

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
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 of 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:

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

Executive Orders are actions issued and taken by the Governor.

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 a proposed regulation.

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

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.

2025 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 must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

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

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 and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and 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-ten days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation before the expiration of the one-hundred-ten-day review period, the regulation is approved on the one-hundred-tenth 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 laws 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 the 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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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5342			Residential Treatment Facilities for Children and Adolescents	01/25/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affair
5319			Sign Language Interpreters	02/01/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5370			Honey Bees	03/05/2026*	Clemson University	Regs, Admin. Proc., AI & CS	Ag and Nat Resources
5366			Procedures and Standards for Review of Charter School Applications	04/04/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5371			Defined Program, Grades 9-12 and Graduation Requirements	05/02/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
Agency Withdrawal							
5199			R.45-9, Write-in Ballots, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5201			Emergency Election Procedures	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5202			Poll Worker Training; Candidate Withdrawals	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5203			Procedures for Electronic Petitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5192			R.45-1, Definitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5204			R.45-10, Retention and Disposition of Certain Voting Records	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5205			Reports to State Election Commission by County Boards of Voter Registration and Elections	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5193			R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5225			Retention and Storage of Election Records and Election Equipment	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5194			R.45-3, Tabulating Center Personnel	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5195			R.45-4, Certification of Program Instructions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5196			R.45-5, Ballot Envelopes and Fold Over Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5197			R.45-6, Defective Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5198			R.45-7, Ballot Cards, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
Committee Request Withdrawal							
5314			Regulations for the Licensing of Child Care Centers	Tolled	Department of Social Services	Regs, Admin. Proc., AI & CS	Family and Veterans' Services

*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

2 EXECUTIVE ORDERS

Executive Order No. 2025-22

WHEREAS, on June 14, 2025, a fuel tanker collided with and significantly damaged the S-105, Old Vacluse Road bridge, which serves as an Interstate 20 (“I-20”) overpass (“I-20 Overpass Bridge”) in Aiken County, South Carolina; and

WHEREAS, due to the aforementioned incident and resulting fire, the I-20 Overpass Bridge sustained substantial damage, which rendered it unserviceable to the motoring public and required its demolition to reopen I-20 and has caused the diversion of approximately 1,500 vehicles per day to an alternate, detour route; and

WHEREAS, the South Carolina Department of Transportation (“DOT”) has determined that a complete replacement of the I-20 Overpass Bridge is required, which is beyond the scope of heavy or extraordinary maintenance for purposes of 23 C.F.R. § 668.101; and

WHEREAS, in accordance with 23 U.S.C. § 125, the United States Department of Transportation, through the Federal Highway Administration (“FHWA”), administers an emergency relief (“ER”) program to assist States with the repair or reconstruction of federal-aid highways that have suffered serious damage due to certain extraordinary conditions, such as natural disasters or catastrophic failures from an external cause; and

WHEREAS, pursuant to 23 U.S.C. § 125 and 23 C.F.R. Part 668, a State’s application for ER funding must be made to and approved by the FHWA Division Administrator and, absent a presidential major-disaster declaration, shall include documentation reflecting that the Governor of the affected State has determined and declared, with the concurrence of the Secretary of Transportation, that the circumstances constitute an emergency; and

WHEREAS, I-20 is a critical part of the Strategic Highway Corridor Network (“STRAHNET”) for military surface deployment and distribution command transportation purposes, and the I-20 Overpass Bridge was originally constructed in 1968 to provide vital connectivity to both sides of this strategic corridor; and

WHEREAS, in addition to the foregoing, Old Vacluse Road currently provides critical access to the Sage Mill Industrial Park, which consists of several major industrial and manufacturing facilities, and connectivity between the same and the surrounding areas; and

WHEREAS, for the aforementioned and other reasons, and due to the significant impacts of the destruction of the I-20 Overpass Bridge on individuals, employers, and businesses, upon consultation with DOT, the undersigned has determined that the expedited replacement of the I-20 Overpass Bridge is necessary to reopen this critical corridor to vehicular traffic, provide for and protect public safety, and maintain the State’s roadways.

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. Emergency Measures to Replace the I-20 Overpass Bridge

A. I hereby declare that the existing and anticipated circumstances and conditions referenced and described herein associated with a fuel tanker’s collision with the I-20 Overpass Bridge and resulting fire, which significantly damaged and destroyed the I-20 Overpass Bridge in Aiken County, South Carolina, constitute an emergency for purposes of 23 U.S.C. § 125 and 23 C.F.R. Part 668, and I have determined that this matter represents an ongoing concern to maintaining vehicular traffic on the roadway.

B. I hereby authorize and direct DOT to initiate and undertake any and all actions or activities DOT deems necessary to provide for the immediate replacement of the I-20 Overpass Bridge and to ensure the safety and well-being of the traveling public.

C. I further authorize and direct DOT to apply for or otherwise seek the requisite federal approval from the FHWA Division Administrator to make ER funds or other FHWA assistance available to the State of South Carolina in connection with the emergency declared herein.

Section 2. General Provisions

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

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

C. 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 provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF JUNE, 2025.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2025-23

WHEREAS, the undersigned has consistently advocated for reforming and restructuring various Executive Branch agencies and departments, several of which were legacies of the system previously described by Governor Campbell as “a government run by a multitude of uncoordinated, unaccountable[,] and uncontrolled autonomous boards, commissions, agencies, departments, and authorities that are simply incapable of responding efficiently to the massive demands and responsibilities placed on a modern state government,” Exec. Order No. 91-07 (Mar. 6, 1991); and

WHEREAS, in recent years, the General Assembly has recognized the need for such reform and has taken several important steps to restructure quasi-independent Executive Branch agencies and departments and

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to provide direct lines of accountability to the Governor of the State of South Carolina, *e.g.*, 2025 S.C. Acts No. 3; 2023 S.C. Acts No. 60; and

WHEREAS, the undersigned is convinced that the aforementioned measures will significantly enhance accountability and improve the quality of government services available to South Carolinians by replacing bureaucratic fragmentation and isolation with agencies designed for communication, collaboration, and coordination, the leadership of which is directly and immediately accountable to the undersigned; and

WHEREAS, in light of the above-referenced developments, the undersigned has determined that it is necessary and appropriate to update the composition of the undersigned's Executive Cabinet, which is the coordinated structure designed to facilitate the organized and efficient functioning and administration of Executive Branch agencies and departments; and

WHEREAS, in addition to providing clarity and promoting accountability by specifying those state agencies and departments that comprise the undersigned's principal advisory body and identifying those state officials who constitute members of the Governor's Executive Cabinet, the undersigned has further determined that it is prudent to take certain additional proactive actions to improve the organization and operation of those agencies; and

WHEREAS, the effective and uninterrupted operation of state government is vital to the health, safety, and welfare of the citizens of the State of South Carolina, and to that end, ensuring a continuity of leadership within state agencies and departments is essential in providing for the continued delivery of essential services, particularly in the event of an emergency, and requires state officials to prepare for unanticipated vacancies or other similar circumstances, *see* S.C. Code Ann. §§ 1-9-10 *et seq.*; *Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952); 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 provides 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").

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

Section 1. Designating Executive Cabinet

A. In accordance with the foregoing authorities, historical practice, and other applicable law, I hereby designate the following administrative heads of Executive Branch agencies (“Cabinet Agency”), as well as the following officials of corresponding rank, as comprising the Governor’s Executive Cabinet:

1. Lieutenant Governor
2. Adjutant General, South Carolina Military Department
3. Chief of the South Carolina Law Enforcement Division
4. Chief Resilience Officer, South Carolina Office of Resilience
5. Director of the Department of Administration
6. Director of the Department of Behavioral Health and Developmental Disabilities
7. Director of the Department of Corrections
8. Director of the Department of Employment and Workforce
9. Director of the Department of Environmental Services
10. Director of the Department of Health and Human Services
11. Director of the Department of Insurance
12. Director of the Department of Juvenile Justice
13. Director of the Department of Labor, Licensing and Regulation
14. Director of the Department of Motor Vehicles
15. Director of the Department of Natural Resources
16. Director of the Department of Parks, Recreation and Tourism
17. Director of the Department of Probation, Parole and Pardon Services
18. Director of the Department of Public Health
19. Director of the Department of Public Safety
20. Director of the Department of Revenue
21. Director of the Department of Social Services
22. Director of the Department on Aging
23. Director of the Emergency Management Division
24. Secretary of Commerce
25. Secretary of Transportation
26. Secretary of Veterans’ Affairs
27. State Child Advocate
28. State Inspector General
29. Chief of Staff, Office of the Governor
30. Chief Legal Counsel, Office of the Governor

B. The Executive Cabinet shall meet at the call of the undersigned or the undersigned’s designee and shall advise the undersigned and the Office of the Governor on matters pertaining to executive branch operations, strategic initiatives and areas of common interest, policy development and implementation, and interagency collaboration, coordination, and cooperation.

C. Members of the Executive Cabinet (“Cabinet Official”) shall provide to the undersigned and to the Office of the Governor any and all reports, information, or materials requested by the undersigned, including copies of any and all reports provided to the General Assembly or to the leadership or a committee thereof.

D. The undersigned or the undersigned’s designee is authorized to invite additional agency heads to attend meetings of the Executive Cabinet, which shall be subject to the Freedom of Information Act in accordance with section 30-4-65 of the South Carolina Code of Laws, as amended.

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E. This Section does not alter, amend, modify, or supersede any duties, functions, or responsibilities assigned to, or which may be assigned to, the foregoing positions under existing law.

Section 2. Requiring Submission of Potential Emergency or Acting Successors

A. In accordance with section 1-9-40 of the South Carolina Code of Laws, as amended, and other applicable law, I hereby authorize and direct that each Cabinet Official shall identify at least three (3) employees of the corresponding Cabinet Agency whom the Cabinet Official deems qualified to serve on a temporary or emergency interim basis as the acting agency head in the event of an unanticipated vacancy in said office or the Cabinet Official's temporary absence, incapacity, or unavailability. Unless otherwise provided by law, within fifteen (15) days of this Order or within thirty (30) days of appointment, whichever is later, each Cabinet Official shall notify the Office of the Governor, in writing, of the individuals recommended for potential designation as the acting agency head, should the circumstances require such a designation, and shall confirm both that the individuals recommended satisfy any statutory qualifications associated with the position and that the individuals recommended would be willing to serve on a temporary basis if called upon to do so. Each Cabinet Official's recommended designations shall include and identify any deputy authorized by law to exercise the powers and discharge the duties of said office in the event of a vacancy or the Cabinet Official's temporary absence, incapacity, or unavailability.

B. Each Cabinet Official's recommended designations, which shall include the names and titles of the employees, are subject to the undersigned's approval and designation, and each Cabinet Official shall review and update the list of individuals recommended for potential designation as the acting agency head at least annually or upon any change in the employment status of the individuals identified and recommended.

C. In the absence of a prior recommended designation approved by the Governor, and until such time as the Governor takes different or additional action with respect to said position or until a successor is appointed and qualifies as provided by law, whichever event occurs first, the Cabinet Agency's chief legal counsel, chief legal officer, general counsel, or equivalent senior attorney is authorized to serve as the acting agency head during such periods, subject to the Governor's review and approval.

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.

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 25th DAY OF JUNE, 2025.

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-24

WHEREAS, article IV, section 21 of the South Carolina Constitution provides, in relevant part, that “[b]ills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections”; *see also Amisub of S.C., Inc. v. S.C. Dep’t of Health & Env’t Control*, 407 S.C. 583, 595, 757 S.E.2d 408, 414 (2014); and

WHEREAS, since 2017, the undersigned has issued 100 line-item vetoes of earmarked appropriations in the annual Appropriations Acts passed by the General Assembly, collectively representing \$272,305,028 in taxpayer funds; and

WHEREAS, although many of the aforementioned line-item vetoes of legislative earmarks were overridden, the General Assembly is to be commended for sustaining 44 such vetoes, which resulted in a savings of \$66,764,015 for South Carolina taxpayers; and

WHEREAS, members of the General Assembly must also be commended for their remarkable evolution and significant improvements to the process of disclosing earmarked appropriations, which were previously shielded from public scrutiny or debate; and

WHEREAS, after decades of overriding vetoes issued by successive Governors of innocuous sounding appropriation titles or items that contained undisclosed earmarks, within the last three years, the leadership of the Senate and House of Representatives began disclosing—at the undersigned’s request—more information about each earmark, including the sponsors, proposed recipients, and the intended activity, function, or purpose associated with each earmark, and such information was released to the media in real time for the public’s review; and

WHEREAS, as a result of these improvements and enhanced disclosures, the undersigned has not been compelled to issue as many line-item vetoes as his predecessors and has instead worked collaboratively with legislative leadership both to identify meritorious appropriations and to rectify earmarks that did not serve a legitimate public purpose; and

WHEREAS, although these efforts have been productive, the undersigned has continued to encourage the General Assembly to abandon its regular reliance on earmarks and to instead establish a public, merit-based competitive grants process for these types of appropriations, especially for nongovernmental organizations, with all applications for funding and award criteria made available online to facilitate public review and ensure total transparency; and

WHEREAS, this year, the General Assembly chose to forgo the inclusion of earmarks in the 2025-2026 Appropriations Act, and this development was the subject of extensive discussion among members of both legislative bodies and received significant media coverage; and

WHEREAS, notwithstanding the aforementioned improvements and ongoing progress, the undersigned continues to identify items in the annual Appropriations Act that lack sufficient information to allow for meaningful scrutiny, including any appropriations which were not requested by a state agency or department

8 EXECUTIVE ORDERS

through the budgeting process and are not accompanied by specific language directing, instructing, or defining how or for what purpose the agency or department shall utilize the funds, *see* S.C. Const. art. IV, § 21; and

WHEREAS, to maintain public confidence in the appropriations process, and to provide additional accountability and transparency associated with the same, the undersigned has determined that it is necessary and appropriate to ensure that individual members of the General Assembly do not attempt to circumvent the omission of earmarks by demanding, requesting, or encouraging state agencies or departments to distribute in a particular manner or to a particular entity any authorized or appropriated funds, or portions thereof, for which the Appropriations Act does not provide specific language directing, instructing, or defining how or for what purpose the agency or department shall utilize the funds; and

WHEREAS, it is axiomatic that the appropriation of public funds is a distinctly legislative function entrusted to the General Assembly, *see* S.C. Const. art. III, § 1; *Gilstrap v. S.C. Budget & Control Bd.*, 310 S.C. 210, 216, 423 S.E.2d 101, 105 (1992), and that the General Assembly “has the right to specify the conditions under which the appropriated monies shall be spent,” *State ex rel. Condon v. Hodges*, 349 S.C. 232, 244, 562 S.E.2d 623, 630 (2002); and

WHEREAS, although the Governor “has the ability, after the General Assembly has passed a budget, to veto items or sections contained within the budget,” *Edwards v. State*, 383 S.C. 82, 91, 678 S.E.2d 412, 417 (2009); *see* S.C. Const. art. IV, § 21, “[o]nce the legislature enacts a law, all that remains is the efficient enforcement and execution of that law,” *Knotts v. S.C. Dep’t of Nat. Res.*, 348 S.C. 1, 7, 558 S.E.2d 511, 514 (2002); and

WHEREAS, while “[e]xecutive agencies are required to comply with the General Assembly’s enactment of a law until it has been otherwise declared invalid,” *Edwards*, 383 S.C. at 91, 678 S.E.2d at 417, “[t]he administration of appropriations is a function of the executive department,” *id.*; and

WHEREAS, “[t]he power to execute a law is not incidental to the power to appropriate, but is a separate executive power,” *Knotts*, 348 S.C. at 7, 558 S.E.2d at 514, and the undersigned is charged with exercising the “supreme executive authority of this State,” S.C. Const. art. IV, § 1, to “take care that the laws be faithfully executed,” *id.* art. IV, § 15; and

WHEREAS, the South Carolina Constitution imposes limitations relating to the expenditure of public funds and requires certain reporting regarding the same, to include mandating that “[m]oney shall be drawn from the treasury of the State . . . only in pursuance of appropriations made by law,” *id.* art. X, § 10, dictating that “[a]n accurate statement of the receipts and expenditures of the public money shall be published annually in such a manner as may be prescribed by law,” *id.* art. X, § 9, and providing that “[b]ills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections,” *id.* art. IV, § 21; and

WHEREAS, section 11-9-10 of the South Carolina Code of Laws, as amended, similarly provides that “[i]t shall be unlawful for any moneys to be expended for any purpose or activity except for which it is specifically appropriated”; and

WHEREAS, in addition to requiring the disclosure of additional information regarding earmarked appropriations, the General Assembly has also strengthened the requirements in Proviso 117.21 of the Appropriations Act, specifying that “[e]ach state agency receiving funds that are a direct appropriation to a non-profit organization, prior to disbursing the funds, shall require from each recipient organization a plan of how the state funds will be spent and how the expenditures will provide a public benefit”; providing that “[a]fter receiving the funds, non-profit organizations shall provide quarterly spending updates to the respective state agency”; requiring that “[a]fter all state funds have been expended, each organization shall provide an accounting of how the funds were spent, including an accounting of funds provided to subgrantees and affiliated non-profits”; and directing that the state agencies receiving such information shall report the same to the

Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by June 30; and

WHEREAS, article IV, section 17 of the South Carolina Constitution provides 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, despite the General Assembly’s laudable decision not to include earmarked appropriations in the 2025–2026 Appropriations Act, Executive Branch agencies and departments must ensure that appropriated or authorized funds are administered in a transparent and accountable manner, and there is no guarantee that future Appropriations Acts will not include earmarked appropriations; and

WHEREAS, at present, although South Carolinians are already better positioned than ever to hold members of the General Assembly to account for discharging their duty to be good stewards of public funds, the undersigned has determined that it is appropriate to take further action to place South Carolinians in an even better position to do so and is hereby imposing additional safeguards in the administration of appropriations to facilitate transparency and accountability, to enhance the public’s trust and confidence in government, and to ensure that the public is aware of the manner in which public funds are appropriated and expended and can hold the appropriate individuals, entities, and officials accountable.

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

**Section 1. Establishing Methods to Identify and Maintain Accountability
Regarding Unrequested or Pass-Through Appropriations**

A. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives appropriations in the annual Appropriations Act shall, within forty-eight (48) hours of the General Assembly’s ratification of the annual Appropriations Act, notify the undersigned of any appropriations allocated or provided to—or designated for administration or distribution by—the agency or department, or any other appropriations contained in the agency or department’s portion of the budget allocation that were not requested by the agency or department in its immediately preceding budget request, so as to facilitate the undersigned’s timely evaluation of the annual Appropriations Act. For purposes of the 2025–2026 Appropriations Act, any Executive Branch agency or department that receives such funding shall report the same to the undersigned, in writing, by July 11, 2025, or within forty-eight (48) hours of the agency or department receiving communication from the State Treasurer or other state official or employee that such funds have been or will be disbursed to the agency or department.

B. I hereby order and direct that any Executive Branch agency or department that is contacted by any member of the General Assembly or staff thereof, whether orally, in writing, or by any other method, purporting to demand, instruct, request, suggest, or encourage said agency or department to utilize, administer, distribute, or disburse any funds authorized or appropriated by the Appropriations Act in a particular manner,

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the corresponding Agency Head shall report the communication to the Office of the Governor, including the name of the person who contacted the agency or department, the person at the agency or department who was contacted, the date and time of the contact, the method of the contact, and a summary of what was conveyed by the member of the General Assembly or staff thereof. The Agency Head shall make the report required herein to the Office of the Governor in writing within forty-eight (48) hours.

C. I hereby prohibit any Executive Branch agency or department, through its Agency Head, from administering or distributing funding provided in the annual Appropriations Act in response to any such communication from a member of the General Assembly, or staff thereof, unless such request is reduced to writing, accompanied by any documentation required by Proviso 117.21 of the Appropriations Act, and identifies, at a minimum, the following:

1. the sponsor of the appropriation or member of the General Assembly requesting the administration, distribution, or expenditure of appropriated funds, as applicable;
2. the proposed recipient's identification and verification of the entity's existence and good standing;
3. the proposed activity or function for which the appropriated funds would be utilized;
4. the public purpose that would be served by the use of the appropriated funds in the requested manner;
5. the project budget;
6. demonstrated local community involvement and support;
7. any contribution to the project by others; and
8. any state funds previously appropriated or provided to the entity for the same or a similar purpose.

I further prohibit any Executive Branch agency or department, through its Agency Head, from acting on any such request without prior notification to, and consultation with, the Office of the Governor regarding the same.

D. I hereby authorize and direct that any Executive Branch agency or department shall, within forty-eight (48) hours of receiving any such information from members of the General Assembly or staff thereof, promptly make any such records available in response to a request submitted pursuant to the Freedom of Information Act, codified as amended in Chapter 4 of Title 30 of the South Carolina Code of Laws.

E. In the event that an Executive Branch agency or department receives any funds pursuant to an appropriation in the annual Appropriations Act that fails to "specify the objects and purposes for which the [earmarked appropriations] are made," S.C. Const. art. IV, § 21, such that the funds cannot be administered or distributed without further information or instructions, the Agency Head shall promptly report the same, in writing, to the undersigned. In the event that the Agency Head determines that such funds are not necessary to achieving the agency or department's objectives during that fiscal year, the agency or department shall return those funds to the General Fund at the conclusion of the fiscal year or, if authorized, carry forward such funding to offset future requests for appropriations.

Section 2. Enhancing and Consolidating Prior Safeguards to Provide Additional Transparency and Accountability Regarding Any Potential Earmarked Appropriations

A. I hereby order and direct that any and all earmarked appropriations, as further defined herein, provided to, or through, any Executive Branch agency or department, as further defined herein, shall be expended and administered in strict compliance with the purposes specified in the annual Appropriations Act and may only be expended or administered in a manner that serves a public purpose and is consistent with the agency or department's authorizing or enabling legislation or other applicable law.

B. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall ensure strict and timely compliance with the terms of, and requirements set forth in, Proviso 117.21 of the 2025–

2026 Appropriations Act, R-92, H. 4025, and any subsequent version thereof appearing in any annual Appropriations Act, as applicable.

C. I hereby order and direct, 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, that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall promptly make available for public review and inspection on the agency or department's website any and all reports, accountings, forms, updates, communications, or other materials required by Proviso 117.21.

D. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall deliver, tender, disburse, or transmit any resulting funds or payments directly to any entity designated in the Appropriations Act and shall be prohibited from providing any such funds to any intermediary for presentment. Any such Executive Branch agency or department that receives earmarked appropriations shall not deliver, tender, disburse, or transmit any resulting funds or payments to the identified or intended recipient until the recipient and the agency or department have demonstrated compliance with the directives set forth in this Section and other applicable law.

E. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall certify to the undersigned and the Executive Budget Office, in writing, compliance with the foregoing directives, as applicable, on an annual basis prior to the conclusion of the corresponding fiscal year.

Section 3. Definitions

A. For purposes of this Order, "Executive Branch agency or department" is defined as any agency, department, or official within the undersigned's Executive Cabinet, as designated by Executive Order No. 2025-23, or any other agency, department, or official within the Executive Branch, as defined by section 1-30-10(A) of the South Carolina Code of Laws, as amended, including any boards or commissions that are part of, comprised within, or under the jurisdiction of such agency or department, as well as any and all other departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies or undertakings of the State, to the maximum extent provided by law.

B. For the purposes of this Order, "earmarked appropriations" are defined as any nonrecurring appropriation to an Executive Branch agency or department that is not requested by the agency or department to which it is allocated or appropriated to and received by or any nonrecurring appropriation that is specifically identified in an annual Appropriations Act as a direct appropriation to, or is otherwise intended to be distributed or dispersed directly to, a nonprofit organization, private entity, political subdivision of the State, or other external organization, without regard to whether any such earmarked appropriation was vetoed by the Governor.

Section 4. 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

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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 and the Executive Budget Office 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 shall not be interpreted, applied, implemented, or construed in a manner so as to alter or conflict with provisions of the Appropriations Act or any other applicable law, to include the Consolidated Procurement Code or the Administrative Procedures Act.

F. I hereby supersede, rescind, and replace Executive Order No. 2022-19, with any modified or remaining provisions thereof incorporated, in whole or in part, herein.

G. 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 25th DAY OF JUNE, 2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-25

WHEREAS, the undersigned has been notified of the passing of James Roland Smith, 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—where he also served as chairman of the Ethics Committee—James Roland Smith served the State of South Carolina in various other state and local capacities; and

WHEREAS, prior to his distinguished public service, James Roland Smith served honorably in the United States Air Force; and

WHEREAS, James Roland Smith was a dedicated public servant, devoted minister, principled leader, tireless advocate for his State and his constituents, successful businessman, and beloved husband, 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 5, 2025, in honor of James Roland Smith 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 3rd DAY OF JULY, 2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-26

WHEREAS, the undersigned has been notified of the passing of Deputy Frank Devin Mason of the Darlington County Sheriff’s Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Deputy Mason dedicated his life to protecting and serving the people of the State of South Carolina, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Monday, July 7, 2025, in tribute to Deputy Frank Devin Mason 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 6th DAY OF JULY, 2025.**

HENRY DARGAN MCMASTER
Governor

14 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the South Carolina Code of Laws, as amended, that the next public hearing will be held on August 12, 2025, in the Kingstree Building, 110 Centerview Drive, Columbia, SC 29210, at 10:30 A.M., at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2024 Edition of the International Building Code;
2024 Edition of the International Residential Code;
2024 Edition of the International Fire Code;
2024 Edition of the International Plumbing Code;
2024 Edition of the International Mechanical Code;
2024 Edition of the International Fuel Gas Code;
2023 Edition of the National Electrical Code.

An additional meeting, if needed, will announced on the Council's [web page](#) if needed.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to Maggie Smith, Administrator of the Building Codes Council, at the physical address stated below, or to the email address also provided below, by or before May 13, 2025.

Maggie Smith
S.C. Building Codes Council
SC Department of Labor, Licensing and Regulation
PO Box 11329
Columbia, SC 29211-1329
Maggie.Smith@llr.sc.gov

If any person chooses not to attend the hearing but wishes to submit evidence or comments for the Committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before August 4, 2025.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **July 25, 2025**, 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, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting All 46 Counties**KabaFusion SC, LLC**

The establishment of a Specialty Home Health Agency limited to home infusion nursing services in all 46 counties at a total project cost of \$26,050.00.

Affecting Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and Williamsburg Counties

TSI South d/b/a Vital Care Charleston

The establishment of a Specialty Home Health Agency limited to home infusion nursing services in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and Williamsburg Counties at a total project cost of \$30,000.00.

Affecting Cherokee, Lancaster, and York Counties**Premier Home Healthcare of SC LLC d/b/a Boost Home Healthcare - Rock Hill**

The establishment of a Home Health Agency in Cherokee, Lancaster, and York Counties at a total project cost of \$129,350.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, 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 no earlier than 30 days, but no later than 90 days, from **July 25, 2025**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. If a public hearing is timely requested, the Department’s decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email coninfo@dph.sc.gov.

Affecting Bamberg, Calhoun, Lexington, Newberry, Orangeburg, and Richland Counties**Inspirium IHC Midlands, LLC d/b/a Interim HealthCare of the Midlands**

The establishment of a Home Health Agency in Bamberg, Calhoun, Lexington, Newberry, Orangeburg, and Richland Counties at a total project cost of \$15,550.00.

Affecting Colleton and Orangeburg Counties**Roper St. Francis Healthcare (RSFH) Ancillary Services d/b/a Roper St. Francis Home Health**

The establishment of a Home Health Agency in Orangeburg and Colleton Counties at a total project cost of \$50,000.00.

Affecting Florence County**Care Faith, LLC d/b/a Care Faith***

The establishment of a Home Health Agency in Florence County at a total project cost of \$34,200.00.

Affecting Greenville County**Prisma Health-Upstate, d/b/a Prisma Health Greenville Memorial Hospital**

The addition of 4 Level III NICU beds for a total of 32 Level III NICU beds at a total project cost of \$320,058.00.

*The total project cost has been adjusted.

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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, 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 28, 2025, 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.

CLEMSON UNIVERSITY

CHAPTER 27

Statutory Authority: 1976 Code Sections 56-21-10 and 59-119-320

Notice of Drafting:

Clemson University is considering the implementation of new regulations that impact parking, traffic and public safety regulations of golf carts at Clemson University, in particular as it relates to the hours, methods, and locations of golf cart operations during the nighttime. These changes are in response to recent statutory changes set forth by Act 64 which amends SC Code section 56-2-90 to provide that local jurisdictions can set forth nighttime operation hours of golf carts within their jurisdiction.

Interested parties should submit written comments to Dan Hofmann, Director of Parking Services, Clemson University, 310 Klugh Ave, Suite B, Clemson, SC 29634.

To be considered, comments should be received no later than 5:00 p.m. on August 29, 2025, the close of the drafting comment period.

Synopsis:

The proposed amendments will update and clarify the current regulations as they relate to parking, traffic and public safety regarding the use of golf carts at Clemson University, in particular as it relates to nighttime operation of golf carts.

These proposed regulations will require legislative action.

STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Section 59-40-180

Notice of Drafting:

The State Board of Education proposes to amend existing Regulation 43-601, Article 26, Charter Schools.

Interested persons may submit their comments in writing to Meka Childs, Director of Education Choice and Family Engagement, Division of Strategic Engagement, 849 Learning Lane, West Columbia, SC 29172 or by e-mail to MChilds@ed.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on August 25, 2025, the close of the drafting comment period.

Synopsis:

The General Assembly passed the “Charter Schools Act” (Section 59-40-10 et seq.) in 1996, amended it in 2006 and again in 2012. The chapter was enacted to improve student learning; increase learning opportunities for students; encourage the use of a variety of productive teaching methods; establish new forms of accountability for schools; create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; assist South Carolina in reaching academic excellence; and create new, innovative, and more flexible ways of educating children within the public school system, with the goal of closing achievement gaps between low performing student groups and high performing student groups. Section 59-40-180, Regulations and Guidelines, directs the State Board of Education to promulgate regulations necessary to implement the provisions of the Charter Schools chapter in the South Carolina Code of Laws.

The proposed regulation will reorganize Article 26, Charter Schools. Currently, there is only one article addressing the vast spectrum of charter school-related policies. The proposed regulation will not change any content of current regulations but will create multiple articles organized to collect relevant policy matters together into clearly titled articles and subdivided, where necessary, into subsections to facilitate implementation and interpretation of the charter school regulation.

Legislative review of this proposal is required.

STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, and 59-26-10 et seq.

Notice of Drafting:

The State Board of Education proposes to amend Regulation 43-100, Test Security.

Interested persons may submit their comments in writing to Kristi Austin, Director, Office of Assessment and Standards, South Carolina Department of Education, 849 Learning Lane, West Columbia, SC 29172 or by e-mail to kdaustin@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 25, 2025.

Synopsis:

State Board of Education Regulation 43-100 governs the requirements for test security for the statewide testing program. Amendments to the regulation will update certification field titles to conform with current practice and State Board guidelines, revise principal certification to encompass a Pre-kindergarten through grade 12 grade span, and clarify other certification requirements at the advanced level.

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Amendments to the regulation will update language to conform with state statute, revise language to include directions for computer-based formats, revise portions to provide specificity, and clarify requirements for maintaining test security of statewide assessment programs.

Legislative review is required.