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Statutory Authority: 44-1-140

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Subject: Control of Anthrax

History: 4880

By Date Action Description Jt. Res. No. Expiration Date

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- 01/14/2020 Received by Lt. Gov & Speaker 05/13/2020

H 01/14/2020 Referred to Committee

S 01/14/2020 Referred to Committee

- 05/13/2020 Approved by: Expiration Date

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provided for in the Regulation

Document No. 4880

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Section 44‑1‑140

61‑23. Control of Anthrax.

**Synopsis**:

The Department of Health and Environmental Control (“Department”) promulgated R.61‑23 in July of 1960 to prevent and/or control the ownership, possession, or transport of anthrax into or through the state. This regulation is obsolete, as the federal government established Select Agent Regulations, at Code of Federal Regulations Title 7, Part 331 and Title 9, Part 121, effective February 7, 2003, setting forth requirements for possession, use, and transfer of select agents and toxins. The Federal Select Agent Program oversees and regulates the possession, use, and transfer of biological agents. The Federal Select Agent Program is jointly comprised of the Centers for Disease Control and Prevention/Division of Select Agents and Toxins, and the Animal and Plant Health Inspection Service/Agriculture Select Agent Services.

The Department had a Notice of Drafting published in the February 22, 2019, *South Carolina State Register*.

**Instructions:**

Repeal R.61-23, Control of Anthrax, in its entirety in the South Carolina Code of Regulations.

**Text:**

61‑23. [Repealed].

**Fiscal Impact Statement:**

There are no anticipated additional costs to the state or its political subdivisions.

**Statement of Need and Reasonableness:**

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

DESCRIPTION OF REGULATION: 61‑23, Control of Anthrax.

Purpose: R.61‑23 is no longer needed as the federal government has established federal regulations under the Federal Select Agent Program. The federal program oversees the possession, use, and transfer of biological select agents and toxins, which have the potential to pose a severe threat to public, animal, or plant health or to animal or plant products.

Legal Authority: 1976 Code Section 44‑1‑140.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to this repeal. Additionally, printed copies are available for a fee from the Department’s Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the repeal and any associated information.

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

The Department promulgated R.61‑23 in 1960. This regulation is no longer needed due to the passage of federal regulations governing the possession, use, and transfer of biological select agents and toxins posing a threat to public, animal, or plant health, or to animal or plant products.

DETERMINATION OF COSTS AND BENEFITS:

There are no costs to the state or its political subdivisions associated with the repeal of R.61‑23. The benefit of repealing this regulation is removing an obsolete regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Repealing R.61‑23 will not compromise the protection of the environment or public health, as the federal government administers anthrax related protections under the Federal Select Agent Program.

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

There is no anticipated detrimental effect on the environment if this regulation is not repealed. Failure to repeal the regulation would merely result in an obsolete regulation remaining in existence.

**Statement of Rationale:**

R.61‑23 is obsolete, as the federal government has established federal regulations under the Federal Select Agent Program. The federal program oversees the possession, use, and transfer of biological select agents and toxins, which have the potential to pose a severe threat to public, animal, or plant health, or to animal or plant products.