

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2020 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	1/10	2/14	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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

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4848	SR44-2		Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852	SR44-2		Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873	SR44-4		Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4861	SR44-4		Consolidated Procurement Code	3/23/20	State Fiscal Accountability Authority
4876	SR44-5		Electronic Transmissions	4/26/20	Secretary of State
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4879			E-Filing and E-Service	5/13/20	Public Service Commission
4883			Hazardous Waste Management Regulations	5/13/20	Department of Health and Envir Control
4887			Water Classifications and Standards	5/13/20	Department of Health and Envir Control
4885			Classified Waters	5/13/20	Department of Health and Envir Control
4916			Contractor Performance Evaluation	5/13/20	Department of Transportation
4917			Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	5/13/20	Department of Transportation
4929			Corporate Governance Annual Disclosure Regulation	5/13/20	Department of Insurance
4931			Minimum Standards for the Readability of Commonly Purchased Insurance Policies	5/13/20	Department of Insurance
4912			Securities	5/13/20	Office of the Attorney General
4918			Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	5/13/20	State Board of Education
4902			Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts	5/13/20	Department of Health and Envir Control
4903			Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing	5/13/20	Department of Health and Envir Control
4897			Statement of Policy; and Administrative Procedures	5/13/20	Department of Health and Envir Control
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4926			Compounding of Veterinary Drug Preparations	5/13/20	LLR-Board of Pharmacy
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4890			Laboratory Work Authorization Form; Sanitary Standards; and Ethics	5/13/20	LLR-Board of Dentistry
4893			Recording and Reporting Occupational Injuries and Illnesses	5/13/20	LLR-OSHA
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4940			International Mechanical Code	5/13/20	LLR-Building Codes Council
4942			National Electrical Code	5/13/20	LLR-Building Codes Council
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4936			South Carolina National Guard College Assistance Program	5/13/20	Commission on Higher Education
4878			Named Storm or Wind/Hail Deductible	5/13/20	Department of Insurance
4889			Board of Chiropractic Examiners	5/13/20	LLR- Board of Chiropractic Examiners
4892			Health Services Executive	5/13/20	LLR- Board of Long Term Health Care Administrators
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4953			Standards for Licensing Renal Dialysis Facilities	5/13/20	Department of Health and Envir Control
4904			Procedures for Administrative Hearings before the Securities Commissioner	5/13/20	Office of the Attorney General
4914			General Regulation; and Additional Regulations Applicable to Specific Properties	5/13/20	Department of Natural Resources

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4919	Credential Classification		State Board of Education
4884	Indigent Screening Process		Commission on Indigent Defense
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COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
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4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4873	Air Pollution Control Regulations and Standards	Regulations and Admin. Procedures	Medical Affairs
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance
4876	Electronic Transmissions	Regulations and Admin. Procedures	Judiciary
4880	Control of Anthrax	Regulations and Admin. Procedures	Medical Affairs
4879	E-Filing and E-Service	Regulations and Admin. Procedures	Judiciary
4883	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4887	Water Classifications and Standards	Regulations and Admin. Procedures	Agriculture and Natural Resources
4885	Classified Waters	Regulations and Admin. Procedures	Agriculture and Natural Resources
4916	Contractor Performance Evaluation	Regulations and Admin. Procedures	Transportation
4917	Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	Regulations and Admin. Procedures	Transportation
4929	Corporate Governance Annual Disclosure Regulation	Regulations and Admin. Procedures	Banking and Insurance
4931	Minimum Standards for the Readability of Commonly Purchased Insurance Policies	Regulations and Admin. Procedures	Banking and Insurance
4912	Securities	Regulations and Admin. Procedures	Judiciary
4918	Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	Regulations and Admin. Procedures	Education
4902	Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts	Regulations and Admin. Procedures	Agriculture and Natural Resources
4903	Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing	Regulations and Admin. Procedures	Agriculture and Natural Resources
4897	Statement of Policy; and Administrative Procedures	Regulations and Admin. Procedures	Medical Affairs
4898	Medical and Dental Scholarship Fund	Regulations and Admin. Procedures	Medical Affairs
4920	Renewal of Credentials	Regulations and Admin. Procedures	Education
4923	Board of Accountancy	Regulations and Admin. Procedures	Labor, Commerce and Industry
4921	Continuing Education and Continuing Education Programs	Regulations and Admin. Procedures	Labor, Commerce and Industry
4924	Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency	Regulations and Admin. Procedures	Labor, Commerce and Industry
4891	Continuing Education	Regulations and Admin. Procedures	Labor, Commerce and Industry
4926	Compounding of Veterinary Drug Preparations	Regulations and Admin. Procedures	Medical Affairs
4927	Facility Permit Classifications	Regulations and Admin. Procedures	Medical Affairs
4890	Laboratory Work Authorization Form; Sanitary Standards; and Ethics	Regulations and Admin. Procedures	Medical Affairs
4893	Recording and Reporting Occupational Injuries and Illnesses	Regulations and Admin. Procedures	Labor, Commerce and Industry
4934	Check Cashing	Regulations and Admin. Procedures	Banking and Insurance
4937	International Building Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4938	International Fire Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4939	International Fuel Gas Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4940	International Mechanical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4942	National Electrical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4954	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Regulations and Admin. Procedures	Medical Affairs
4913	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education
4936	South Carolina National Guard College Assistance Program	Regulations and Admin. Procedures	Education
4878	Named Storm or Wind/Hail Deductible	Regulations and Admin. Procedures	Banking and Insurance
4889	Board of Chiropractic Examiners	Regulations and Admin. Procedures	Medical Affairs
4892	Health Services Executive	Regulations and Admin. Procedures	Medical Affairs
4925	Apprenticeships	Regulations and Admin. Procedures	Medical Affairs
4941	International Residential Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4905	Inspection Guidelines	Regulations and Admin. Procedures	Labor, Commerce and Industry
4953	Standards for Licensing Renal Dialysis Facilities	Regulations and Admin. Procedures	Medical Affairs
4904	Procedures for Administrative Hearings before the Securities Commissioner	Regulations and Admin. Procedures	Judiciary
4914	General Regulation; and Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
4915	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	Regulations and Admin. Procedures	Fish, Game and Forestry
4932	Pharmacy Benefits Managers	Regulations and Admin. Procedures	Banking and Insurance
4894	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance
4901	Licensure for Foster Care	Regulations and Admin. Procedures	Family and Veterans' Services
4935	Licensing Criteria	Regulations and Admin. Procedures	Education
4933	Parking and Traffic Regulations	Regulations and Admin. Procedures	Education

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4952	Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	Regulations and Admin. Procedures	Judiciary
4957	South Carolina Teachers Loan Program	Regulations and Admin. Procedures	Education

Committee Request Withdrawal

4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
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Permanently Withdrawn

4922	Fee Schedules	Regulations and Admin. Procedures	Labor, Commerce and Industry
4919	Credential Classification	Regulations and Admin. Procedures	Education
4884	Indigent Screening Process	Regulations and Admin. Procedures	Judiciary
4900	Licensure for Foster Care	Regulations and Admin. Procedures	Family and Veterans' Services
4886	Standards for the Permitting of Agricultural Animal Facilities	Regulations and Admin. Procedures	Agriculture and Natural Resources

Executive Order No. 2020-23

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the unprecedented, evolving, and accelerating public health threat presented by the 2019 Novel Coronavirus (“COVID-19”), cases of which have now been identified and reported in each of the State’s forty-six (46) counties; and

WHEREAS, to this end, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”); activated the South Carolina Emergency Operations Plan (“Plan”); regularly conferred with state and federal agencies, officials, and experts, to include the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and requested that the General Assembly take action to make \$45 million from the 2019–2020 Contingency Reserve Fund immediately available to DHEC in coordinating the State’s public health response to COVID-19; and

WHEREAS, in addition to the foregoing, on March 11, 2020, the undersigned issued Executive Order No. 2020-07, suspending certain transportation-related rules and regulations, pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended, for commercial vehicles and operators of commercial vehicles providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in proactively preparing for and promptly responding to the aforementioned emergency, the undersigned initiated and implemented various measures to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina; and

WHEREAS, on March 15, 2020, the undersigned issued Executive Order No. 2020-09, directing, *inter alia*, the closure of all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020, and through Tuesday, March 31, 2020, and the postponement or rescheduling of any election scheduled to be held in this State on or before May 1, 2020, as well as urging that indoor and outdoor public gatherings be cancelled, postponed, or rescheduled, to the extent possible, or limited so as not to exceed one hundred (100) people; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)” —to help protect Americans during the global COVID-19 outbreak; and

6 EXECUTIVE ORDERS

WHEREAS, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

WHEREAS, on March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption and prohibiting events at government facilities that would convene fifty (50) or more people in a single room, area, or other confined indoor or outdoor space; and

WHEREAS, in addition to the foregoing directives, Executive Order No. 2020-10 also “authorize[d] and direct[ed] any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or ‘suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,’ in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law”; and

WHEREAS, on March 19, 2020, the undersigned issued Executive Order No. 2020-11, initiating further emergency measures and suspending certain regulations to ensure the proper function and continuity of state government operations and the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical state government services, while simultaneously undertaking additional measures to safeguard the health and safety of state employees, mitigate significant economic impacts and burdens on affected individuals and employers, and provide regulatory relief to expedite emergency response initiatives and enhance the availability of critical healthcare services; and

WHEREAS, on March 21, 2020, the undersigned issued Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate “social distancing” practices and to mitigate the significant economic impacts of COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments; and

WHEREAS, on March 23, 2020, the undersigned issued Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof, to, *inter alia*, prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 27, 2020, the undersigned issued Executive Order No. 2020-14, directing that individuals who enter the State of South Carolina from an area with substantial community spread of COVID-19 shall be required to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period is shorter; and

WHEREAS, on March 28, 2020, the undersigned issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID-19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina and extending certain provisions of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on March 30, 2020, the undersigned issued Executive Order No. 2020-16, directing that any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings that provide public access to the public waters of this State shall be closed to public access for recreational purposes for the duration of the State of Emergency; and

WHEREAS, on March 31, 2020, the undersigned issued Executive Order No. 2020-17, directing that certain “non-essential” businesses, venues, facilities, services, and activities in the following categories be closed to non-employees and the public, effective Wednesday, April 1, 2020, at 5:00 p.m.: entertainment venues and facilities, recreational and athletic facilities and activities, and close-contact service providers; and

WHEREAS, on April 3, 2020, the undersigned issued Executive Order No. 2020-18, superseding the provisions of Executive Order No. 2020-17 and directing that certain additional “non-essential” businesses, venues, facilities, services, and activities in the general category of retail stores also be closed to non-employees and the public, effective Monday, April 6, 2020, at 5:00 p.m.; and

WHEREAS, on April 3, 2020, the undersigned issued Executive Order No. 2020-19, directing that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut); and

WHEREAS, on April 6, 2020, the undersigned issued Executive Order No. 2020-21, directing, *inter alia*, that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein; and

WHEREAS, on April 7, 2020, the undersigned issued Executive Order No. 2020-22, authorizing and directing the South Carolina Department of Employment and Workforce to take certain actions to allow employers to provide COVID-19 Support Payments to furloughed employees, while still allowing such individuals to qualify for unemployment benefits if they are otherwise eligible for the same; and

WHEREAS, the acceleration of the COVID-19 pandemic represents an ongoing and evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the current public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, based on recent developments, to include the continued and accelerated spread of COVID-19, the resulting strain on healthcare resources, and the significant economic consequences for

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individuals and businesses in this State, after consulting with numerous state and federal agencies, officials, and experts, the undersigned has determined that it is necessary and prudent to declare that a separate and distinct emergency exists due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual, ongoing, and anticipated impacts associated with the same; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, in issuing Executive Order No. 2020-08 and declaring an initial State of Emergency in connection with COVID-19, the undersigned’s determination was made in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, and based on the “imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, the public health threat posed by COVID-19 subsequently evolved from one that presented the “imminent risk of a qualifying health condition” to one that involved an actual and widespread “occurrence” of a “qualifying health condition,” pursuant to section 44-4-130 of the South Carolina Code of Laws; and

WHEREAS, due to the aforementioned evolution of COVID-19 from an “imminent risk of a qualifying health condition,” to an actual “occurrence” of a “qualifying health condition” or “pandemic,” and with confirmed cases of COVID-19 in over eighty-five percent (85%) of South Carolina’s forty-six (46) counties, the undersigned issued Executive Order No. 2020-15 on March 28, 2020, finding, concluding, and declaring that COVID-19 presented a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, the State of South Carolina has made meaningful progress to date in controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have not subsided and have, in fact, evolved and expanded to present different and additional risks and dangers; and

WHEREAS, the State of South Carolina has transitioned from the investigation, recognition, and initiation phases of the COVID-19 pandemic to the acceleration phase, with DHEC now reporting cases of COVID-19 in each of the State’s forty-six (46) counties; and

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WHEREAS, as of April 12, 2020, DHEC has identified 3,319 confirmed cases of COVID-19 in the State of South Carolina, including eighty-two (82) deaths due to COVID-19; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the expanding and accelerating public health threats posed by COVID-19, as well as the significant economic and other impacts associated with the same, “require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving public health emergency currently facing the entire State; and

WHEREAS, the State of South Carolina must continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving and expanding nature and scope of this unprecedented public health emergency; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the State of South Carolina and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat posed by this emergency.

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 declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the ongoing, evolving, expanding, and accelerating public health threat posed by COVID-19 and to mitigate the potential impacts associated with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and implement further extraordinary measures to prepare for and respond to the ongoing, evolving, expanding, and accelerating public health threat posed by COVID-19, minimize the resulting strain on healthcare providers, and otherwise respond to and mitigate the significant impacts associated with the same.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the threat posed by COVID-19. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.” I further direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate.

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

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

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of the following Orders shall remain in full force and effect in accordance with their respective terms for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by subsequent Order: Executive Order Nos. 2020-07, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-16, 2020-18, 2020-19, 2020-21, and 2020-22.

Section 2. School Closures

To provide for and protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. Upon consultation with the Superintendent of Education, who has recommended and advised that, at this time, students, parents, and families should plan for South Carolina’s schools to remain closed through the month of April, I have determined that extending the closure of public schools to students and non-essential employees is a necessary and appropriate action to protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19.

B. I hereby direct the continued closure of all public schools in the State of South Carolina for students and non-essential employees for the duration of the State of Emergency, unless such directive is otherwise, modified, amended, extended, or rescinded. This Section applies to all students and employees of public schools, to include charter schools, in the State of South Carolina, with the exception of those emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate school district officials. I further authorize the requisite school district officials to make any necessary and appropriate decisions or arrangements to account for local needs and other unique circumstances, to include establishing or maintaining means to deliver virtual instruction and remote learning and assisting with or facilitating the distribution of food and the delivery of nutritional services.

C. I hereby authorize all state-supported colleges, universities, and technical colleges in the State of South Carolina, as necessary and appropriate and in accordance with and to the extent allowed by state and federal law, to complete the spring 2020 academic semester by delivering virtual and remote learning, by housing only out-of-state or displaced students, and by restricting on-campus services and activities to emergency or

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other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college or university officials. I further authorize the requisite college, university, and technical college officials to continue to make any necessary and appropriate decisions or arrangements to account for specific needs and other unique circumstances or to deal with students, employees, or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college, university, or technical college officials.

Section 3. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously undertaking additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must promptly undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 4. Transportation Waivers

To expedite the State of South Carolina's continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's April 8, 2020 Extension and Expansion of Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

- (a) Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
- (b) Posted bridges may not be crossed.
- (c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
- (d) Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
- (e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 5. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

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C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 6. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF APRIL, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-24

WHEREAS, a severe storm system moved across the southeastern region of the United States beginning on April 12, 2020, which produced multiple tornadoes, damaging winds, significant rainfall, extensive localized flooding, and other dangerous conditions in certain areas of the State of South Carolina through the early morning hours of April 13, 2020; and

WHEREAS, according to preliminary reports, the aforementioned storm system and associated hazardous conditions resulted in at least nine (9) weather-related deaths, caused extensive damage to public and private property, and disrupted essential utility services and systems throughout the State of South Carolina; and

WHEREAS, the undersigned has been advised that the recent severe weather event and resulting catastrophic impacts represent a significant threat to the State of South Carolina, which requires that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, on April 12, 2020, the undersigned issued Executive Order No. 2020-23, declaring a State of Emergency in connection with the accelerating public health threat posed by the 2019 Novel Coronavirus (“COVID-19”) and, *inter alia*, suspending certain rules and regulations for commercial vehicles and operators of commercial vehicles to facilitate the State’s continued preparations for and response to the emergency conditions related to COVID-19; and

WHEREAS, the undersigned has determined that it is necessary and appropriate to take similar action to facilitate and expedite ongoing emergency management, response, recovery, and relief efforts in connection with the recent severe weather event and the catastrophic impacts associated with the same; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

WHEREAS, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles travelling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; and

WHEREAS, due to the recent severe weather event, the Governor of Georgia issued Executive Order No. 04.13.20.01 on April 13, 2020, declaring that an emergency exists in the State of Georgia and temporarily waiving or suspending certain motor vehicle regulations; and

WHEREAS, section 56-5-70(B) of the South Carolina Code of Laws, as amended, provides that “[w]hen an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. [§] 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. [§] 390.23(a)(1)(A), must be declared in this State by the Governor”; and

WHEREAS, the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, and it is necessary and appropriate for the State of South Carolina to support ongoing emergency management, response, recovery, and relief efforts by facilitating the operation of critical transportation services; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of

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the State of South Carolina, the undersigned has determined that the recent severe weather event and resulting catastrophic impacts constitute an emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

A. I hereby memorialize and confirm my prior activation of the South Carolina Emergency Operations Plan (“Plan”) and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to promptly respond to the recent severe weather event and the catastrophic impacts associated with the same. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

B. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of the South Carolina Emergency Management Division (“EMD”), to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

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

D. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

Section 2. Transportation Waivers

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles responding to the declared emergency in this State or any declared emergency in the State of Georgia or the State of North Carolina in connection with the severe weather event or providing direct assistance to supplement state and local efforts and capabilities related to the same, to include commercial vehicles and operators of commercial vehicles transporting equipment, materials, or persons necessary for the restoration of utility services or debris removal and those transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel

oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

- 1) Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
- 2) Posted bridges may not be crossed.
- 3) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
- 4) Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
- 5) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 3. General Provisions

A. The provisions of this Order, or any subsequent Orders issued in connection with the State of Emergency declared herein, shall not be construed to modify, amend, or otherwise alter the provisions of Executive Order No. 2020-23, or any prior Orders addressed therein or any future issued in connection therewith,

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which shall remain in full force and effect in accordance with their respective terms unless and until otherwise modified, amended, or rescinded by subsequent Order.

B. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

C. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

D. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

E. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF APRIL, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-25

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus (“COVID-19”) posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring a State of Emergency on March 13, 2020, the undersigned also issued Executive Order Nos. 2020-07, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, and 2020-14, initiating and directing various emergency measures to address the significant public health, economic, and other impacts

associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 28, 2020, the undersigned issued Executive Order No. 2020-15, declaring a new State of Emergency based on a determination that COVID-19 posed an actual and ongoing public health threat to the State of South Carolina and extending the provisions of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, in further proactively preparing for and promptly responding to the ongoing and evolving emergency, the undersigned subsequently issued Executive Order Nos. 2020-16, 2020-17, 2020-18, 2020-19, 2020-21, and 2020-22, initiating and directing additional extraordinary measures deemed necessary and appropriate to cope with the public health threats and dangers and to address the resulting strain on healthcare resources, the economic consequences for individuals and businesses, and the various other significant impacts associated with COVID-19; and

WHEREAS, on April 12, 2020, the undersigned issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned "may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation"; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is "supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State"; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is "responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility," to include issuing, amending, and rescinding "emergency proclamations and regulations," which shall "have the force and effect of law as long as the emergency exists"; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to "suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

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WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, the State of South Carolina must continue to utilize extraordinary measures and deploy substantial resources to meet the unique threat posed by COVID-19 and must remain flexible to account for the evolving nature and scope of this unprecedented public health emergency; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined that the ongoing, evolving, and accelerating public health threat posed by COVID-19 requires additional proactive action by the State of South Carolina and the implementation, extension, or modification of additional extraordinary measures to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families, and businesses and providing appropriate administrative and regulatory flexibility and relief to facilitate the same.

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

Section 1. Modification of Emergency Restrictions for Public Waters to Account for Home or Work Order

To facilitate authorized outdoor exercise and recreational activities in accordance with the provisions of Section 1 of Executive Order No. 2020-21 (Home or Work Order), as extended by Executive Order No. 2020-23, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby modify and amend the provisions of Section 1 of Executive Order No. 2020-16 (Emergency Access Restrictions for Public Beaches and Waters), as extended by Executive Order No. 2020-23, to authorize the managing or operating authority of any public boat ramp or boat landing closed pursuant to

Section 1(C) of Executive Order No. 2020-16 to reopen, in whole or in part, any such public boat ramp or boat landing, to include any adjacent or associated public parking lots, effective Friday, April 17, 2020, at 12:00 p.m., for the purpose of launching and retrieving boats on the public waters of this State to facilitate authorized and permissible outdoor exercise and recreational activities in accordance with the provisions of Section 1(E) of Executive Order No. 2020-21, and subject to Executive Order No. 2020-13, for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded by subsequent Order. Public piers, docks, and wharfs providing public access to the public waters of this State shall remain closed. Notwithstanding the foregoing, I hereby authorize the managing or operating authority of any public boat ramp or boat landing to close, in whole or in part, or otherwise restrict public access to any such public boat ramp or boat landing, to include any adjacent or associated public parking lots or facilities, if it is determined that such action is necessary to preserve or protect public health. Subject to any additional or supplemental clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by the South Carolina Department of Natural Resources (“DNR”), the beaching or rafting of boats, whether on a sandbar, lakeshore, riverbank, or island, shall remain prohibited for the duration of the State of Emergency. Vessels must remain underway at all times unless exigent circumstances exist. Anchoring to fish is allowed; however, rafting is prohibited under all circumstances. As previously authorized by Section 1(C) of Executive Order No. 2020-16, individuals possessing a current, valid commercial fishing license or permit may continue to utilize or rely upon public piers, docks, wharfs, boat ramps, or boat landings in connection with commercial fishing activities.

B. In accordance with Section 1 of Executive Order No. 2020-21, any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with Centers for Disease Control and Prevention (“CDC”) guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, as defined therein, except as expressly authorized. Pursuant to Section 1(E) of Executive Order No. 2020-21, individuals are permitted to “[e]ngage[e] in outdoor exercise or recreational activities, provided that a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same Residence.”

C. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to include Executive Order No. 2020-13, as extended by Executive Order No. 2020-23, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such congregation or gathering is deemed to pose, or could pose, a threat to public health.

D. I further expressly authorize DNR to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of Section 1 of Executive Order No. 2020-21 (Home or Work Order) or Section 1 of Executive Order No. 2020-13 (Authorizing Law Enforcement to Maintain Order, Ensure Public Safety, and Preserve Public Health During the State of Emergency), which shall remain in full force and effect in accordance with their respective terms unless and until otherwise modified, amended, or rescinded by subsequent Order.

Section 2. Modification and Extension of Emergency Measures for Unemployment Claims and Benefits

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To prepare for and further respond to the significant economic impacts associated with COVID-19, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional measures to prepare for and respond to the economic impacts associated with COVID-19 and to mitigate the resulting burdens on individuals and businesses. In recognition of the complexities posed by the existing and anticipated emergency circumstances, the United States Department of Labor (“DOL”) issued Unemployment Insurance Program Letter No. 10-20 on March 12, 2020 (“DOL Letter No. 10-20”), providing guidance to states and state workforce agencies on various matters regarding unemployment benefits and “flexibilities related to COVID-19,” and in doing so, recommended, *inter alia*, that “states should consider temporarily waiving” state-specific requirements related to waiting periods for individuals who are otherwise eligible for unemployment benefits. Accordingly, to facilitate and expedite the processing of claims submitted by eligible individuals whose employment has been impacted a result of COVID-19, and in response to DOL Letter No. 10-20’s recommendation, the undersigned issued Executive Order No. 2020-11 on March 19, 2020, directing, *inter alia*, the South Carolina Department of Employment and Workforce (“DEW”) to waive application of the one-week waiting period for individuals who are otherwise eligible to receive unemployment benefits or to determine that otherwise eligible individuals submitting claims between March 15, 2020, and April 18, 2020, in response to the unique circumstances and public health threat presented by COVID-19 “cannot pursue other employment for the usual one week’s waiting period and that the terms of the [applicable] statute cannot be met in such an unusual and limited circumstance,” 1989 S.C. Op. Att’y Gen. 286 (Oct. 3, 1989). Subsequently, on March 27, 2020, the President of the United States signed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Public Law No. 116–136, Title II, Subtitle A of which provides, *inter alia*, temporary full federal funding of the first week of state unemployment insurance benefits for states that do not have a waiting week or have waived any waiting-week requirement.

B. I hereby direct DEW to waive, on a temporary basis and consistent with the aforementioned DOL guidance, application of the one-week waiting period for individuals who are otherwise eligible to receive unemployment benefits, pursuant to section 41-35-110(4) of the South Carolina Code of Laws, as amended, or alternatively, to determine that otherwise eligible individuals submitting claims in response to or associated with the unique circumstances and public health threat presented by COVID-19 “cannot pursue other employment for the usual one week’s period and that the terms of the statute cannot be met in such an unusual and limited circumstance.” 1989 S.C. Op. Att’y Gen. 286 (Oct. 3, 1989). If and to the extent allowed by state and federal law, I further instruct DEW to implement, interpret, and apply the foregoing directives, as necessary and appropriate, in a manner that will facilitate and expedite the processing of claims submitted by eligible individuals who have suffered an unanticipated separation from employment or reduction of hours. Subject to any additional or supplemental guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DEW, and to the maximum extent permitted by state and federal law, this Section shall apply to claims submitted on or after April 19, 2020, and for the duration of the State of Emergency. Notwithstanding the foregoing, this Section shall not be construed to limit DEW’s authority, to the extent allowed by state and federal law, to extend the period of any such temporary waivers or determinations to account for exigent circumstances.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective

of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 16th DAY OF APRIL, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-26

WHEREAS, there presently exists a vacancy in the office of Treasurer of Barnwell County due to the resignation of Megan C. Elkins, effective April 15, 2020; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, F. Pickens Williams, Jr., of Barnwell, South Carolina, is a fit and proper person to serve as Treasurer of Barnwell 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 F. Pickens Williams, Jr. to serve as Treasurer of Barnwell County until his 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 16th DAY OF APRIL, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-27

WHEREAS, the undersigned has been notified of the passing of Deputy Jeremy C. LaDue of the Charleston County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

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WHEREAS, Deputy LaDue dedicated his life to protecting and serving the people of the State of South Carolina and the residents of Charleston County, 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 Saturday, April 18, 2020, in tribute to Deputy LaDue 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 17th DAY OF APRIL, 2020.**

HENRY MCMASTER
Governor

Executive Order No. 2020-28

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus (“COVID-19”) posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring a State of Emergency on March 13, 2020, the undersigned also issued Executive Order Nos. 2020-07, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, and 2020-14, initiating and directing various emergency measures to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 28, 2020, the undersigned issued Executive Order No. 2020-15, declaring a new State of Emergency based on a determination that COVID-19 posed an actual and ongoing public health threat to the State of South Carolina and extending the provisions of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, in further proactively preparing for and promptly responding to the ongoing and evolving emergency, the undersigned subsequently issued Executive Order Nos. 2020-16, 2020-17, 2020-18, 2020-19, 2020-21, and 2020-22, initiating and directing additional extraordinary measures deemed necessary and appropriate to cope with the public health threats and dangers and to address the resulting strain on healthcare resources, the economic consequences for individuals and businesses, and the various other significant impacts associated with COVID-19; and

WHEREAS, on April 12, 2020, the undersigned issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on April 16, 2020, the undersigned issued Executive Order No. 2020-25, modifying certain emergency restrictions related to the public waters of the State to facilitate authorized outdoor exercise and recreational activities in accordance with Section 1 of Executive Order No. 2020-21 (Home or Work Order), as well as modifying and extending previous emergency measures pertaining to unemployment claims and benefits; and

WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

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WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, the State of South Carolina must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined that the evolving public health threat posed by COVID-19 requires additional proactive action by the State of South Carolina and the modification of certain extraordinary measures employed to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families, and businesses and providing appropriate flexibility and relief to facilitate the same.

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

Section 1. Modification of Emergency Restrictions for Public Beaches and Waters to Account for Home or Work Order

To facilitate authorized outdoor exercise and recreational activities in accordance with the provisions of Section 1 of Executive Order No. 2020-21 (Home or Work Order), as extended by Executive Order No. 2020-23, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby modify and amend the provisions of Section 1(B) of Executive Order No. 2020-16 (Emergency Access Restrictions for Public Beaches and Waters), as extended by Executive Order No. 2020-23, effective Tuesday, April 21, 2020, at 12:00 p.m., to rescind the order and directive that any and all public beach access points, to include any adjacent or associated public parking lots or other public facilities, shall be closed to public access for recreational purposes for the duration of the State of Emergency. Notwithstanding the foregoing, I hereby authorize any agency, department, county, municipality, or political subdivision of the State owning, operating, managing, or otherwise having jurisdiction and control over any such public beach access points to close, in whole or in part, or otherwise restrict the use of any such public beach access points, to include any adjacent or associated public parking lots or other public facilities, if it is determined that such action is necessary to preserve or protect public health. This authorization shall remain in effect for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded by subsequent Order.

B. I hereby modify and amend the provisions of Section 1(C) of Executive Order No. 2020-16 (Emergency Access Restrictions for Public Beaches and Waters), as extended by Executive Order No. 2020-23 and modified by Section 1(A) of Executive Order No. 2020-25 (Modification of Emergency Restrictions for Public Waters to Account for Home or Work Order), effective Tuesday, April 21, 2020, at 12:00 p.m., to rescind the order and directive that any and all public piers, docks, or wharfs providing public access to the public waters of this State, to include any adjacent or associated public parking lots or other public facilities, shall be closed to public access for recreational purposes for the duration of the State of Emergency. Notwithstanding the foregoing, I hereby authorize any agency, department, county, municipality, or political subdivision of the State owning, operating, managing, or otherwise having jurisdiction and control over any such public piers, docks, or wharfs to close, in whole or in part, or otherwise restrict the use of any such public piers, docks, or wharfs, to include any adjacent or associated public parking lots or other public facilities, if it is determined that such action is necessary to preserve or protect public health. This authorization shall remain in effect for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded by subsequent Order.

C. This Section shall not be construed to modify, amend, or otherwise alter the terms and provisions of Executive Order No. 2020-16, as modified by Executive Order No. 2020-25, with regard to public boat ramps and boat landings providing public access to the public waters of this State.

D. In accordance with Section 1 of Executive Order No. 2020-21, any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with Centers for Disease Control and Prevention (“CDC”) guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, as defined therein, except as expressly authorized. Pursuant to Section 1(E) of Executive Order No. 2020-21, individuals are permitted to “[e]ngag[e] in outdoor exercise or recreational activities, provided that a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same Residence.”

E. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to include Executive Order No. 2020-13, as extended by Executive Order No. 2020-23, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such congregation or gathering is deemed to pose, or could pose, a threat to public health.

F. I further expressly authorize the South Carolina Department of Natural Resources (“DNR”) and the South Carolina Department of Health and Environmental Control (“DHEC”), as applicable, to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions

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regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 2. Incremental Modification of Non-Essential Business Closures

To begin the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization, while also continuing to implement further proactive measures to provide for and ensure the health, safety, security, and welfare of the people of this State, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby modify and amend the provisions of Executive Order No. 2020-18 and Executive Order No. 2020-21, as extended by Executive Order No. 2020-23, to authorize the following businesses, venues, facilities, services, and activities, which were previously deemed “non-essential” and directed to close to non-employees and not to open for access or use by the public, or not to take place, as applicable, in accordance with Executive Order No. 2020-18, to re-open to non-employees and for access or use by the public, subject to the emergency rules and restrictions set forth below, effective Monday, April 20, 2020, at 5:00 p.m.:

1. Retail stores as follows:

- (a) Furniture and home-furnishings stores
- (b) Clothing, shoe, and clothing-accessory stores
- (c) Jewelry, luggage, and leather goods stores
- (d) Department stores, with the exception of hardware and home-improvement stores
- (e) Sporting goods stores
- (f) Book, craft, and music stores
- (g) Flea markets
- (h) Florists and flower stores

B. I hereby order and direct that effective Monday, April 20, 2020, at 5:00 p.m., any retail business identified by general description above, or previously authorized to continue operations pursuant to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the South Carolina Department of Commerce (“Department”) in accordance with the Clarification and Provisional Determination Process set forth in Section 2 of Executive Order No. 2020-18, shall be subject to the following emergency rules and restrictions in addition to any other applicable provisions of this Order or any prior Order:

1. **Emergency Maximum Occupancy Rate.** The business shall limit the number of customers allowed to enter and simultaneously occupy the premises so as not to exceed five (5) customers per 1,000 square feet of retail space, or twenty percent (20%) of the occupancy limit as determined by the fire marshal, whichever is less.

2. **Social Distancing Practices.** The business shall not knowingly allow customers, patrons, or other guests to congregate within six (6) feet of one another, exclusive of family units.

3. **Sanitation.** The business shall implement all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials.

C. In accordance with Section 1(H) of Executive Order No. 2020-21, and subject to the emergency rules and restrictions set forth herein, this Section does not prohibit retail stores from fulfilling online or telephone orders or providing alternate means of purchasing or delivering products or services—to include curbside purchase, pickup, or delivery and home or off-site delivery—provided that such options or measures can be implemented in a manner that facilitates and maintains effective “social distancing” and is consistent with any applicable guidance issued by state and federal public health and safety officials.

D. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to suspend, restrict, or otherwise limit the sale or transportation of firearms or ammunition or any component thereof.

E. Notwithstanding the foregoing, any and all businesses, venues, facilities, services, and activities in this State are urged to facilitate effective “social distancing” practices. As applicable and to the maximum extent possible, to further promote “social distancing,” facilitate self-isolation, and otherwise prevent potential exposure to COVID-19, businesses and organizations are also encouraged to utilize telecommuting or work-from-home options for employees and to provide alternate means of purchasing and delivering products and services, to include online or telephone orders and curbside or off-site deliveries, and individuals are encouraged to utilize such options to support businesses in this State during the ongoing public health emergency.

F. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the remaining terms and provisions of, *inter alia*, Executive Order No. 2020-21, Executive Order No. 2020-18, and Executive Order No. 2020-10, as extended by Executive Order No. 2020-23. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, or rescinded by subsequent Order.

G. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to suspend, restrict, or otherwise limit the authority of the undersigned or the Department to issue, provide, or promulgate any necessary and appropriate additional or supplemental clarification, guidance, rules, regulations, or restrictions regarding the provisions of this Order or of Executive Order No. 2020-18 or Executive Order No. 2020-21. I further expressly authorize the Office of the Governor (“Office”) to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

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D. This Order is effective immediately and shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 20th DAY OF APRIL, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-29

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the unprecedented and evolving public health threat presented by the 2019 Novel Coronavirus (“COVID-19”), cases of which have been identified and reported in each of the State’s forty-six (46) counties, while also simultaneously addressing the significant economic impacts and other consequences associated with the ongoing COVID-19 pandemic; and

WHEREAS, to this end, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”); activated the South Carolina Emergency Operations Plan (“Plan”); regularly conferred with state and federal agencies, officials, and experts, to include the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and requested that the General Assembly take action to make \$45 million from the 2019–2020 Contingency Reserve Fund immediately available to DHEC in coordinating the State’s public health response to COVID-19; and

WHEREAS, in addition to the foregoing, on March 11, 2020, the undersigned issued Executive Order No. 2020-07, suspending certain transportation-related rules and regulations, pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended, for commercial vehicles and operators of commercial vehicles providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in proactively preparing for and promptly responding to the aforementioned emergency, the undersigned initiated and implemented various measures to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina; and

WHEREAS, on March 15, 2020, the undersigned issued Executive Order No. 2020-09, directing, *inter alia*, the closure of all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020, and through Tuesday, March 31, 2020, and the postponement or rescheduling of any election scheduled to be held in this State on or before May 1, 2020, as well as urging that indoor and outdoor public gatherings be cancelled, postponed, or rescheduled, to the extent possible, or limited so as not to exceed one hundred (100) people; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)” —to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

WHEREAS, on March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption and prohibiting events at government facilities that would convene fifty (50) or more people in a single room, area, or other confined indoor or outdoor space; and

WHEREAS, in addition to the foregoing directives, Executive Order No. 2020-10 also “authorize[d] and direct[ed] any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or ‘suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,’ in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law”; and

WHEREAS, on March 19, 2020, the undersigned issued Executive Order No. 2020-11, initiating further emergency measures and suspending certain regulations to ensure the proper function and continuity of state government operations and the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical state government services, while simultaneously undertaking additional measures to safeguard the health and safety of state employees, mitigate significant economic impacts and burdens on affected individuals and employers, and provide regulatory relief to expedite emergency response initiatives and enhance the availability of critical healthcare services; and

WHEREAS, on March 21, 2020, the undersigned issued Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate “social distancing” practices and to mitigate the significant economic impacts of COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments; and

WHEREAS, on March 23, 2020, the undersigned issued Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof, to, *inter alia*, prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

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WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 27, 2020, the undersigned issued Executive Order No. 2020-14, directing that individuals who enter the State of South Carolina from an area with substantial community spread of COVID-19 shall be required to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual's presence in South Carolina, whichever period is shorter; and

WHEREAS, on March 28, 2020, the undersigned issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID-19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina and extending certain provisions of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on March 30, 2020, the undersigned issued Executive Order No. 2020-16, directing that any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings that provide public access to the public waters of this State shall be closed to public access for recreational purposes for the duration of the State of Emergency; and

WHEREAS, on March 31, 2020, the undersigned issued Executive Order No. 2020-17, directing that certain "non-essential" businesses, venues, facilities, services, and activities in the following categories be closed to non-employees and the public, effective Wednesday, April 1, 2020, at 5:00 p.m.: entertainment venues and facilities, recreational and athletic facilities and activities, and close-contact service providers; and

WHEREAS, on April 3, 2020, the undersigned issued Executive Order No. 2020-18, superseding the provisions of Executive Order No. 2020-17 and directing that certain additional "non-essential" businesses, venues, facilities, services, and activities in the general category of retail stores also be closed to non-employees and the public, effective Monday, April 6, 2020, at 5:00 p.m.; and

WHEREAS, on April 3, 2020, the undersigned issued Executive Order No. 2020-19, directing that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut); and

WHEREAS, on April 6, 2020, the undersigned issued Executive Order No. 2020-21, directing, *inter alia*, that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice "social distancing" in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein; and

WHEREAS, on April 7, 2020, the undersigned issued Executive Order No. 2020-22, authorizing and directing the South Carolina Department of Employment and Workforce to take certain actions to allow employers to provide COVID-19 Support Payments to furloughed employees, while still allowing such individuals to qualify for unemployment benefits if they are otherwise eligible for the same; and

WHEREAS, on April 12, 2020, the undersigned issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on April 16, 2020, the undersigned issued Executive Order No. 2020-25, modifying certain emergency restrictions related to the public waters of the State to facilitate authorized outdoor exercise and recreational activities in accordance with Section 1 of Executive Order No. 2020-21 (Home or Work Order), as well as modifying and extending previous emergency measures pertaining to unemployment claims and benefits; and

WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, on April 20, 2020, the undersigned issued Executive Order No. 2020-28, amending certain emergency restrictions related to public beaches and waters and initiating incremental modifications to prior “non-essential” business closures; and

WHEREAS, the COVID-19 pandemic represents an ongoing and evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the current public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances, to include the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State, after consulting with numerous state and federal agencies, officials, and experts, the undersigned has determined that it is necessary and prudent to declare that a separate and distinct emergency exists in the State of South Carolina; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic

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disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, in issuing Executive Order No. 2020-08 and declaring an initial State of Emergency in connection with COVID-19, the undersigned’s determination was made in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, and based on the “imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, the public health threat posed by COVID-19 subsequently evolved from one that presented the “imminent risk of a qualifying health condition” to one that involved an actual and widespread “occurrence” of a “qualifying health condition,” pursuant to section 44-4-130 of the South Carolina Code of Laws; and

WHEREAS, due to the aforementioned evolution of COVID-19 from an “imminent risk of a qualifying health condition,” to an actual “occurrence” of a “qualifying health condition” or “pandemic,” and with confirmed cases of COVID-19 in over eighty-five percent (85%) of South Carolina’s forty-six (46) counties, the undersigned issued Executive Order No. 2020-15 on March 28, 2020, finding, concluding, and declaring that COVID-19 presented a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, the State of South Carolina subsequently transitioned from the investigation, recognition, and initiation phases of the COVID-19 pandemic to the acceleration phase, with DHEC reporting cases of COVID-19 in each of the State’s forty-six (46) counties; and

WHEREAS, based on the aforementioned transition and the accelerated, statewide spread of COVID-19, which presented different and additional risks and dangers, the undersigned issued Executive Order No. 2020-23 on April 12, 2020, declaring a new and distinct State of Emergency and initiating additional proactive action and directing the implementation and enforcement of further extraordinary measures; and

WHEREAS, in addition to the foregoing declarations, on April 13, 2020, the undersigned issued Executive Order No. 2020-24, declaring a State of Emergency in connection with a severe storm system that moved across the southeastern region of the United States beginning on April 12, 2020, which produced at least twenty-five (25) tornadoes, damaging winds, significant rainfall, extensive localized flooding, and other dangerous conditions in certain areas of the State of South Carolina through the early morning hours of April 13, 2020, and resulted in at least nine (9) weather-related deaths, caused extensive damage to public and private property, and disrupted essential utility services and systems throughout the State of South Carolina; and

WHEREAS, the State of South Carolina has made meaningful progress to date in controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and expanded to present different and additional threats, many of which are further complicated or compounded by the State’s ongoing recovery operations and relief efforts associated with the aforementioned severe weather event; and

WHEREAS, as of April 26, 2020, DHEC has identified at least 5,490 confirmed cases of COVID-19 in the State of South Carolina, including 174 deaths due to COVID-19; and

WHEREAS, in addition to proactively preparing for and promptly responding to the continued spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing the State’s economy by addressing issues

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related to unemployment, facilitating the reopening of businesses and industries, and accessing and utilizing federal funds and resources to assist with the same; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19, as well as the significant economic and other impacts associated with the same, “require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

WHEREAS, the State of South Carolina must continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving and expanding nature and scope of this unprecedented public health emergency, while also addressing the significant economic impacts and other consequences associated with this pandemic; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the ongoing COVID-19 pandemic, including the different, additional, and intensifying threats cited herein, represents and requires a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic and to mitigate the significant impacts associated with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and implement further extraordinary measures to respond to the evolving public health threat posed by the COVID-19 pandemic and to otherwise respond to and mitigate the significant economic impacts and other consequences associated with the same.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.” I further direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate.

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

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

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of the following Orders shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by prior or future Order: Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-16, 2020-18, 2020-19, 2020-21, 2020-22, 2020-25, and 2020-28.

Section 2. School Closures

To provide for and protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19, while also facilitating continued educational activities, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. Upon consultation with the Superintendent of Education, who has recommended and advised that, at this time, teachers, students, parents, and families should plan for South Carolina’s schools to remain closed to classroom instruction for the remainder of the 2019–2020 school year, I have determined that extending the closure of public schools to students and non-essential employees is a necessary and appropriate action to protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19.

B. I hereby direct the continued closure of all public schools in the State of South Carolina for students and non-essential employees for the duration of the State of Emergency. This Section applies to all students and employees of public schools in the State of South Carolina, to include charter schools and residential programs at the Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, and the South Carolina School for the Deaf and the Blind, with the exception of those emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate school district officials. I further authorize the requisite school district officials to make any necessary and appropriate decisions or arrangements to account for local needs and other unique circumstances. As applicable and to the maximum extent possible, and to promote and facilitate effective “social distancing” practices in accordance with CDC guidance, school districts are authorized and encouraged to provide the following services, resources, and support to students and families for the remainder of the 2019–2020 school year: (1) preparation and implementation of distance learning activities; (2) preparation, distribution, and delivery of meals to children; (3) planning and implementation of alternative and innovative high school

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graduation ceremonies or celebrations; (4) delivery of services to students with disabilities, including those with Individualized Education Programs (“IEP”), consistent with guidance from the South Carolina Department of Education (“Department”); (5) provision of individualized support to students who are struggling academically or who need additional mental health counseling; and (6) collection of instructional materials and textbooks during the last two weeks of the district’s regular calendar year, while also allowing students, parents, and families the opportunity to retrieve personal belongings.

C. I hereby authorize and direct the Department, to the extent allowed by state and federal law, to include any or all days of distance learning during which instruction was provided in good faith pursuant to a school district’s distance learning plan as an instructional day required to meet the one hundred eighty (180) instructional day requirement contained in section 59-1-425 of the South Carolina Code of Laws, as amended. I urge school districts to work with the Department, in collaboration with the South Carolina Education Oversight Committee and school districts participating in the eLearning pilot program, to assess their instructional technology strengths and weaknesses, including devices, connectivity, online content, and professional learning, to improve access to and the effectiveness of digital learning. School districts are encouraged to consider utilizing federal funds allocated through the Elementary and Secondary School Relief Fund to improve their digital learning capabilities as identified by aforementioned thorough assessment. As applicable and to the maximum extent possible, and to promote and facilitate effective “social distancing” practices in accordance with CDC guidance, I also urge school districts to work with the Department to provide voluntary, in-person summer learning opportunities for students who were enrolled in kindergarten through the eighth grade during the 2019–2020 school year but who are at risk of falling behind in their learning. The Department will work with districts to identify any available state and federal funds to facilitate such voluntary summer learning opportunities.

D. I further authorize all state-supported colleges, universities, and technical colleges in the State of South Carolina, as necessary and appropriate and in accordance with and to the extent allowed by state and federal law, to complete the spring 2020 academic semester by delivering virtual and remote learning, by housing only out-of-state or displaced students, and by restricting on-campus services and activities to emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college or university officials. I further authorize the requisite college, university, and technical college officials to continue to make any necessary and appropriate decisions or arrangements to account for specific needs and other unique circumstances or to deal with students, employees, or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college, university, or technical college officials.

E. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to suspend, restrict, or otherwise limit the existing authority of, *inter alia*, the Department and the South Carolina Commission on Higher Education (“CHE”). I further expressly authorize the Department and the CHE, as applicable, to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 3. Elections

To provide for and protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby order and direct that any election, to include special, county, and municipal elections, scheduled to be held in this State or conducted by any agency, department, or political subdivision thereof, on or before May 12, 2020, shall be postponed and rescheduled. The State Election Commission (“SEC”) shall work with county boards of voter registration and elections to ensure that individuals may register to vote without

interruption. The SEC shall issue any necessary and appropriate additional or supplemental guidance regarding the implementation of this directive and the application of this Section.

Section 4. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously undertaking additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must promptly undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 5. Transportation Waivers

To expedite the State of South Carolina's continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's April 8, 2020 Extension and Expansion of Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

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C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

- (a) Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
- (b) Posted bridges may not be crossed.
- (c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
- (d) Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
- (e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 6. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 7. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 27th DAY OF APRIL, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-30

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the evolving public health threat presented by the 2019 Novel Coronavirus (“COVID-19”), while also simultaneously addressing the significant economic impacts and other consequences associated with the COVID-19 pandemic and facilitating economic recovery and revitalization in a safe, strategic, and incremental manner; and

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WHEREAS, in proactively preparing for and promptly responding to the threat posed by COVID-19, the undersigned issued Executive Order No. 2020-08 on March 13, 2020, declaring a State of Emergency based on a determination that COVID-19 represented an imminent public health emergency for the State of South Carolina; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating and directing further extraordinary measures to address the significant public health, economic, and other impacts associated with COVID-19, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, and 2020-29; and

WHEREAS, on March 27, 2020, based on guidance and recommendations from the White House Coronavirus Response Coordinator and members of the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-14, directing that individuals who enter the State of South Carolina from an area with substantial community spread of COVID-19—to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana—shall be required to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period is shorter; and

WHEREAS, on March 28, 2020, the Centers for Disease Control and Prevention (“CDC”) issued a Domestic Travel Advisory for the Tri-State Area due to extensive community transmission of COVID-19 in the area and urged residents to refrain from non-essential domestic travel for a period of fourteen (14) days; and

WHEREAS, on March 29, 2020, based on updated information and recommendations from the CDC, the President of the United States and the White House Coronavirus Task Force extended and expanded the provisions of the Coronavirus Guidelines for America until April 30, 2020, due to the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, in light of the foregoing, and in response to the CDC’s Domestic Travel Advisory, the undersigned issued Executive Order No. 2020-19, directing that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, for the aforementioned and other reasons, and based on the latest data from the South Carolina Department of Health and Environmental Control (“DHEC”) and the recent expiration of the CDC’s Domestic Travel Advisory for the Tri-State Area, the undersigned has determined that it is necessary and appropriate to revisit and rescind Executive Order Nos. 2020-14 and 2020-19, as extended by Executive Order No. 2020-29, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner.

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

Section 1. Rescission of Mandatory Self-Quarantine and Lodging and Travel Restrictions for Individuals Entering South Carolina from High-Risk Areas

A. I hereby rescind Executive Order No. 2020-14, as modified and amended by Section 1(E) of Executive Order No. 2020-19 and extended by Section 1(H) of Executive Order No. 2020-29, which required certain individuals who entered the State of South Carolina from an area with substantial community spread of COVID-19 to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period was shorter.

B. I hereby rescind Executive Order No. 2020-19, as extended by Section 1(H) of Executive Order No. 2020-29, which prohibited individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina from making or accepting new reservations or bookings from or for individuals residing in or travelling from any area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19.

C. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to include Executive Order No. 2020-13, as extended by Executive Order No. 2020-29, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such congregation or gathering is deemed to pose, or could pose, a threat to public health.

D. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-21, Executive Order No. 2020-18, and Executive Order No. 2020-10, as extended by

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Executive Order No. 2020-29. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

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

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1st DAY OF MAY, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-31

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the evolving public health threat presented by the 2019 Novel Coronavirus (“COVID-19”), while also simultaneously addressing and mitigating the significant economic and other impacts and burdens on individuals, families, and businesses and facilitating economic recovery and revitalization in a safe, strategic, and incremental manner; and

WHEREAS, in proactively preparing for and promptly responding to the threat posed by COVID-19, the undersigned issued Executive Order No. 2020-08 on March 13, 2020, declaring a State of Emergency based on a determination that COVID-19 represented an imminent public health emergency for the State of South Carolina; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating and directing further extraordinary measures to address the significant public health, economic, and other impacts associated with COVID-19, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, and 2020-29; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)”—to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

WHEREAS, on March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption and prohibiting events at government facilities that would convene fifty (50) or more people in a single room, area, or other confined indoor or outdoor space; and

WHEREAS, on March 21, 2020, the undersigned issued Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate effective “social distancing” practices and to mitigate the significant economic impacts associated with COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on April 6, 2020, the undersigned issued Executive Order No. 2020-21, directing, *inter alia*, that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein; and

WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, on April 20, 2020, based on the latest data from the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned issued Executive Order No. 2020-28, amending, *inter alia*, certain provisions of Executive Order Nos. 2020-18 and 2020-21, as extended by Executive Order No. 2020-23, to initiate specific modifications to prior “non-essential” business closures so as to begin the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, on April 27, 2020, the undersigned issued Executive Order No. 2020-29, declaring an additional, distinct State of Emergency—based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances, to include the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State—and implementing additional extraordinary measures to address the same, while also extending provisions of certain of the aforementioned and other Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

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WHEREAS, the COVID-19 pandemic represents an evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the ongoing emergency, while also attempting to mitigate the significant economic and other impacts and burdens on individuals, families, and businesses and providing appropriate flexibility and relief to facilitate the same; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, the State of South Carolina must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, while also simultaneously continuing the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, for the aforementioned and other reasons, and based on the latest data from DHEC and the CDC, the undersigned has determined that it is necessary and appropriate to revisit and modify the terms and provisions of Executive Order Nos. 2020-10 and 2020-21, as extended by Executive Order No. 2020-29, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, while also further encouraging effective “social distancing” practices and implementing additional proactive measures to provide for and ensure the health, safety, security, and welfare of the people of this State.

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

Section 1. Modification of Home or Work Order

A.I hereby modify and amend the provisions of Section 1(B) of Executive Order No. 2020-21, as extended by Section 1(H) of Executive Order No. 2020-29—which required any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further required individuals to limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein—by deleting Section 1(B) in its entirety and substituting the following language, effective Monday, May 4, 2020, at 12:01 a.m.:

B. I hereby urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode (collectively, “Residence”), except as specified by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as set forth below and as such terms are further defined herein.

All remaining provisions of Executive Order No. 2020-21, as amended by Executive Order No. 2020-28 and extended by Executive Order No. 2020-29, shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

B. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-18, as amended by Executive Order No. 2020-28 and extended by Executive Order No. 2020-29. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

C. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to include Executive Order No. 2020-13, as extended by Executive Order No. 2020-29, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such congregation or gathering is deemed to pose, or could pose, a threat to public health.

Section 2. Authorization of Outdoor Dining Services

A. I hereby modify and amend the provisions of Section 4 of Executive Order No. 2020-10, as extended by Section 1(H) of Executive Order No. 2020-29—which directed Restaurants, as defined therein, to suspend services for, and not to permit, on-premises or dine-in consumption—so as to authorize Restaurants to provide outdoor customer dining services, effective Monday, May 4, 2020, at 12:01 a.m., in addition to previously authorized services for off-premises consumption.

B. Restaurants that elect to provide outdoor customer dining services, as authorized herein, should consider and incorporate industry guidelines regarding outdoor seating, such as those prepared and published by the South Carolina Restaurant and Lodging Association, in addition to undertaking and implementing all

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reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials:

C. I hereby authorize DHEC to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

D. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-12, as extended by Executive Order No. 2020-29, or the remaining terms and provisions of Executive Order No. 2020-10, as extended by Executive Order No. 2020-29. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

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

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 3rd DAY OF MAY, 2020.**

HENRY MCMASTER
Governor

Executive Order No. 2020-32

WHEREAS, there presently exists a vacancy in the office of Treasurer of Barnwell County due to the resignation of F. Pickens Williams, Jr., effective May 4, 2020, at 12:00 p.m., who the undersigned appointed to serve as Treasurer of Barnwell County, on a temporary basis, following the resignation of Megan Croft, formerly known as Megan C. Elkins, effective April 15, 2020; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Sandra M. Cochran, of Barnwell, South Carolina, is a fit and proper person to serve as Treasurer of Barnwell 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 Sandra M. Cochran to serve as Treasurer of Barnwell 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 4th DAY OF MAY, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-33

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus (“COVID-19”) posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 15, 2020, the undersigned issued Executive Order No. 2020-09, initiating certain emergency measures and taking additional proactive actions in connection with the evolving public health threat posed by COVID-19, to include directing that “any election, to include special, county, and municipal elections, scheduled to be held in this State or conducted by any agency, department, or political subdivision thereof, on or before May 1, 2020, shall be postponed and rescheduled” and instructing the State Election Commission (“SEC”) to “work with county boards of voter registration and elections to ensure that candidate filing period(s) continue as scheduled and that individuals may register to vote without interruption” and to “issue any necessary and appropriate guidance regarding the implementation of this directive”; and

WHEREAS, on April 27, 2020, the undersigned issued Executive Order No. 2020-29, declaring an additional, distinct State of Emergency—based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances, such as the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State—and implementing additional extraordinary measures to address the same, to include directing the postponement and rescheduling of any election scheduled to be held in this State on or before May 12, 2020; and

WHEREAS, as a collective result of the aforementioned directives set forth in Executive Order Nos. 2020-09 and 2020-29, certain general, special, and referendum elections were postponed, to include those previously scheduled to be held on the following dates: March 19, 2020; March 24, 2020; March 31, 2020; April 7, 2020; April 14, 2020; April 28, 2020; May 5, 2020; and May 12, 2020; and

WHEREAS, on May 6, 2020, the undersigned requested that the SEC confer with the corresponding county boards of voter registration and elections regarding those elections postponed pursuant to the above-referenced Orders and provide the undersigned’s office with appropriate guidance and recommendations regarding the rescheduling of the same; and

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WHEREAS, the SEC has since consulted with the relevant county boards of registration and elections regarding the rescheduling of elections postponed pursuant to the cited Orders and has recommended that such elections be rescheduled for Tuesday, July 14, 2020; and

WHEREAS, the SEC has provided a tentative list of elections postponed pursuant to Executive Order Nos. 2020-09 and 2020-29, a copy of which is attached hereto, along with the SEC's prior press releases related to the same; and

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

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order that any election postponed pursuant to the provisions of Executive Order Nos. 2020-09 and 2020-29 shall be held on Tuesday, July 14, 2020, to include those elections identified in the tentative list provided by the SEC, which is attached hereto for ease of reference. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, I designate and appoint the existing elections officials to perform the necessary official duties pertaining to the elections, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. I expressly authorize the SEC to issue any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or implementation of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF MAY, 2020.**

HENRY MCMASTER
Governor

Executive Order No. 2020-34

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the evolving public health threat presented by the 2019 Novel Coronavirus ("COVID-19"), while also simultaneously addressing and mitigating the significant economic and other impacts and burdens on individuals, families, and businesses and further facilitating economic recovery and revitalization in a safe, strategic, and incremental manner; and

WHEREAS, in proactively preparing for and promptly responding to the threat posed by COVID-19, the undersigned issued Executive Order No. 2020-08 on March 13, 2020, declaring a State of Emergency based on a determination that COVID-19 represented an imminent public health emergency for the State of South Carolina; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating and directing further extraordinary measures to address the

significant public health, economic, and other impacts associated with COVID-19, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, and 2020-29; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)” —to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

WHEREAS, on March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption; and

WHEREAS, on March 21, 2020, the undersigned issued Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate effective “social distancing” practices and to mitigate the significant economic impacts associated with COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on March 30, 2020, the undersigned issued Executive Order No. 2020-16, directing that any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings that provide public access to the public waters of this State shall be closed to public access for recreational purposes for the duration of the State of Emergency, as well as implementing certain restrictions on boating activities; and

WHEREAS, on April 6, 2020, the undersigned issued Executive Order No. 2020-21, directing, *inter alia*, that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein; and

WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, on April 16, 2020, the undersigned issued Executive Order No. 2020-25, modifying, *inter alia*, certain emergency restrictions related to the public waters of the State to facilitate authorized outdoor exercise and recreational activities in accordance with Section 1 of Executive Order No. 2020-21 (Home or Work Order); and

WHEREAS, on April 20, 2020, based on the latest data from the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned issued Executive Order No. 2020-28, amending, *inter*

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alia, certain provisions of Executive Order Nos. 2020-18 and 2020-21, as extended by Executive Order No. 2020-23, to initiate specific modifications to prior “non-essential” business closures so as to begin the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, on April 27, 2020, the undersigned issued Executive Order No. 2020-29, declaring an additional, distinct State of Emergency—based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances, to include the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State—and implementing additional extraordinary measures to address the same, while also extending provisions of certain of the aforementioned and other Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on May 3, 2020, the undersigned issued Executive Order No. 2020-31, modifying Section 1 of Executive Order No. 2020-21 (Home or Work Order), as well as amending the provisions of Section 4 of Executive Order No. 2020-10, as extended by Executive Order No. 2020-29, so as to authorize Restaurants to provide outdoor customer dining services, effective Monday, May 4, 2020, at 12:01 a.m., in addition to previously authorized services for off-premises consumption; and

WHEREAS, the COVID-19 pandemic represents an evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the ongoing emergency, while also attempting to mitigate the significant economic and other impacts and burdens on individuals, families, and businesses and providing appropriate flexibility and relief to facilitate the same; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, the State of South Carolina must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, while also simultaneously continuing the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, for the aforementioned and other reasons, and based on the latest data from DHEC and the CDC, the undersigned has determined that it is necessary and appropriate to revisit and modify certain terms and provisions of prior Orders as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, while also further encouraging effective “social distancing” practices and implementing additional proactive measures to provide for and ensure the health, safety, security, and welfare of the people of this State.

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

Section 1. Authorization of Limited Indoor Dining Services

A. I hereby modify and amend the provisions of Section 4 of Executive Order No. 2020-10, as extended by Section 1(H) of Executive Order No. 2020-29 and amended by Section 2 of Executive Order No. 2020-31, so as to authorize Restaurants, as defined therein, to provide services for limited indoor, on-premises customer dining, effective Monday, May 11, 2020, at 12:01 a.m., in addition to previously authorized services for off-premises consumption and outdoor customer dining.

B. Restaurants that elect to provide limited indoor, on-premises customer dining services, as authorized herein, should consider and incorporate industry guidelines regarding the same, such as those prepared and published by the South Carolina Restaurant and Lodging Association, in addition to undertaking and implementing all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials.

C. I hereby authorize DHEC to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

D. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-12, as extended by Executive Order No. 2020-29, or the remaining terms and provisions of Executive Order No. 2020-10, as extended by Executive Order No. 2020-29 and amended by Executive Order No. 2020-31. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

Section 2. Rescission of Boating Restrictions

A. I hereby modify and amend the provisions of Section 1(C) of Executive Order No. 2020-16, as amended by Section 1(A) of Executive Order No. 2020-25 and extended by Section 1(H) of Executive Order No. 2020-29, so as to rescind the restrictions on the beaching or rafting of boats, whether on a sandbar, lakeshore,

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riverbank, or island, and the requirement that vessels must remain underway at all times unless exigent circumstances exist.

B. In accordance with Section 1 of Executive Order No. 2020-21, as extended by Executive Order No. 2020-29 and amended by Executive Order No. 2020-31, any and all residents and visitors of the State of South Carolina are urged to, *inter alia*, limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19.

C. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to include Executive Order No. 2020-13, as extended by Executive Order No. 2020-29, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such congregation or gathering is deemed to pose, or could pose, a threat to public health.

D. I further expressly authorize the South Carolina Department of Natural Resources (“DNR”) to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

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

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF MAY, 2020.**

**HENRY MCMASTER
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the Department's proposal to address required State Implementation Plan (SIP) elements under Section 175A of the Clean Air Act (CAA), pertaining to maintenance plans for the National Ambient Air Quality Standard (NAAQS). The Department is preparing a second 10-year maintenance plan for maintaining the 1997 ozone NAAQS. This plan addresses part of the South Carolina portion of the bi-state Charlotte area, specifically the tribal lands of the Catawba Indian Nation. This area was included in the 1997 ozone NAAQS non-attainment area but was designated to attainment for the 2008 ozone NAAQS. The Department is seeking public comment on this maintenance plan. To be considered, the Department must receive comments by 5:00 p.m. on June 22, 2020, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the SIP amendment. If requested, the Department will hold a public hearing on June 30, 2020, at 1:00 p.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. In the event that a requested public hearing cannot be held in person due to the COVID-19 guidelines restricting in-person meetings, the public hearing will be held using an alternative method that provides the public the ability to participate remotely. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on June 22, 2020, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact Roger Jerry, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-1799; or email at jerryre@dhec.sc.gov for more information, or to find out if the Department will hold a public hearing.

Synopsis:

On July 18, 1997 (62 FR 38856), the EPA promulgated an 8-hour standard of 0.08 parts per million (ppm). The standard is attained when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentrations measured at each monitor within an area is less than or equal to 0.08 ppm, when rounded. Effective April 30, 2004, the U.S. Environmental Protection Agency (EPA) designated Charlotte-Gastonia-Rock Hill, NC-SC (the "bi-state Charlotte" area) as a subpart 2 nonattainment area under the 1997 ozone NAAQS (69 FR 23932). The area was redesignated to attainment on December 26, 2012 (77 FR 75862). As part of the redesignation action, the Department adopted, and the EPA approved, a maintenance plan for the South Carolina portion of the bi-state Charlotte area to demonstrate continued attainment of the 1997 ozone at least ten years after redesignation, as required under CAA section 175A. Eight years after the redesignation of any area to attainment, states are required to submit a revised maintenance plan for the 10-year period following the expiration of the original plan.

In the final implementation rule for the 2008 ozone NAAQS, the EPA revoked the 1997 ozone NAAQS and removed the requirement for the submittal of second 10-year maintenance plans under CAA section 175A(b) for areas that had been redesignated to attainment (i.e., maintenance areas) for the 1997 standard. The EPA had interpreted that, because of the revocation of the 1997 ozone standard, second maintenance plans were not required for "orphan maintenance areas", areas redesignated to attainment for the 1997 NAAQS (maintenance areas) and designated attainment for the 2008 ozone NAAQS.

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The D.C. Circuit Court, in *South Coast Air Quality Management District v. EPA* (the “South Coast decision”), vacated the EPA’s interpretation that because of the revocation of the 1997 ozone standard second maintenance plans were not required for orphan maintenance areas. *South Coast*, 882 F.3d 1138 (D.C. Cir. 2018). Thus, states with orphan maintenance areas under the 1997 ozone NAAQS are required to submit maintenance plans for the second maintenance period. For the South Carolina portion of the bi-state Charlotte area, the only area affected by the South Coast decision is the Catawba Indian Nation, which was included in the 1997 ozone NAAQS non-attainment area but designated as attaining the 2008 ozone NAAQS.

Currently, the State of South Carolina, including the tribal lands of the Catawba Indian Nation, is attaining the standard for the 1997 8-hour ozone NAAQS. The Department believes that this attainment will continue for the duration of the second 10-year maintenance plan which, as required by Clean Air Act Section 175A(d), includes contingency plans to correct any violation of the 1997 ozone NAAQS.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Bureau of Air Quality Streamlining Guidance

The South Carolina Department of Health and Environmental Control, Bureau of Air Quality (Department) has finalized the following permit guidance for streamlining requirements: “Streamlining Multiple Applicable Requirements on the same Emission Unit” and “Streamlining PM Source Testing for Requirements Contained in Standard No. 1 and 40 CFR 63, Subpart DDDDD.” These guidance documents will be maintained by the Department and periodically published in the South Carolina State Register. Additionally, this guidance will be maintained on the DHEC website at: <https://www.scdhec.gov/environment/air-quality/guidance-emission-calculators-air-permits>.

If you have questions or comments, please contact Michael Daugherty, Air Permitting Division, at (803) 898-4123.

Streamlining Multiple Applicable Requirements on the same Emissions Unit

In general, the Bureau intends to implement the guidance contained in the March 5, 1996, EPA White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program (EPA White Paper No. 2) when streamlining Title V permit requirements. A source may propose in its Title V permit application to streamline more than one applicable requirement into a single permit condition. The overall objective would be to establish the most stringent permit limit that will assure compliance with all related applicable requirements for an emission unit. An applicant requesting to streamline requirements should provide the information stated in EPA White Paper No. 2, Section II(A)(2)(a). Streamlining may be incorporated at permit renewal or through the Title V significant modification process.

The following definitions will be used in this guidance:

A Streamlined requirement is the most stringent permit limit that will assure compliance with all related applicable requirements for an emission unit.

Subsumed requirements are those applicable requirements which remain in effect but are considered to be streamlined under a more stringent applicable requirement. Compliance with the subsumed requirements is assured through compliance with the over-riding Title V permit streamlined condition for the more stringent applicable requirement.

Hybrid streamlining involves emission limits and/or work practices for an emission unit that are expressed in different forms and/or averaging times to be reduced to a single set of requirements. Hybrid streamlining is more complex and may not always be viable. Refer to White Paper No. 2 for additional information.

Although streamlining may be initiated by either the applicant or the Bureau of Air Quality, it can only be implemented where the permit applicant consents to its use.

A source violating a streamlined emission limitation in its Title V permit may be subject to enforcement action for violation of one (or more) of the subsumed applicable emission limits.

For a detailed discussion of streamlining requirements, see the EPA's "White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program" (March 5, 1996).

Emission Limits: Multiple emission limits may be streamlined into one limit. The permit's statement of basis shall include a discussion on the stringency of the applicable requirements demonstrating why it is appropriate to streamline the limit. Streamlining for emission limits is easily applied when the emission limits to be streamlined/subsumed are all in the same units of measurement (i.e. lb/MMBtu, ppm, etc.), or the units of measurement can be converted to a common format and/or units of measure. Different limit formats do not automatically preclude streamlining; however, it will require a more detailed discussion to demonstrate the streamlined limit is at least as stringent as the subsumed limits.

In determining the stringency of an emission limit the averaging times should be reviewed closely. For example, a 0.5 pound per hour limit averaged over 3 hours, may not necessarily be more stringent than a 0.75 pound per hour limit averaged over an hour. This may be a case where hybrid streamlining could be used by combining the 0.5 lbs/hr with the 1-hour averaging period.

Monitoring/Recordkeeping/Reporting Requirements: Pursuant to EPA White Paper No. 2, section II(A)(2)(e), the monitoring, recordkeeping, and reporting requirements associated with the most stringent emissions requirement are presumed appropriate for use with the streamlined emissions limit. However, this should be evaluated and confirmed.

Incorporating the Streamlined/Subsumed requirements into the Title V permit: The most stringent streamlined applicable requirement and regulatory citation will be listed in the permit followed by the regulatory citations of the subsumed limits in parenthesis and the word "Subsumed". Streamlining can be done at permit renewal or by using the significant modification procedures for Title V permits. Also as recommended in the EPA White Paper No. 2 a permit shield for the subsumed requirements should be incorporated.

In some cases, more stringent permit requirements than required by existing state or federal rules are included in permits as part of the permit drafting process and comments received from the public. In these cases, the Bureau believes these more stringent requirements can be used to streamline and subsume the less stringent state and federal requirements as long as they are federally enforceable. The Bureau does not at this time intend to allow streamlining of short-term health-based limits.

Department Evaluated Preapproved Streamlining:

Pursuant to the EPA White Paper No. 2 the permitting authority at its option may evaluate multiple permit requirements for a source category and predetermine acceptable streamlining approaches. This does not preclude applicants from proposing their own streamlining or require applicants to use the permit streamlining option.

40 CFR Part 63, Subpart DDDDD, National Emissions Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

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PM

The Department has evaluated 40 CFR Part 63, Subpart DDDDD (Boiler MACT) and has determined streamlining opportunities exist with South Carolina Regulation 62.5, Standard No. 1 provided the applicant chooses to comply with the Boiler MACT by meeting the heat input PM emission limits in Tables 1 and 2 as applicable. The highest PM emission limit contained in these tables is 0.44 lb per million Btu per hour (Btu/hr) of heat input. This limit is more stringent than the 0.6 lbs per million Btu/hr heat input in Standard No. 1 for boiler sizes less than 1300 million Btu/hr. For boilers 1300 million Btu/hr and larger heat input the Standard No. 1 PM limit is determined by the equation $E = 57.84P - 0.637$ with P being the boiler heat input and E the allowable emission rate. Setting E to 0.44, the highest allowed PM emission rate in the Boiler MACT, and solving for P indicates that for any boiler up to 2119 million Btu/hr heat input, the Standard No. 1 PM allowable would be greater than or equal to the PM limit in the Boiler MACT, and the Standard No. 1 PM limits could be subsumed by the Boiler MACT without further review and justification.

Opacity

The Opacity limits in Standard No. 1 are 40% for boilers constructed prior to February 11, 1971 and 20% for boilers constructed after that date. Standard No. 1 also allows for limited exceedances of Opacity during soot blowing. The Boiler MACT contains an Opacity operating limit found in Table 4 for certain boilers. In all instances where an opacity operating limit is required the Opacity must be maintained at or below 10% (daily block average) or as established during the compliance test for PM or TSM. The department has determined it is acceptable to subsume the Standard No. 1 opacity limits into the boiler MACT operating limit for opacity. The 10% operating limit should be adequate to ensure the 20% or 40% opacity limit as applicable in Standard No. 1 would be achieved over the six-minute averaging period. A facility establishing an opacity operating limit other than 10% during the Boiler MACT compliance test would not be allowed an opacity operating limit greater than 15%. The Department believes the 15% operating limit would provide an adequate margin to account for the differences in the averaging periods of the two standards. For sources subject to the opacity operating limit in the Subpart DDDDD, the opacity requirement in Standard 1 may be subsumed by the operating limit in Subpart DDDDD Table 4. A violation of the operating limit would be presumed a violation of the Standard No. 1 opacity limit.

Another option for streamlining the Opacity limits in Standard No. 1 falls under the EPA White Paper No. 2 discussion on subsuming limitations for classes of pollutants provided it can be shown that the streamlined limit will regulate the same set of pollutants to the same extent as the underlying applicable requirements. In this case we are considering PM and opacity as a class of pollutants. This is based on the fact that the EPA (in the Boiler MACT rule) has used an opacity operating limit as a method to demonstrate continuous compliance with an applicable PM limit. Furthermore, facilities in South Carolina have also used site specific data to show a correlation between PM and Opacity. Therefore, for sources that do not directly have an opacity operating limit in Subpart DDDDD to subsume the Standard No. 1 opacity limit, they may provide operating data to show a correlation between PM and opacity. The data should include historical data and test data from the Subpart DDDDD compliance tests. Provided that data shows that the facility would have continuous compliance with the Standard No. 1 opacity limits as long as the facility complies with the PM limit in the Boiler MACT, then the Department will determine it is acceptable to subsume the Standard No. 1 opacity limit into the Boiler MACT PM limit, and compliance with the Boiler MACT will ensure compliance with Standard No. 1 opacity requirements.

The Standard No. 1 PM testing requirements may also be subsumed by the Subpart DDDDD testing requirements. This can be in combination with or separate from the streamlining of the PM emission limit. Please see the memo entitled "Streamlining PM Source Testing for requirements contained in Standard No. 1 and 40 CFR 63, subpart DDDDD" dated May 5, 2020 for a detailed explanation on why the Department has determined it is appropriate to subsume the Standard No. 1 testing requirements into the Boiler MACT.

Monitoring, Reporting and Recordkeeping required by the Boiler MACT have been determined to be adequate to ensure compliance with subsumed applicable requirements. In cases where a facility is currently required to maintain and operate COMs it is expected that these requirements will continue. For Emission Units where Part

64 Compliance Assurance Monitoring (CAM) would be applicable for the subsumed requirements the Department has determined the monitoring required by the Boiler MACT is sufficient to show compliance and Part 64 can be subsumed and considered exempt pursuant to 40 CFR 64.2(b)(1). In all cases the monitoring should be reviewed and a discussion included in the statement of basis on the sufficiency of the streamlined monitoring.

The above notwithstanding. The stringency of a potential streamlined requirement should be verified before implementing a streamlined approach in a particular case.

This document is intended as guidance and should not be relied upon to create any substantive or procedural rights. The Department reserve the right to act in variance with this guidance.

Streamlining PM Source Testing for Requirements Contained in Standard No. 1 and 40 CFR 63, Subpart DDDDD

The following document is intended to be used strictly as guidance and should not be relied upon to create any substantive or procedural rights. The Department reserves the right to act in variance with this guidance.

SC Regulation 61-62.5 Standard No. 1 limits PM emissions from boilers less than 1300 million British thermal units (Btu/hr) heat input to 0.6 pounds (lbs) per million Btu heat input. Section VI, Periodic Testing, requires oil-fired boilers greater than 250 X 106 Btu/hr rated input, coal-fired boilers greater than 50 X 106 Btu/hr rated input and woodwaste or combination woodwaste boilers greater than 20 X 106 Btu/hr rated input conduct periodic particulate matter emissions tests every two (2) years or as required by permit conditions. The statement "or as required by permit conditions" provides the Department flexibility to require source testing on a frequency other than every two years. In addition, the March 5, 1996, EPA White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program (EPA White Paper No. 2) provides guidance indicating it is acceptable to streamline multiple permit requirements, including monitoring. Accordingly, this memorandum addresses opportunities for streamlined PM testing for requirements in Standard No. 1 and 40 CFR Part 63 Subpart DDDDD, National Emissions Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT or Subpart DDDDD).

Use of Subpart DDDDD Annual/Triennial Testing for Compliance with Standard No. 1 Test Requirements

Subpart DDDDD requires covered sources to conduct source testing for PM emissions on either an annual or every three (3) year schedule. Depending on the source, the allowable PM emissions per million Btu/hr heat input in Subpart DDDDD ranges from 0.0011 lb/million Btu heat input to 0.44 lb/million Btu heat input, which equates to 0.183% to 73% of the 0.6 lbs per million Btu/hr input emission limit under Standard No 1. In order to conduct a performance test every three years (as opposed to annually) the source must complete two consecutive annual tests and demonstrate that its emissions are at or below 75% of the applicable Subpart DDDDD PM limit, and that there are no changes in the operation of the source or its associated pollution control equipment that could increase emissions. Based on this criteria, a source eligible for a three-year test cycle under Subpart DDDDD would emit between 0.137% to 55% of the Standard No. 1 PM emissions limit at most, depending on the applicable Subpart DDDDD limit.

The Department has determined that the PM testing as allowed in Subpart DDDDD may be used to determine compliance with the Standard No. 1 PM allowable emission limit. As indicated above, to be eligible for testing every three years, a source cannot have tested at more than 0.137% to 55% of the Standard No. 1 allowable limit (depending on the applicable Subpart DDDDD limit) in two consecutive annual tests. Otherwise the source would be required to test annually. If a source is able to establish the three-year test frequency, it would result in 33% reduction in the number of source tests for Standard No. 1 compliance. Also, the PM source testing required by Standard No. 1 does not include a soot blowing run. The PM testing required by Subpart DDDDD requires a soot blowing run and the calculation of a weighted average emissions rate, making it harder to meet

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the lower emission limitations in subpart DDDDD and more difficult to qualify for the reduced source testing frequency contained in Subpart DDDDD. The Department believes the more stringent emission levels the source must achieve to qualify for the three-year test cycle in Subpart DDDDD offset the reduced Standard No. 1 test frequency and will achieve the same level of compliance.

Streamlining for Limited Use Boilers Subject to Subpart DDDD and Standard No. 1

Facilities with boilers designated as “limited use” under the Boiler MACT may request a case by case determination to waive the source test required by Standard No. 1 or extend the time between stack testing. The facility should provide in the request the past compliance history with respect to PM testing and how the results compared to the Standard No. 1 limit. The facility should also provide other relevant compliance history information, such as compliance history with periodic monitoring (Visual emissions, pressure drop, COM) and compliance history with SO₂, if applicable. The facility should explain how it intends to operate the boiler under limited use. For example, will the 10% capacity be used in one block period or intermittent use? What fuels does the facility intend to burn?

Process for Seeking Streamlined Source Test Requirements for Facilities Subject to Annual/Triennial Testing Under Subpart DDDDD

A facility subject to Subpart DDDDD’s annual/triennial testing requirements may seek streamlined testing requirements through a Title V minor modification; however, if other requirements are streamlined a significant modification to the Title V permit would be required. If a source makes a Title V request (either for a minor modification or for a new or renewed Title V permit) to use streamlined testing required by Subpart DDDDD, the permit engineer/engineering associate should consult with the air toxics section to make sure the facility is subject to the annual/triennial testing. The permit engineer should also consult with appropriate Bureau staff to determine if there is an existing Standard No. 1 compliance issue. Once confirmed, the permit engineer should include the condition below in the permit to ensure the testing completed provides the proper information to show compliance with Standard No. 1. If at any time Subpart DDDDD is vacated or changed in any way, the Department may at its discretion revert back to a requirement to conduct the source test every 2 years. A file review should be completed for existing sources that request to use the Boiler MACT test schedule based on results of previous MACT testing to confirm the test results.

If the boiler is subject to Compliance Assurance Monitoring (CAM) and stack testing is part of CAM compliance, the facility must submit a new CAM plan. Any changes to the CAM plan deemed to be less stringent will trigger a significant Title V modification; otherwise, it would require a Title V minor modification.

Sample Permit Language

The following condition should be used in permits for which the testing requirements in 40 CFR Part 63, Subpart DDDDD, National Emissions Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters are used for Standard No. 1 compliance. The condition should be placed in the Standard No. 1 testing section.

In lieu of biennial PM testing under SC Regulation 61-62.5 Standard No. 1, PM source testing for Standard No. 1 shall be conducted in accordance with 40 CFR 63, Subpart DDDDD, National Emissions Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. Should the applicability of Subpart DDDDD change or if the Subpart DDDDD testing requirements are modified to be less stringent, the facility must comply with the Standard No. 1 biennial testing requirements. All source tests shall be completed to ensure the results are acceptable for use in demonstrating compliance with Standard No. 1 allowable PM emission limits.

Condition for when testing is waived for a “limited use” boiler.

Provided the boiler maintains its status as a “limited use” boiler under the Boiler MACT and complies with the “limited use” Boiler MACT requirements, a biennial source test will not be required. If at any time the boiler fails to comply with the MACT requirements for a “limited use” boiler, or the applicability to Subpart DDDDD changes, a PM source test must be completed within 180 days of being notified by the Department to source test.

Caveats:

This guidance does not apply to Utility boilers that have a total equipment capacity rating greater than 1300 million Btu/hr heat input, and as such may have lower Standard No. 1 allowable PM limits. These units may submit a case by case determination to justify using a different source test schedule.

This guidance applies to sources subject to annual/triennial PM testing under Subpart DDDDD. Sources subject to PM testing under other MACT standards will require a case-by-case review.

This guidance does not apply to sources where stack test requirements may be less stringent under Subpart DDDDD.

Both Standard No. 1 and Subpart DDDDD limits still apply, and the testing results should be compared to both limits for compliance.

This streamlining guidance does not apply to a facility in non-compliance with Standard No. 1.

Although Subpart DDDDD testing may be used for Standard No. 1 compliance, all other requirements of Standard No. 1 are applicable.

Compliance Assurance Monitoring (CAM), if applicable, is still required for Standard No. 1 and may require more stringent testing than Subpart DDDDD. Presumptive MACT (CAM allowance) does not apply to Standard No. 1.

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 **May 22, 2020** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Berkeley County

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

Establishment of diagnostic cardiac catheterization services through the addition of a diagnostic cardiac catheterization laboratory at a total project cost of \$141,938.

Affecting Florence County

Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center Freestanding Emergency Department

Construction of a 10,500 sf Freestanding Emergency Department (FSED) in Florence County at a total project cost of \$15,283,144.

Affecting Georgetown County

Georgetown Treatment Specialists, LLC

Establishment of an Opioid Treatment Program (OTP) in Georgetown County at a total project cost of \$111,200.

Affecting Horry County

Conway Hospital, Inc. d/b/a Conway Medical Center - Carolina Forest

Construction for the establishment of a 50-bed acute care hospital in Horry County through transfer of 50 licensed hospital beds from Conway Medical Center at a total project cost of \$160,832,776.

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Affecting Orangeburg County

The Regional Medical Center of Orangeburg and Calhoun Counties d/b/a RMC Ambulatory Surgery Center

Renovation of an existing 10,016 sf building for the establishment of a multi-specialty Ambulatory Surgery Facility with 6 operating rooms at a total project cost of \$2,406,060.

Affecting Sumter County

Sumter Behavioral Health, LLC d/b/a Midlands Behavioral Health Hospital

Construction for the establishment of a 32-bed psychiatric hospital in Sumter County at a total project cost of \$15,079,889.

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 **May 22, 2020**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

Affecting Abbeville County

Prisma Health-Upstate d/b/a Prisma Health Home Health Agency

Establishment of a Home Health Agency in Abbeville County at a total project cost of \$1,800.

Affecting Florence County

Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation

Construction of a 63,620-sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.

Affecting Greenwood County

Prisma Health-Upstate d/b/a Prisma Health Home Health Agency

Establishment of a Home Health Agency in Greenwood County at a total project cost of \$4,600.

Affecting Laurens County

Prisma Health-Upstate d/b/a Prisma Health Home Health Agency

Establishment of a Home Health Agency in Laurens County at a total project cost of \$16,800.

Affecting Newberry County

Prisma Health-Upstate d/b/a Prisma Health Home Health Agency

Establishment of a Home Health Agency in Newberry County at a total project cost of \$3,700.

Affecting Spartanburg County

Prisma Health-Upstate d/b/a Prisma Health Home Health Agency

Establishment of a Home Health Agency in Spartanburg county at a total project cost of \$18,600.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

Philip Services Corporation (ThermalKEM) Site, LWM File #51316

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Settlement and Consent Decree (Settlement) with numerous responsible parties that have formed the Philip Services Corporation (PSC) PRP Group to address the contamination at the former Philip Services Corporation Site (also known as “ThermalKEM”) (the “Site”). DHEC and the PSC PRP Group intend to seek approval of the Settlement with the United States District Court of South Carolina (Court).

Upon approval by the Court, the Settlement provides for the reimbursement of approximately \$3.5 million of DHEC’s past response costs and certain DHEC future response costs, and the funding and performance of the remedial action with DHEC’s oversight. The Settlement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended).

The Settlement relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the Site located in York County at 2324 Vernsdale Road in Rock Hill, South Carolina. In consideration of the foregoing, upon judicial approval of the Settlement and the obligation of payments to DHEC, the Settlement shall provide each of the settling parties with contribution protection and certain contribution rights against any non-settlors pursuant to CERCLA 42 U.S.C. Section 9613.

A notice of settlement, contribution protection, and comment period will also be provided to other potentially responsible parties via newspaper publication and on DHEC’s webpage. The Settlement is available:

- (1) On-line at www.scdhec.gov/Apps/Environment/PublicNotices or
- (2) By contacting Gary Stewart at 803-898-0778 or stewarrg@dhec.sc.gov.

Any comments to the Settlement must be submitted in writing, postmarked no later than June 23, 2020, and addressed to: Gary Stewart, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201. After considering all the comments received, DHEC intends to file the Settlement with the Court for approval.

UPON APPROVAL AND ENTRY OF THE SETTLEMENT BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST MEMBERS OF THE PSC PRP GROUP SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than June 22, 2020 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Point to Point Environmental, Inc.

Attn: Mr. Mark Faas
1010 Pennsylvania Avenue
McDonough, GA 30253

STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, and 59-59-10 et seq.

Notice of Drafting:

The State Board of Education proposes to amend Regulation 43-279, Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts.

Interested persons may submit their comments in writing to Dr. Sabrina Moore, Director, Office of Student Intervention Services, Division of Educator, Community Resources, 1429 Senate Street, Room 805, Columbia, South Carolina 29201 or by e-mail to smoore@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on June 22, 2020.

Synopsis:

Regulation 43-279, Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts, establishes expectations for student conduct in South Carolina and outlines possible sanctions. It is being amended to identify “sexting” as a Level II disciplinary infraction.

Legislative review is required.

STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-19-90(10), 59-63-30, 59-63-420, 59-63-470, 59-63-480, 59-63-490, 59-63-500, 59-63-510, 59-63-520, 59-63-530, 59-65-30, and 59-65-90

Notice of Drafting:

The State Board of Education proposes to amend Regulation 43-273, Transfers and Withdrawals.

Interested persons may submit their comments in writing to Sherrie Beaver, Education Associate, Office of Student Intervention Services, Division of Educator, Federal, and Community Resources, 1429 Senate Street, Room 805, Columbia, South Carolina 29201 or by e-mail to sabeaver@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on June 22, 2020.

Synopsis:

Regulation 43-273, Transfers and Withdrawals, establishes guidelines for students who transfer to or withdraw from a public school in South Carolina. The amendment is proposed to clarify how district representatives should treat the evidence of work provided by students who desire to transfer from a home school association to a public school in South Carolina.

Legislative review is required.

66 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-96-360 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes drafting a new regulation that establishes procedures, standards, and other requirements for the proper operation and management of facilities that process or recycle construction and demolition debris. Interested persons may submit their comments by writing to Juli Blalock at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on June 22, 2020, the close of the drafting comment period. This notice of drafting supersedes the notice previously published on May 24, 2019, as a revision of R.61-107.6, Solid Waste Management: Solid Waste Processing Facilities.

Synopsis:

During the 2018 legislative session, the General Assembly passed Act 170 (“Act”), which revised the South Carolina Solid Waste Policy and Management Act of 1991. The Act codified language at S.C. Code Ann. Section 44-96-360 *et seq.*, which establishes conditions for facilities that process or recycle construction and demolition debris.

The Department proposes a new regulation to address and implement provisions of the Act to regulate facilities that process or recycle construction and demolition debris. This new regulation, R.61-107.20, will establish requirements including registration, permitting, location, operation, and reporting requirements for construction and demolition debris processing and recycling facilities. The regulation will also address the applicability of the regulation and will clarify exemption requirements. For facilities that fail to adhere to proper procedures, the regulation will address penalties and establish procedures for the revocation or suspension of a permit.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of this new regulation.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-96-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals. Interested persons may submit comments in writing to Juli Blalock at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on June 22, 2020, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, the Department oversees the recycling of food waste, yard trash, brush and other organic material to produce compost and wood mulch. The Department proposes amending R.61-107.4, to more effectively regulate composting facilities, and better protect human and environmental health. The proposed amendments will address issues including quality assurance and testing requirements,

acceptance of unauthorized wastes, and permitting requirements. Proposed amendments may also include operating requirements, including material management, equipment maintenance, fire preparedness, and prevention of vectors, odors, dust, and litter. The Department also proposes amending the financial assurance requirements for permitted composting facilities to ensure the requirements are adequate for closure, post-closure, and corrective action activities, but do not create an undue burden for composters.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of this proposed amendment.

68 EMERGENCY REGULATIONS

Filed: April 23, 2020 4:10pm

Document No, 4965
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-70, 40-15-40, and 40-15-140

39-19. Dental Resident Limited License.

Emergency Situation:

On March 13, 2020, Governor McMaster issued Executive Order No. 2020-08, declaring a public health emergency due to the risks and impacts of COVID-19. On March 28, 2020, Governor McMaster issued Executive Order 2020-15, which reiterated the state of emergency in South Carolina secondary to COVID-19.

Text:

39-19. Dental Resident Limited License.

A. The South Carolina Board of Dentistry hereby authorizes the issuance of a Dental Resident Limited License (DRLL) pursuant to South Carolina Code §§ 40-1-70, -40, and -140.

B. This license shall allow hospital-based residents to gain licensure so as to obtain hospital privileges necessary to begin their residency programs.

C. In order to qualify for a DRLL, an applicant (1) must have graduated from a CODA-approved dental program, (2) must be enrolled in a CODA-approved residency program or a Masters' level clinical degree program at a CODA-accredited dental school, in the year 2020, and (3) must have complied with all licensing other requirements, except completion of the licensing exam(s), set forth by South Carolina Code § 40-15-10 et. seq., its attendant regulations, and the Board.

D. If an applicant holds a valid dental license in another state, that license must be certified by the program director.

E. A licensee under this license may only practice dentistry under direct or indirect supervision of program faculty and is forbidden to practice in private practice setting away from the institution.

F. The DRLL shall be valid for a period of one year, but may be renewed at the discretion of the Board.

G. This issuance of the DRLL does not relieve an applicant from fulfilling all South Carolina licensure requirements including successful completion of all examinations following a residency program.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: As a result of this public health emergency, testing for dental licenses has been suspended until further notice. However, dental students who are entering a residency program in South Carolina are expected to begin their residency no later than July 1, 2020. Even if testing were to resume, it is projected that such testing will be delayed several more weeks at best and that initially only small numbers of dental graduates will be able to test. Dental residents unable to test and enroll in their residency programs will delay their residency by one year, and, due to the varying lengths of the residency programs, it could impact multiple years' worth of dental care to residents of South Carolina.

Legal Authority: 1976 Code Sections 40-1-70, 40-15-40 and 40-15-140.

Plan for Implementation: The Board of Dentistry will implement the licensing requirements of the DRLL.

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

The benefits to the public are that the creation of the DRLL allows the continuation of education of dental school graduates who are entering residency programs, thereby preventing a delay of one year or more for the completion of these residency programs, thus creating a delay in dental services to the citizens of South Carolina in areas of dentistry offered through dental residency programs.

DETERMINATION OF COSTS AND BENEFITS:

The emergency regulation will present no cost to the State of South Carolina.

UNCERTAINTIES OF ESTIMATES:

It is uncertain how long the state of emergency will last.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no negative effect on the environment. It will protect the public welfare of the State and will provide continuity of dental residents, and thus continuity of dental care by these dental students who are pursuing specialties. While in the programs, residents also provide dental care to community clinics, the underserved population, and veterans, among others.

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

A delay or shortage of specialists in the fields of pediatrics, periodontics, implant dentistry, restorative dentistry, periodontics, conscious sedation, oral and maxillofacial surgery, and others could result from the delay in allowing these graduates to begin their residencies. Additionally, the Dental Practice Act does not mandate licensure of the dental residents but it is required of the residency programs.

Filed: April 17, 2020 4:49pm

Document No. 4964
DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONERS OF PILOTAGE
CHAPTER 136

Statutory Authority: 1976 Code Sections 54-15-120 and 54-15-140(2), (4) and (9)

136-100. Emergency Licenses.

Emergency Situation:

S.C. Code Section 54-15-270 requires that all vessels entering the pilotage area of the Port of Charleston must have on board a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area. Currently, the Port of Charleston has eighteen (18) licensed pilots. On March 13, 2020, Governor McMaster issued Executive Order No. 2020-08, declaring a public health emergency due to the risks and impacts of COVID-19. If the current pilots become exposed to or infected by COVID-19, there may not be enough licensed pilots for the Port of Charleston to meet the requirements of the law during this public health emergency.

70 EMERGENCY REGULATIONS

Text:

136-100. Emergency Licenses.

A. The South Carolina Commissioners of Pilotage for the Lower Coastal Area waive the three-year apprenticeship for current apprentices pursuant to S.C. Code Section 54-15-120(D) and waive the seventy year-old age limitation in Regulation 136-013 for retired pilots previously licensed by the Commissioners.

B. This waiver of licensing requirements and age limitations shall remain in effect for the duration of the declared public health state of emergency.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: to provide for emergency licensure as pilots of current apprentices and retired pilots previously licensed by the Commissioners during the current state of emergency caused by COVID-19 in order to provide safe vessel movement and safe and efficient administration of pilotage.

Legal Authority: 1976 Code Sections 54-15-120 and 54-15-140(2), (4), and (9).

Plan for Implementation: The Commissioners of Pilotage for the Lower Coastal Area will issue emergency pilot licenses to current apprentices and to retired pilots previously licensed by the Commissioners as needed. No additional personnel or funds should be necessary.

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

The cost to the Port of Charleston of delays in vessel movement would be high. The risk to safety of persons and cargo from the use of apprentices and retired pilots during the state of emergency would be low.

DETERMINATION OF COSTS AND BENEFITS:

The emergency regulation will present no costs to the State of South Carolina.

UNCERTAINTIES OF ESTIMATES:

It is uncertain how long the state of emergency will last.

EFFECT OF ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment and public health of this State. It will protect the public safety.

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

A shortage of licensed pilots may disrupt supply lines and cause fatigue of the pilots.

Document No. 4876
SECRETARY OF STATE
 CHAPTER 113

Statutory Authority: 1976 Code Sections 30-6-10 et seq.

113-325. Electronic Transmissions.

Synopsis:

The General Assembly passed the Uniform Real Property Electronic Recording Act (Section 30-6-10, et seq.) which became effective May 13, 2008. Pursuant to the authority conferred by the Act, the Office of the Secretary of State promulgated regulations to adopt standards to implement the Act which went into effect on April 23, 2010.

The proposed amendment will broaden the language of Regulation 113-325(C) regarding the transmittal sheet requirement for electronic transmissions to make clear that XML data is acceptable to fulfill this requirement. The Notice of Drafting of this proposed amendment was published in the *State Register* on December 28, 2018. The proposed regulation was published in the *State Register* on February 22, 2019.

Instructions:

Amend the text of Regulation 113-325 of the South Carolina Code of Regulations, which is titled “Electronic Transmissions” to delete the current text of subsection (C) and replace it with the following language: Information contained in the transmittal sheet may be received in XML format as permitted by the register. The regulation to be amended is found in Chapter 113, Article 3 of the South Carolina Code of Regulations and was initially printed in *State Register, Volume 34, Issue No. 4*, effective April 23, 2010.

Text:

CHAPTER 113

SECRETARY OF STATE

ARTICLE 3

UNIFORM REAL PROPERTY RECORDING ACT

(Statutory Authority: 1976 Code Sections 30-6-10 to 30-6-70)

113-325. Electronic Transmissions.

A. Instruments shall be transmitted through either a secured website or an electronic recording delivery system. The method of transmission shall be identified in the MOU signed by the authorized filer and the register.

B. An authorized filer shall visually inspect each instrument prior to transmitting to ensure compliance with existing statutory recording requirements and the regulations herein.

C. Information contained in the transmittal sheet may be received in XML format as permitted by the register.

D. The register may post guidelines to assist customers submitting documents electronically.

Fiscal Impact Statement:

The Office of the Secretary of State anticipates that there will be no costs incurred by the State and its political subdivisions in complying with the proposed amendment of Regulation 113-125.

72 FINAL REGULATIONS

Statement of Rationale:

The proposed amendment will broaden the language of Regulation 113-325 regarding the transmittal sheet requirement for electronic transmissions to make clear that XML data is acceptable to fulfill this requirement. This language is needed to expand the methods allowed for transmittal of required data for the convenience and ease of both county recorders and filers.