

THE REGULATORY PROCESS IN SOUTH CAROLINA

As Amended by Act 13 of 2025

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South Carolina State Register

ASSESSMENT REPORT

If requested by two members of the General Assembly during the drafting period, a regulation that has a substantial economic impact must have an assessment report prepared by the Office of Research and Statistics of the Revenue and Fiscal Affairs Office based on a preliminary assessment report provided to the office by the agency before the date the hearing notice is published in the State Register. [1-23-110(A)(2)]. A summary of the preliminary assessment report must be filed with the proposed regulation [1-23-110(A)(3)(f)]. The office shall prepare a final assessment report within sixty days after the public hearing [1-23-115(B)]. The final assessment report and a summary of the final assessment report must be filed with the regulation when submitted for General Assembly review. [1-23-120(B)(5)]

DRAFTING NOTICE

Prior to promulgation, amendment, or repeal of a regulation, the agency must give notice of a drafting period in the State Register [1-23-110(A)(1)]. No regulation may be filed with Legislative Council for submission to the General Assembly more than one year after publication of the drafting notice. [1-23-120(A)]

PROPOSED REGULATION

When submitting proposed regulations for publication in the State Register, an agency must give 30 days notice of a public hearing and the opportunity to submit comments. The agency also must submit the statutory authority for promulgation, the full text of the regulation, a narrative preamble which includes a section-by-section discussion, a statement of need and reasonableness, a preliminary fiscal impact statement, notice of public hearing and, if requested by two members of the General Assembly pursuant to Section 1-23-115, a summary of the preliminary assessment report. [1-23-110(A)]

PUBLIC HEARING

The public hearing, which may not be held sooner than 30 days from the date of publication of the notice in the State Register, must be granted if requested by 25 persons, a governmental subdivision or agency, or by an association having not less than 25 members. [1-23-110(A)(3)] Hearings held by a department for which the governing authority is a single director must be conducted by an administrative law judge assigned by the chief judge. Hearings held by a department for which the governing authority is a board or commission must be conducted by the board or commission, with the chairman presiding. [1-23-111(A)]

REGULATIONS EXEMPT FROM GENERAL ASSEMBLY REVIEW

- Compliance with Federal law
 - State Board of Financial Institutions, State-chartered banks
 - Department of Revenue to conform to Internal Revenue Code
 - Emergency regulations
- Filed as final. Effective upon publication in the State Register.

EMERGENCY REGULATIONS

Agency files regulation and statement of the situation requiring immediate promulgation with Legislative Council. Regulation becomes effective as of time of filing for 90 days. [1-23-130(A)]

ASSESSMENT REPORT

If requested by two members of the General Assembly, an emergency regulation which has a substantial economic impact may not be refilled unless accompanied by the summary of the final assessment report prepared by the Office of Research and Statistics of the Revenue and Fiscal Affairs Office. [1-23-130(B)]

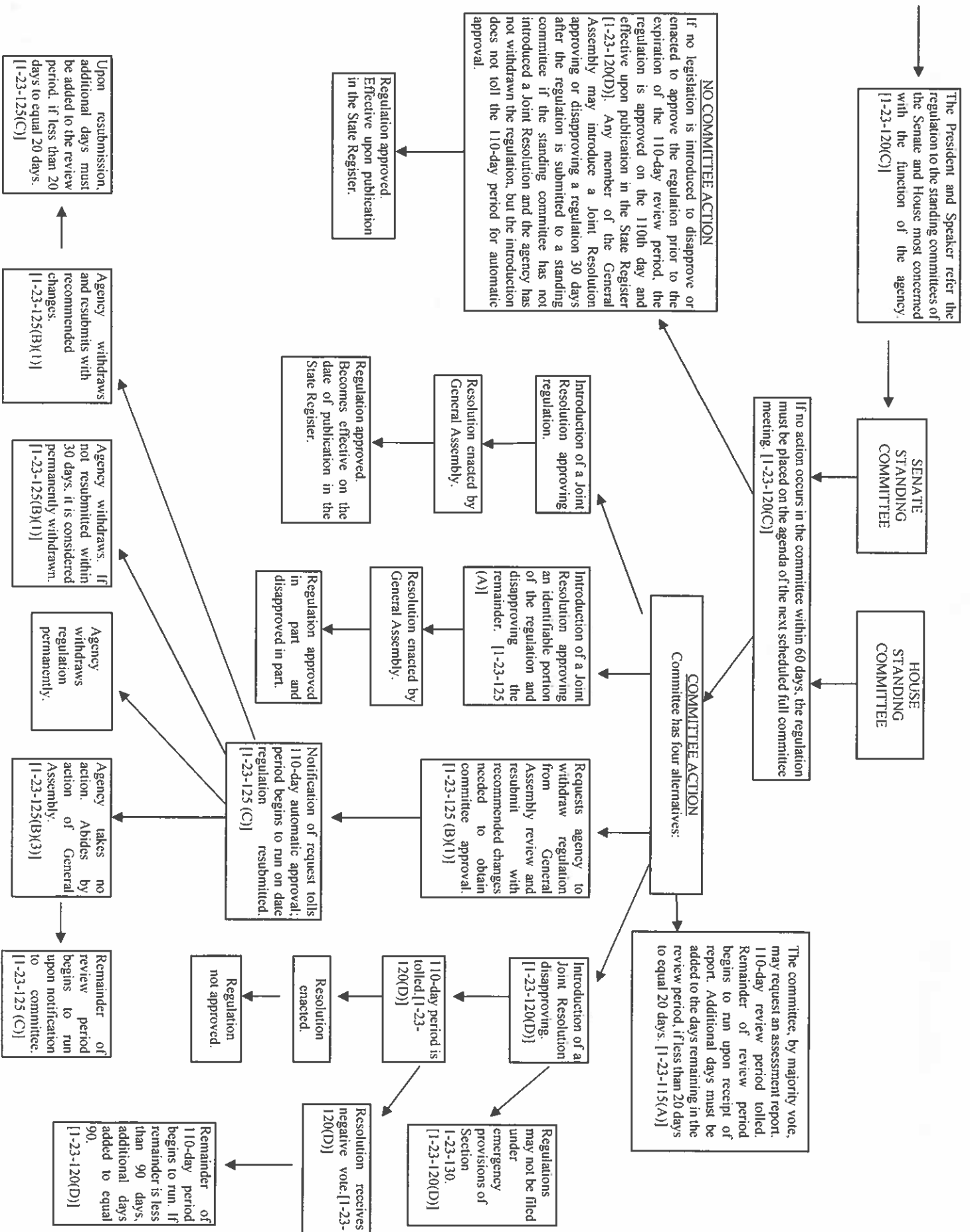
If filed or expires while General Assembly is in session, regulations in effect for 90 days only and may not be refilled. If filed and expires when not in session, regulation may be refilled for an additional 90 days. [1-23-130(C)]

The statement of need for and reasonableness of immediate promulgation and a summary of the final assessment report, if requested, are required for refiling and must be published with the emergency regulation in next issue of the State Register following the date of refiling. [1-23-130(D)]

Emergency regulations may be permanently promulgated by complying with the Administrative Procedures Act. [1-23-130(E)]

GENERAL ASSEMBLY REVIEW

Agency submits the full text of the regulation, a synopsis explaining changes to existing regulations, fiscal impact statement, statement of rationale, and assessment report, if requested, to Legislative Council to be forwarded to the President of the Senate and the Speaker of the House with a request for General Assembly review. General Assembly has 110 calendar days (during session) to review regulations. [1-23-120(B)]



Agency withdraws regulation on its own for any reason.



Agency withdraws and resubmits with no substantive changes. The regulation may be resubmitted by the agency during the legislative session without repeating the requirements of Sections 1-23-110, 1-23-111, and 1-23-115, if applicable, if the resubmitted regulation contains no substantive changes from the previously submitted version. [1-23-125(E)]
The agency must notify the committees and the Editor of the State Register of the withdrawal.

END OF TWO-YEAR SESSION

A regulation is deemed withdrawn if it has not become effective by the date of publication of the next State Register published after the end of the two-year session in which the regulation was submitted to the President and Speaker for review. A regulation deemed withdrawn may be resubmitted by the agency for legislative review during the next legislative session without repeating the requirements of Sections 1-23-110, 1-23-111, and 1-23-115, if applicable, if the resubmitted regulation contains no substantive changes from the previously submitted version. [1-23-120 (G)]