

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2022 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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

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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
4952			Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	01/21/2022	Public Service Commission	Regs and Admin Procedures	Judiciary
5028			Term and Universal Life Insurance Reserve Financing	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5029			Credit for Reinsurance	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5033			Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products	03/14/2022	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5032			Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034			Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
5037			Licensing Provisions; and Continuing Education	05/08/2022	LLR-Board of Funeral Service	Regs and Admin Procedures	Labor, Commerce and Industry
5043			Price Changes for Forest Tree Seedlings	05/11/2022	Commission of Forestry		
5044			General Regulations on South Carolina Forestry Commission Lands	05/11/2022	Commission of Forestry		
5045			Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas	05/11/2022	Commission of Forestry		
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5057			Standards for Licensing Home Health Agencies	05/11/2022	Department of Health and Envir Control		
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5038			Appeal Procedures	05/11/2022	Department of Disabilities and Spec Needs		
5039			Research Involving Persons Eligible for Services	05/11/2022	Department of Disabilities and Spec Needs		
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5065			Suitability in Annuity Transactions	05/11/2022	Department of Insurance		
5051			Determination of Rates of Tuition and Fees	05/11/2022	Commission on Higher Education		
5052			LIFE Scholarship Program and LIFE Scholarship Enhancement	05/11/2022	Commission on Higher Education		
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5054			South Carolina Need-based Grants Program	05/11/2022	Commission on Higher Education		
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4977			Standards for Licensing Day Care Facilities for Adults	Tolled	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4993			South Carolina Jobs-Economic Development Authority	Tolled	SC Jobs-Economic Development Auth	Regs and Admin Procedures	Labor, Commerce and Industry

2 EXECUTIVE ORDERS

Executive Order No. 2021-39

WHEREAS, the undersigned has been notified of the passing of Senator Hugh K. Leatherman, Sr., President *Pro Tempore Emeritus* of the South Carolina Senate and chairman of the Senate Finance Committee; and

WHEREAS, in addition to and contemporaneous with his distinguished service as a member of the South Carolina Senate for over forty years, Senator Leatherman also served on numerous statewide boards, commissions, and committees, including the State Fiscal Accountability Authority, the Joint Bond Review Committee, and the Board of Directors of the South Carolina Transportation Infrastructure Bank, and he previously served with honor and distinction as President *Pro Tempore* of the South Carolina Senate; and

WHEREAS, prior to his service as a member of, and leader in, the South Carolina Senate, Senator Leatherman previously served the State of South Carolina in various other state and local capacities, including as a member of the Board of Trustees of Francis Marion University and as a member of Quinby Town Council; and

WHEREAS, throughout his tenure in public office, Senator Leatherman was a powerful force for progress and the prosperity of South Carolina and her people, and he regularly and reliably exhibited bold and decisive leadership on a variety of important issues and causes; and

WHEREAS, for over fifty years, Senator Leatherman poured his life into the State, and South Carolina is the better for it; and

WHEREAS, Senator Leatherman was a respected leader, dedicated public servant, tireless advocate for his causes and constituents, devoted father and family man, and consummate statesman who will forever serve as an inspiration to all South Carolinians, 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 of the South Carolina Code of Laws, as amended, provides, in pertinent part, 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 . . . current members of the South Carolina General Assembly”; and

WHEREAS, section 10-1-161 of the South Carolina Code of Laws further 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 Friday, November 19, 2021, in honor of Senator Leatherman and in recognition of his extraordinary legacy of selfless statesmanship and his lifetime of distinguished 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 15th DAY OF NOVEMBER, 2021.**

HENRY MCMASTER
Governor

Executive Order No. 2021-40

WHEREAS, the United States is currently experiencing significant supply chain disruptions, which are adversely impacting the movement and availability of critical consumer goods and industrial materials in South Carolina and other States; and

WHEREAS, particularly as Americans face increasing prices for gasoline and essential fuels, as well as historic inflation, supply chain disruptions are imposing further burdens on businesses, individuals, and families; and

WHEREAS, notwithstanding the fact that businesses are attempting to cope with and account for significant supply chain disruptions, as well as labor shortages and other complicating factors, President Joseph R. Biden, Jr. and his Administration (collectively, “Biden Administration”) are increasing burdensome regulations and seeking to impose unwarranted and unprecedented vaccine mandates on the private sector; and

WHEREAS, although the State of South Carolina, which boasts robust and reliable transportation infrastructure, including the Port of Charleston and productive inland ports, is uniquely prepared and positioned to mitigate interruptions in the national and international supply chains, recent reports indicate that disruptions due to supply shortages increased 638% nationwide during the first half of 2021 for essential products; and

WHEREAS, in recognition of the aforementioned and other circumstances, earlier this year, the undersigned allocated \$12 million in Governor’s Emergency Education Relief (“GEER”) Funds to provide short-term training programs for the transportation sector and other critical workforce areas, and more recently, the undersigned announced an additional investment of \$17 million in GEER Funds to create the Workforce Scholarships for the Future pilot program, which will provide thousands of South Carolinians with the skills needed to thrive in high-demand careers, including in the transportation, distribution, and logistics fields; and

WHEREAS, while South Carolina’s transportation infrastructure remains reliable and resilient and the State continues to proactively prepare for increasing demand, particularly in view of the approaching holiday season and the State’s continued economic growth, it is imperative that the State utilize any and all necessary and appropriate measures to address the current and anticipated circumstances and to mitigate any interruptions in the national and international supply chain by further supporting and strengthening South Carolina’s transportation industries and infrastructure; and

WHEREAS, citing research from the Massachusetts Institute of Technology, recent reports indicate that minor adjustments to existing transportation-related restrictions, such as allowing operators of commercial vehicles to utilize an additional twelve minutes of driving time each day, would help relieve the current strain on certain components of the transportation sector and significantly improve operational efficiencies amidst the existing labor shortage; and

WHEREAS, the undersigned has determined that the existing, ongoing, and anticipated supply chain disruptions and any actual, potential, or perceived interruptions in the availability, transportation, or delivery of critical consumer goods and industrial materials, which are of vital importance to South Carolina’s continued economic prosperity, pose a threat to the people, businesses, and public welfare of the State of South Carolina and that the State must utilize any necessary and appropriate measures to both address the current circumstances and proactively prepare for and mitigate any future transportation-related interruptions; 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

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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, on November 19, 2021, the Governor of the State of Georgia declared that emergency conditions existed in his State due to, *inter alia*, the continued negative impacts of COVID-19 and the need to facilitate economic recovery and, in doing so, the Governor of the State of Georgia temporarily waived or suspended certain motor vehicle and transportation-related rules and regulations in connection with the same; 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, for the aforementioned and other reasons, the undersigned has determined that the circumstances described herein in connection with existing, ongoing, and anticipated supply chain disruptions and any actual, potential, or perceived interruptions in the availability, transportation, or delivery of critical consumer goods and industrial materials in the State of South Carolina constitute an emergency for purposes of 49 C.F.R. § 390.23 such that it is necessary and prudent to provide additional relief to assist in facilitating, supporting, and strengthening South Carolina’s transportation industries and infrastructure so as to avoid, mitigate, or minimize further national and international supply chain interruptions; and

WHEREAS, in view of the foregoing circumstances and in furtherance of the principles, considerations, and initiatives set forth herein, the undersigned has determined that it is necessary and appropriate to take additional proactive action to mitigate the impact on the State of South Carolina of current and future national and international supply chain interruptions and the Biden’s Administrations actions or inactions related to the same; and

WHEREAS, the South Carolina Constitution expressly provides that the Governor of the State of South Carolina is vested with “[t]he supreme executive authority of this State” and that he “shall take care that the laws be faithfully executed,” S.C. Const. art. IV, §§ 1, 15; and

WHEREAS, in recognition of the aforementioned authority, article IV, section 17 of the South Carolina Constitution states that “[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements”; and

WHEREAS, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to “call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare”; and

WHEREAS, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that “[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities”; and

WHEREAS, it is axiomatic that the undersigned’s Executive Orders shall have the force and effect of law, *see* S.C. Code Ann. § 1-23-100; *Amisub of S.C., Inc. v. S.C. Dep’t of Health & Env’t Control*, 407 S.C. 583, 600, 757 S.E.2d 408, 417 (2014); *see also Com. of Va. v. Cannon*, 228 F.2d 313, 315 (4th Cir. 1955) (noting that courts “must look to the proclamations of the Governors to determine what the policy of the state was [and] that these have the effect of statutory enactments”); and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s authority and responsibility to “take care that the laws be faithfully executed” and 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 it is necessary and appropriate to provide certain regulatory flexibility and relief and to take other proactive action to assist in facilitating, supporting, and strengthening South Carolina’s transportation industries and infrastructure so as to avoid, mitigate, or minimize further national and international supply chain disruptions.

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 and direct as follows:

Section 1. Transportation Waivers to Address Supply Chain Disruptions

A. I hereby determine and declare that the existing and anticipated threats and circumstances described herein associated with supply chain disruptions and the impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending 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 operating in accordance with the provisions of the FMCSA’s August 31, 2021 Extension and Amendment 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 Georgia; transporting critical consumer goods, industrial materials, and essential fuels and petroleum products; or otherwise assisting with the existing or anticipated threats and circumstances associated with supply chain disruptions as further described herein.

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. 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 or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarification issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification 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, and 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:

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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.

F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

G. This Section is effective immediately and shall remain in effect for thirty (30) days or until the state of emergency in the State of Georgia is terminated, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

Section 2. Directives to Address Supply Chain Disruptions

A. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, I hereby direct DOT, DPS, and the South Carolina Department of Motor Vehicles (“DMV”), as well as any other agency, department, or official with jurisdiction or authority over critical components of the supply chain, to include transportation-related industries and infrastructure and operators of commercial vehicles, to review and identify any relevant state statutes or regulations impacting the supply chain, which, if modified, amended, repealed, or rescinded, would provide relief from or mitigate the circumstances described herein, and to promptly notify the undersigned of the same in advance of the General Assembly’s next ensuing regular session.

B. Pursuant to the cited authorities and other applicable law, I hereby authorize and direct DOT, DPS, and DMV, as well as any other agency, department, or official with jurisdiction or authority over critical components of the supply chain, to include transportation-related industries and infrastructure and operators of commercial vehicles, to review and identify any applicable internal policies, procedures, rules, or operations impacting the supply chain, which, if modified, amended, repealed, or rescinded, would provide relief from or mitigate the circumstances described herein, and to promptly take any necessary and appropriate action.

C. In furtherance of the foregoing, any such agencies, departments, or officials with jurisdiction or authority over critical components of the supply chain, to include transportation-related industries and infrastructure and operators of commercial vehicles, should consult with other state agencies or entities as applicable, as well as similarly situated agencies or departments in neighboring States, private sector stakeholders, and other interested parties, to collaborate regarding possible measures to avoid, alleviate, or mitigate any existing, ongoing, or anticipated supply chain disruptions or any actual, potential, or perceived interruptions in the availability, transportation, or delivery of critical consumer goods and industrial materials in the State of South Carolina.

D. To facilitate the operation of critical transportation services and to minimize delays in transporting or delivering critical consumer goods and industrial materials, I hereby authorize and direct DPS to enforce, to the maximum extent provided by law and subject to any applicable exceptions or exemptions, the provisions of Act No. 64 of 2021, codified at section 56-5-1885 of the South Carolina Code of Laws, to ensure that drivers do not operate vehicles “in the farthest left-hand lane of a controlled access highway except when overtaking and passing another vehicle.”

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. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

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

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

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

HENRY MCMASTER
Governor

Executive Order No. 2021-41

WHEREAS, on September 23, 2021, the undersigned issued Executive Order No. 2021-35, suspending Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2, pursuant to article VI, section 8 of the South Carolina Constitution, after a Grand Jury convened in Dorchester County returned two Indictments charging her with Unlawful Neglect of Child or Helpless Person, in violation of section 63-5-70 of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned’s suspension of Barbara Crosby was effective immediately and “until such time as she shall be

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formally acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first”; and

WHEREAS, the Solicitor for the First Judicial Circuit recently notified the undersigned that the above-referenced charges against Barbara Crosby have been dismissed and that the aforementioned Indictments have been disposed of by entry of a *nolle prosequi*; and

WHEREAS, under South Carolina law, “a *nolle prosequi* upon charges extinguishes the State’s prosecution upon those charges” and “treats charges *nol prossed* as if they never existed,” *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); and

WHEREAS, for the foregoing reasons, and in accordance with the cited authorities and other applicable law, the undersigned is required to rescind the previous suspension of Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2.

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 rescind the suspension set forth in Executive Order No. 2021-35 and reinstate Barbara Crosby as a member of the Board of Trustees of Dorchester County School District No. 2. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF DECEMBER, 2021.

HENRY MCMASTER
Governor

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 **December 24, 2021**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

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

Construction for the addition of 124,691 sf and 50 general acute care beds for a total of 100 acute care beds at a total project cost of \$193,441,316.

Affecting Darlington County**Carolina Pines Regional Medical Center**

Purchase of a Globus Medical Excelsius GPS Robotic Navigation System at a total project cost of \$1,925,308.

Affecting Greenville County**St. Francis Hospital, Inc. d/b/a Bon Secours St. Francis Downtown**

Renovation of 4,700 existing sf to expand electrophysiology (EP) services by adding a second EP lab and equipment at a total project cost of \$7,047,701.

Affecting Spartanburg County**Upstate Treatment Specialists, LLC**

Establishment of an Opioid Treatment Program (OTP) in Spartanburg County at a total project cost of \$108,950.

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

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,329,623.

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 **December 24, 2021**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Abbeville County**Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Abbeville County at a total project cost of \$69,686.

Affecting Bamberg County**Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Bamberg County at a total project cost of \$69,686.

Affecting Calhoun County**Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions**

10 NOTICES

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Calhoun County at a total project cost of \$69,686.

Affecting Cherokee County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Cherokee County at a total project cost of \$69,686.

Affecting Georgetown County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Georgetown County at a total project cost of \$69,686.

Affecting Greenwood County

Self Regional Healthcare

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,232,600.

Affecting Hampton County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Hampton County at a total project cost of \$69,686.

Affecting Horry County

Myrtle Beach Rehabilitation Hospital, LLC d/b/a Tideland Health Rehabilitation Hospital at Carolina Bays, an affiliate of Encompass Health

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

Affecting Jasper County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Jasper County at a total project cost of \$69,686.

Affecting Lee County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Lee County at a total project cost of \$69,686.

Affecting Orangeburg County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Orangeburg County at a total project cost of \$69,686.

Affecting Richland County

Medical University Hospital Authority d/b/a MUSC Health Columbia Medical Center Downtown

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,082,000.

Medical University Hospital Authority d/b/a MUSC Health Columbia Medical Center Northeast

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,082,000.

Prisma Health d/b/a Prisma Health Richland Hospital

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

Affecting Saluda County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Saluda County at a total project cost of \$69,686.

Affecting York County

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

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

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD**

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Department of Labor, Licensing and Regulation and the South Carolina Real Estate Appraisers Board (Board) do hereby give notice under Section 40-60-38 of the South Carolina Code of Laws, as amended, that the Board is required to adopt the standards and amendments to the standards of professional appraisal practice, as promulgated by the Appraisal Standards Board of the Appraisal Foundation. All apprentice appraisers and state licensed and certified appraisers shall conform their professional conduct to the National Uniform Standards of Professional Appraisal Practice (USPAP) and its amendments, as promulgated by the Appraisal Standards Board. Pursuant to the aforementioned statute, the Board voted to adopt the 2020-2021 version of the USPAP on December 2, 2021. The effective date of this version was extended until December 31, 2022.

12 DRAFTING NOTICES

SECRETARY OF STATE CHAPTER 113

Statutory Authority: 1976 Code Sections 26-2-5 et seq.

Notice of Drafting:

The Office of the Secretary of State proposes to promulgate regulations pursuant to the South Carolina Electronic Notary Public Act. Interested persons may submit comments to Ms. Melissa Dunlap, Deputy Secretary of State & Chief Legal Counsel, Office of the Secretary of State, 1205 Pendleton Street, Suite 525, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Thursday, January 13, 2022, the close of the drafting comment period.

Synopsis:

The South Carolina Secretary of State proposes to add Chapter 113, Article 4, to the South Carolina Code of Regulations. Article 4 will set forth standards, procedures, and practices pursuant to the South Carolina Electronic Notary Public Act. The proposed regulations will address registration as an electronic notary public, registration of electronic notary solution providers, and requirements for execution of electronic notarizations.

Legislative review of this proposal will be required.

Document No. 5103

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

61-56. Onsite Wastewater Systems.

Preamble:

Pursuant to R.61-56, the Department of Health and Environmental Control (“Department”) provides oversight for safe treatment and disposal of domestic wastewater to protect the health of families and communities. In accordance with R.61-56, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56 to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline permitting procedures.

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 August 27, 2021, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
101.1 - Rippable Rock	Deletion	Amended definition of Rippable Rock to remove the reference pertaining to mini excavator.
102.1 (2)(b-c) & 102.1 (3)(b-c)	Addition	Amended language to allow the Department to subcontract to qualified individuals.
102.1 (5)	Addition/Deletion	Amended wording pertaining to subdivisions to be specific to subdivisions containing ten (10) or more lots.
104.4 (3)	Addition	Amended wording pertaining to a variance request to include a processing time. Amended wording to reiterate the importance of protecting human health and the environment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to David Vaughan of the Bureau of Environmental Health Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; vaughadr@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on January 24, 2022, the close of the comment period.

14 PROPOSED REGULATIONS

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its February 10, 2022, 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>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

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

There is no anticipated additional cost to the Department or state government due to any requirements of this amendment.

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: 61-56, Onsite Wastewater Systems.

Purpose: The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline permitting procedures.

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

Legal Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 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 proposed amendments are needed and reasonable, as they will provide clarification regarding the requirements contained in R.61-56. The proposed amendments will also serve to streamline permitting procedures to improve overall effectiveness of the Department's administration of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these revisions.

External Costs: The proposed revisions do not increase any fees charged by the Department under the current regulation. The proposed revisions would expand existing site evaluation options and allow more streamlined permit processing by allowing an applicant to submit a proposed system layout from a licensed Professional Soil Classifier ("PSC"). Under the proposal, applicants desiring to install systems for a subdivision consisting of ten (10) or more lots would be required to submit third-party soils work from a PSC. The PSC would then have the option to either submit a proposed system layout under one of the system standards established within R.61-56 or give the soils report to a Registered Professional Engineer to design a specialized septic system through the 610 Standard. Subdivision permit applicants may incur additional costs for the third-party work performed by a PSC under this process. Outside of the subdivision context, applicants for conventional systems will retain the option to use a PSC or allow the Department to conduct a soil evaluation and prepare a system layout. The expanded options and enhanced involvement of third-party PSCs will serve to streamline and expedite the permit process for the Department and the regulated community.

Benefits: These amendments upgrade overall quality and practicality, improve clarity and consistency, streamline permitting, and clarify existing definitions.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated negative environmental or public health effect resulting from the proposed amendments of this regulation.

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

The negative effect on the environment and public health if the proposed amendment of this regulation is not implemented would be less efficiency and clarity for industry and reduced effectiveness and efficiency in the Department's oversight of the disposal of septage and sewage.

Statement of Rationale:

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

The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will streamline permitting procedures.

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.

16 EMERGENCY REGULATIONS

Filed: December 8, 2021 10:16am

Document No. 5102
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-2200, and 50-11-2210

Emergency Situation:

These emergency regulations establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season continues through January 31, 2022, it is necessary to refile these emergency regulations.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2021-2022

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 4 - October 2, November 13 - November 27, December 17, 2021 - January 31, 2022.

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 4 – October 2).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field – Sept. 4 Adult/Youth Hunt. 1st season – Saturdays Only beginning Sept. 11. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 8, 22, 29.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays Only Beginning Sept. 4. Field Closed Oct. 2. Open 2nd & 3rd seasons – Saturdays Only.

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 4, 18; Oct. 2; Nov. 20. Sept. 11 is Wounded Warrior Hunt Only -Invitation Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 4, 11, Oct. 2, Nov. 13; Dec. 18. All hunts are Adult/Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 4. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. –Sat.

DNR Landsford Canal Forest Legacy Area. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. –Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season –Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Opening Day Sept. 4, then Wednesdays Only beginning Sept. 15. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 4, 18; Oct. 2; Nov. 20.

*SC Forestry Commission - Oak Lea WMA. Sept. 4, 11, 18, 25, Oct. 2, Dec. 29; Jan. 5.

COLLETON

DNR - Donnelley WMA. Sept. 4, 11; Oct. 2; Nov. 13.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 4, 18; Oct. 2; Nov. 13.

GREENVILLE

DNR Tall Pines WMA. 1st season – Saturdays Only Beginning Sept. 4. 2nd and 3rd seasons – Saturdays Only.

HAMPTON

*DNR – Palachucola WMA. Sept. 4, 11, 22; Oct 2; Nov. 13.

*DNR - Webb Wildlife Center. Sept. 4, 11, 22; Oct. 2; Nov. 13.

LAURENS

DNR Cliff Pitts WMA - 1st season – Saturdays Only Beginning Sept. 4. 2nd and 3rd seasons open Mon. – Sat.

DNR Gray Court Field. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 4 & 22; Nov. 24, Dec. 29; Jan. 12 & 26; Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons – Open Mon. - Sat.

18 EMERGENCY REGULATIONS

US Army Corp of Engineers - Plum Branch Fields. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season Beginning Sept. 4. Dove Hunting Only.

DNR Belfast WMA. Sept. 4, 11, 18, 25; Oct. 2; Nov. 27. 3rd season - Open Mon. - Sat.

OCONEE

U.S. Forest Service – Long Creek Tract. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept. 4. 2nd season – Open November 14 & 21 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 4.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Sept. 4 is Adult/Youth Only. Sept. 11, 25; Nov. 13; Dec. 18

PICKENS

DNR Property - Rifle Range. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 4. Dove hunting only.

Clemson University - Gravelly WMA - Causey Tract. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 4. Dove hunting only.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesday Only, Beginning Sept. 15. Open 1st, 2nd and 3rd seasons.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only Beginning Sept 4. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons – Open Mon. – Sat.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 4 is Adult/Youth Hunt Only. 1st season - Saturdays Only Beginning Sept. 11. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A –1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. Sept. 4 is Adult/Youth Only. 1st season – Saturdays Only Beginning Sept. 11. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply: (1) Adult must remain in the field and closely supervise participating youth at all times. (2) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (3) Adults are allowed to shoot. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

US Forest Service – Power of Partnerships Field. September 4.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA - September 4, 11; October 2; November 13, December 18.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 4.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract - Field 1 near Wedgefield - September 4.

UNION COUNTY YOUTH HUNT

Sedalia Field (U.S. Forest Service) - September 4.

YORK COUNTY YOUTH HUNT

SCDNR - Draper WMA - September 4.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts continue through January 31, 2022, it is necessary to refile these emergency regulations so they continue throughout the entirety of the season.

Fiscal Impact Statement:

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

20 FINAL REGULATIONS

Document No. 5068
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Synopsis:

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

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

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2022 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.
2. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
3. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
4. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.
5. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Fiscal Impact Statement:

No additional state funding is requested.

Statement of Rationale:

None.

Document No. 5069
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

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

27-1022. State Poultry Products Inspection Regulation.

Synopsis:

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

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

22 FINAL REGULATIONS

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2022 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

- (1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.
- (2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
- (3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.
- (4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Fiscal Impact Statement:

No additional state funding is requested.

Statement of Rationale:

None.