

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2023 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

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

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5145			Child Support Guidelines	01/13/2024	Department of Social Services	Regs and Admin Procedures	Judiciary
5175			Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5111			Campaign Practices and Reports	05/08/2024	State Ethics Commission		
5112			Contested Case Procedure	05/08/2024	State Ethics Commission		
5113			General	05/08/2024	State Ethics Commission		
5115			Statement of Economic Interests and Contract Disclosure Forms	05/08/2024	State Ethics Commission		
5114			Lobbyists, Lobbyist's Principals and Rating Entities	05/08/2024	State Ethics Commission		
Committee Request Withdrawal							
5136			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs

2 EXECUTIVE ORDERS

Executive Order No. 2023-20

WHEREAS, the undersigned has been notified of the passing of Specialist Jayson Reed Haven, South Carolina National Guard, who lost his life on May 25, 2023, in a non-combat-related incident, while dutifully serving in support of Operation Spartan Shield; and

WHEREAS, Specialist Haven, a South Carolina native, dedicated his life to serving the State of South Carolina and the United States of America and defending freedom, and his loss warrants the people of this State appropriately recognizing and honoring his distinguished service and 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 member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, . . . the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161 of the South Carolina Code of Laws, as amended, similarly provides that “the flags which are flown atop the State Capitol Building must be lowered to half-staff on the day on which funeral services are conducted for . . . members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat”; and

WHEREAS, section 10-1-161 of the South Carolina Code of Laws further states that “[u]pon the occurrence of an extraordinary event resulting in death or upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Thursday, June 15, 2023, in tribute to Specialist Haven and in honor of his distinguished service and supreme sacrifice. I request that the flags over state buildings and 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 13th DAY OF JUNE, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No. 2023-21

WHEREAS, the undersigned has been notified of the passing of Curtis B. Inabinett, Sr., who previously served as a member of the South Carolina House of Representatives; and

WHEREAS, in addition to his dutiful service as a member of the South Carolina House of Representatives, Curtis B. Inabinett, Sr. previously served the State of South Carolina as a member of Charleston County Council, Mayor of the Town of Ravenel, and in various other state and local capacities; and

WHEREAS, prior to his distinguished public service, Curtis B. Inabinett, Sr. served honorably in the United States Army; and

WHEREAS, Curtis B. Inabinett, Sr. was a dedicated public servant, principled leader, tireless community and civil rights advocate, passionate educator, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

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

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, July 8, 2023, in honor of Curtis B. Inabinett, Sr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF JULY, 2023.**

**HENRY MCMASTER
Governor**

4 NOTICES

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 **July 28, 2023**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Charleston County

Trident Medical Center, LLC d/b/a Johns Island Hospital

Construction for the establishment of a new 40-bed acute care and 10 ICU bed hospital for a total of 50 beds in Charleston County with 4 ORs, 1 Cath Lab, CT and MRI services for a total of 236,420 sf at a total project cost of \$277,271,812.00.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

PROPOSED PLACEMENT OF XYLAZINE INTO THE CONTROLLED SUBSTANCE SCHEDULES AND PUBLIC HEARING

In accordance with Section 44-53-160(B), Code of Laws of South Carolina, the public is hereby notified that the South Carolina Department of Health and Environmental Control proposes to add Xylazine [N-(2,6-dimethylphenyl)-5,6-dihydro-4H-1,3-thiazin-2-amine hydrochloride (trade and other names: Rompun, Sedazine, AnaSed)] to the schedules of controlled substances.

A public hearing for the proposed addition of Xylazine into the schedules of controlled substances will take place Thursday, September 7, 2023, during the Board of Health and Environmental Control's monthly meeting. The public hearing and meeting will be held at 10:00 AM on the 3rd Floor, Room 3420, of the S.C. DHEC Central Office located at 2600 Bull St., Columbia, S.C. 29201, at which time interested persons will be given the opportunity to appear and present views to the Board on the scheduling of Xylazine as a controlled substance.

If you have questions or comments, please email publichealthpolicy@dhec.sc.gov.

SOUTH CAROLINA AERONAUTICS COMMISSION
CHAPTER 4

Statutory Authority: 1976 Code Sections 55-1-1 et seq.,
particularly Section 55-5-80 (N) and Section 55-5-280 (D)

Notice of Drafting:

The South Carolina Aeronautics Commission proposes to draft regulations addressing the use of the State Aviation Fund by the Commission and the Division of Aeronautics and the protection of public investment in public use airports and airport property from obstructions, safety hazards, and incompatible land uses in close proximity to such airports. Interested parties are invited to present their views in writing to Mr. Gary Siegfried, Interim Executive Director, South Carolina Aeronautics Commission, 2553 Airport Blvd., West Columbia, South Carolina, 29170-2142. To be considered, comments must be received no later than 5 p.m. on August 29, 2023, the close of the drafting comment period.

Synopsis:

The South Carolina Aeronautics Commission is charged by Title 55 of the South Carolina Code of Laws, as amended, with the administration of the State Aviation Fund. The Commission seeks to draft and submit for approval regulations that enumerate and clarify existing procedures that are required by statute regarding the protection of public investment in public use airports and airport property from obstructions, safety hazards, and incompatible land uses in close proximity to such airports in South Carolina.

This regulation will require legislative review.

STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, and 7-13-1640

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title Seven of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be (a) the retention and storage of election records, and (b) the storage of equipment used to conduct elections.

Legislative review of these regulations will be required.

6 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394, 44-37-40, 44-37-50, and 44-41-70(a)

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries. Interested persons may submit written comments to the Healthcare Quality Office of Policy and Communications, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov; or the Healthcare Quality Public Comment Form (forms.office.com/g/9VMEXLWtq0). To be considered, the Department must receive comments no later than 5:00 p.m. on August 28, 2023, the close of the Notice of Drafting comment period.

This notice supersedes the Notice of Drafting that was published in South Carolina State Register Volume 47, Issue 3 on March 24, 2023.

Synopsis:

Pursuant to S.C. Code Sections 44-7-250 and -260(A)(1), the Department establishes and enforces minimum standards for the licensure, maintenance, and operation of hospitals to ensure the safe and appropriate treatment of persons served in this state. The Department proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, to ensure alignment with current state laws and to update and revise definitions, license requirements and fees, staff and training, reporting, disaster management, accommodations for patients, patient care and services, perinatal services, design and construction, fire protection, prevention and life safety, and policies and procedures.

The proposed amendments may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

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

DEPARTMENT OF INSURANCE CHAPTER 69

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

Notice of Drafting:

The Department of Insurance proposes to revise Regulation 69-77, Pharmacy Benefits Managers. Interested persons may submit written comments to Melissa Manning, Legislative Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 29, 2023, the close of the drafting comment period.

Synopsis:

The Department is proposing to make changes to Regulation 69-77 to add a subsection to outline the process and procedure for an external appeals process which pharmacies can use after they’ve exhausted the internal appeal process through the Pharmacy Benefits Manager. This regulation supports Section 38-71-2240 which was added during the 2023 legislative session.

Proposed revisions will require legislative review.

DEPARTMENT OF INSURANCE
CHAPTER 69

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

Notice of Drafting:

The Department of Insurance proposes to revise Regulation 69-77, Pharmacy Benefits Managers. Interested persons may submit written comments to Melissa Manning, Legislative Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 29, 2023, the close of the drafting comment period.

Synopsis:

The Department is proposing to make changes to Regulation 69-77 to update Section II regarding licensing of Pharmacy Benefits Managers. These updates reflect amendments to Section 38-71-2235 that were passed during the 2023 legislative session.

Proposed revisions will require legislative review.

DEPARTMENT OF INSURANCE
CHAPTER 69

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

Notice of Drafting:

The Department of Insurance proposes a new Regulation 69-78, Pharmacy Services Administrative Organizations. Interested persons may submit written comments to Melissa Manning, Legislative Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 29, 2023, the close of the drafting comment period.

Synopsis:

The Department is proposing to add Regulation 69-78 to outline the new requirement regarding licensure of these entities with the Department of Insurance. This regulation supports Section 38-71-2240 which was added during the 2023 legislative session and will outline the process for these companies to apply for licensure with the Department.

Proposed revisions will require legislative review.

8 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Board of Medical Examiners, whose fees appear in Chapter 10 of the South Carolina Code of Regulations. Interested persons may submit comments to Maggie Parham Murdock, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Board of Medical Examiners.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Building Codes Council, whose fees appear in Chapter 10 of the South Carolina Code of Regulations. Interested persons may submit comments to Molly F. Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Building Codes Council.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 25

Statutory Authority: 1976 Code Section 40-9-30(D)(3)

Notice of Drafting:

The South Carolina Board of Chiropractic Examiners proposes to amend the following regulations following its five-year regulatory review conducted in accordance with S.C. Code Section 1-23-120(J): R.25-3, R.25-5, R.25-6, R.25-7, R.25-8, and R.25-9. Interested persons may submit comments to Mack Williams, Administrator for the Board of Chiropractic Examiners, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Chiropractic Examiners proposes to amend the following regulations after its five-year regulatory review conducted in accordance with S.C. Code Section 1-23-120(J): R.25-3 regarding the procedure for endorsement; R.25-5 regarding inactive status and reinstatement following inactive status; R.25-5(B) regarding the number of continuing education hours that can be obtained online and regarding sponsorship of continuing education; R.25-5(E) regarding adding modalities as appropriate for chiropractic and certification, examination and/or training required to do so; R.25-5(G) regarding revision of the fine structure for continuing education offenses; R.25-6 regarding standards for unprofessional or immoral conduct, and the definition of articulations as including extra-spinal articulations; R.25-7 regarding revising the definition of sexual misconduct; R.25-8 regarding including digital or social media platforms, and clarifying and updating as needed; and R.25-9 regarding the procedure for requesting review of a temporary suspension order.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE LICENSING BOARD FOR CONTRACTORS**

CHAPTER 29

Statutory Authority: 1976 Code Section 40-11-60

Notice of Drafting:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to conform to the requirements as set forth in 2023 S.C. Act No. 69, passed by the General Assembly in May 2023 and to make necessary changes following its five-year regulatory review required by S.C. Code Section 1-23-120(J). Additionally, the Board proposes to promulgate regulations regarding boilers. Interested persons may submit comments to Molly F. Price, Administrator, Contractor's Licensing Board, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to conform to the requirements as set forth in 2023 S.C. Act No. 69, passed by the General Assembly in May 2023 and to make necessary changes following its five-year regulatory review required by S.C. Code Section 1-23-120(J). Additionally, the Board proposes to promulgate regulations regarding boilers.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF DENTISTRY**

CHAPTER 39

Statutory Authority: 1976 Code Section 40-15-40

Notice of Drafting:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Interested persons may submit comments to Amy Holleman, Administrator, Board of Dentistry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

10 DRAFTING NOTICES

Synopsis:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J).

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATORS AND AMUSEMENT RIDES
CHAPTER 71

Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations, appearing in Chapter 71 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Interested persons may submit comments to: Duane Scott, Sr., Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations, appearing in Chapter 71 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J).

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF MEDICAL EXAMINERS
CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-5, and 40-47-10

Notice of Drafting:

The South Carolina Board of Medical Examiners proposes adding regulations for athletic trainers as required by 2023 Act No. 77. Interested persons may submit comments to Maggie Murdock, Administrator, South Carolina Board of Medical Examiners, 110 Centerview Drive, Columbia, SC 29210.

Synopsis:

In June 2023, the General Assembly passed S.397, transferring regulatory authority of athletic trainers from DHEC to LLR. Sections 3 and 5 of the bill, uncodified provisions, established that regulations promulgated by DHEC were continued, and LLR would assume licensure of athletic trainers upon the effective date of the new regulations it promulgated, which are to include a fee schedule and a provision creating a uniform renewal date for all athletic trainers' licenses.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-220

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to repeal R.71-1201 and 71-1202. Interested persons may submit comments to Kristina Baker, Deputy Director, SC OSHA, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to repeal R.71-1201 and 71-1202, regarding compensation for the Occupational Health and Safety Review Board, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF PHARMACY
CHAPTER 99**

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c)

Notice of Drafting:

The South Carolina Board of Pharmacy proposes to amend various sections of Chapter 99. Interested parties may submit comments to Traci Collier, Administrator, South Carolina Board of Pharmacy, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The State Board of Pharmacy proposes to amend Chapter 99, including but not limited to:

1. providing clarification and guidance regarding permitting of virtual wholesalers and virtual manufacturers and other new pharmacy business models;
2. providing clarification and guidance on automated dispensing systems;
3. providing clarification and guidance on the donation of legend drugs involving free clinics;
4. providing clarification and guidance on remote work;
5. providing clarification and guidance regarding collaborative practice in pharmacy;
6. providing clarification and guidance on the duties and required supervision for “pharmacy technicians” and “certified pharmacy technicians”;
7. clarification of reporting requirements required by state or federal laws including the Drug Supply Chain Security Act (DSCSA);
8. clarification and guidance regarding compounding that reflect changes to USP Compounding Standards and emerging business models.

Legislative review of this amendment is required.

12 DRAFTING NOTICES

DEPARTMENT OF MOTOR VEHICLES

CHAPTER 90

Statutory Authority: 1976 Code Section 56-1-5, et. seq.

Notice of Drafting:

The South Carolina Department of Motor Vehicles (SCDMV) proposes to promulgate regulations regarding establishing a billing account for SCDMV records, SCDMV invoicing procedures, delinquent billing accounts, and closing billing accounts. Persons interested in submitting comments regarding this Notice of Drafting may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020.

Synopsis:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-250 through 38-253. The SCDMV proposes to promulgate similarly worded regulations in the SCDMV Chapter of the South Carolina Code of Regulations with some amendments to keep with current SCDMV practice for billing accounts.

Legislative review of the promulgated regulations is required.

DEPARTMENT OF MOTOR VEHICLES

CHAPTER 90

Statutory Authority: 1976 Code Section 56-3-10, et seq.

Notice of Drafting:

The South Carolina Department of Motor Vehicles (SCDMV) proposes to promulgate regulations regarding motor vehicle license plates for members of the United States Congress, members of the South Carolina General Assembly, and various state officials. Persons interested in submitting comments regarding this Notice of Drafting may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020.

Synopsis:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-100 through 38-102. The SCDMV proposes to promulgate the same exact regulations in SCDMV Chapter of the South Carolina Code of Regulations.

Legislative review of the promulgated regulations is required.

DEPARTMENT OF MOTOR VEHICLES
CHAPTER 90
Statutory Authority: 1976 Code Section 56-9-60

Notice of Drafting:

The South Carolina Department of Motor Vehicles (SCDMV) proposes to promulgate regulations regarding self-insurers. Persons interested in submitting comments regarding this Notice of Drafting may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020.

Synopsis:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to a regulation currently contained at S.C. Reg. 38-121. The SCDMV proposes to promulgate a similarly worded regulation in the SCDMV Chapter of the South Carolina Code of Regulations with amendments to the regulation to delete unnecessary sections now contained in statute and additions to address functional issues regarding self-insurers.

Legislative review of the promulgated regulations is required.

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Document No. 5201
STATE ELECTION COMMISSION
CHAPTER 45
Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-15. Emergency Procedures. (New)

Preamble:

The State Election Commission (SEC) proposes to add a new regulation requiring county boards of voter registration and elections to develop emergency procedure plans for polling places during elections.

Section-by-Section Discussion:

Create a new regulation, R.45-15.

The Notice of Drafting was published in the *State Register* on March 24, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on September 20, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on Monday, August 28, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed new Regulation 45-15.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-15, "Emergency Procedures".

Purpose: The SEC proposed a new regulation to ensure that every polling place has an emergency procedures plan.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for Implementation: When the regulation is approved and then published in the South Carolina State Register, the SEC will advise the 46 county boards of voter registration and elections of the amendment. The SEC will also post a notice of the new regulation to its website.

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

Under Title 7 the 1976 South Carolina Code of Laws, as amended, county boards of voter registration and elections are required to staff and manage polling places while voting occurs. The purpose of the new regulation is to ensure that each polling place has an emergency procedures plan in place to ensure that voting is not interrupted while polls are open, that voting can continue in safety, and that election equipment and voting records are preserved.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-15.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The proposed new regulation is intended to require that each polling place has an emergency procedures plan in place to ensure that when emergencies occur, or are likely to occur, voting may continue while polls are to be open; that voting can continue in safety, and that election equipment and voting records are preserved.

Text:

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

Document No. 5202
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-11. Candidate Withdrawals. (New)

45-13. Managers of Election; Appointment and Training. (New)

Preamble:

The State Election Commission (SEC) proposes to add two new regulations addressing the withdrawal by certain candidates from consideration for election to public office, and the appointment and training of managers of election (poll workers).

Section-by-Section Discussion:

Create a new regulation, R.45-11.

Create a new regulation, R.45-13.

The Notice of Drafting was published in the *State Register* on February 24, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

16 PROPOSED REGULATIONS

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on September 20, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on Monday, August 28, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed new regulations 45-11 and 45-13.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS: Regulation 45-11, "Candidate Withdrawals". Regulation 45-13, "Managers of Election; Appointment and Training".

Purpose: The SEC proposes a new regulation 45-11 to establish standards and procedures for candidates and county boards of voter registration and elections to follow when a candidate withdraws from consideration for elective office. The SEC also proposes a new regulation 45-13 establishing procedures and standards for the appointment and training of poll workers by county boards of voter registration and elections.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for Implementation: After the proposed regulations are approved and then published in the South Carolina State Register, the SEC will advise the 46 county boards of voter registration and elections of the amendment. The SEC will also post notice of the regulation on its website.

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

R.45-11: The withdrawal by candidates from being considered for elective office can cause logistical problems in conducting elections, cause added expense in preparing or printing new ballots, and cause confusion in the voting public. The proposed regulation sets baseline standards for candidate withdrawals that are intended to minimize these problems.

R.45-13: Under Title 7 the 1976 South Carolina Code, as amended, county boards of voter registration and elections are to appoint and train persons to act as poll workers during elections. The regulation clarifies that the county boards have sole discretion to appoint or remove persons as poll workers, and states the baseline requirements for conducting poll worker training before such persons may work at polls.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed new Regulations 45-11 and 45-13.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

R.45-11: Ballots for elections must be prepared well in advance of elections. If ballots for an election have already been prepared or printed and a candidate then withdraws from consideration in the election, it can cause logistical problems in conducting the elections, cause added expense in preparing or printing new ballots, and cause confusion in the voting public. In order to minimize these possibilities, the proposed regulation seeks to establish a deadline for the time by which candidates should provide notice that they intend to withdraw from an election. However, given that exigent circumstances may not allow a candidate to provide timely notice of withdrawal, the proposed regulation provides guidance for conducting the election as smoothly as possible without causing confusion to the voting public.

R.45-13: Under Title 7 the 1976 South Carolina code, as amended, county boards of voter registration and elections are to appoint and train persons to act as managers of election (poll workers) during elections. The regulation clarifies that the county boards have sole discretion to appoint or remove persons as managers of election, and states the baseline requirements for conducting training before such persons may work at polls.

Text:

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

Document No. 5203
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-12. Electronic Petitions. (New)

Preamble:

The State Election Commission (SEC) proposes to add a new regulation addressing the use of electronic means to conduct petition drives.

Section-by-Section Discussion:

Create a new regulation, R.45-12.

The Notice of Drafting was published in the *State Register* on March 24, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on September 20, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments

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must be received no later than 5:00 PM on Monday, August 28, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed new Regulation 45-12.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-12, "Electronic Petitions".

Purpose: The SEC proposes a new regulation establishing certain procedures and standards for those wishing to conduct a petition drives as allowed under state law.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for Implementation: When the regulation is approved and then published in the South Carolina State Register, the SEC will advise the 46 county boards of voter registration and elections of the amendment. The SEC will also post a notice of the new regulation to its website.

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

Title 7 the 1976 South Carolina Code, as amended, includes provisions for prospective non-partisan candidates to have their name placed on the ballot for election to public office. In order to do so such a candidate may conduct a petition drive in support of their candidacy. Similarly, persons wishing to organize as a political party and seek certification as a political party may do so via a petition drive. Further, the 1976 South Carolina Code, as amended, allows for citizens to conduct petition drives in order for electoral boards to conduct referendums for various purposes. The proposed regulation acknowledges that widely available document-producing software and devices exist with which such petition drives may be conducted.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-12.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The proposed regulation is intended to establish a baseline for the use of document-producing software and devices to allow their use in petition drives so long as they are otherwise capable of complying with state law, particularly the format requirements currently stated at S.C. Code § 7-11-80.

Text:

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

Document No. 5204
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-10. Retention and Disposition of Certain Voting Records.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-10 to remove obsolete content and instructions and replace it with new content relating to third-party vendors contracted for services by county boards of voter registration and elections.

Section-by-Section Discussion:

Strike and amend the content of R.45-10 with new content, including the regulation's title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on September 20, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on Monday, August 28, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-10.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-10, "Retention and Disposition of Certain Voting Records", title to become "Third Party Vendors and Ballot Printers".

Purpose: The SEC proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the use by county boards of voter registration and elections of third-party vendors

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providing products or services designed for use conducting voter registration or elections, and printers hired to print ballots and mail absentee ballots.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation is approved and then published in the South Carolina State Register, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A notice of the amended regulation will also be posted on the SEC website.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content. The subject of the amended regulation will be the use by county boards of voter registration and elections of third-party vendors providing products or services designed for use conducting voter registration or elections, and printers hired to print ballots and mail absentee ballots. The regulation is intended to strengthen system safety and performance standards for such vendors to ensure voting system integrity and the orderly conduct of elections.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-10.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Third Party Vendors and Ballot Printers." The subject of the amended regulation will be the use by county boards of voter registration and elections of third-party vendors providing products or services designed for use conducting voter registration or elections, and printers hired to print ballots and mail absentee ballots. The regulation is intended to strengthen system safety and performance standards for such vendors.

Text:

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

Document No. 5205
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-14. Non-Partisan and Petition Candidate Information Reports. (New)

Preamble:

The State Election Commission (SEC) proposes to add a new regulation stating deadlines for certain information regarding candidates for election to be provided to the SEC by county boards of voter registration and elections.

Section-by-Section Discussion:

Create a new regulation, R.45-14.

The Notice of Drafting was published in the *State Register* on March 24, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on September 20, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on Monday, August 28, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed new Regulation 45-14.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-14, "Non-Partisan and Petition Candidate Information Reports".

Purpose: The SEC proposes a new regulation establishing deadlines by which certain information relating to non-partisan and petition candidates should be provided to the SEC by county boards of voter registration and elections.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for Implementation: When the regulation is approved and then published in the South Carolina State Register, the SEC will advise the 46 county boards of voter registration and elections of the amendment. The SEC will also post a notice of the new regulation to its website.

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

Under Title 7 the 1976 South Carolina Code of Laws, as amended, certain non-partisan and petition candidates must present their filings for candidacy and petitions to be placed on the ballot to county boards of voter registration and elections. The proposed regulation is intended to ensure that the county boards present information relating to these candidates to the SEC in a timely manner in order to facilitate statewide tracking of candidates and production of the ballots to be used in elections.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-14.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The proposed regulation is intended to ensure that county boards of voter registration and elections report certain information relating to non-partisan candidates for elective office, and petition candidates for elective office, to the SEC in a timely manner in order to facilitate statewide tracking of candidates and production of ballots to be used in elections.

Text:

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

Document No. 5200
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

- 30-1. Statement of Policy.
- 30-2. Applying for a Permit.
- 30-11. General Guidelines for All Critical Areas.
- 30-13. Specific Project Standards for Beaches and the Beach/Dune System.

Preamble:

South Carolina’s beachfront policies and jurisdictional authorities are established under the South Carolina Beachfront Management Act (S.C. Code Sections 48-39-250 et seq.). Over the past three decades, these rules have guided where and how areas along the state’s beachfront can be developed. In 2018, Act 173 amended the Beachfront Management Act to replace the state’s 40-year policy of retreat with a policy of beach preservation. However, Coastal Division regulations currently lack specific guidance to effectively implement the new policy. In 2022, the Department of Health and Environmental Control (“Department”) convened the Beach Preservation Stakeholder Workgroup (“Workgroup”), which represented a wide range of backgrounds and constituencies, to provide input and diverse perspectives on beach preservation in South Carolina. The Workgroup’s recommendations and key findings were the primary basis for developing the proposed amendments to R.30-1, R.30-2, R.30-11.D, and R.30-13 to establish a regulatory definition for beach preservation, provide for a process and standards to permit pilot projects proposed within the beaches or beach/dune system critical areas, and provide for consistency in the application of standards for activities across beaches and beach/dune system critical areas. The proposed amendments will provide clarity for the regulated community, guidance for regulatory staff, and allow the Department to more effectively implement the state’s beach preservation policy. The proposed amendments also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 24, 2023, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
R.30-1.C(5)(a)-(c)	Technical Correction	Stylistic amendment to correct tabbed indentation.
R.30-1.C(6)	Revision	Amend language to reference the state’s current policy of beach preservation and to clarify reference to the Coastal Zone Management Act.
R.30-1.D(1)	Technical Correction	Amend to correct punctuation.
R.30-1.D(3)	Technical Correction	Amend to correct punctuation.
R.30-1.D(4)(a)	Technical Correction	Amend to correct punctuation.
R.30-1.D(4)(b)	Revision, Technical Correction	Amend language to reference the state’s current policy of beach preservation, amend for stylistic clarity, and to correct punctuation and spelling.
R.30-1.D(4)(c)	Technical Correction	Amend to correct punctuation.
R.30-1.D(5)	Technical Correction	Amend for Code reference and stylistic clarity.
R.30-1.D(6)	Addition	Add new definition 6 to clarify beach preservation characteristics.
R.30-1.D(6)-(13)	Technical Correction	Renumber definitions 6 through 13 after addition of new beach preservation definition.
New R.30-1.D(8)	Technical Correction	Amend to correct spelling.
New R.30-1.D(11)(a)-(b)	Technical Correction	Amend for stylistic clarity.
New R.30-1.D(12)	Technical Correction	Amend to correct punctuation.

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R.30-1.D(14)	Deletion	Delete definition of Coastal Zone Management Appellate Panel to conform with statute.
R.30-1.D(15)	Technical Correction	Amend to correct punctuation.
R.30-1.D(17)(a)-(c)	Technical Correction, Revision	Amend for stylistic clarity and to add clarifying article.
R.30-1.D(19), (19)(c)-(e)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(20)	Technical Correction, Revision	Amend for Code reference clarity and to correct punctuation.
R.30-1.D(21)	Technical Correction, Revision	Amend for Code reference and stylistic clarity, and to correct wording.
R.30-1.D(23)	Technical Correction	Amend to correct punctuation.
R.30-1.D(24)	Technical Correction	Amend to correct punctuation.
R.30-1.D(26)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(31)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(33)(c)-(d)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(35)	Technical Correction	Amend to correct punctuation.
R.30-1.D(44)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(45)	Technical Correction	Amend to correct capitalization and punctuation.
R.30-1.D(47)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(49)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(52)	Technical Correction	Amend to correct capitalization.
R.30-1.D(54)	Technical Correction	Amend for stylistic clarity.
R.30-2.B(8)(a) and (b)	Reorganization, Technical Correction	Divide subsection into multiple items, amend to correct punctuation and capitalization, and amend for Code reference clarity.
R.30-2.B(8)(c)	Addition	Add a third item to the subsection to reference additional required information for pilot project permit applications.
R.30-11.D	Revision, Technical Correction	Amend language to clarify that activities in beaches critical area are subject to applicable laws and policies and to conform with the title of R.30-11.D, General Guidelines for Beaches and the Beach/Dune System. Amend for Code reference clarity.
R.30-11.D(1)	Revision	Amend to include the beaches critical area to conform with the title of R.30-11.D and to reference the state's current policy of beach preservation.

R.30-11.D(2)	Revision	Amend to include statutory reference regarding impacts to the beach from hardened erosion control structures, to reference the state’s current policy of beach preservation, and to clarify activities that do not support beach preservation.
R.30-11.D(5)	Revision, Technical Correction	Amend to clarify that beaches critical areas are susceptible to impacts from construction activities. Amend to correct punctuation and for Code reference clarity.
R.30-11.D(6)	Revision, Technical Correction	Amend to clarify that destruction of beach or dune vegetation within the beaches critical area is also prohibited. Amend to correct punctuation.
R.30-13.B	Revision	Amend language to clarify that the Department applies requirements for new habitable structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13, Specific Project Standards for Beaches and the Beach/Dune System.
R.30-13.B(2)	Technical Correction	Amend for stylistic clarity.
R.30-13.B(4)	Technical Correction	Amend for Code reference clarity.
R.30-13.B(5)	Revision	Amend to clarify that the Department may authorize habitable structures seaward of the baseline under a special permit.
R.30-13.C	Revision	Amend language to clarify that the Department applies requirements for additions to habitable structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.C(1)	Technical Correction	Amend for stylistic clarity.
R.30-13.C(4)	Revision	Amend language to clarify that the Department applies requirements for additions to habitable structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.C(5)	Addition	Add new items to ensure that additions to habitable structures are not constructed on the primary oceanfront sand dune or on active beach and to clarify that the Department may authorize additions to habitable structures seaward of the baseline under a special permit.
R.30-13.D	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for repair and renovation of habitable structures consistently within the beaches and beach/dune system critical areas, to ensure that habitable structures are not constructed on active beach, and to conform with the title of R.30-13. Amend to correct punctuation.
R.30-13.E	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for replacement or rebuilding of habitable structures consistently within the beaches and beach/dune system critical areas, to conform with the title of R.30-13, and to clarify required notice and documentation to the Department. Amend to correct punctuation.

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R.30-13.E(4)	Technical Correction	Amend to correct punctuation.
R.30-13.E(5)	Revision, Technical Revision	Amend to provide reference to implementing regulations associated with cited statutes and for Code reference clarity.
R.30-13.E(7)	Addition	Add new item to ensure that replacement habitable structures are not constructed on the primary oceanfront sand dune or on active beach.
R.30-13.F	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for landscaping, earthmoving, and fill for landscaping consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to correct punctuation.
R.30-13.F(1)	Technical Correction	Amend to correct punctuation.
R.30-13.F(7)	Revision	Amend to ensure that landscaping, earthmoving, and fill for landscaping activities shall not occur on active beach and add clarifying article.
R.30-13.G	Revision	Amend language to clarify that the Department applies requirements for fences, lighting, trash receptacles, sidewalks, and signs consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.G(2)	Technical Correction	Amend for stylistic clarity.
R.30-13.G(5)	Revision	Amend to add clarifying article.
R.30-13.D(6)	Revision	Amend to clarify that lighting within the beaches critical area shall be designed to shield the beach from illumination.
R.30-13.H	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for emergency vehicle access ways, small wooden decks, gazebos, and other structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to correct punctuation.
R.30-13.H(1)(c)-(e)	Technical Correction, Revision	Amend to correct punctuation, for stylistic clarity, and to add clarifying article.
R.30-13.H(2)	Technical Correction	Amend to correct punctuation.
R.30-13.H(2)(a)	Revision	Amend criteria to allow wood-like material to be used for small wooden decks and to conform to statute, and amend language to improve sentence structure.
R.30-13.H(2)(b)-(f)	Technical Correction	Amend to correct punctuation. Amend for stylistic clarity, to improve sentence structure, and to add clarifying article.
R.30-13.I	Revision	Amend language to clarify that the Department applies requirements for construction and/or repair of drives and parking lots consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.I(7)	Technical Correction, Revision	Amend to correct punctuation and to add clarifying article.

R.30-13.I(8)	Revision, Technical Correction	Amend to clarify that no new driveways or parking lots shall be constructed seaward of the baseline without a special permit and to ensure that driveways and parking lots are not constructed on active beach. Amend for Code reference clarity.
R.30-13.J	Revision	Amend language to clarify that the Department applies requirements for the installation or repair of underground and overhead water, sewer, gas, electrical, telephone lines, and cable service lines consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.J(1)	Revision	Amend to ensure that service lines are not placed within active beach and provide an exception for subsea cables.
R.30-13.J(4)	Revision	Amend to add clarifying article.
R.30-13.K	Revision	Amend language to clarify that the Department applies requirements for drainage structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.K(1)	Technical Correction	Amend to correct spelling, capitalization, and punctuation.
R.30-13.K(4)	Revision	Amend language to clarify that requirements of local drainage plans also apply within the beaches critical areas.
R.30-13.K(5)(a)	Revision	Amend to add clarifying article.
R.30-13.L	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for sand fences, minor beach renourishment, and dune revegetation consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to add clarifying article and to correct punctuation.
R.30-13.L(1)(h)	Revision	Amend language to clarify that the Department evaluates impacts from sand fencing consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.L(2)	Revision	Amend to correct spelling.
R.30-13.L(2)(a)	Revision	Amend language to generally refer to the Department's recommendations for planting dune vegetation.
R.30-13.M	Revision	Amend language to clarify that sand that has drifted out of the beaches and/or beach/dune system critical areas may be returned to them, to clarify that the Department applies requirements for returning sand consistently within the beaches and beach/dune system critical areas, and to conform with the title of R.30-13.
R.30-13.M(1)	Revision	Amend to add clarifying article.
R.30-13.N(2)(c)-(d)	Technical Correction, Revision	Amend to add clarifying article and correct punctuation.
R.30-13.N(3)	Technical Correction	Amend to correct punctuation.
R.30-13.N(3)(a)	Revision	Amend language to clarify that the Department applies restrictions for erosion control structures consistently

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		within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.N(3)(c)-(d)	Technical Correction	Amend to correct punctuation and for Code reference clarity.
R.30-13.N(3)(e)(i)-(iii)	Technical Correction	Amend for stylistic clarity.
R.30-13.O(1), (1)(a)-(c)	Revision, Technical Correction	Amend for code reference clarity. Amend criteria to allow wood-like material to be used for walkways over dunes and to conform to statute. Amend for stylistic clarity.
R.30-13.O(1)(f)-(h)	Technical Correction, Revision	Amend for stylistic clarity, to correct punctuation, to add clarifying article, and to correct wording.
R.30-13.O(2)(a)	Technical Correction	Amend to correct spelling.
R.30-13.P	Technical Correction, Revision	Amend to correct punctuation, for Code reference clarity, and to correct wording.
R.30-13.Q(1)	Technical Correction	Amend to correct punctuation and for Code reference clarity.
R.30-13.Q(2)(c)	Revision	Amend language to clarify that the Department applies requirements for lighting associated with golf courses consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.Q(2)(d)(iii)	Technical Correction	Amend to correct punctuation and to add clarifying article.
R.30-13.R(2)(b)	Technical Correction	Amend to correct punctuation.
R.30-13.S	Addition	Add section to include specific project standards for pilot projects within the beaches and beach/dune system critical areas.
R.30-13.S(1)	Addition	Add subsection to clarify the intended purpose of pilot projects, specify that new erosion control structures or devices will not be permitted as part of a pilot project, and reference supporting statutory language.
R.30-13.S(2)	Addition	Add subsection to list additional requirements for pilot project permit applications.
R.30-13.S(3)	Addition	Add subsection to list the standards which shall apply to permitted pilot projects.
R.30-13.S(4)	Addition	Add subsection to specify information the pilot project permittee must submit to the Department in a final report upon completion of the pilot project, and to clarify Departmental considerations of the study findings and the final report.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Office of Ocean and Coastal Resource Management; S.C. Department of Health and Environmental Control, 1362 McMillan Avenue Suite 400, Charleston, S.C. 29405; hartjeen@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on August 28, 2023, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its October 12, 2023, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

The Department estimates minimal additional cost incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these proposed amendments. The Department will use existing staff and resources to implement these amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.30-1, Statement of Policy; R.30-2, Applying for a Permit; R.30-11, General Guidelines for All Critical Areas; and R.30-13, Specific Project Standards for Beaches and the Beach/Dune System

Purpose: These amendments are proposed to improve the Department’s implementation of the state’s policy of beach preservation, as adopted under the 2018 Beachfront Management Reform Act (Act 173 of 2018). Although the state has been utilizing beach preservation approaches, like beach nourishment, to manage the beaches and beach/dune system critical areas since the 1980s, Coastal Division regulations currently lack a definition for beach preservation. Establishing a regulatory definition for beach preservation will provide guidance for regulatory staff to ensure projects within South Carolina beaches and beach/dune system critical areas uphold the state’s policy of beach preservation. The proposed regulatory definition was developed by the Workgroup, convened by the Department in 2022.

As part of the beach preservation discussion, the Workgroup examined pilot projects proposed within the beaches or beach/dune system critical areas. Pursuant to S.C. Code Section 48-39-320(C), pilot projects may be allowed if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area.

Pilot projects may have unknown risks, which could impact species and habitat, the economic benefits associated with the beaches and beach/dune system critical areas, and public use of these resources. Proposed amendments, developed in coordination with the Workgroup, specify requirements and standards for pilot projects proposed within the beaches or beach/dune system critical areas. These requirements and standards will provide clarity for those wanting to utilize or alter the beaches or beach/dune system critical areas as part of a pilot project, improve the Department’s ability to properly evaluate pilot projects, and ensure their use does not conflict with the state’s policy of beach preservation.

South Carolina’s beaches are experiencing an increase in the rate of shoreline change which has resulted in beaches critical area being located landward of the state’s beach/dune system critical area. The Workgroup reviewed the effects of this shoreline change on regulated activities that are allowed within these beachfront critical areas, including habitable structures and erosion control structures. Based on the Workgroup’s

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recommendations and additional Departmental review, the proposed amendments were developed to provide for consistency in the application of standards for activities across the beaches and beach/dune system critical areas and to support the policy of beach preservation.

Legal Authority: 1976 Code Sections 48-39-10 et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

The Department is charged with implementing the state's policy of beach preservation, as established under the 2018 Beachfront Management Reform Act. Coastal Division regulations currently lack a regulatory definition for beach preservation, have insufficient requirements and standards associated with pilot projects proposed within the beaches or beach/dune system critical areas, and need consistency and clarity in implementing activities across beachfront critical areas. The Department proposes amending these regulations to provide a beach preservation definition, define requirements and project standards for pilot projects within the state's beaches or beach/dune system critical areas, and to provide for consistency in the application of standards for activities across the beaches and beach/dune system critical areas.

The proposed amendments will provide additional guidance for regulatory staff ensuring future projects within the beaches and beach/dune system critical areas align with the state's policy of beach preservation. The proposed amendments also provide the regulated community with more clarity on the requirements for pilot projects and other activities proposed within the beaches or beach/dune system critical areas. Additionally, the proposed amendments ensure regulatory staff have sufficient information to evaluate pilot projects in these critical areas. The proposed amendments are reasonable and necessary to manage and preserve the long-term health and sustainability of the state's beaches and beach/dune system critical areas.

DETERMINATION OF COSTS AND BENEFITS:

The Department anticipates minimal additional costs to the state resulting from the administration and processing of these proposed amendments. Benefits to the state would include improved management of coastal resources by creating a regulatory definition for beach preservation, identifying requirements and project standards for pilot projects, and providing consistency for implementing activities across beachfront critical areas. The Department does not anticipate additional cost to the regulated community as a result of the proposed amendments associated with beach preservation and the beaches critical area. The proposed amendments associated with pilot projects within the beaches and beach/dune system critical areas, establishing a permitting pathway for these activities, will be subject to the administrative fee structure outlined in R.61-30.G(13), *Environmental Protection Fees*.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments seeks to benefit the environment by providing more clarity to the Department's statutory directives to manage the state's beaches and beach/dune critical areas in a manner that promotes the policy of beach preservation.

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

Not implementing these proposed amendments will result in continued challenges associated with the Department's ability to properly implement the policy of beach preservation. Further, there will continue to be a lack of guidance for those wishing to utilize or alter the beaches or beach/dune system critical areas through the use of a pilot project, and there will continue to be a lack of project standards necessary for regulatory staff to sufficiently evaluate pilot projects sited within these critical areas. Finally, there will be continued inconsistencies in the application of standards for activities across the beaches and beach/dune system critical areas.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department is charged with implementing the state's policy of beach preservation, as established under the 2018 Beachfront Management Reform Act. Coastal Division regulations currently lack a regulatory definition for beach preservation, lack requirements and project standards associated with pilot projects proposed within the beaches or beach/dune system critical areas, and need consistency in the application of standards for activities across the beaches and beach/dune system critical areas.

The Department proposes amending these regulations to provide a beach preservation definition, identify requirements and project standards for pilot projects that would utilize or alter the state's beaches or beach/dune system critical areas, and provide for consistent application of standards within the beaches and beach/dune system critical areas. Recommendations and key findings from the Beach Preservation Stakeholder Workgroup were the primary basis for developing these proposed amendments.

Text:

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