section. Add 1104.3.1 Air conditioning for human comfort and accompanying text.
- 8.1304. New section. Add IMC Chapter 15 Referenced Standards as title. Add list of Referenced Standards related to Household and Similar Appliances – Safety. Add Referenced Standards to be modified related to Household and Similar Electrical Appliances – Safety.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

### 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 8, 2021. Written comments may be directed to Molly F. Price, Administrator, Building Codes Council, 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 22, 2021. 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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

**DESCRIPTION OF REGULATION:**

**Purpose:** The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

**Legal Authority:** 1976 Code Sections 6-9-40, 6-9-50 and 6-9-55.

**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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

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

**Statement of Rationale:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

**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.



## 42 PROPOSED REGULATIONS

Document No. 5074  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**  
CHAPTER 8

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

8-1200 – 8-1244. International Residential Code.

### Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

### Section-by-Section Discussion

Title. Strike 2018 and replace with 2021.

8-1200. Strike 2018 and replace with 2021 in two places.

8-1201. Add colon after “Practice”. Add definition of crawl space.

8-1202. New section IRC Section R301.2. 1 Wind Design criteria.

8-1203. New Section IRC Section R301.2.2.1 Determination of seismic design category.

8-1204. Renumber prior section 8-1202. Add to title of Exception 6 “Fire Separation Distance”. Add Exception 7 regarding aesthetic roof and siding projections.

8-1205. New section. IRC Section R302.4.1 Through penetrations.

8-1206. Renumber prior section 8-1203. No change.

8-1207. Renumber prior section 8-1204. No change.

8-1208. Renumber prior section 8-1205. No change.

8-1209. Renumber prior section 8-1206. Strike “Minimum Fixture Clearances” and replace with “Space required”. Delete existing Figure 307.2 and replace with new figure referencing Water Closets.

8-1210. Renumber prior section 8-1207. Insert “height” related to riser. Add “s” to “Exceptions”. Add number 1 to first exception and add second exception related to riser height of spiral stairways.

8-1211. Renumber prior section 8-1208. Add floors to list where guards should be located.

8-1211. Existing section deleted.

8-1212. Renumber prior section 8-1209. No change.

8-1213. Renumber prior section 8-1210. No change.

8-1214. Renumber prior section 8-1212. No change.

8-1215. Renumber prior section 8-1213. No change.

8-1215. Existing section deleted.

8-1216. Renumber prior section 8-1214. Add Section R to IRC Section R318.4 in title.

8-1217. New section IRC Section 318.5 Termite Inspection Strip.

8-1218. Renumber prior section 8-1216. No change.

8-1219. New section IRC Section R326.3 Story above grade plane.

8-1220. Renumber prior section 8-1217. Strike R404.1.5(1) and replace with 404.1.5.3.

8-1221. Renumber prior section 8-1218. In number one, replace “is” with “shall be”. In 2.2, replace “Section N1102.2.11 of this code” with “S.C. Energy Codes.” Add periods after numbers.

8-1222. Renumber prior section 8-1219. No change.

8-1223. New section IRC Section R408.8.

8-1224. Renumber prior section 8-1220. Add “drawings” to title, “Truss design drawings”.

8-1225. Renumber prior section 8-1221. No change.

8-1226. Renumber prior section 8-1222. No change.

8-1227. Renumber prior section 8-1223. No change.

8-1228. Renumber prior section 8-1224. No change.

8-1229. Renumber prior section 8-1225. Strike existing language and re-write.

8-1230. Renumber prior section 8-1226. No change.

- 8-1231. Strike existing language and re-write.
- 8-1231. Renumber prior section 8-1227. Change M1411.8 to M1411.9 in the title. Strike “The Building Codes Council does not adopt” and add “1411.9 is deleted without substitution.”
- 8-1232. Renumber prior section 8-1228. No change.
- 8-1233. Renumber prior section 8-1229. No change.
- 8-1234. Renumber prior section 8-1230. Strike 1502.4.5 and replace with 1502.4.6.
- 8-1235. Renumber prior section 8-1231. No change.
- 8-1236. Renumber prior section 8-1232. No change.
- 8-1237. Renumber prior section 8-1233. In Exception 2, replace “inaccessible” with “without access”. In Exception 3, add “and seams” after “locking-type joints”.
- 8-1238. Existing section deleted.
- 8-1238. Renumber existing section 8-1234. No change.
- 8-1239. Renumber existing section 8-1235. Add sentence regarding the shower liner test.
- 8-1240. Existing section deleted. Also delete existing diagram.
- 8-1240. New section IRC Section P2603.2.1 Protection against physical damage.
- 8-1241. Renumber existing section 8-1236. Strike through (1) in reference to Table R301.2. Add exception regarding water pipes that are installed on the warm in winter side of the building.
- 8-1242. New section IRC Section P2705.1 General.
- 8-1243. New section IRC Section P2708.4 Shower control valves.
- 8-1244. New section IRC Section 2713.3 Bathtub and whirlpool bathtub valves.
- 8-1245. Renumber existing section 8-1237.
- 8-1246. New section IRC Section P2904.2.4.2.1.
- 8-1247. New section IRC Section E3606.5 Surge protection.
- 8-1248. Renumber existing section 8-1239.
- 8-1249. New section IRC Section R3901.4.2.1 Islands and peninsular countertops and work spaces.
- 8-1250. New section IRC Section E3902 Ground-Fault and Arc-Fault Circuit-Interrupter Protection.
- 8-1251. New section IRC Section E3902.5 Basement receptacles.
- 8-1252. Renumber existing section 8-1241. Strike 3902.16 and replace with 3902.17 in the title.
- 8-1253. New section IRC Section E4002.14. Tamper-resistant receptacles.
- 8-1254. New section IRC Chapter 44 Referenced standards.
- 8-1255. Renumber existing section 8-1242. Add “A” to “AH” in title and text.
- 8-1256. Renumber existing section 8-1243. Add “A” to “AJ” in title and text.
- 8-1257. Renumber existing section 8-1244. Add “A” to “AQ” in title and text.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

**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 8, 2021. Written comments may be directed to Molly Price, Administrator, Building Codes Council, 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 22, 2021. 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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

## **44 PROPOSED REGULATIONS**

### **DESCRIPTION OF REGULATION:**

**Purpose:** The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

**Legal Authority:** 1976 Code Sections Section 6-9-40, 6-9-50, and 6-9-55.

**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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

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

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

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

### **Statement of Rationale:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

### **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. 5088  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**  
 CHAPTER 8

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

- 8-1100. National Electrical Code.
- 8-1101. NEC Article 90.2(B)(5) Not Covered.
- 8-1102. Repealed.
- 8-1103. NEC Article 210.8(A) Basements. (New)
- 8-1104. NEC Article 210.8(F) Outdoor Outlets. (New)
- 8-1105. NEC Article 210.12(A) Dwelling Units. (New)
- 8-1106. NEC Article 230.67 Surge Protection. (New)

**Preamble:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

Section-by-Section Discussion

Title. Strike 2017 and replace with 2020. Strike “International” and replace with “National”.

- 8-1100. Strike 2017 and replace with 2020 in two places.
- 8-1101. Repealed.
- 8-1102. No change.
- 8-1103. New. Add NEC Article 210.8(A)(5) Basements. Add two exceptions.
- 8-1104. New. Add NEC Article 210.8(F) Outdoor Outlets.
- 8-1105. New. Add NEC Article 210.12(A) Dwelling Units.
- 8-1106. New. Add NEC Article 230.67 Surge Protection.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

**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 8, 2021. Written comments may be directed to Molly Price, Administrator, Building Codes Council, 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 22, 2021. 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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

DESCRIPTION OF REGULATION:

## **46 PROPOSED REGULATIONS**

**Purpose:** The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

**Legal Authority:** 1976 Code Sections 6-9-40 and 40-1-70.

**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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

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

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

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

### **Statement of Rationale:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

### **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. 5075

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE  
AND FAMILY THERAPISTS, ADDICTION COUNSELORS,  
AND PSYCHO-EDUCATIONAL SPECIALISTS**

**CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

Chapter 36. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.

**Preamble:**

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend various sections in Chapter 36.

Section-by-Section Discussion

36-01. No change.

36-01(1). Strike 75% of supervision must be face to face and 25% may be online. Add that supervision may be in person or online.

36-01(2)-(4). No change.

36-01(5). Add addiction counselors.

36-01(6). No change.

36-01(7). Add definition of clinical contact hour.

36-01(8) – (15). Renumber.

36-01(16). Renumber and add CACREP with regard to its accredited marriage, couple and family counseling specialty program.

36-02. No change.

36-03. No change.

36-04. No change.

36-04(1). No change.

36-04(2). Replace completion with graduation.

36-04(3). Add that the program must require and follow substantially similar educational standards. Add that a school may submit a program to the Board for review and determination as to whether it meets substantially similar education standards. Strike on one's graduate transcript, the applicant must demonstrate successful completion of one (1) three hour graduate level course in the listed areas.

36-04(3)(a)-(k). Strike all.

36-04(4). No change.

36-04(5). Add that the supervision plan can be submitted with the application, or after the applicant obtains employment. Add that an associate cannot begin providing counselor services until the completed supervision plan is submitted to and received by the Board.

36-04(6). Strike.

36-04(7). Renumber as 6. Remove references to effective date and replace with effective date of May 24, 2019.

36-05. No change.

36-06(1)-(3)(b)(i). No change.

36-06(3)(b)(ii). Add that supervision may be performed by other qualified mental health practitioner approved by the Board prior to beginning supervision.

36-06(3)(b)(iii). No change.

36-07. No change.

36-07(1). No change.

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36.07(2). Strike Commission on Accreditation for Marriage and Family Therapy Education and remove parentheses from COAMFTE. Add or from a marriage, couple and family counseling specialty program accredited by CACREP.

36-07(3). Regarding licensure for MFT associates, add that the program must require and follow substantially similar educational standards. Add that applicant may submit evidence of successful completion of a master's degree, specialist's degree, or doctoral degree from a marriage, couple and family counseling specialty program accredited by CACREP. Or a post-degree program accredited by COAMFTE or one that requires and follows substantially similar educational standards, or from a marriage, couple and family counseling specialty program accredited by CACREP. Add that a school may submit a program to the Board for review and determination as to whether it meets substantially similar educational standards. Strike the applicant must demonstrate successful completion of.

36-07(3)(a)-(h). Strike.

36-07(4). No change.

36-07(5). Add that the supervision plan can be submitted with the application, or after the applicant obtains employment. Add that an associate cannot begin providing counselor services until the completed supervision plan is submitted to and received by the Board.

36-07(6). Strike.

36-07(7). Renumber as 6. Remove references to effective date and replace with effective date of May 24, 2019.

36-08. No change.

36-08(1)-(2). No change.

36-08(3). Add that clinical experience must be obtained prior to beginning supervision.

36-09. No change.

36-09(1)-(3). No change.

36-09(4). Add that the supervision may be performed by a qualified mental health practitioner approved by the Board prior to beginning the supervision.

36-09(5). No change.

36-10. No change.

36-10(1). No change.

36-10(2). Replace completion with graduation.

36-10(3)-(4). No change.

36-10(5). Add that the supervision plan can be submitted with the application, or after the applicant obtains employment. Add that an associate cannot begin providing counselor services until the completed supervision plan is submitted to and received by the Board.

36-10(6). Strike.

36-11. No change.

36-11(1)-(2). No change.

36-11(3). Add that the supervision may be performed by a qualified mental health practitioner approved by the Board prior to beginning the supervision. Remove references to effective date and replace with effective date of May 24, 2019.

36-12. Replace a professional with an addiction.

36-12(1)-(4). No change.

36-13(1)-(5). No change.

36-14. No change.

36-14(A). No change.

36-14(A)(1). Strike language regarding licensure by endorsement based on license in another state or territory that had requirements that were substantially equivalent or higher than this state's on the date of licensure or by proving substantially equivalent education by documenting five years of active unrestricted licensure in good standing within a ten year period immediately preceding the application.

36-14(A)(2). Add that applicant cannot have a current or pending investigation in any state where they are licensed.

36-14(A)(3). Add that the applicant must certify that they have read and understand the Board's statutes, regulations and code of ethics specific to the licenses being sought.

36-14(A)(4). Renumber.

- 36-14(A)(5). Add that an application is only eligible for endorsement licensure in this state at an equivalent credential level.
- 36-14(B). No change.
- 36-14(B)(1). Strike language regarding licensure by endorsement based on license in another state or territory that had requirements that were substantially equivalent or higher than this state's on the date of licensure or by proving substantially equivalent education by documenting five years of active unrestricted licensure in good standing within a ten year period immediately preceding the application.
- 36-14(B)(2) Add that applicant cannot have a current or pending investigation in any state where they are licensed.
- 36-14(B)(3) Add that the applicant must certify that they have read and understand the Board's statutes, regulations and code of ethics specific to the licenses being sought.
- 36-14(B)(4). Renumber.
- 36-14(B)(5). Add that an application is only eligible for endorsement licensure in this state at an equivalent credential level.
- 36-15. Replace Reactivation with Reinstatement and replace Expired with Lapsed in title.
- 36-15(1). Add addiction counselor. Replace expired with lapsed. Replace two years with five years. Replace reactivate with reinstate. Add submitting an application. Add payment of fees for each licensing period during which the license was lapsed. Add the word reinstatement before fee. Replace demonstration of evidence with providing proof. Add completion of CE.
- 36-15(2). Add addiction counselor. Add or addiction counselor supervisor. Replace expired with lapsed. Replace two years with five years. Replace reapply and meet all of the requirements at the time of application for licensure with submit an application for reinstatement, pay the required reinstatement fee, and appear before the Board to determine if the license should be reinstated and the terms under which the reinstatement is to be made.
- 36-15(3). Replace reactivation with reinstatement. Add addiction counseling.
- 36-16. No change.
- 36-16(1). Add Board-approved. Remove references to "formal" continuing education.
- 36-16(2). Add Board-approved. Remove references to "formal" continuing education. Replace activity with program. Strike for the formal CE requirement
- 36-16(3). No change.
- 36-16(4). Strike the Board accepts informal CE using the following guidelines and replace with CE hours may be obtained through CE programs and activities provided by Board-approved CE providers, or licensees may obtain up to 20 hours of required CE per two year licensure period by completing one or more of the following.
- 36-16(5). No change.
- 36-16(6). Strike no more than 50% of continuing education may be taken online. Add that CE may be taken in person or online.
- 36-17(1). Strike both. Add a comma after professional counselor. Delete and/or between professional counselor and marriage and family therapist. Add and/or addiction counselor after marriage and family therapist.
- 36-17(2). Strike no more than 50% of continuing education may be taken online. Add that CE may be taken in person or online.
- 36-17(3). No change.
- 36.18 – 36.26. No change.
- 36-27(A)-(C). No change.
- 36-27(D)(1)-(3). No change.
- 36-27(D)(4)(a)-(d). No change.
- 36-27(D)(4)(e). Change twelve to fifteen.

A Notice of Drafting was published in the *State Register* on May 28, 2021.

**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, 2021. Written comments may be directed Roselind Bailey-Glover, Administrator, Board of Examiners for Licensure of Professional



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Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, 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 22, 2021. 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 of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend various sections in Chapter 36. Changes the Board deems reasonable and necessary include: allowing supervision to be conducted online; adding accreditation for marriage and family therapists with CACREP and allowing other programs to submit their courses to the Board for review as substantial equivalent programs; allowing graduates from accredited programs to bypass the education review process; deleting a list of required courses that are likely to be revised over time; allowing supervision plan revisions to be submitted after applicants obtain employment; requiring that qualified mental health practitioner supervisors, who are not licensees of the board, be approved prior to candidates' obtaining the required experience with them; revising endorsement requirements to allow all licensing requirements to be deemed met if the individual has a license in good standing in another state; revising reinstatement requirements to allow an applicant whose license has been lapsed for more than five, as opposed to two, to appear before the board to determine the terms under which the reinstatement should be made; allowing all continuing education to be obtained online or in person, and allowing up to 20 hours of CE to be obtained through non-traditional means; and increasing the number of supervisees a supervisor may supervise from twelve to fifteen. The Board is also adding addiction counselors to certain provisions where they were previously omitted and correcting scrivener's errors.

### **DESCRIPTION OF REGULATION:**

**Purpose:** The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists is amending various sections in Chapter 36. Changes the Board deems reasonable and necessary include: allowing supervision to be conducted online; adding accreditation for marriage and family therapists with CACREP and allowing other programs to submit their courses to the Board for review as substantial equivalent programs; allowing graduates from accredited programs to bypass the education review process; deleting a list of required courses that are likely to be revised over time; allowing supervision plan revisions to be submitted after applicants obtain employment; requiring that qualified mental health practitioner supervisors, who are not licensees of the board, be approved prior to candidates' obtaining the required experience with them; revising endorsement requirements to allow all licensing requirements to be deemed met if the individual has a license in good standing in another state; revising reinstatement requirements to allow an applicant whose license has been lapsed for more than five, as opposed to two, to appear before the board to determine the terms under which the reinstatement should be made; allowing all continuing education to be obtained online or in person, and allowing up to 20 hours of CE to be obtained through non-traditional means; and increasing the number of supervisees a supervisor may supervise from twelve to fifteen. The Board is also adding addiction counselors to certain provisions where they were previously omitted and correcting scrivener's errors.

**Legal Authority:** 1976 Code Sections 40-1-70 and 40-75-60.

**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 Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend various sections in Chapter 36. Changes the Board deems reasonable and necessary include: allowing supervision to be conducted online; adding accreditation for marriage and family therapists with CACREP and allowing other programs to submit their courses to the Board for review as substantial equivalent programs; allowing graduates from accredited programs to bypass the education review process; deleting a list of required courses that are likely to be revised over time; allowing supervision plan revisions to be submitted after applicants obtain employment; requiring that qualified mental health practitioner supervisors, who are not licensees of the board, be approved prior to candidates' obtaining the required experience with them; revising endorsement requirements to allow all licensing requirements to be deemed met if the individual has a license in good standing in another state; revising reinstatement requirements to allow an applicant whose license has been lapsed for more than five, as opposed to two, to appear before the board to determine the terms under which the reinstatement should be made; allowing all continuing education to be obtained online or in person, and allowing up to 20 hours of CE to be obtained through non-traditional means; and increasing the number of supervisees a supervisor may supervise from twelve to fifteen. The Board is also adding addiction counselors to certain provisions where they were previously omitted and correcting scrivener's errors.

**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 updates will: allow supervision to be conducted online; add accreditation for marriage and family therapists with CACREP and allow other programs to submit their courses to the Board for review as substantial equivalent programs; allow graduates from accredited programs to bypass the education review process; delete a list of required courses that are likely to be revised over time; allow supervision plan revisions to be submitted after applicants obtain employment; require that qualified mental health practitioner supervisors, who are not licensees of the board, be approved prior to candidates' obtaining the required experience with them; revise endorsement requirements to allow all licensing requirements to be deemed met if the individual has a license in good standing in another state; revise reinstatement requirements to allow an applicant whose license has been lapsed for more than five, as opposed to two, to appear before the board to determine if the terms under which the reinstatement should be made; allow all continuing education to be obtained online or in person, and allow up to 20 hours of CE to be obtained through non-traditional means; and increase the number of supervisees a supervisor may supervise from twelve to fifteen. The updates will also add addiction counselors to certain provisions where they were previously omitted and correct scrivener's errors.

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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. 5076

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**CHAPTER 49**

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130

- 49-100. Definitions.
- 49-101. Board Rules of Order/Procedures and Seal of Board.
- 49-102. Use of Forms/Applications.
- 49-103. Fees.
- 49-104. Examinations – General.
- 49-105. License Expiration, Renewal and Reinstatement – Individuals.
- 49-106. COA Expiration, Renewal and Reinstatement – Firms.
- 49-200. Professional Engineer Licensure Requirements.
- 49-201. Professional Land Surveyor Licensure Requirements.
- 49-202. Classifications and Scopes of Authority: Engineers and Surveyors.
- 49-203. Licensure by Comity.
- 49-205. Firm Registration.
- 49-207. Seals: Individuals and Firms.
- 49-300. Preamble.
- 49-301. Responsibility to the Public.
- 49-302. Competency for Assignments.
- 49-303. Public Statements.
- 49-304. Conflicts of Interest.
- 49-305. Solicitation of Work.
- 49-306. Improper Conduct.
- 49-400. Purpose.
- 49-410. Compliance.
- 49-420. General.
- 49-430. Nomenclature.
- 49-440. Classification of Surveys.
- 49-450. Plats and Platting.
- 49-460. Survey Types and Requirements.
- 49-470. Methods of Marking Property Boundaries.
- 49-480. Land Descriptions.
- 49-490. Instruments and Apparatus.
- 49-600. Purpose.
- 49-601. Definitions.
- 49-602. Requirements.
- 49-603. Units of Credit.
- 49-604. Determination of Credit.
- 49-605. Record Keeping.
- 49-606. Exemptions.
- 49-607. Reinstatements.
- 49-609. Dual License Holders.
- 49-610. Reporting Forms.

**Preamble:**

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend various sections of Chapter 49 of the Code of Regulations.

Section-by-Section Discussion

49-100. Strike “Registration” and replace with “Licensure.”

49-101. No change.

49-102. Strike “printed.”

49-103. Update website address and add “licensure.”

49-104. Add “or licensure.”

49-105. Renumber sections to clarify renewal and reinstatement; add “for three months or less” to (A)(3); strike “registration” and replace with “license”; and add sentence to (B)(3) to address required PDH units to reinstate license.

49-106. Renumber sections to clarify renewal and reinstatement; strike “reinstated” and replace with “renewed”; strike “reinstate” and replace with “renew”; strike “reissued” and replace with “reinstatement”; and strike “new” and replace with “reinstatement”.

49-200. Strike “masters” and replace with “master’s”; strike “the same” and replace with “equivalent”; add “or NCEES Credentials Evaluation”; add “or NCEES”; add “the qualifying”; add “but is not limited to”; strike “as” and replace with “for up to”; add sentence to (B)(2)(b) to clarify that an applicant may not get experience credit of more than 1 year for both work and education during any consecutive 12-month period; strike (B)(3)(a) through (c) and renumber (B)(3)(d) as (B)(2)(i); clarify requirements for exemption from FE examination in (C)(1)(b) by adding another category; and add (C)(2) to set forth requirements for taking the early PE exam.

49-201. Strike “chaining” and “bush cutting duties” and replace with “and other unskilled tasks”; strike “delineation” and replace with “surveying”; strike provisions regarding geodetic surveying which no longer exists; remove all references to two year degrees which conflicts with statute; remove all provisions which are now void; strike “National Mapping Accuracy Standards” and replace with “ASPRS Accuracy Standards”; strike “done” and replace with “performed”; and add experience and education requirements for Tier B Land Surveyor.

49-202. Remove all references to Category A and Category B which has ceased to exist; update statute reference in (C).

49-203. Add provision to clarify that someone previously licensed in this state is not eligible for comity licensure; strike “in the appropriate category designation”; remove references to Category A; strike “without” and replace with “upon”; strike references to “registration” and “registered” and replace with “licensure” and “licensed”.

49-205. Replace “registration” and “registered” with “licensure” and “licensed”.

49-207. Remove all references with Category A and Category B; replace references to “registration” with “license”; add “(wet seal), raised embossed seals” and strike phrase at the end of (A)(2) and word “impression” and phrase in (B)(2) referring to impression seals; add section (B)(5) regarding removal of computer generated seal.

49-300. No change.

49-301. Update language to make it gender neutral.

49-302. Update language to make it gender neutral.

49-303. Update language to make it gender neutral” strike phrase in (B) and add “professional”; strike testimony” and replace with “statement”.

49-304. Update language to make it gender neutral.

49-305. Update language to make it gender neutral; replace “venturers” with “ventures”.

49-306. Update language to make it gender neutral.

49-400. No change.

49-410. Update language to make it gender neutral.

49-420. Add phrase to term “seal” in (A)(6); strike “raised embossed” and “personal signature” in (B); strike “original” in (C); and update language to make it gender neutral.

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49-430. Update Nomenclature to add terms “American Society of Photogrammetry and Remote Sensing: ASPRS”, “BeiDou Navigation Satellite System: BeDou”, and “National Spatial Reference System: NSRS”; strike “State Plane Coordinate South Zone NAD27:SCSPCS27”; add “System” and change abbreviation to “SPCS”; modify and update definitions for Right of Way Survey, Geodetic Survey, Geodetic Datum, State Plane Coordinate System, Wetlands Survey, Position Dilution of Precision; add definitions for Spatial Data and Ground Coordinates.

49-440. Strike sentence in (B)(1) (Class A) Urban Land Survey; strike sentence in (B)(2) (Class B) Suburban Land Survey; strike “when using”.

49-450. Add (C) to require primary reference materials be listed on the face of the plat.

49-460. Update references to regulation; strike (A)(2); strike “embossed”; change “registration” to “license”; update language in (A)(3)(l); add “or record source” to (A)(3)(m); add sentence to (A)(3)(p); strike (B)(4); change reference from “NGVD” to “NGS”; strike “insure” and replace with “ensure”; strike “accurate”; strike references to North American Datum of 1983 and National Coordinate System and replace with NSRS; strike “drawing” and replace with “digital”; strike “LIDAR” and “National Map Accuracy Standards” and replace with “ASPRS”; update language in (E)(6)(e); update reference to regulation; and strike required language in certificate required by (E)(7).

49-470. Add a provision regarding monuments; strike language with respect to Boundary Monument or Witness Monument.

49-480. Update language to make it gender neutral and strike “registration” and replace with “license”.

49-490. No change.

49-600. Strike “registration”; strike last sentence and move to 49-606 governing exemptions.

49-601. Add sentence to clarify what qualifies as a Course/Activity.

49-602. Add sentence to (B) to clarify carry over units; update language in (C) for earning PDH units; add section (D) to limit 50% of PDHs earned during a renewal cycle to business or non-technical subject matter.

49-603. No change.

49-604. Add provision (6) to limit PDH units to 12 hours of credit in one calendar day.

49-605. Clarify what is required in maintaining records for PHD units; strike “twelve month” and replace with “ninety-day” and add sentence to automatically lapse license if licensee does not remedy deficiencies within allowed time frame.

49-606. Delete (B) which conflicts with statute; update and clarify language in (C) regarding exemption or extension of time; strike “the requirement for two years” and replace with “30 PDHs”; and add (E) which was originally in 49-600.

49-607. Repeal.

49-609. No change.

49-610. No change.

A Notice of Drafting was published in the *State Register* on May 28, 2021.

### **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 14, 2021. Written comments may be directed to Lenora Addison-Miles, Administrator, South Carolina Board of Registration for Professional Engineers and Surveyors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11597, Columbia, SC 29211-1597, no later than 5:00 p.m., November 22, 2021. 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 minimal cost incurred by the State or any of its political subdivisions for this regulation.

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

These regulations are amended to: change references from “registration” and “registered” to “license” or “licensure” or “licensed” where appropriate; change language throughout to make it gender neutral; update terminology; remove all references to Category A and Category B licensure and replace with Professional Engineer licensure; update and clarify Professional Engineer licensure requirements; clarify FE examination exemptions; add early PE examination requirements; remove all references to two year degrees for land surveying licensure; remove all provisions now voided by date; add Tier B land surveyor experience requirements; update statutory and regulatory references throughout regulations; update seal requirements; modify language in Public Statements; add terms and definitions to Standards of Practice Manual for Surveying in South Carolina and update nomenclature and definitions; update and clarify survey types and requirements and methods of making property boundaries; and update and modify PDH requirements.

**DESCRIPTION OF REGULATION:**

Purpose: The Board is amending its regulations to: change references from “registration” and “registered” to “license” or “licensure” or “licensed” where appropriate; change language throughout to make it gender neutral; update terminology; remove all references to Category A and Category B licensure and replace with Professional Engineer licensure; update and clarify Professional Engineer licensure requirements; clarify FE examination exemptions; add early PE examination requirements; remove all references to two year degrees for land surveying licensure; remove all provisions now voided by date; add Tier B land surveyor experience requirements; update statutory and regulatory references throughout regulations; update seal requirements; modify language in Public Statements; add terms and definitions to Standards of Practice Manual for Surveying in South Carolina and update nomenclature and definitions; update and clarify survey types and requirements and methods of making property boundaries; and update and modify PDH requirements.

Legal Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130.

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 regulation on the agency’s website.

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

The proposed regulation will: change references from “registration” and “registered” to “license” or “licensure” or “licensed” where appropriate; change language throughout to make it gender neutral; update terminology; remove all references to Category A and Category B licensure and replace with Professional Engineer licensure; update and clarify Professional Engineer licensure requirements; clarify FE examination exemptions; add early PE examination requirements; remove all references to two year degrees for land surveying licensure; remove all provisions now voided by date; add Tier B land surveyor experience requirements; update statutory and regulatory references throughout regulations; update seal requirements; modify language in Public Statements; add terms and definitions to Standards of Practice Manual for Surveying in South Carolina and update nomenclature and definitions; update and clarify survey types and requirements and methods of making property boundaries; and update and modify PDH requirements.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no cost incurred by the State for the promulgation of this regulation.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulation.

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### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation 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 this regulation is not implemented.

### Statement of Rationale:

The updated regulations will: change references from “registration” and “registered” to “license” or “licensure” or “licensed” where appropriate; change language throughout to make it gender neutral; update terminology; remove all references to Category A and Category B licensure and replace with Professional Engineer licensure; update and clarify Professional Engineer licensure requirements; clarify FE examination exemptions; add early PE examination requirements; remove all references to two year degrees for land surveying licensure; remove all provisions now voided by date; add Tier B land surveyor experience requirements; update statutory and regulatory references throughout regulations; update seal requirements; modify language in Public Statements; add terms and definitions to Standards of Practice Manual for Surveying in South Carolina and update nomenclature and definitions; update and clarify survey types and requirements and methods of making property boundaries; and update and modify PDH requirements.

### Text:

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

Document No. 5089  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**MANUFACTURED HOUSING BOARD**  
CHAPTER 79

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

- 79-6. License Renewal.
- 79-15. Retail Dealer Sales Transactions.
- 79-21. Installers.
- 79-22. Repairers.
- 79-23. Contractors.

### Preamble:

The South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R.79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

Section-by-Section Discussion

79-6(A)-(D) No change.

79-6(A)-(D)(1). Change three to six hours of continuing education and clarify that is per two year licensing period.

79-6(D)(1)(a). No change.

79-6(D)(1)(b). Add that registrants who have earned more than six hours of CE during 2-year licensing period may carry over up to two hours to the next licensing period.

79-6(D)(1)(c). Add that a manufactured home apprentice salesperson may take CE classes and be credited hours earned toward any CE requirements he or she may have during the same licensing period as a retail salesperson or retail multi-lot salesperson.

79-6(D)(2)-(3). No change.

79-15A. No change.

79-15B. Strike all costs totaling the sale price must be accounted for.

79-15B(1)-(4). No change.

79-15C-E. No change.

79-21A. No change.

79-21B. Strike that upon completion the installer must prepare three copies of a Certificate of Completion and the directions that follow.

79-21C-D. No change.

79-22A. No change.

79-22B. Strike that upon completion the repairer must prepare three copies of a Certificate of Completion and the directions that follow.

79-22C. No change.

79-23A. No change.

79-23B. Strike that upon completion the contractor must prepare three copies of a Certificate of Completion and the directions that follow.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

**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 15, 2021. Written comments may be directed to Roger Lowe, Administrator, Manufactured Housing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on November 22, 2021. 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 South Carolina Manufactured Housing Board has concluded it is both reasonable and necessary to amend Chapter 79: to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. to remove from R.79-15B the requirement of all costs totaling the sales price from the contract for sale; and to amend R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.



## **58 PROPOSED REGULATIONS**

### **DESCRIPTION OF REGULATION:**

Purpose: The South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R. 79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R. 79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

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

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 South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R. 79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

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

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

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

### **Statement of Rationale:**

The South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R. 79-15B to remove the requirement of all

costs totaling the sales price from the contract for sale and amending R. 79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

**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. 5090  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF MEDICAL EXAMINERS**  
CHAPTER 81  
Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110

81-75. Emergency Temporary Licenses. (New)

**Preamble:**

The South Carolina Board of Medical Examiners proposes to promulgate a regulation regarding emergency licensure and the requirements for the same.

Section-by-Section Discussion

81-75. New section establishing when and to whom the Board may issue emergency temporary licenses, to whom a license may not be issued, and when the license expires.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

**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 16, 2021. Written comments may be directed to Pam Dunkin, Interim Administrator, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 22, 2021. 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 South Carolina Board of Medical Examiners has concluded it is both reasonable and necessary to promulgate a regulation regarding emergency licensure and the requirements for the same following the COVID-19 pandemic when it was necessary to expedite licensure of medical professionals to provide care to the citizens of the state.

**DESCRIPTION OF REGULATION:**

## **60 PROPOSED REGULATIONS**

**Purpose:** The South Carolina Board of Medical Examiners proposes to promulgate a regulation regarding emergency licensure and the requirements for the same. The regulation will state when and to whom the Board may issue emergency temporary licenses, to whom a license may not be issued, and when the license expires.

**Legal Authority:** 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110.

**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 South Carolina Board of Medical Examiners has concluded it is both reasonable and necessary to promulgate a regulation regarding emergency licensure and the requirements for the same following the COVID-19 pandemic when it was necessary to expedite licensure of medical professionals to provide care to the citizens of the state.

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

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

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

### **Statement of Rationale:**

The South Carolina Board of Medical Examiners proposes to promulgate a regulation regarding emergency licensure and the requirements for the same. The regulation will state when and to whom the Board may issue emergency temporary licenses, to whom a license may not be issued, and when the license expires.

### **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. 5091

DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF VETERINARY MEDICAL EXAMINERS  
CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70

120-1. Definitions.

120-3. Licensure to Practice Veterinary Medicine.

120-9. Practice Standards for: Licensed Veterinary Technicians; Unlicensed Veterinary Assistants.

**Preamble:**

The South Carolina Board of Veterinary Medical Examiners is considering proposing amendments to Chapter 120: to define “emergency patient” and “radiography” in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and unlicensed veterinary aides; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

Section-by-Section Discussion

120-1A.-C. No change.

120-1D. New. Definition of emergency patient.

120-1E. New. Definition of radiography.

120-3A. No change.

120-3B. Strike “mailed” and replace with “sent”. Strike reference to “appropriate” educational institution.

120-3B(1)-(4). No change.

120-3B(5). Replace “State examination” with “application for licensure”.

120-3C(1). Remove “Board” from reference to national exam. Combine information from existing section (C)(1), (2) and (3) regarding exam.

120-3C(2). Replace existing section (2) with guidance on applying for licensure if five years have passed since taking the exam.

120-3C(3). Renumber.

120-3D. No change.

120-3E. Strike.

120-3F and G. Re-letter.

120-9. Replace “Assistants” with “Aides” in title and in paragraph.

120-9A and A(1). No change.

120-9A(2). Strike all and replace with Administration of rabies vaccines as allowed by law.

120-9A(3) and (3)(a). No change.

120-9A(3)(b). Replace “initiate” with “initiation”.

120-9A(3)(c)-(g). No change.

120-9A(3)(h). Strike “laboratory”.

120-9A(3)(i)-(j). No change.

120-9A(3)(k)-(t). New language.

120-9A(4). New language allowing other services to be performed under the appropriate degree of supervision of a licensed veterinarian.

120-9A(5). Renumber. Strike “the following emergency patient care” and replace with “acute care for emergency medical conditions.” Add language providing guidance in the event of a CPA or an imminent CPA.

120-9A(5)(a)-(f). Strike.

120-9A(6). Renumber.

120-9B. Replace “Assistants” with “Aides”.

120-9B(1) and (1)(a)-(b). No change.

120-9B(1)(c). Add “and casts”.

120-9B(1)(d). No change.

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120-9B(1)(e). Strike “and administer” and add “and” between “collect” and “compare.” Also, add “s” to “component.”

120-9B(1)(f). Add “perform arterial catheterization/arterial collection”.

120-9B(1)(g). Add “perform central venous catheterization”.

120-9B(2). No change

120-9B(2)(a)-(b) Strike.

120-9B(2)(c). Re-letter as (a).

120-9B(2)(b). Add “Perform dental procedure, including but not limited to prophylaxis and procedures not altering the shape, structure, or positional location of teeth in the dental arch.”

120-9B(2)(d). Strike.

120-9B(2)(e). Re-letter as (c).

120-9B(2)(f)-(h). Strike.

120-9B(2)(i). Re-letter as (d). Strike “and apply treatments” and “and immunological agents”.

120-9B(2)(j). Strike.

120-9B(2)(k). Re-letter as (e).

120-9B(2)(f)-(h). New sections listing additional duties.

120-9B(3)(a)-(d). No change.

120-9B(3)(e)-(m). New sections listing additional duties.

120-9B(4). Strike “assistant may perform the following under indirect supervision of a licensed veterinarian.” Add language stating type of care unlicensed veterinary aide can perform as emergency patient care. Replace “Conditions” with Patient care.”

120-9B(4)(a). Strike.

120-9B(5). Replace “assistant” with “aide”.

120-9B(5)(a)-(c). No change.

120-9B(5)(d). Add “veterinary technician, veterinary technologist, vet tech or technician”. Strike “or in any other way than an unlicensed veterinary assistant.”

A Notice of Drafting was published in the *State Register* on August 27, 2021.

### **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 21, 2021. Written comments may be directed to Meredith Buttler, Administrator, Board of Veterinary Medical Examiners, 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 22, 2021. 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:**

#### DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120: to define “emergency patient” in Regulation 120-1D to establish an animal’s medical condition(s) that warrants only indirect supervision by a licensed veterinarian of licensed veterinarian technicians and unlicensed veterinary aides at critical times; to define “radiography” in Regulation 120-1E to indicate a broad application as it applies to indirect supervision for licensed veterinary technicians and unlicensed veterinary aides; to consolidate the exam requirements and delete the waiver provision in Regulation 120-3 as it is covered in statute, which provides for licensure by endorsement from another state with certain conditions; to allow, in Regulation 120-9, licensed

veterinary technicians and unlicensed veterinary aides to perform more duties under indirect supervision, which means that a supervising licensed veterinarian is available for immediate voice contact. The proposed regulations will also correct the term, unlicensed veterinary assistant, to unlicensed veterinary aide which is defined by statute.

Legal Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70.

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 South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120: to define "emergency patient" and "radiography" in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and unlicensed veterinary aides; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

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

**Statement of Rationale:**

The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120: to define "emergency patient" in Regulation 120-1D to establish an animal's medical condition(s) that warrants only indirect supervision by a licensed veterinarian of licensed veterinarian technicians and unlicensed veterinary aides at critical times; to define "radiography" in Regulation 120-1E to indicate a broad application as it applies to indirect supervision for licensed veterinary technicians and unlicensed veterinary aides; to consolidate the exam requirements and delete the waiver provision in Regulation 120-3 as it is covered in statute, which provides for licensure by endorsement from another state with certain conditions; to allow, in Regulation 120-9, licensed veterinary technicians and unlicensed veterinary aides to perform more duties under indirect supervision, which means that a supervising licensed veterinarian is available for immediate voice contact. The proposed regulations will also correct the term, unlicensed veterinary assistant, to unlicensed veterinary aide which is defined by statute.

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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. 5070  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-204. Additional Regulations Applicable to Specific Properties.

### Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing 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 section-by-section discussion of the proposed changes and additions:

123-204. Additional Regulations Applicable to Specific Properties.

F.(11) Adds provision prohibiting dogs on Caper's Island Heritage Preserve.

N.(4)(1) Specifies that bicycles may only be ridden on roads open to vehicular traffic and parking areas at the Sassafras Overlook Site. Subsequent sections renumbered to reflect change.

N.(5)(b) Clarifies restriction on bicycles and other non-motorized conveyances on the Abner Creek Falls Trail.

T.(2) Provides for camping at designated sites between October 16 and March 14 at St. Helena Sound and Heritage Preserve (Otter Island).

U.(4) Removes camping from Samworth. Subsequent section renumbered to reflect change.

V.(6) Clarifies that beaches of Cedar and Murphy Islands are open during daylight hours and that areas designated as critical for wildlife may not be entered.

V.(9) Provides for camping at designated sites between October 16 and March 14 on Cedar and Murphy Islands.

V.(10) Adds provision prohibiting dogs on Cedar and Murphy Islands, except during scheduled hunts.

Z.(2) Provides for camping at designated sites between October 16 and March 14 at the Tom Yawkey Wildlife Center.

Z.(3) Adds provision prohibiting dogs on beaches of Tom Yawkey Wildlife Center.

LL.(2) Corrects closure date on Wateree River HP/WMA.

NN. Adds section for regulations on Turtle Island WMA.

NN.(1) Adds provision prohibiting dogs on Turtle Island except during scheduled hunts.

NN.(2) Provides for camping at designated sites between October 16 and March 14 at Turtle Island.

OO. Adds section for regulations on Pine Island.

OO.(1) Adds provision prohibiting dogs on Pine Island.

The Notice of Drafting was published in Volume 45, Issue No. 8 of the South Carolina *State Register* on August 27, 2021.

### 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 November 30, 2021 at 10:00 am in Room 335, 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 22, 2021.

### Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-204 will result in limited fiscal impact and will protect the State's natural resources. Regulations focus on protecting user experience, trails, and sensitive plant communities at several locations and limiting disturbance of wildlife at important coastal locations. These regulations will provide protection to imperiled species at critical times including, nesting, hatching, rearing of young, feeding, and stop-over. These protections may help to stabilize and reverse species declines and prevent future burdens associated with Federal listing under the Endangered Species Act.

**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 REGULATION:**

**Purpose:** These regulations amend Regulations 123-204 to prescribe authorized uses of SCDNR properties including, beaches in order to protect important turtle nesting, bird nesting, and wildlife areas, to specify uses of bicycles and other non-motorized conveyances at the Jim Timmerman Natural Resources Area at Jocassee Gorges, specify camping areas and times, and to correct a closure date.

**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, Heritage Trust Areas and other lands owned by the Department to protect, preserve, operate, maintain and regulate use.

**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:**

Sea Turtles, Sea Birds, and Shorebirds have experienced significant population declines over the last 50 years. South Carolina provides important habitat for these species, though these habitat areas have also declined as coastal development continues. Locations owned and managed by SCDNR provide critical habitat for egg laying, hatching, wintering, feeding, and other important biological activities for these species. Disturbance of birds and bird colonies and the nests of sea turtles and birds is known to cause direct mortality, complete colony failure, lower survivorship, and can contribute to species declines. These regulations are designed to protect the species that occur at these locations from disturbance and to allow continued recreational use that is not detrimental to these species. Recent public surveys conducted by SCDNR indicate that the public supports protection and management of these species and places to ensure that they persist for future generations to enjoy.

Regulation of bicycles and other non-motorized conveyance at Jocassee Gorges are intended to protect both the public, from dangerous conditions, and trails, plants, and natural areas, that are not designed or able to withstand traffic of this type. Camping regulations are intended to prevent disturbance to wildlife and a correction is made to reflect closure dates of waterfowl impoundments at Wateree River Heritage Preserve and WMA.

**DETERMINATION OF COSTS AND BENEFITS:**

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting and conservation community. Clarification of existing regulations under appropriate authority will improve enforcement ability. Reduced disturbance at important coastal sites will contribute to the successful recovery of several imperiled species and reverse declines.



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### 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 and will benefit the environment through protection of important bird, sea turtle, and other wildlife and natural areas. These protections will help to address declines in these species and prevent disturbance.

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

If this proposed regulation is not implemented, wildlife disturbance will continue at important sites and contribute to further declines in a number of imperiled species. This may result in future listing of species under the Endangered Species Act. Failure to implement this regulation will prevent positive benefits to the 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.

### 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. 5080  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-23-230

123-9. Display of Decals Bearing Title Number.

### Preamble:

The South Carolina Department of Natural Resources proposes to amend Regulation 123-9 to update references to the former Wildlife and Marine Resources Department and make minor, technical updates.

A Notice of Drafting for the proposed regulation was published in the *State Register* on August 27, 2021.

The proposed amendment will require legislative review.

Section-by-Section Discussion:

123-9. This section is amended by updating references to the former Wildlife and Marine Resources Department to the current Department of Natural Resources and reordering the language to make the regulation easier to understand.

**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, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on November 30, 2021 at 10:00 a.m. Written comments about the proposed regulation or requests for a hearing should be directed to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 22, 2021.

**Preliminary Fiscal Impact Statement:**

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the amendment of Regulation 123-9.

**Statement of Need and Reasonableness:**

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

**DESCRIPTION OF THE REGULATION:**

The regulation specifies how outboard motor and watercraft title decals are to be displayed. The amendments update references to the former Wildlife and Marine Resources Department and reorder the language to make the regulation easier to understand.

Legal Authority: 1976 Code Section 50-23-230.

Plan for Implementation: Once the amended regulation has been approved by the General Assembly, the Department will begin referencing the amended regulation in its published materials. Additionally, the public will be notified through this publication.

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

The amended regulation is reasonable and necessary to correct outdated references to the former Wildlife and Marine Resources Department and to make minor, technical updates to make the regulation easier to understand.

**DETERMINATION OF COSTS AND BENEFITS:**

Amendment of this regulation will not require any additional costs to the state.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

None.

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

None.

### Statement of Rationale:

Regulation 123-9 contains references to the former Wildlife and Marine Resources Department and requires minor, technical updates to make the regulation easier to understand.

### 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. 5071

### DEPARTMENT OF NATURAL RESOURCES

#### CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2100, 50-11-2200, and 50-11-2210

123-96. Field Trial Regulations.

### Preamble:

The Department of Natural Resources proposes to amend Regulations 123-96, Field Trial Regulations. The subject of the proposed action is to amend statutory reference to reflect appropriate authority, to update name of specific field trial area referenced in regulation and clarify licensing requirements for field trial participants to conform to existing statute. The following is a section-by-section discussion of the proposed changes:

123-96. Field Trial Regulations.

2. Removes reference to obsolete statute.
6. Updates nomenclature for referenced area.
7. Clarifies licensing requirements for field trial participants to conform to statute 50-11-2100.

The Notice of Drafting was published in Volume 45, Issue No. 8 of the South Carolina *State Register* on August 27, 2021.

### 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 November 30, 2021 at 10:00 am in Room 335, 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 22, 2021.

### Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-96 will result in limited fiscal impact and update regulations to reflect and conform to appropriate statutory authority.

**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 REGULATION:**

**Purpose:** These regulations amend Regulations 123-96 to reflect and conform to and reference appropriate statutory authority to regulate field trials and update the name of a field trial area that is referenced in the regulation.

**Legal Authority:** Under Sections 50-11-2100 the Department of Natural Resources has authority to promulgate regulations to permit and regulate field trials. 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, Heritage Trust Areas and other lands owned by the Department to protect, preserve, operate, maintain and regulate use.

**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:**

Regulations are reviewed continually by the Department to ensure that appropriate statutory authority and references are maintained and conformed to in Regulation. Additionally, regulations are updated as needed to reflect any property changes, including names. The proposed regulations remove an incorrect Statutory reference, update the name of a specified field trial area, and clarify licensing requirements for field trial participants to conform to statute 50-11-2100.

**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 update regulations to conform to the appropriate statute.

**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 impact on the environment or public health.

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

If this regulation is not promulgated, there will not be any impact on the environment or public health.

**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. Areas are evaluated on location, size,

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current wildlife presence, access and recreation use potential. Management objectives for specific properties are continually evaluated for needed changes. Periodic updates are required to ensure statutory references are up to date and correct as well as to reflect any name changes that may occur.

### **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. 5079  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-21-710

123-4. Rule and Regulation Adopting Certain Federal Rules and Regulations.

### **Preamble:**

The South Carolina Department of Natural Resources proposes to amend Regulation 123-4 to update references to the former Wildlife and Marine Resources Department and make minor, technical updates.

A Notice of Drafting for the proposed regulation was published in the *State Register* on August 27, 2021.

The proposed amendment will require legislative review.

### Section-by-Section Discussion:

123-4. This section is amended by updating the reference to the former Wildlife and Marine Resources Department to the current Department of Natural Resources, updating the name of the U.S. Army Corps of Engineers, and striking “Atlantic Intra-coastal Waterway” to clarify that the regulation applies to all aids to navigation and regulatory markers erected by the U.S. Army Corps of Engineers.

### **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, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on November 30, 2021 at 10:00 a.m. Written comments about the proposed regulation or requests for a hearing should be directed to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 22, 2021.

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

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the amendment of Regulation 123-4.

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

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

DESCRIPTION OF THE REGULATION:

The regulation establishes that all aids to navigation and regulatory markers erected by the U.S. Army Corps of Engineers are declared to be SCDNR aids to navigation and regulatory markers pursuant to Section 50-21-710 of the 1976 Code.

Legal Authority: 1976 Code Section 50-21-710.

Plan for Implementation: Once the amended regulation has been approved by the General Assembly, the Department will begin referencing the amended regulation in its published materials. Additionally, the public will be notified through this publication.

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

The amended regulation is reasonable and necessary to correct an outdated reference to the former Wildlife and Marine Resources Department and to make minor, technical updates.

DETERMINATION OF COSTS AND BENEFITS:

Amendment of this regulation will not require any additional costs to the state.

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:**

Regulation 123-4 contains an outdated reference to the former Wildlife and Marine Resources Department and requires minor, technical updates.

**Text:**

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

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Document No. 5066  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-11-2200

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

### **Preamble:**

The Department of Natural Resources (the department) proposes to establish revised Regulation 123-209, setting the term and conditions for the public use of lakes and ponds owned the department for the purpose of providing public fishing and revised Regulation 123-210, setting term and conditions for the public's use of lakes and ponds leased by the department for the purpose of providing public fishing.

### Section-by-Section Discussion:

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources.

#### A. No Change.

- a. Draper WMA State Lakes in York County – clarify that bream limit includes redbreast sunfish.
- b. Lake Cherokee in Cherokee County – revise largemouth bass limit to 5 from 3, revise bream limit from 20 to 10 and clarify that bream limit includes redbreast sunfish.
- c. Lake Edgar Brown in Barnwell County – clarify that bream limit includes redbreast sunfish and rewords outboard motor restriction for clarity.
- d. Lake George Warren in Hampton County – clarify that bream limit includes redbreast sunfish.
- e. Lake John D. Long in Union County – revise largemouth bass limit to 5 from 3, clarify that bream limit includes redbreast sunfish and revise catfish limit to 5 from 3.
- f. Mountain Lakes in Chester County – revised to have Mountain Lakes 1 open Tuesday, Thursday, Sunday and Mountain Lakes 2 open on Tuesday and Sunday, largemouth bass limit increased to 3 from 1 and clarify the bream limit includes redbreast sunfish.
- g. Lake Paul Wallace in Marlboro County – provides for closure of the boating side of Lake Wallace to be opened only from one-half hour before sunrise to one-half hour after sunset, allow for the harvest of three largemouth bass, clarify that bream limit includes redbreast sunfish and increases the harvest of catfish to 5 from 3.
- h. Lake Thicketty in Cherokee County – clarify that the lake is open seven days a week, increases the limit for largemouth bass to 5 from 3, clarify that bream limit includes redbreast sunfish and increases catfish limit to 5 from 3.
- i. Webb Center Lakes in Hampton County – removes Webb Center Lakes from regulation and enters Dunn's Pond on Hamilton Ridge into regulations with the same series of regulations except the largemouth bass limit is increased to 5 from 3, bream limit is set at 5 and clarify the bream limit includes redbreast sunfish.

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

#### A. No change.

- a. Lake Ashwood in Lee County – reference to pond is changed to lake, clarify the bream limit includes redbreast sunfish and increase the limit for catfish to 5 from 3, removes reference to lake closure period.

- b. Dargan's Pond in Darlington County – removes all existing regulations and establishes the Dargan's Pond is closed until repaired.
- c. Lake Edwin Johnson in Spartanburg County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.
- d. Jonesville Reservoir in Union County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.
- e. Lancaster Reservoir in Lancaster County – clarify that bream limit includes redbreast sunfish.
- f. Lake Oliphant in Chester County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish, removes reference to lake closure period.
- g. Star Fort Pond in Greenwood County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.
- h. Sunrise Lake in Lancaster County – clarify that bream limit include redbreast sunfish, removes reference to lake closure period.

The Notice of Drafting was published in the *State Register* on September 24, 2021.

**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 November 30, 2021 at 10:00 am in Room 335, 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 5:00 pm on November 22, 2021.

**Preliminary Fiscal Impact Statement:**

The amendment of Regulations 123-109 and 123-110 will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.

**Statement of Need and Reasonableness:**

**DESCRIPTION OF REGULATION:**

**Purpose:** These amended regulations will allow for the public use of lakes owned and leased by the Department and managed by the State Lakes Program for public fishing. The regulations establish opening and closure times and dates, possession limits, size limits, methods of take and other use allowances and restrictions for lakes in the State Lakes Program.

**Legal Authority:** The amended 1976 Code Section 50-11-2200 prohibits certain acts and conduct on department owned lands and state lakes owned or leased by the department unless the department establishes regulations to allow any of the acts or conduct under prescribed conditions

**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, through signage posted at each lake or pond, 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:**

These proposed regulations are needed to update the terms and conditions for public use to ensure protection of the natural resources and facilities associated with lakes and ponds owned or leased by the department for public



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fishing. These proposed regulations will remove Webb Center Ponds from the program and establish regulations for the addition Dunn's Pond on Hamilton Ridge to the program establishing the terms and conditions for public use of Dunn's Pond. These proposed regulations will remove reference to closure periods which have passed on Lake Oliphant, Sunrise Lake, and Lake Ashwood. The proposed regulations extend the closure of Dargan's Pond.

### DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the angling community.

### 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 impacts on 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:

Regulation 123-209 is amended to clarify and update the term and conditions to provide for the public's use of state lakes and ponds owned by the department for the purpose of providing public fishing.

Regulation 123-210 is amended to clarify and update the term and conditions to provide for the public's use of state lakes and ponds leased by the department for the purpose of providing public fishing

### 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. 5067  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-3-395

123-601. Use of Warning Tickets.

### Preamble:

Regulation 123-601 contains outdated language and is no longer necessary. Therefore, SCDNR proposes to repeal Regulation 123-601 in its entirety. This change was approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulation 123-125 was published in the *State Register* on August 27, 2021.

The proposed repeal will require legislative review.

**Section-by-Section Discussion:**

Regulation 123-601 – repeal in its entirety.

**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, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on November 30, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 22, 2021.

**Preliminary Fiscal Impact Statement:**

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulation 123-601.

**Statement of Need and Reasonableness:**

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

**DESCRIPTION OF THE REGULATION:**

Purpose: Regulation 123-601 is no longer necessary, and the language is outdated. Therefore, SCDNR proposes to repeal Regulation 123-601 in its entirety.

Legal Authority: 1976 Code Section 50-3-395.

Plan for Implementation: Once the repeal of the regulation has been approved by the General Assembly, the Department will remove the regulation from its published materials. The public will be notified through this publication.

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

Regulation is no longer necessary, and language is outdated.

**DETERMINATION OF COSTS AND BENEFITS:**

Repeal of this regulation will not require any additional costs to the state.

**UNCERTAINTIES OF ESTIMATES:**

None.

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### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

### Statement of Rationale:

Regulation 123-601 is no longer necessary, and the language is outdated. The regulation should be repealed.

### Text:

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

Document No. 5072

## 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.

### 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 discussion of the proposed changes and additions:

123-40. Wildlife Management Area Regulations.

#### A. Game Zone 1

##### 1. US Forest Service WMA lands (Sumter National Forest)

(a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of Section 1.

(b)(i) Sets archery season for deer

(c)(i) Sets primitive weapons season for deer

(d)(i) Sets still gun season for deer

(e)(i) Sets still gun season for bear

(f)(i) Specifies season and bag limit for Special Party Dog Hunt for bear

(g)(i) Sets small game season and bag limits

(h)(i) Sets dates for hog hunts with dogs

#### B. Game Zone 2

##### 1. US Forest Service WMA lands (Sumter National Forest)

(a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of Section 1.

(b)(i) Sets archery season for deer

- (c)(i) Sets primitive weapon season for deer
  - (d)(i) Sets still gun season for deer
  - (e)(i) Sets small game season and bag limits with exceptions
  - (f)(i) Sets dates for hog hunts for dogs
  - 3. Draper WMA
    - (e)(i) Changes dates for quail hunts
  - 6. Belfast WMA
    - (b) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
  - 10. Liberty Hill WMA
    - (a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of Section (a).
  - 14. Indian Creek Quail Focal Area
    - (a) Defines boundaries of Indian Creek Quail Focal Area
    - (b)(i) Sets small game seasons
    - (c)(i) Sets date for quail hunts
      - (ii) Sets daily bag limit for quail
    - (d) Sets restriction on woodcock season
    - (e) Requires check-in by quail and woodcock hunters
- C. Game Zone 3
- 6. Francis Marion National Forest
    - (a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).
    - (b) Provides allowance for use of individual antlerless deer tags when specified.
    - (e) Hellhole WMA
      - (iv)(2) Sets requirements and bag limit for Youth Only deer hunt with dogs
    - (g) Wambaw WMA
      - (iv)(2) Sets requirements and bag limit for Youth Only deer hunt with dogs
    - (h) Northampton WMA
      - (iv)(2) Sets requirements and bag limit for Youth Only deer hunt with dogs
    - (i) Santee WMA
      - (iv)(2) Sets requirements and bag limit for Youth Only deer hunt with dogs
  - 9. Webb WMA
    - (b) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
    - (e)(i) Sets dates for quail hunts
    - (g)(i) Revises dates for small game hunts
  - 16. Edisto River WMA
    - (a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).
  - 18. Palachucola WMA
    - (b) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
    - (f)(i) Sets dates for quail hunts
  - 22. Hamilton Ridge WMA
    - (b) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
    - (f)(i) Sets dates for quail hunts
    - (h)(i) Revises dates for small game hunts
  - 26. Wateree River Heritage Preserve WMA
    - (a) Requires check-in of harvested game
  - 27. South Fenwick Island

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(b)(i) Changes structure of archery deer hunts

### D. Game Zone 4

#### 2. Marsh WMA

(i)(i) Sets dates for quail hunts

#### 6. Woodbury WMA

(a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).

#### 13. Oak Lea WMA

(d)(i) Sets quail hunt dates

#### 21. Liberty Hill WMA

(a) Establishes hunting on Sundays beginning the Sunday after Thanksgiving and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).

## GENERAL REGULATIONS

2.5 Allows Sunday hunting on WMA lands as specified

2.7 Sets dates for allowance of deer stands on WMA lands and establishes a marking requirement

## WATERFOWL & DOVE REGULATIONS

10.7 Adds Beaverdam Creek and Clemson waterfowl areas to list of properties closed to public access from November 1-February 8

10.12 Adds Sumter National Forest and Francis Marion National Forest to list of Category II Waterfowl Areas

#### 42. Francis Marion National Forest

(a) Sets open dates for waterfowl hunting

(b) Sets bag limit for waterfowl

#### 43. Sumter National Forest

(a) Sets open dates for waterfowl hunting

(b) Sets bag limit for waterfowl

The Notice of Drafting was published in Volume 45, Issue No. 8 of the South Carolina *State Register* on August 27, 2021.

### **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 November 30, 2021 at 10:00 am in Room 335 of the 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 22, 2021.

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

The amendment of Regulations 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, 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:**

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 REGULATION:**

**Purpose:** These regulations amend Regulations 123-40 to set seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas.

**Legal 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.

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.

**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, seasons and bag limits are changed 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. The minor changes proposed below increase public opportunity, reduce conflicts between user groups, and provide for increased user and public safety.

**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 the public and hinder management objectives for specific properties.

## 80 PROPOSED REGULATIONS

### 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. 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.

### 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. 5078

### DEPARTMENT OF PUBLIC SAFETY

#### CHAPTER 38

Statutory Authority: 1976 Code Section 23-6-30(6)

38-424. Safety Rules and Regulations.

### Preamble:

Pursuant to Section 1-23-120(J), the South Carolina Department of Public Safety proposes to amend Regulation 38-424 Safety Rules and Regulations. The proposed amendment will mandate compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608 General Registration Requirements.

#### Section-by-Section Discussion:

38-424. Add 49 CFR Part 107

The Notice of Drafting was published in the *State Register* on August 27, 2021.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3), the hearing will be conducted at the South Carolina Administrative Law Court, Edgar Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 at 10:00 a.m. on Wednesday, December 1, 2021. Written comments may be directed to Teckla S. Henderson, Director of Executive Affairs, South Carolina Department of Public Safety, Post Office Box 1993, Blythewood, South Carolina 29016, no later than 5:00 p.m. on November 22, 2021.

### Preliminary Fiscal Impact Statement:

The South Carolina Department of Public Safety anticipates no financial impact on the State or any of its political subdivisions as a result of the proposed amendment.

### Statement of Need and Reasonableness:

The proposed amendment is made pursuant to Section 1-23-120(J). The proposed amendment will mandate compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608 General Registration Requirements.

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will mandate compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608 General Registration Requirements. Doing so, will create consistency between state and federal law, simplifying legal requirements for commercial motor vehicles and those vehicles traveling beyond state borders.

Legal Authority: 1976 Code Section 23-6-30(6).

Plan for Implementation: The amended regulation will take effect upon the approval of 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:

Section 1-23-120(J) mandates regular review of an agency's regulations. The proposed amendment will assist in clarifying inconsistencies between state and federal law by enacting clear rules related to general registration requirements for commercial motor vehicles.

DETERMINATION OF COSTS AND BENEFITS:

There will be no costs incurred by the state concerning the implementation of the proposed amendment.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates related to the proposed amendment.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendment will have no detrimental 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 proposed amendment is not implemented.

**Statement of Rationale:**

The proposed amendment is made pursuant to Section 1-23-120(J). The proposed amendment will mandate compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608 General Registration Requirements.

**Text:**

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



## 82 PROPOSED REGULATIONS

Document No. 5077

### DEPARTMENT OF PUBLIC SAFETY

#### CHAPTER 38

Statutory Authority: 1976 Code Section 23-6-30(6)

38-240. Vehicles Required to Stop at Railroad Crossings.

#### **Preamble:**

Pursuant to Section 1-23-120(J), the South Carolina Department of Public Safety proposes to amend Regulation 38-240 Vehicles Required to Stop at Railroad Crossings. The amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

#### Section-by-Section Discussion:

38-240. Vehicles Required to Stop at Railroad Crossings.

Heading: Update statutory authority.

(A)(3) Rename identifying markings as "classifications".

(A)(3)(i) through (xi) delete and replace with classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

(B) Delete.

(C) Delete.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3), the hearing will be conducted at the South Carolina Administrative Law Court, Edgar Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 at 10:00 a.m. on Tuesday, November 30, 2021. Written comments may be directed to Teckla S. Henderson, Director of Executive Affairs, South Carolina Department of Public Safety, Post Office Box 1993, Blythewood, South Carolina 29016, no later than 5:00 p.m. on November 22, 2021.

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

The South Carolina Department of Public Safety anticipates no financial impact on the State or any of its political subdivisions as a result of the proposed amendment.

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

The proposed amendment is made pursuant to Section 1-23-120(J). The proposed amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10 Railroad Grade Crossings; Stopping Required. In addition, subsections (B) and (C) of Regulation 38-240 will be deleted in their entirety.

#### **DESCRIPTION OF REGULATION:**

**Purpose:** The proposed amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10 Railroad Grade Crossings; Stopping Required. In addition, subsections (B) and (C) of Regulation 38-240 will be deleted in their entirety. Doing so, will create consistency between state and federal law, simplifying legal requirements for commercial motor vehicles and those vehicles traveling beyond state borders.

Legal Authority: 1976 Code Section 23-6-30(6).

Plan for Implementation: The amended regulation will take effect upon the approval of 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:**

Section 1-23-120(J) mandates regular review of an agency's regulations. The proposed amendment will assist in clarifying inconsistencies between state and federal law by enacting clear rules related to vehicles required to stop at railroad crossings.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no costs incurred by the state concerning the implementation of the proposed amendment.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates related to the proposed amendment.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed amendment will have no detrimental 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 proposed amendment is not implemented.

**Statement of Rationale:**

The proposed amendment is made pursuant to Section 1-23-120(J). The proposed amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10 Railroad Grade Crossings; Stopping Required. In addition, subsections (B) and (C) of Regulation 38-240 will be deleted in their entirety.

**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.