

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2019 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

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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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
4848			Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852			Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873			Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4876			Electronic Transmissions	4/26/20	Secretary of State
4880			Control of Anthrax	5/13/20	Department of Health and Envir Control
Committee Request Withdrawal					
4843			Board of Physical Therapy Examiners	Tolled	LLR
4861			Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4873	Air Pollution Control Regulations and Standards	Regulations and Admin. Procedures	Agriculture and Natural Resources
4876	Electronic Transmissions	Regulations and Admin. Procedures	Judiciary
4880	Control of Anthrax		
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance

Executive Order No. 2019-23

WHEREAS, at the request of Horry County Council and Georgetown County Council, the undersigned issued Executive Order No. 2018-20 on June 12, 2018, appointing a Commission to Investigate Annexation of Certain Areas in Horry County and Georgetown County (“Commission”) and charging the Commission with investigating all facts related to the requested annexation and reporting in writing the pertinent facts and other relevant matters in accordance with Chapter 5 of Title 4 of the South Carolina Code of Laws and Act No. 275 of 2018; and

WHEREAS, the Commission has since provided to the undersigned the Report of the Commission to Investigate Annexation of Certain Areas in Horry County and Georgetown County dated June 11, 2019 (“Report”), as well as the Supplemental Information dated July 26, 2019 (“Supplemental Information”); and

WHEREAS, based on a review of the Report and Supplemental Information, it appears that the Commission has satisfactorily completed its investigation regarding the requested annexation and reported the pertinent facts and recommendations in accordance with Executive Order No. 2018-20; and

WHEREAS, as indicated in the Supplemental Information, to the extent that the Report differs from the original requests presented to the undersigned, the Commission has obtained the concurrence and agreement of both Horry County and Georgetown County regarding the Commission’s conclusions and recommendations, which Horry County Council memorialized and confirmed on July 9, 2019, by Resolution R-71-19, and which Georgetown County Council memorialized and confirmed on July 23, 2019, by Resolution No. 19-09; and

WHEREAS, in addition to the foregoing, it appears that other statutory requirements or prerequisites to the ordering of a county annexation election have already been satisfied; and

WHEREAS, pursuant to Act No. 275 of 2018, “[u]pon receipt of the commission’s report and compliance with all statutory requirements, an election must be ordered for all qualified voters in the affected area.”

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 that an election shall be held on November 5, 2019, to determine whether the Georgetown County Affected Area, as identified and defined in the Commission’s Report and Supplemental Information, Georgetown County Council Resolutions No. 2018-16 and No. 19-09, Horry County Council Resolutions R-52-18 and R-71-19, and further described below, shall be annexed or transferred to Horry County. Such election shall be governed by the provisions of Chapter 5 of Title 4 of the South Carolina Code of Laws, Act No. 275 of 2018, and all other applicable law. The question to be presented to the voters in said election shall be as follows:

Do you favor the annexation to Horry County of all that area of land in Georgetown County consisting of 210.32 acres or 0.3286 square miles described as commencing at a point in the center of the Waccamaw River, being that point defined in Sections 4-3-270 and 4-3-310, Code of Laws of South Carolina 1976, as amended, at Latitude 33°34’22.623”N, Longitude 79°06’03.848”W (North American Datum 1983), this being the same point positioned at Latitude N33°34’22.6126, Longitude W79°06’03.8429 (North American Datum 1983/2011) on the below referenced plat, and thence running along the Statutory Boundary for Georgetown and Horry Counties N89°06’55”E for a distance of 4,165.38 feet to a calculated point labeled ‘B’, this being the Point of Beginning: From the Point of Beginning, a point labeled ‘B’ and thence running along a line through points labeled ‘B’ through ‘AR’ on the Proposed Boundary

4 EXECUTIVE ORDERS

Line for Georgetown and Horry Counties, 'AR' being on the Statutory Boundary of Georgetown and Horry Counties thence turning and running S89°06'55"W for a distance of 23,067.40 feet along the Statutory Boundary of Georgetown and Horry Counties to the calculated point labeled 'B', the Point of Beginning, the said area being shown on a 'Plat of a Portion of Georgetown County Proposed To Be Annexed To Horry County', by South Carolina Geodetic Survey, AECOM, and Glenn Associates Surveying, Inc., dated January 9, 2019 and signed and sealed by David K. Ballard PLS#26946, Jason M. Forsberg PLS#28135, and Michael R. Mills PLS#11606 on January 17, 2019, recorded with the Horry County Registrar of Deeds in Plat Book 287, Page 153 and said plat being incorporated herein by reference?

A YES vote means in favor of the annexation. A NO vote means opposed to the annexation.

YES

NO

In accordance with Act No. 275 of 2018, the election shall be held in the above-referenced portion of Georgetown County "for all qualified voters in the affected area." For the reasons set forth in the Commission's Report and Supplemental Information, the Horry County Voter Registration and Election Commission shall conduct the election. Pursuant to the Commission's recommendation, "[f]or the portion of the Georgetown County Affected Area that is in the Garden City #2 precinct, the place for voting is the Garden City Fire Station, 280 Azalea Avenue, Garden City, and for the portion in the Burgess #3 precinct, the place for voting is St. James Middle School, 9775 St. James Road, Myrtle Beach." Notice of the election shall be given in accordance with section 7-13-35 of the South Carolina Code of Laws and any other applicable law.

Any other related matters not specifically addressed in this Order shall be governed by the Commission's Report and Supplemental Information, including the conclusions and recommendations set forth therein, which are hereby adopted and incorporated herein by reference. The Commission shall ensure that the Report and Supplemental Information are promptly filed with the Secretary of State. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF AUGUST, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-24

WHEREAS, there presently exists a vacancy in the office of Coroner of Hampton County due to the recent resignation of Ernie J. Washington, Sr.; and

WHEREAS, in the event of a vacancy in the office of a county coroner, the undersigned is authorized to appoint a qualified replacement to serve in such office pursuant to sections 17-5-50 and 4-11-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Angela C. Topper, of Hampton, South Carolina, is a fit and proper person to serve as Coroner of Hampton County.

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 appoint Angela C. Topper to serve as Coroner of Hampton County until the next general election in

accordance with section 17-5-50(A) of the South Carolina Code of Laws, as amended, and until her successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 27th DAY OF AUGUST, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-25

WHEREAS, the National Hurricane Center forecasts that Hurricane Dorian is anticipated to make landfall along the coast of the State of Florida at some point during the first week of September, 2019; and

WHEREAS, according to the latest forecasts, Hurricane Dorian has the potential to produce catastrophic impacts to the State of Florida and other areas in the southeastern region of the United States; and

WHEREAS, in preparing for and responding to Hurricane Dorian, many government agencies, non-profit organizations, and businesses and will be supporting emergency management and relief efforts in the State of Florida and other areas in the southeastern region of the United States, and such efforts will require motor carriers, commercial vehicles, and drivers to travel in and through the State of South Carolina while transporting essential supplies, equipment, and persons to or from the impacted areas; and

WHEREAS, in particular, preparing for and responding to Hurricane will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal and essentials such as food, water, medicine and medical supplies, petroleum products, livestock and poultry, feed for livestock and poultry, and other agricultural products; and

WHEREAS, the uninterrupted supply of electricity, essential fuels and petroleum products, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is critical before, during, and after the impact of Hurricane Dorian, and any actual, potential, or perceived shortage or interruption in the availability, transportation, or delivery of such commodities and materials threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the people of South Carolina and neighboring states; and

WHEREAS, Hurricane Dorian poses an imminent threat of significant economic loss and other dangers to livestock, poultry, crops, and other agricultural products ready to be harvested in South Carolina and in neighboring states, which may necessitate prompt transportation of the same; and

WHEREAS, in light of the foregoing and due to the threat of widespread damage in connection with Hurricane Dorian, it is prudent to proactively assist in facilitating and supporting the operation of critical transportation services and preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from the impacted areas; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit the hours of service for operators of commercial motor vehicles, 49 C.F.R. § 390 *et seq.*, and federal law establishes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

6 EXECUTIVE ORDERS

WHEREAS, the governor of a state may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, in accordance with section 56-5-70 of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet; and

WHEREAS, in addition to the foregoing, whenever an emergency is declared in the State of Georgia, the State of North Carolina, or both, which triggers relief under 49 C.F.R. § 390.23, the undersigned must declare an emergency in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and

WHEREAS, on August 29, 2019, the Governor of Georgia declared that a state of emergency exists in twelve (12) counties in the State of Georgia and temporarily suspended certain motor vehicle and transportation regulations in connection with Hurricane Dorian; and

WHEREAS, on August 29, 2019, the Federal Motor Carrier Safety Administration (“FMCSA”) issued a regional emergency declaration, FMCSA No. 2019-005, pursuant to 49 C.F.R. § 390.23, which provided certain regulatory relief for commercial motor vehicle operations under 49 C.F.R. Parts 390–399, if such operations are providing direct assistance in connection with Hurricane Dorian and the declared regional emergency.

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 declare that an emergency exists in the State of South Carolina, pursuant to section 56-5-70 of the South Carolina Code of Laws, for the limited purpose of suspending the federal rules and regulations that establish certain registration, permitting, length, width, weight, load, and hours of service requirements, as fully set forth below, for motor carriers, commercial vehicles, and drivers responding to the declared emergencies in connection with Hurricane Dorian. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. The South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, shall suspend application and enforcement of such federal rules and regulations, in conjunction with sections 56-5-4010 *et seq.* of the South Carolina Code of Laws, as amended, which establish size, weight, and load requirements for South Carolina highways, for the following commercial vehicles responding to the declared emergencies in connection with Hurricane Dorian:

- (1) Persons and vehicles transporting essential fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine, and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, feed for livestock and poultry, and crops, timber, and other agricultural products ready to be harvested in the threatened areas; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

This Order 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 Order shall not be construed as an exemption from the commercial driver’s license requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387 and 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.

Section 2. Notwithstanding the waiver or suspension of certain federal rules and regulations that restrict registration, permitting, length, width, and load requirements, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

(a) 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.

(b) Posted bridges may not be crossed.

(c) 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.

(d) 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.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

This Order is effective immediately and shall remain in effect for thirty (30) days, unless otherwise terminated or extended, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF AUGUST, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-26

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Dorian, which is currently a category 4 hurricane, may impact the State of South Carolina and other areas in the southeastern region of the United States during the first week of September, 2019; and

WHEREAS, the undersigned has been advised that Hurricane Dorian, including the associated wind, heavy rain, flash flooding, and other severe weather, represents a significant threat to the State of South Carolina, which requires that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State.

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, effective at noon, August 31, 2019, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. I hereby activate the South Carolina Emergency Operations Plan (“Plan”) and direct that the Plan be placed into effect and that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Dorian.

8 EXECUTIVE ORDERS

Section 2. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the people of this State.

Section 3. I hereby order Dual Status Command to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status) as necessary.

Section 4. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

Section 5. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws are in effect and shall remain in effect for the duration of this State of Emergency.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing within the succeeding 24-hour period. This State of Emergency shall remain in effect for a period of fifteen (15) days unless otherwise amended or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 31st DAY OF AUGUST, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-27

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Dorian, which is currently a category 5 hurricane, may impact the State of South Carolina and other areas in the southeastern region of the United States; and

WHEREAS, the undersigned has been advised that Hurricane Dorian, including the associated wind, heavy rain, flash flooding, and other severe weather, represents a significant threat to the State of South Carolina, which requires that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, due to the potential impact of Hurricane Dorian, the undersigned issued Executive Order No. 2019-26 on August 31, 2019, declaring that a State of Emergency exists throughout the State of South Carolina and activating the South Carolina Emergency Operations Plan; and

WHEREAS, the anticipated impacts of Hurricane Dorian represent an imminent threat to the safety, security, and welfare of the residents and patients of certain healthcare facilities in the State of South Carolina; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division (“EMD”) and the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned has determined that the evacuation of healthcare facilities in and surrounding the threatened areas is necessary for the preservation of life and that, due to time and logistical concerns, such evacuation should begin prior to any general population evacuation.

NOW, THEREFORE, by virtue of the authority vested in me as the Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective immediately, I hereby order a mandatory medical evacuation of all healthcare facilities licensed by DHEC and located in the following Evacuation Zones, which are detailed further in **Exhibit A**: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A). Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Healthcare Facilities

For purposes of this Order, healthcare facilities shall include acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, rehabilitation hospitals, nursing homes, community residential care facilities (also called assisted living facilities), ambulatory surgical facilities, hospice facilities, radiation therapy facilities, abortion facilities, day care facilities for adults, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability (“ICFPID”), narcotic treatment programs, inpatient facilities that treat individuals for psychoactive substance abuse or dependence, and birthing centers.

Upon the effective date and time of this Order, all healthcare facilities in the above-referenced Evacuation Zones are hereby ordered to initiate evacuation procedures and to stop admission of any non-emergent patients. All inpatient facilities in the above-referenced Evacuation Zones shall immediately begin to reduce their census of patients, limit services to emergent or essential patient needs (for example, non-elective procedures, dialysis, giving birth, medications, and chemotherapy), and take other measures as necessary to ensure evacuation is completed pursuant to this Order.

It is important to begin evacuating healthcare facilities in advance of the approaching hurricane and prior to any general population evacuation to ensure the safety of patients. Each healthcare facility is unique with different needs and should begin implementing its plan now. Recognizing that fully evacuating takes time and the needs of each healthcare facility are different, each healthcare facility must notify DHEC upon completion of its evacuation so that the State has a census of healthcare facilities. Such notification to DHEC may be made by email at acc-healthreg@dhec.sc.gov or by telephone at 1-800-833-0099.

Section 2. Obtaining Exemption from the Mandatory Medical Evacuation

In accordance with applicable law and regulations, a hospital seeking an exemption from this Order must request the exemption from DHEC. DHEC will base its exemption decisions on the hospital’s Critical Data Sheet (“CDS”) on file with DHEC. Based upon the CDSs and other relevant criteria, DHEC may grant exemptions from a full mandatory evacuation to those hospitals that qualify. Nursing homes, ICFIDs, and hospice facilities generally are *not* allowed an exemption. Under limited circumstances, DHEC may exempt nursing facilities (nursing homes), ICFIDs, and hospice facilities pursuant to Regulations 61-17, 61-13, and 61-78 of the South Carolina Code of Regulations, respectively. Attached to this Order as **Exhibit B** are DHEC’s Mandatory Medical Evacuation Protocols, which shall be enforced while this Order is in effect.

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DHEC shall maintain the list of hospitals that are granted exemptions from the requirement to evacuate. DHEC may revoke an exemption as needed, such as due to deteriorating conditions. Those facilities requesting exemptions should be aware that assistance may not be available due to the severe weather or the effects of the severe weather.

Section 3. Approving Shelter-in-Place for Medically-Fragile Patients

Under limited circumstances, a physician may determine that it is medically advisable for a medically-fragile patient to shelter-in-place in a hospital that has otherwise evacuated. In this scenario, such hospital should work through this issue according to DHEC's protocols. Attached to this Order as **Exhibit B** are DHEC's Mandatory Medical Evacuation Protocols, which shall be enforced while this Order is in effect.

Section 4. Re-Entry

After a county is evacuated, decisions regarding re-entry into the county will be made at a local level based on local conditions. Accordingly, if a hospital requests to re-establish emergency services, including those services necessary to support emergency services, within a part of the hospital after the hurricane has subsided but before the expiration of this Order, or after the expiration of this Order but before a county is allowing re-entry, the hospital must work with DHEC and the *local emergency management authority* to gain re-entry into the county and facility. The hospital, in consultation with DHEC, must conduct an inspection of the facility to determine if that section can function safely and meet regulatory requirements. The inspection must be certified by the facility manager and the chief executive officer or their designees. Upon approval from DHEC, the hospital must obtain approval of the local emergency management authority in the county prior to re-establishing services. The local emergency management authority is appropriate to assist in re-entry decisions as they will have intimate knowledge of the local conditions, such as road conditions and risks to patients' lives and safety.

This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1st DAY OF SEPTEMBER, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-28

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Dorian, which is currently a category 5 hurricane, may impact the State of South Carolina and other areas in the southeastern region of the United States; and

WHEREAS, the undersigned has been advised that Hurricane Dorian, including the associated wind, heavy rain, flash flooding, and other severe weather, represents a significant threat to the State of South Carolina, which requires that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, due to the potential impact of Hurricane Dorian, the undersigned issued Executive Order No. 2019-26 on August 31, 2019, declaring that a State of Emergency exists throughout the State of South

Carolina and activating the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division (“EMD”) and other authorities, the undersigned has determined that an evacuation is necessary for the preservation of life in and surrounding the threatened areas or for other emergency mitigation, response, or recovery efforts.

NOW, THEREFORE, by virtue of the authority vested in me as the 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. I hereby order the evacuation, effective at noon, September 2, 2019, of all persons located in the following Evacuation Zones, which are detailed further in **Exhibit A**: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A), with the exception of those critical or emergency response personnel, as designated by the appropriate municipal, county, or special purpose district officials, necessary to provide essential services during or immediately following the event. All other persons are ordered to evacuate the affected areas as expeditiously as possible.

Any persons or non-emergency management personnel who remain in the Evacuation Zones, and any medical facilities, nursing home facilities, businesses, or other organizations or entities that allow or require persons under their charge to remain in the Evacuation Zones are responsible for the safety and well-being of themselves and of those under their charge. Any such persons or entities are hereby charged with the knowledge that should they need the assistance of emergency personnel or services, those personnel or services may not be available or capable of rendering aid. Persons in other areas near the projected path of Hurricane Dorian should take all precautions necessary to ensure their protection from potential high winds, heavy rain, localized flooding, and other severe weather.

Section 2. I hereby direct that specified units of the South Carolina National Guard, at the discretion of the Adjutant General and in consultation with the Director of the EMD, may remain on duty to assist civil authorities in these areas, including Emergency Support Functions 13 and 16, the South Carolina Department of Public Safety (“DPS”), and the South Carolina Law Enforcement Division (“SLED”), with such personnel taking all reasonable and necessary precautions for the preservation of life and property. The South Carolina National Guard may supplement units as needed, and DPS may remain on duty and available to assist with all traffic control points as necessary and assigned.

This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 1st DAY OF SEPTEMBER, 2019.

HENRY MCMASTER
Governor

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Executive Order No. 2019-29

WHEREAS, due to the potential impact of Hurricane Dorian, which is currently a category 5 hurricane, the undersigned issued Executive Order No. 2019-26 on August 31, 2019, declaring a State of Emergency and activating the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, the undersigned has issued contemporaneously herewith Executive Order No. 2019-28, which directs and compels the evacuation, effective at noon, September 2, 2019, of persons located in the following counties and corresponding Evacuation Zones: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A); and

WHEREAS, for the foregoing reasons and pursuant to the cited authority and other applicable law, the undersigned is further authorized to direct and compel the closure of state government offices and public schools as necessary to effectuate and support the evacuation of the public from those areas threatened by the impacts of Hurricane Dorian; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division (“EMD”) and other state and local agencies and officials, the undersigned has determined that it is necessary to close state government offices and public schools in the following counties, which are subject to, or include certain areas subject to, evacuation in accordance with Executive Order No. 2019-28: Beaufort, Jasper, Colleton, Charleston, Berkeley, Dorchester, Georgetown, and Horry.

NOW, THEREFORE, by virtue of the authority vested in me as the 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 the closure of all state government offices and public schools, to include state-supported colleges, universities, and technical colleges, in the following counties: Beaufort, Jasper, Colleton, Charleston, Berkeley, Dorchester, Georgetown, and Horry, beginning September 2, 2019, and until further notice. This Order applies to all employees of state government offices and public schools located in the aforementioned counties, with the exception of those emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the director or chief administrative official of the state government agency or office or by the appropriate school district official.

This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1st DAY OF SEPTEMBER, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-30

WHEREAS, on August 31, 2019, the undersigned issued Executive Order No. 2019-26, declaring a State of Emergency due to the significant threat posed by Hurricane Dorian and activating the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division (“EMD”), as well as the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned determined that the evacuation of healthcare facilities and persons in specified Evacuation Zones in Jasper County, Beaufort County, Colleton County, Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County was necessary for the preservation of life and that, due to timing and logistical concerns, the mandatory medical evacuation should begin prior to any general population evacuation; and

WHEREAS, for the foregoing reasons and in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, other applicable law, and DHEC’s Mandatory Medical Evacuation Protocols, the undersigned issued Executive Order No. 2019-27 on September 1, 2019, ordering a mandatory medical evacuation, effective immediately, of all healthcare facilities licensed by DHEC and located in the following Evacuation Zones: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A); and

WHEREAS, in conjunction with the issuance of Executive Order No. 2019-27, and for the aforementioned reasons and pursuant to the cited authority and other applicable law, on September 1, 2019, the undersigned also issued Executive Order 2019-28, ordering the evacuation, effective at noon, September 2, 2019, of all persons located in the above-referenced Evacuation Zones, with the exception of those critical or emergency response personnel, as designated by the appropriate municipal, county, or special purpose district officials, necessary to provide essential services during or immediately following the impact of Hurricane Dorian; and

WHEREAS, in addition to the foregoing, upon consultation with EMD and other state and local agencies and officials, the undersigned issued Executive Order No. 2019-29, ordering the closure of state government offices and public schools in the counties subject to, or including certain areas subject to, evacuation in accordance with Executive Order No. 2019-28; and

WHEREAS, DHEC has since advised that Hurricane Dorian no longer poses an imminent threat to the life, health, safety, or welfare of residents and patients of healthcare facilities in the specified Evacuation Zones in Beaufort County, Jasper County, and Colleton County; and

WHEREAS, after consulting with state and local officials and carefully considering other relevant information regarding Hurricane Dorian’s impact, the undersigned has determined that it is appropriate based on current conditions for county authorities to make decisions about access to previously evacuated areas in Beaufort County, Jasper County, and Colleton County, and for school districts in the aforementioned counties to make any necessary decisions about public school closures.

NOW, THEREFORE, by virtue of the authority vested in me as the 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. I hereby rescind the mandatory medical evacuation order for all healthcare facilities licensed by DHEC and located in the following Evacuation Zones: Beaufort County (Zone A), Jasper County (Zone A), and Colleton County (Zones A and B), effective at 3:00 p.m. on September 5, 2019. The corresponding

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provisions of Executive Order No. 2019-27 are hereby modified and amended to reflect the foregoing and to be consistent with the directives set forth herein.

Section 2. I hereby rescind the general population evacuation order for the following Evacuation Zones: Beaufort County (Zone A), Jasper County (Zone A), and Colleton County (Zones A and B), effective at 3:00 p.m. on September 5, 2019. The corresponding provisions of Executive Order No. 2019-28 are hereby modified and amended to reflect the foregoing and to be consistent with the directives set forth herein.

Section 3. I hereby rescind the order closing state government offices and public schools, to include state-supported colleges, universities, and technical colleges, in the following counties: Beaufort County, Jasper County, and Colleton County, effective at 3:00 p.m. on September 5, 2019. Accordingly, state government offices in Beaufort County, Jasper County, and Colleton County shall adhere to normal state procedure, following county closures for inclement weather, and public schools in the aforementioned counties should adhere to any applicable school district policies or directives in resuming regular activities. The corresponding provisions of Executive Order No. 2019-29 are hereby modified and amended to reflect the foregoing and to be consistent with the directives set forth herein. In accordance with Executive Order No. 2019-29, state government offices and public schools, to include state-supported colleges, universities, and technical colleges, in Charleston, Berkeley, Dorchester, Georgetown, and Horry Counties shall remain closed until further notice, with the exception of those emergency or other critical personnel or employees designated as essential, or whose presence is otherwise deemed necessary, by the director or chief administrative official of the state government agency or office or by the appropriate school district official.

Section 4. Nothing in this Order shall prohibit local officials from establishing a curfew or restricting access to areas of danger to protect, provide for, and ensure the health, safety, and welfare of the general population and of healthcare facility patients, residents, and visitors. Accordingly, to the extent necessary, I hereby authorize state officials to assist in enforcing any applicable local curfews or restrictions to help protect, provide for, and ensure the health, safety, and welfare of residents and visitors in the affected areas. All residents and visitors remaining in or returning to the foregoing areas should continue to monitor weather forecasts and conditions and exercise due caution to travel safely across roads and bridges and should understand that portions of these areas may be without power or access to essential services for an extended period of time.

This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 5th DAY OF SEPTEMBER, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-31

WHEREAS, on August 31, 2019, the undersigned issued Executive Order No. 2019-26, declaring a State of Emergency due to the significant threat posed by Hurricane Dorian and activating the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division (“EMD”), as well as the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned

determined that the evacuation of healthcare facilities and persons in specified Evacuation Zones in Jasper County, Beaufort County, Colleton County, Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County was necessary for the preservation of life and that, due to timing and logistical concerns, the mandatory medical evacuation should begin prior to any general population evacuation; and

WHEREAS, for the foregoing reasons and in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, other applicable law, and DHEC's Mandatory Medical Evacuation Protocols, the undersigned issued Executive Order No. 2019-27 on September 1, 2019, ordering a mandatory medical evacuation, effective immediately, of all healthcare facilities licensed by DHEC and located in the following Evacuation Zones: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A); and

WHEREAS, in conjunction with the issuance of Executive Order No. 2019-27, and for the aforementioned reasons and pursuant to the cited authority and other applicable law, on September 1, 2019, the undersigned also issued Executive Order No. 2019-28, ordering the evacuation, effective at noon, September 2, 2019, of all persons located in the above-referenced Evacuation Zones, with the exception of those critical or emergency response personnel, as designated by the appropriate municipal, county, or special purpose district officials, deemed necessary to provide essential services during or immediately following the impact of Hurricane Dorian; and

WHEREAS, in addition to the foregoing, upon consultation with EMD and other state and local agencies and officials, the undersigned issued Executive Order No. 2019-29, ordering the closure of state government offices and public schools in the counties subject to, or including certain areas subject to, evacuation in accordance with Executive Order No. 2019-28; and

WHEREAS, on September 5, 2019, the undersigned issued Executive Order No. 2019-30, rescinding the mandatory medical evacuation and general population evacuation orders for the above-referenced Evacuation Zones in Beaufort County, Jasper County, and Colleton County, as well as the order closing state government offices and public schools in said counties, and modifying and amending the corresponding provisions of Executive Order No. 2019-27, Executive Order No. 2019-28, and Executive Order No. 2019-29; and

WHEREAS, DHEC has since advised that Hurricane Dorian no longer poses an imminent threat to the life, health, safety, or welfare of residents and patients of healthcare facilities in the specified Evacuation Zones in Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County; and

WHEREAS, after consulting with state and local officials and carefully considering other relevant information regarding Hurricane Dorian's impact and related recovery efforts, the undersigned has determined that it is appropriate based on current conditions for county authorities to make decisions about access to previously evacuated areas in Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County, and that it is also appropriate for school districts in the aforementioned counties to make any necessary decisions about public school closures.

NOW, THEREFORE, by virtue of the authority vested in me as the 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. I hereby rescind the mandatory medical evacuation order for all healthcare facilities licensed by DHEC and located in the following Evacuation Zones: Charleston County (Zones A, B, and C), Dorchester County (Zone D), Berkeley County (Zones B and G), Georgetown County (Zone A), and Horry County (Zone A), effective at 10:00 a.m. on September 6, 2019.

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Section 2. I hereby rescind the general population evacuation order for the following Evacuation Zones: Charleston County (Zones A, B, and C), Dorchester County (Zone D), Berkeley County (Zones B and G), Georgetown County (Zone A), and Horry County (Zone A); effective at 10:00 a.m. on September 6, 2019.

Section 3. I hereby rescind the order closing state government offices and public schools, to include state-supported colleges, universities, and technical colleges, in the following counties: Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County, effective at 10:00 a.m. on September 6, 2019. Accordingly, state government offices in Charleston County, Dorchester County, Berkeley County, Georgetown County, and Horry County shall adhere to normal state procedure, following county government closures for inclement weather or other hazardous conditions, and public schools in the aforementioned counties should adhere to any applicable school district policies or directives in resuming regular activities.

Section 4. In accordance with the foregoing, I hereby rescind the remaining provisions of Executive No. 2019-27, Executive Order No. 2019-28, and Executive Order No. 2019-29, as modified and amended by Executive Order No. 2019-30, effective at 10:00 a.m. on September 6, 2019. Notwithstanding the undersigned's rescission of all previous mandatory medical evacuation orders, general population evacuation orders, and orders directing the closure of state government offices and public schools in connection with Hurricane Dorian, nothing in this Order shall prohibit local officials from establishing a curfew or restricting access to areas of danger to protect, provide for, and ensure the health, safety, and welfare of the general population and of healthcare facility patients, residents, and visitors. Accordingly, to the extent necessary, I hereby authorize state officials to assist in enforcing any applicable local curfews or restrictions to help protect, provide for, and ensure the health, safety, and welfare of residents and visitors in the affected areas. All residents and visitors remaining in or returning to the foregoing areas should continue to monitor weather forecasts and conditions and exercise due caution to travel safely across roads and bridges and should understand that portions of these areas may be without power or access to essential services for an extended period of time.

This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF SEPTEMBER, 2019.**

**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 **September 27, 2019** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Aiken County**Aiken Regional Medical Centers, LLC d/b/a Aiken Regional Medical Centers d/b/a Aiken Regional Medical Centers**

Renovation for the addition of an Electrophysiology (EP) laboratory at a total project cost of \$2,734,298.

Affecting Berkeley County**East Cooper Community Hospital, Inc. d/b/a East Cooper Medical Center d/b/a East Cooper Medical Center Freestanding Emergency Department**

Establishment of a Freestanding Emergency Department in Berkeley County at a total project cost of \$11,990,176.

Affecting Greenville County**American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC**

Establishment of a Freestanding Imaging center with MRI and CT in Greenville County at a total project cost of \$2,099,825.

Affecting Lexington County**American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC**

Establishment of a Freestanding Imaging center with MRI and CT in Lexington County (Irmo) at a total project cost of \$2,002,400.

American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC

Establishment of a Freestanding Imaging center with MRI and CT in Lexington County (West Columbia) at a total project cost of \$2,198,025.

Affecting Richland County**American Health Imaging of South Carolina, LLC d/b/a American Health Imaging of South Carolina, LLC**

Establishment of a Freestanding Imaging center with MRI and CT in Richland County at a total project cost of \$2,102,400.

Affecting Spartanburg County**Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Regional Health Services District, Inc., d/b/a Spartanburg Medical Center - Mary Black Campus and Spartanburg Medical Center - Church Street Campus**

Relocation of Cardiac Catheterization Lab to Spartanburg Medical Center - Church Street Campus and subsequent replacement with like equipment at a total project cost of \$2,588,708.

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

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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 **September 27, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, 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) 545-3495.

Affecting Horry County

Carolina Regional Cancer Center, LLC d/b/a Carolina Regional Cancer Center

Renovation of existing space and the replacement of a 2300iX Linear Accelerator for a new Elekta Versa HD Signature (SRS) Configuration Linear Accelerator resulting in the establishment of SRS as a new service, and replacement of an existing 6EX Linear Accelerator for a 2007 Elekta Synergy System Linear Accelerator at a total project cost of \$3,926,309.78.

Affecting Spartanburg County

Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Regional Health Services District, Inc., d/b/a Spartanburg Medical Center - Mary Black Campus and Spartanburg Medical Center - Church Street Campus

Relocation of Cardiac Catherization Lab to Spartanburg Medical Center - Church Street Campus and subsequent replacement with like equipment at a total project cost of \$2,588,708.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO AIR QUALITY STATE PLAN FOR DESIGNATED FACILITIES AND POLLUTANTS

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest pursuant to the requirements of sections 111 and 129 of the Clean Air Act (CAA) and 40 CFR 60.23, to provide interested persons the opportunity to attend a public hearing and comment on the Department's submittal to the U.S. Environmental Protection Agency (EPA) to revise the state plan for commercial and industrial solid waste incinerator (CISWI) units. The public hearing will be held on October 29, 2019, at 10:00 a.m., in Room 2280 of the Sims/Aycock Building, 2600 Bull Street, Columbia, S. C. The public is also invited to submit comments in writing before the public hearing. To be considered, comments must be received by 5:00 p.m. on October 28, 2019, the close of the comment period. Comments should be submitted to Marie Brown, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Interested persons may also contact Marie Brown via phone at (803) 898-1796 or email at brownmf@dhec.sc.gov for more information, or to view a copy of the state's proposed plan revision. A copy of the state's proposed revision to the CISWI state plan is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Background:

EPA regulations found at 40 CFR Part 60, Subparts CCCC and DDDD, contain federal requirements for CISWI units, established pursuant to Sections 111 and 129 of the CAA. These rules establish emission limits and other requirements for CISWI units, and provide for state implementation and enforcement of the Emission Guidelines (EG) promulgated by the EPA.

The EPA finalized amendments to 40 CFR Part 60, Subparts CCCC and DDDD, in the April 16, 2019 [84 FR 15846] Federal Register, to address testing and monitoring issues identified during CISWI rule implementation.

Also in 2019, the Department amended South Carolina Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, to clarify the applicability and scope of the Subpart DDDD EG provisions incorporated by the Department. This action included incorporation of the EPA's April 16, 2019, amendments to the model rule standards, provisions, and requirements of 40 CFR Part 60, Subpart DDDD. The Department's revisions to R.61-62.60, Subpart DDDD, were approved during a public hearing conducted by the Board on August 8, 2019, and became state effective upon publication in the *SC State Register* on August 23, 2019.

Synopsis:

In accordance with section 129 of the CAA, each state in which an existing CISWI unit is operating is required to submit to the EPA a plan to implement and enforce EPA's emission guidelines within one year from the date of promulgation. This plan consists of applicable compliance and enforcement regulations, a list of affected sources, and emissions inventories for these sources. The Department submitted a CISWI state plan on December 19, 2014, in which it certified that it has addressed the requirements of sections 111 and 129 and regulations under 40 CFR Part 60 for CISWI units. The Department also submitted an update to the CISWI state plan in 2018. The Department is presently submitting to EPA a revision of its previous CISWI state plan submissions to document in the state plan the Department's August 23, 2019, clarifying amendments to R.61-62.60, Subpart DDDD, including the Department's incorporation of EPA's April 16, 2019, amendments to the 40 CFR Part 60, Subpart DDDD model rule provisions. The Department proposes to certify that it has addressed the state's requirements under sections 111 and 129 of the CAA, 40 CFR Part 60, and EPA's April 16, 2019, technical amendments to the federal CISWI rules.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

CAPACITY USE AREA GROUNDWATER MANAGEMENT PLAN AND PUBLIC HEARING

September 27, 2019

The Groundwater Use and Reporting Act requires that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources. See S.C. Code Section 49-5-20. Further, the Act states that the Department of Health and Environmental Control (the Department) shall coordinate the affected governing bodies and groundwater withdrawers (of a designated Capacity Use Area) to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. See S.C. Code Section 49-5-60(B). In those areas where the governing bodies and withdrawers are unable to develop a plan, the Department shall take action to develop the plan as required by law.

The Department in coordination with a local Stakeholder Workgroup, diverse in geographic and water user type representation, has developed a local groundwater management plan for the designated Western Capacity Use Area to bring before the Board for final approval. A public hearing for the Western Capacity Use Area groundwater management plan is scheduled for November 7, 2019 during the Board of Health and Environmental Control's monthly meeting where the Western Capacity Use Area groundwater management plan will be heard for final approval. The public hearing and meeting will be held at 10:00 AM in the 3rd Floor, Room 3420, of the S.C. DHEC Central Office located at 2600 Bull St., Columbia, S.C. 29201. Local governments, permitted water users, industry, public water suppliers, and the general public are invited to attend and participate.

20 NOTICES

If you have questions or comments, please contact Robert Devlin, Division of Water Monitoring, Assessment and Protection, at (803) 898-3798 or by email at DevlinRJ@dhec.sc.gov. You may also visit our webpage at <http://www.scdhec.gov/westerncapacityuse> for more information.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than October 28, 2019 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

EnviroAssessments
Attn: Gary Sawyer
9111 Monroe Rd, Ste 175
Charlotte, NC 28270

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

State Register Document No. 4842

The Department promulgated amendments to R.61-25, *Retail Food Establishments*, which took legal effect as a final regulation in the May 24, 2019, *State Register*, as Document No. 4842.

This notice corrects a subsection title in 2-102.12. In this subsection title, “Certified Food Protection Manager and Food Handler Certification” is corrected to “Certified Food Protection Manager Certification and Food Handler Certificate.”

Additionally, in subsection 3-501.19(A)(1)(a), the number four (4) should have been inserted instead of the number three (3) in the “Methods of compliance with (B)(1) through (3).” Therefore, the subsection is corrected to read:

(a) Methods of compliance with (B)(1) through (4) or (C)(1) through (5) of this section; ^{Pf} and

22 DRAFTING NOTICES

CLEMSON UNIVERSITY CHAPTER 27

Statutory Authority: 1976 Code Section 59-119-320

Notice of Drafting:

Clemson University is considering the implementation of new regulations which govern, to the extent authorized by the S.C. Code, Title 59, Chapter 119, parking, traffic and public safety regulations at Clemson University.

Interested parties should submit written comments to Greg Mullen, Associate VP for Public Safety & Chief of Police, Clemson University, 124 Ravenel Center Pl, Seneca, SC 29678. To be considered, comments should be received no later than October 31, 2019, 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 at Clemson University. In addition, Clemson University is also contemplating additional or new provisions that will cover the use of new permit types and updated technologies, enforcement and compliance with obedience to traffic laws, devices and signals, and overall enforcement of public safety on campus.

These proposed regulations will require legislative action.

DEPARTMENT OF CONSUMER AFFAIRS CHAPTER 28

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, and 37-6-506

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to promulgate Regulation 28-75, to provide guidance on Miscellaneous Loan Provisions, Section 37-10-102. Interested parties are invited to present their views in writing to Kelly Rainsford, Deputy of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5 p.m. October 29, 2019, the close of the drafting comment period.

Synopsis:

The Department proposes to promulgate Regulation 28-75 to provide a form and guidelines for use in administering the requirements of the Miscellaneous Loan Provisions contained in S.C. Code Section 37-10-102. Section 37-10-102(a) requires a creditor ascertain the borrower's attorney and insurance provider preference when the primary purpose of a loan secured by a lien on real estate is for a personal, family or household purpose and provides a safe harbor for creditors using a form distributed by the department. This new regulation may also include clarification on creditor responsibilities in complying with the section, including appropriate definitions.

The regulation will require legislative review.

**DEPARTMENT OF INSURANCE
CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-43-106, and 38-43-480

Notice of Drafting:

The Department of Insurance proposes to amend Regulation 69-50 so that terminology is consistent with terminology used in the State-based systems electronic platform, modified the instructor approval process, and added additional definitions to the Definitions section to be consistent with uniform education standards. Interested persons may submit written comments to Gwendolyn McGriff, General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email gmcgriff@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. October 7, 2019, the close of the drafting comment period.

Synopsis:

This regulation will be amended to be consistent with the terminology used in the State-based systems electronic platform. The proposed amendments to the regulation will incorporate the instructor approval process into the course provider approval process. Going forward, it is proposed that the Department approve course providers, but not individual course instructors. Approval of individual instructors will be the responsibility of the course provider. Additionally, the amendments address real-time electronic delivery of course materials through webinars and other delivery programs.

These amendments will require S.C. General Assembly approval.

**DEPARTMENT OF INSURANCE
CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-39-60, 38-43-80, 38-43-480, 38-48-160, 38-53-20, 38-70-50, 38-70-60, 38-78-110, and 38-97-90

Notice of Drafting:

The Department of Insurance proposes to amend Regulation 69-33 that establishes the dates, time and manner of payment of license and appointment fees for persons licensed by the South Carolina Department of Insurance. Interested persons may submit written comments to Gwendolyn McGriff, General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email gmcgriff@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. October 7, 2019, the close of the drafting comment period.

Synopsis:

This regulation will be amended to be consistent with the terminology in the State-based systems electronic platform. Additionally, deadlines for license fee payments for pharmacy benefits managers will be added to the regulation as well as a late fee schedule for producers.

This proposed regulation requires General Assembly review.

24 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Building Code. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Building Code. Specifically, R.8-804 should reflect that the language added to number (5) five is an exception. Number (5) five will now read: "A Group S-1 occupancy used for the storage of upholstered furniture or mattresses where the fire area exceeds 2,500 square feet (232m). Exception: This section, when acceptable to the Authority Having Jurisdiction, does not apply to self-storage type facilities that are single story, fire area(s) less than 12,000 square feet, and the building is only accessible from exterior entry points and is not provided with interior hallways, spaces or corridors." This section will now be consistent with R.8-909 in the International Fire Code.

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Residential Code. Interested persons may submit comments to the administrator for the Council, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to correct scrivener's errors in the modifications to the 2018 South Carolina Building Codes, the International Residential Code. Specifically, the Council proposes to remove the word substantial appearing in R.8-1229 and to add a missing section, number three in the series, on R.8-1232, that reads, "Not less than 10 feet (3048 mm) from mechanical air intake openings except where the exhaust opening is located not less than 3 feet (914 mm) above the air intake opening. Openings shall comply with Sections R303.5.2 and R303.6." The Council further seeks to correct R.8-1240 and R.8-1241, which referenced an "R" designation instead of an "E" designation with respect to receptacle outlets in peninsular countertop spaces and arc-fault circuit-interrupter protection. The sections would correctly reference IRC Section E3901.4.3 and E3902.16.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTICIANRY
CHAPTER 96**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

Notice of Drafting:

The Board of Examiners in Opticianry proposes to amend R.96-105 regarding examinations and 96-106 regarding apprenticeships. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Examiners in Opticianry South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The Board of Examiners in Opticianry proposes to amend R.96-105 regarding examinations and 96-106 regarding apprenticeships.

Legislative review of this amendment is required.

**DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123**

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-203, General Regulation and 123-204, Additional Regulations Applicable to Specific Properties. The subject of the proposed action is to amend the regulations to allow the use of motorized deer carts for the purpose of transporting cargo and legally harvested game from SCDNR owned and managed properties. Additionally, regulations prescribe authorized uses of SCDNR beaches in order to protect important turtle nesting, bird nesting, and wildlife areas. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will establish regulations to allow the use of motorized deer carts for the transportation of legally harvested game on DNR properties and establish conditions of their use. They also address disturbance of important turtle nesting, bird nesting, and wildlife areas on DNR beaches. Amended regulations address timing and location of camping at several coastal DNR properties as well as restriction of dogs at sensitive sites. Additionally, amended regulation allows critical areas for wildlife to be designated on Santee Coastal Reserve's Cedar and Murphy Islands to prevent access and disturbance by the public. These regulations set general and specific uses allowed on DNR-owned lands and Wildlife Management Areas. Since 50-11-2200 prohibits many uses of DNR lands, regulations are required to allow use and set restrictions and conditions.

Legislative review is required.

26 DRAFTING NOTICES

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200 and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40, Wildlife Management Area Regulations; 123-51, Turkey Hunting Rules and Seasons; and 123-52, Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day. The purposes of the proposed action are to standardize quail seasons on WMA lands, clarify licensing requirements for hunting hogs during deer season, clarify the definition of a primitive weapon, modify deer tagging requirements to conform to statute, modify turkey limits to conform to statute, and provide for electronic harvest reporting for turkeys to conform to statute. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will modify deer tagging requirements and turkey bag limits to conform to statutes. Additionally, these regulations provide additional clarity to the definition of a primitive weapon to include muskets, define license requirements for hunting hogs on WMA lands during deer season, and provide conditions for electronic harvest reporting of turkeys.

Legislative review is required.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-37-60 (2019 Supplement), and 58-41-20 (2019 Supplement)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to add a regulation which provides a process for the Commission to engage qualified independent third-party consultants and experts. The proposed regulation is necessary to provide a documented and transparent public process for employing, through contract or otherwise, qualified independent third-party consultants and experts for the Commission. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket Number 2019-289-A. To be considered, comments must be received no later than 4:45 p.m. on November 8, 2019.

Synopsis:

Act 62 of 2019, or the South Carolina Energy Freedom Act, was signed by Governor Henry McMaster on May 16, 2019. At least two sections of Act 62 reference the Commission's ability to hire external consultants or experts to assist in fulfilling the requirements of the law. S.C. Code Ann. Section 58-41-20 (I) states, in part, "The commission is authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out its duties under this section, including, but not limited to, evaluating avoided cost rates, methodologies, terms, calculations, and conditions under this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of a third-party consultant or expert authorized by this subsection. The commission shall engage, for each utility, a qualified independent third party to submit a report that includes the third party's independently derived conclusions as to that third party's opinion of each utility's calculation of avoided costs for purposes of proceedings conducted pursuant to this section. The

qualified independent third party is subject to the same ex parte prohibitions contained in Chapter 3, Title 58 as all other parties.”

Also, S.C. Code Ann. Section 58-37-60 states:

(A) The commission and the Office of Regulatory Staff are authorized to initiate an independent study to evaluate the integration of renewable energy and emerging energy technologies into the electric grid for the public interest. An integration study conducted pursuant to this section shall evaluate what is required for electrical utilities to integrate increased levels of renewable energy and emerging energy technologies while maintaining economic, reliable, and safe operation of the electricity grid in a manner consistent with the public interest. Studies shall be based on the balancing areas of each electrical utility. The commission shall provide an opportunity for interested parties to provide input on the appropriate scope of the study and also to provide comments on a draft report before it is finalized. All data and information relied on by the independent consultant in preparation of the draft study shall be made available to interested parties, subject to appropriate confidentiality protections, during the public comment period. The results of the independent study shall be reported to the General Assembly.

(B) The commission may require regular updates from utilities regarding the implementation of the state’s renewable energy policies.

(C) The commission may hire or retain a consultant to assist with the independent study authorized by this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of the consultant authorized by this subsection.”

The proposed regulation will provide a documented procedure including, but not limited to, accepting applications from prospective consultants and experts, public interviews, and final decisions made by Commissioners related to the pool of applicants.

Legislative review of this proposal will be required.

**DEPARTMENT OF TRANSPORTATION
CHAPTER 63**

Statutory Authority: 1976 Code Section 57-5-1650

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to amend Regulation 63-307, Contractors Performance Evaluation. Interested persons should submit their comments in writing to Linda C. McDonald, SCDOT Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on October 9, 2019, the end of the drafting comment period.

Synopsis:

The SCDOT is proposing to:

1) Amend Regulation 63-307(A)(1) to clarify that SCDOT may use the contract performance evaluation system to evaluate performance on all construction contracts, not only highway and bridge contracts. Other contracts might include enhancement, school sidewalk or beautification projects.

2) Amend Regulation 63-307(A)(1)(a) to substitute the word “time” for the word “schedule.” This is to avoid confusion with a contractor’s Critical Path Method (CPM) schedule.

The proposed revisions will require legislative review.

28 DRAFTING NOTICES

DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-5-1650

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to amend Regulation 63-306, Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation. Interested persons should submit their comments in writing to Linda C. McDonald, SCDOT Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on October 9, 2019, the end of the drafting comment period.

Synopsis:

The SCDOT is proposing to amend the definition of “affiliate” in Regulation 63-306(B)(1) to delete the reference to “contractor’s score.” A contractor’s score (addressed in Regulations 63-307) is not pertinent to the disqualification and suspension process addressed in Regulations 63-306.

The proposed revisions will require legislative review.

Document No. 4904

**OFFICE OF THE ATTORNEY GENERAL
CHAPTER 13**

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

13-604. Procedures for Administrative Hearings before the Securities Commissioner. (New)

Preamble:

The Office of the Attorney General proposes to promulgate a regulation relating to administrative hearings held before the Securities Commissioner pursuant to the South Carolina Uniform Securities Act of 2005. The Notice of Drafting regarding this regulation was published on July 26, 2019, in the *State Register*.

Section-by-Section Discussion

13-604. This section is added to prescribe the procedures for administrative hearings held pursuant to the South Carolina Uniform Securities Act of 2005.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, such a hearing will be held at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, Suite 224, 1205 Pendleton Street, Columbia, S.C., on November 7, 2019, at 10:00 am. If no qualifying request is received by October 28, 2019, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than 5:00 p.m. on October 28, 2019.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Securities Regulation for Hearing Procedures.

Purpose: To update the regulations to include the procedures for holding hearings before the Securities Commissioner under the South Carolina Uniform Securities Act of 2005.

Legal Authority: S.C. Code Ann. Sections 35-1-101 et seq.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Attorney General, as Securities Commissioner, oversees and enforces the provisions of the South Carolina Uniform Securities Act of 2005. The Act contemplates a variety of situations in which administrative hearings may be held before the Securities Commissioner regarding potential violations of the Act. By implementing this regulation, the Securities Commissioner is clearly defining the administrative hearing procedures for persons who may be subject to an administrative order under the Act.

DETERMINATION OF COSTS AND BENEFITS:

30 PROPOSED REGULATIONS

There will be no additional costs incurred by the State or any political subdivision. The proposed regulation will assist those who are subject to administrative orders of the Securities Commissioner in determining how to respond and proceed during an administrative hearing.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations will have no effect on the environment or public health of this State.

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

Statement of Rationale :

Under the South Carolina Uniform Securities Act of 2005, the Securities Commissioner is authorized to conduct administrative hearings, should one be requested, after the issuance of an administrative order. This regulation would clearly disclose to the parties of such an administrative hearing what procedures are to be followed.

Text:

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

Document No. 4902

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(3) and 44-1-150

61-35. Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products.

61-36. Frozen Desserts.

Preamble:

The purpose of R.61-36, Frozen Desserts, and R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, is to safeguard public health and provide consumers safe, unadulterated frozen dessert and imitation dairy food products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of frozen desserts and imitation dairy foods that are not regulated as "Grade A" milk under the provisions of R.61-34, Raw Milk for Human Consumption, or R. 61-34.1, Pasteurized Milk and Milk Products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-36 in 2004. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry,

including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-36, Frozen Desserts, and 61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-36 and R.61-35 to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing all manufactured dairy products into one streamlined regulation, instead of two separate regulations with repetitive content. As part of this new streamlined regulation, the Department also proposes adding requirements for manufacturing cheese, butter, and other non-grade “A” milk products. The South Carolina Department of Agriculture previously regulated cheese and butter products (also under 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food); however, oversight now resides with the DHEC.

To achieve this more functional, streamlined regulation, the Department proposes repealing R.61-35 and combining its revised provisions into R.61-36. This includes amending the title of R.61-36 to “Manufactured Grade Dairy Products.”

The proposed amendments also entail changes not required by federal law, including updates from the current Pasteurized Milk Ordinance (PMO) and additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

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

The Department had a Notice of Drafting published in the April 26, 2019, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments and Repeal

R.61-35 is stricken in its entirety and repealed.

R.61-36 is stricken in its entirety and repealed with the combined, revised text of R.61-35 and R.61-36. Butter and cheese production requirements are also added. The discussion section below details specific changes to the existing, unrevised R.61-35 and R.61-36.

The Table of Contents reflects the new proposed language. Some sections have been moved and/or renamed to streamline the regulation and to reflect changes in administrative processes.

Replaced in all sections and titles, “frozen desserts” with “manufactured grade dairy products” where applicable.

Formatting was changed to reflect the lettering of sections as opposed to numbering to harmonize with other manufactured food regulations.

In Section I. DEFINITIONS, the following changes apply:

61-36.I.B. Added: “Alcohol Infused Frozen Desserts” to distinguish these products from non-alcoholic desserts.

61-36.I.C. Added: “Approved” to clarify standards for approval.

61-36.I.F. Added: “Business Day” to provide clarity on compliance time requirements.

32 PROPOSED REGULATIONS

61-36.I.G. Added: “Butter” and sub-categories of butter as a new food product included in this regulation.

61-36.I.H. Added: “CFR” to define the code of federal regulations.

61-36.I.I. Added: “Cheese” as a new food product included in this regulation.

61-36.I.L. Added: “Employee” to clarify who is defined by this role.

61-36.I.M. Added: “Exclusion” to clarify that it is related to preventing an employee from entering or working in a manufactured grade dairy products plant or distribution station.

61-36.I.N. Added: “FDA” to clarify that this refers to the United States Food and Drug Administration.

61-36.I.O. Added: “FD&C” to clarify that this refers to the United States Food, Drug, and Cosmetic Act.

61-36.I.T. Added: “Imminent Health Hazard” to clarify public health hazards requiring immediate action.

61-36.I.U. Added: “Law” to clarify that it applies to local, state, and federal codes.

61-36.I.V.-AA. Amended: Previous definitions for frozen desserts to reflect new definitions for manufactured grade dairy products, distribution stations, distributors, manufacturers, plants, and retailers.

61-36.I.BB. Added: “Microorganisms” as defined in 21 CFR 117.3.

61-36.I.CC. Added: “Milk” to define that it only applies to hooved mammals’ lacteal secretions.

61-36.I.EE. Added: “Nuisance” to clarify that it pertains to structures and premises that represent a danger to public health.

61-36.I.HH. Amended: “Pasteurization” to update the time and temperature charts to be consistent with the current PMO and provisions of the FD&C Act.

61-36.I.II. Added: “Pathogen” to define that it is a microorganism of public health concern.

61-36.I.JJ-KK. Added: “Permit” and “Permit Holder” to clarify for compliance and documentation purposes.

61-36.I.MM. Added: “Pest” to clarify that it refers to any objectionable animals and insects.

61-36.I.NN. Added: “PMO” to clarify that it refers to the Pasteurized Milk Ordinance.

61-36.I.OO. Added: “Premises” to clarify all of the potential areas covered under this regulation.

61-36.I.PP. Added: “Raw Milk” to clarify that this is milk that has not been pasteurized.

61-36.I.QQ. Added: “Restriction” to clarify that this is related to limiting the activities of an employee as it relates to working in a manufactured grade dairy products plant or distribution station.

61-36.I.RR. Added: “Retail Food Establishment” to clarify that these are establishments that sell directly to the end consumer.

61-36.I.SS. Added: “Risk” to clarify that this is related to a public health hazard.

61-36.I.TT. Amended: “Sanitize” to reflect the current science related to destroying pathogens on surfaces.

61-36.I.VV. Added: “Unexposed Packaged Food” to clarify that it is packaged food that has not been exposed to the environment.

Added: That additional related definitions are found in 21 CFR 117.3.

In Section II. ADULTERATED OR MISBRANDED MANUFACTURED GRADE DAIRY PRODUCTS, the following changes apply:

61-36.II.B. Added: to address the scope of the regulation of alcohol infused frozen desserts by DHEC.

61-36.II.C. Amended: C. to address when a hold order may be issued.

61-36.II.D. Amended: to address suspension of permits when hold orders are violated.

61-36.II.E. Added: to address condemnation of food.

61-36.II.F. Added: to address notice and issuance of hold orders.

61-36.II.G. Added: to address examination of products for adulteration or misbranding and the storage of products under a hold order.

61-36.II.H. Added: to address products adulterated by drugs or poisonous substances.

In Section III. COMPLIANCE PROCEDURES, the following changes apply:

61-36.III.A. Amended: to clarify permit requirements.

61-36.III.B.1. Amended: to add violation of an order issued by the Department to this section.

61-36.III.B.2. Amended: to clarify requirements governing summary permit suspension.

61-36.III.B.4. Amended: to clarify timeframe for re-inspection or sampling.

61-36.III.C.1. Amended: to add violation of an order issued by the Department to this section.

61-36.III.C.2. Amended: to include clarification of inspection and enforcement history as it relates to non-compliance.

61-36.III.C.3. Amended: to clarify process for re-applying for a new permit once a permit is revoked.

Former 61-36.III.C.2 and 6. Deleted detail on notice and hearing procedures implemented by the Department.

In Section IV. LABELING, the following changes apply:

61-36.IV. Amended: deleted outdated language and added that products must be labeled according to 21 CFR Part 101.

In Section V. INSPECTION OF MANUFACTURED GRADE DAIRY PRODUCTS PLANTS AND MANUFACTURED GRADE DAIRY PRODUCTS DISTRIBUTION STATIONS, the following changes apply:

61-36.V.B. Amended: to adjust frequency of inspections to be determined by the risk level of the product.

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61-36.V.C. Deleted: renumbered remaining sections.

61-36.V.D. Amended: to clarify mix must meet PMO standards and added "health" to imminent hazard.

61-36.V.E. Amended: to allow for electronic or paper inspection reports and clarify delivery method.

61-36.V.G. Amended: to remove unnecessary verbiage.

In Section VI. THE EXAMINATION OF MANUFACTURED GRADE DAIRY PRODUCTS, the following changes apply:

61-36.VI.A.1. Amended: to adjust frequency of sampling to be determined by the risk level of the product.

61-36.VI.A.2. Amended: and combined with deleted A.3. to clarify locations from which samples may be taken.

61-36.VI.B.1. Amended: to remove outdated procedures and to add and new a. and b. with current sampling frequencies and standards.

61-36.VI.B.2. Amended to clarify that the permit holder is responsible for determining the cause of improper pasteurization of product.

In Section VII. STANDARDS FOR MANUFACTURED GRADE DAIRY PRODUCTS, PLANTS AND MANUFACTURED GRADE DAIRY PRODUCTS DISTRIBUTION STATIONS, the following changes apply:

61-36.VII.A.1.a. Amended: to require that milk and milk products used to produce manufactured grade dairy products must come from an approved source.

61-36.VII.A.1.a.1-4. Deleted: as outdated or redundant to other sections.

61-36.VII.A.2. Amended: replaced the entire section with requirements specific to the production of cheese.

61-36.VII.A.3. Added: a new section with requirements specific to the production of butter.

61-36.VII.A.4. Added: a new section to clarify processes for deactivating microorganisms.

61-36.VII.A.5. Added: to address imitation milk and milk products from current R.61-35.

61-36.VII.B. Added: relocated section on Post Pasteurization Ingredients.

61-36.VII.C. Deleted: the entire section and replaced with new language that requires compliance with requirements of 21 CFR Part 117, Subpart B - Current Good Manufacturing Practice.

61-36.VII.C.1.a. Added: requires compliance with 7 CFR 58.311-321 and 7 CFR 58.332-344 for butter manufacturers.

61-36.VII.C.1.b. Added: requires compliance with 7 CFR 58.406-429 and 7 CFR 58.428-445 for cheese manufacturers.

61-36.VII.C.2. Deleted: the entire section and replaced with new language that requires compliance with requirements of 21 CFR Part 117, Subpart A - General Provisions, Subpart B - Current Good Manufacturing Practice, Subpart D - Modified Requirements, Subpart F- Requirements Applying to Records That Must Be Established and Maintained and be familiar with Subpart E Withdrawal of a Qualified Facility Exemption.

61-36.VII.C.3. Deleted: the entire section and replaced with new language that requires compliance with requirements of 21 CFR Part 117, Subpart A - General Provisions, Subpart B - Current Good Manufacturing Practice, Subpart C - Hazard Analysis and Risk-Based Preventive Controls, and Subpart F- Requirements Applying to Records That Must Be Established and Maintained.

61-36.VII.C.4. Deleted: the entire section and replaced with new language that requires compliance with requirements of 21 CFR Part 117.

61-36.VII.C.5. Deleted: the entire section and replaced with new language that requires compliance with requirements of 21 CFR Part 117 Subpart G - Supply-Chain Program.

61-36.VII.C.6. Amended: to clarify and simplify the requirement for separate processing rooms.

61-36.VII.C.7. Amended: to clarify who must have an approved public water supply and the examination and records requirements.

61-36.VII.C. 8-22. Deleted: as these requirements are in 21 CFR Part 117 as referenced in sections above.

In Section VIII. MANUFACTURED GRADE DAIRY PRODUCTS FROM OUT OF STATE OR OUTSIDE THE UNITED STATES, the following changes apply:

61-36.VIII. Amended: the section to update the language related to products manufactured and imported into South Carolina for distribution.

Renumbered remaining sections.

In Section IX. PLANS FOR CONSTRUCTION AND RECONSTRUCTION

No changes to this section

In Section X. EQUIPMENT AND FACILITIES IN OPERATION PRIOR TO JULY 1, 2020, the following changes apply:

61-36.X. Amended: Re-titled and replaced the content of this entire section with new content on allowing equipment and facilities approved under previous versions of this regulation to be accepted as long as they are capable of being maintained in a sanitary condition and are not creating a health hazard. Renumbered remaining sections.

In Section XI. PROCEDURE WHEN INFECTION OR HIGH RISK INFECTION IS SUSPECTED, the following changes apply:

61-36.XI. Amended: updated the language in this section to clarify when and how to restrict and exclude ill food employees.

In Section XII. RECALLS, the following changes apply:

61-36.XII. Amended: to reference 21 CFR Part 117.139 if applicable and, if not applicable, state the requirements for a procedure for developing a recall plan.

In Section XIII. ENFORCEMENT AND PENALTIES

61-36.XIII. Amended: re-titled and replaced the entire section with language that reflects current laws.

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In Section XIV. SEVERABILITY CLAUSE

No change.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments and repeals to Sandra Craig of the Bureau of Environmental Health Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; craigsd@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 28, 2019, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments and repeals during its December 12, 2019, 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/Agency/docs/AGENDA.PDF>.

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 are no anticipated new costs associated with the implementation of this regulation to the state or its political subdivisions.

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: 61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and 61-36, Frozen Desserts.

Purpose: This amendment strikes the text of the existing regulations in total, repeals the text of R.61-35, combines the revised text of both to align with current standards of the most recent edition of the CFR, and includes provisions for the regulation of additional non-grade "A" dairy products, such as cheese and butter. The existing regulations are based on 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food, which has been replaced with 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. The new federal regulation updates good manufacturing processes to be implemented by the regulated community and also incorporates new preventive controls for minimizing or preventing food safety hazards. The PMO also has been recently updated, and the necessary provisions for pasteurization of fluid milk used in the production of these products have been incorporated into this revision. The new federal regulation facilitates combining all manufactured dairy products into one streamlined regulation, instead of two separate regulations with repetitive content.

Legal Authority: 1976 Code Sections 44-1-140(3) and 44-1-150.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these proposed amendments and repeals. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take

appropriate steps to inform the regulated community of the amendments and repeals and any associated information.

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

The purpose of R.61-36, Frozen Desserts, and R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, is to safeguard public health and provide consumers safe, unadulterated frozen dessert and imitation dairy food products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of frozen desserts and imitation dairy foods that are not regulated as “Grade A” milk under the provisions of R.61-34, Raw Milk for Human Consumption, or R. 61-34.1, Pasteurized Milk and Milk Products. The regulations are based on Title 21, Part 110 of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-36 in 2004. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-36 and 61-35 outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-36, Frozen Desserts, and R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing all manufactured dairy products into one streamlined regulation, instead of two separate regulations with repetitive content. As part of this new streamlined regulation, the Department also proposes adding requirements for manufacturing cheese, butter, and other non-grade “A” milk products. The South Carolina Department of Agriculture previously regulated cheese and butter products (also under 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food); however, oversight now resides with the Department. Furthermore, the U.S. Food and Drug Administration (FDA) recently updated the PMO, and the necessary provisions for pasteurization of fluid milk used in the production of these products have been incorporated into this proposed revision.

The proposed amendments to these regulations serve to improve the overall clarity and effectiveness of applicable administrative, enforcement, and other requirements. In addition to clarification and updating of state-specific regulatory provisions, these proposed amendments incorporate current federal standards, which have replaced preexisting federal standards upon which the Department’s existing, unrevised regulations are based. This serves to reduce administrative burdens on the regulated community by facilitating streamlined inspections and compliance under both state and federal requirements.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated new costs associated with the implementation of this regulation. The proposed amendments will benefit public health by ensuring safe, unadulterated dairy food and dairy food products at manufacturing plants and throughout the distribution chain. The proposed amendments to these regulations also serve to improve the overall clarity and effectiveness of applicable administrative, enforcement, and other requirements. The amendment of R.61-36 to align with the most recent edition of the CFR and incorporate the most recent changes to the PMO will allow the regulation to conform to the current national standards. Industry will benefit by having an aligned set of rules to comply with for federal inspections that may be conducted by the FDA, those conducted by the Department for the FDA, and those conducted for the state under this regulation. Such alignment also allows for facilities to undergo one inspection, conducted by the Department

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under this regulation, to satisfy both federal and state oversight. The amendments also combine provisions governing different manufactured dairy products into one streamlined regulation, instead of two separate regulations with repetitive content.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this regulation will not compromise the protection of the environment or the public health. The proposed regulation will help to ensure that consumers are receiving safe, unadulterated dairy food and dairy food products. The amendment of R.61-36 to conform to the most recent edition of the CFR also provides effective means of reducing the risks of foodborne illnesses within dairy food manufacturing plants, thus protecting consumers and industry from potentially devastating public health consequences and financial loss. Incorporation of the Food Safety Modernization Act compliant 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food and the new preventive controls for minimizing or preventing food safety hazards allows for better training and understanding of risk by those in charge of food safety in processing plants.

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

There will be no adverse effect on the environment if the regulations are not implemented.

Failure to adopt these amendments would prevent implementation of the latest sanitary standards and a comprehensive approach to food safety management needed in addressing food protection in the manufactured dairy products industry. This could have a detrimental effect on the health of South Carolina's citizens and visitors.

Statement of Rationale:

The Department proposes these amendments to meet the latest sanitation requirements for providing safe, unadulterated manufactured grade dairy products to consumers. Furthermore, the amendments allow for one inspection, conducted by the Department under this regulation, to satisfy both federal and state oversight. The amendments also combine provisions governing different manufactured grade dairy products into one streamlined regulation, instead of two separate regulations with repetitive content.

Text:

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

Document No. 4898

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

Statutory Authority: 1976 Code Sections 59-111-510 through 59-111-580

61-1. Medical and Dental Scholarship Fund.

Preamble:

The Department of Health and Environmental Control (“Department”) proposes repealing R.61-1, which implements a Medical and Dental Scholarship/Loan Fund established by S.C. Code Sections 59-111-510 through 59-111-580. The Fund was intended to provide financial assistance for medical and dental school educations to recipients who would agree to practice in a rural area of the state for a specified period of time. The fund had originally been a scholarship program when the regulation was first adopted but was converted by statute to a loan fund in 1985; however, the regulation was never amended to conform to the amended statute. The General Assembly last funded the program in the 1988 Appropriations Act for the 1988-1989 fiscal year. The last recipients completed their service obligations in 1996 following three years of residency and four years of service.

In 1989, when the S.C. General Assembly ceased to fund the Medical and Dental Loan Fund, it established a Rural Physician Program to address the undersupply of clinicians in rural and underserved South Carolina communities. The new program is administered by the South Carolina Area Health Education Consortium and fiscally managed by the Medical University of South Carolina. The program provides incentive grants for primary care physicians and advanced practice professionals who commit to practice in a rural or underserved area of South Carolina for a period of four years. Per S.C. Code Section 59-123-125, the Department’s only current involvement with this fund extends to the SC DHEC Commissioner/Director or designee serving on the Rural Physician Board. Mark Jordan, Director of DHEC’s Office of Primary Care, has served in this capacity since 1998.

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

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

Section-by-Section Discussion of Proposed Repeal

R.61-1 is struck in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed repeal to Bruce C. Busbee of the Office of Budgets and Financial Planning; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Busbeebc@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 28, 2019, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed repeal during its December 12, 2019, 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/Agency/docs/AGENDA.PDF>.

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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:

No fiscal impact to the agency.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-1, Medical and Dental Scholarship Fund.

Purpose: R.61-1 is no longer needed because when the S.C. General Assembly ceased to fund the Medical and Dental Loan Fund, it established a Rural Physician Program to address the undersupply of clinicians in rural and underserved South Carolina communities. The new program is administered by the South Carolina Area Health Education Consortium and fiscally managed by the Medical University of South Carolina. Should the General Assembly decide to fund the Medical and Dental Fund the statute provides for funding loans without the need for regulation.

Legal Authority: 1976 Code Sections 59-111-510 through 59-111-580.

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

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

The General Assembly last funded the program in the 1988 Appropriations Act for the 1988-1989 fiscal year. The last recipients completed their service obligations in 1996 following three years of residency and four years of service. Since the General Assembly has not funded the Medical and Dental Scholarship/Loan program since FY 1989, the Department has had no funds to administer and the program has been dormant for the past thirty years. As such, the Department proposes repealing R.61-1.

DETERMINATION OF COSTS AND BENEFITS:

There are no costs to the state or its political subdivisions associated with the repeal of R.61-1. The benefit of repealing this regulation is removing an unnecessary regulation that is no longer consistent with the statute.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Repealing R.61-1 will have no effect on the environment and public health.

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

Repealing R.61-1 will have no detrimental effect on the environment and public health.

Statement of Rationale :

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

The fund had originally been a scholarship program when the regulation was first adopted but was converted by statute to a loan fund in 1985; however, the regulation was never amended to conform to the amended statute. The General Assembly last funded the program in the 1988 Appropriations Act for the 1988-1989 fiscal year. The last recipients completed their service obligations in 1996 following three years of residency and four years of service. In 1989, when the S.C. General Assembly ceased to fund the Medical and Dental Loan Fund, it established a Rural Physician Program to address the undersupply of clinicians in rural and underserved South Carolina communities. The new program is administered by the South Carolina Area Health Education Consortium and fiscally managed by the Medical University of South Carolina.

Text:

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

Document No. 4903

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

Statutory Authority: 1976 Code Sections 44-1-140 and 44-1-150

61-32. Soft Drink and Water Bottling Plants.

61-54. Wholesale Commercial Ice Manufacturing.

Preamble:

The purpose of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing, are to safeguard public health and provide consumers safe, unadulterated soft drinks, bottled water, and wholesale ice products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of soft drinks, bottled water, and wholesale ice products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-32 in 2004 and R.61-54 in 2008. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-32 and 61-54 outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing manufactured water-based

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products into one streamlined regulation, instead of two separate regulations with repetitive content. To achieve this more functional, streamlined regulation, the Department proposes repealing R.61-54 and combining its revised provisions into R.61-32. This also includes amending the title of R.61-32 to “Wholesale Bottled Water, Soft Drinks, and Ice Manufacturing.” The proposed amendments also include other changes not required by federal law, including additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

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

The Department had a Notice of Drafting published in the April 26, 2019, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments and Repeal

R.61-54 is stricken in its entirety and repealed.

R.61-32 is stricken in its entirety and replaced with the combined, revised text of R.61-32 and R.61-54. The following discussion of the proposed amendments and repeal details specific changes to R.61-32 and R.61-54's existing, unrevised regulatory language.

The Table of Contents reflects the new proposed language. Some sections have been moved and/or renamed to streamline the regulation and to reflect changes in enforcement and administrative processes.

Replaced in all sections and titles, “soft drink and water bottling plants” with “wholesale bottled water, soft drinks, and ice manufacturing” where applicable.

Formatting was changed to reflect the lettering of sections as opposed to numbering to harmonize with other manufactured food regulations.

In Section I. PURPOSE

No changes.

In Section II. SCOPE

No changes.

In Section III. DEFINITIONS, the following changes apply:

Deleted: Definitions for “Shall” “Should or May,” “Standard of Identity”, “Standard of Quality”, “Undesirable Microorganisms”, and “Unexposed Packaged Food” as unnecessary or unused. Deleted “Food-contact Surface” and “Easily Cleanable” as redundant to definitions in 21 CFR 117.3.

61-32.III.B. Added: a.- g. to clarify what constitutes adulteration.

61-32.III.C. Amended: to consistently define the meaning of approved under Bureau regulations.

61-32.III.E. Amended: to clarify this definition is not limited to bottled water plants.

61-32.III.J. Added: Business day to provide clarity on compliance time requirements.

61-32.III.L. Amended: to simplify the purpose of the code of federal regulations.

61-32.III.S. Amended: “Employee” to clarify who is defined by this role.

61-32.III.U. Added: “Exclusion” to clarify that it is related to preventing an employee from entering or working in a manufactured grade dairy products plant or distribution station.

61-32.III.V. Added: “FDA” to clarify that this refers to the United States Food and Drug Administration.

61-32.III.W. Amended: “Food” to be as defined in 21 CFR 117.3.

61-32.III.Y. Added: “Ice” from R.61-54.

61-32.III.Z. Added: “Ice Vending Machines” from R.61-54.

61-32.III.AA. Added: to clarify and define the conditions that are related to imminent health hazards.

61-32.III.BB. Added: “Law” to clarify that it applies to local, state and federal laws.

61-32.III.CC.-FF. Amended: Previous definitions for bottled water, soft drink and ice manufacturers to reflect new definitions for manufactured bottled water, soft drink and ice products, distribution stations, distributors, manufacturers, plants and retailers.

61-32.III.GG. Amended: “Microorganisms” as defined in 21 CFR 117.3.

61-32.III.JJ. Added: “Packaged Ice” from R.61-54.

61-32.III.KK. Added: “Pathogen” to define that it is a microorganism of public health concern.

61-32.III.LL and MM. Added: “Permit” and “Permit Holder” to clarify for compliance and documentation purposes.

61-32.III.OO. Amended: “Pest” to clarify that it refers to any objectionable animals and insects.

61-32.III.QQ. Added: “Premises” to clarify all of the potential areas covered under this regulation.

61-32.III.RR. Added: “Restriction” to clarify that this is related to limiting the activities of an employee as it relates to working in a manufactured grade dairy products plant or distribution station.

61-32.III.SS. Added: “Retail Food Establishment” to clarify that these are establishments that sell directly to the end consumer.

61-32.III.WW. Added: “Risk” to clarify that this is related to a public health hazard.

61-32.III.XX. Amended: “Sanitize” to reflect the current science related to destroying pathogens on surfaces.

61-32.III.CCC. Added: “Unexposed packaged food” to clarify that it is packaged food that has not been exposed to the environment.

Added: That additional related definitions are found in 21 CFR 117.3.

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In Section IV. ADULTERATED OR MISBRANDED BOTTLED WATER, SOFT DRINKS, OR ICE, the following changes apply:

61-32.IV.A. Added: the entire section to address adulteration or misbranding of bottled water, soft drinks and ice.

61-32.IV.B. Added: to address when a hold order may be issued.

61-32.IV.C. Added to address suspension of permits when hold orders are violated.

61-32.IV.D. Added: to address condemnation of food.

61-32.IV.E. Added: to address notice and issuance of hold orders.

61-32.IV.F. Added: to address examination of products for adulteration or misbranding and the storage of products under a hold order.

61-32.IV.G. Added: to address products adulterated by drugs or poisonous substances.

In Section V. COMPLIANCE PROCEDURES, the following changes apply:

Relocated this entire section from previous Section IX Enforcement.

61-32.V.A. Amended: to clarify permit requirements.

61-32.V.B.1. Amended: to add violation of an order issued by the Department to this section.

61-32.V.B.2. Amended: to clarify requirements governing summary permit suspension.

61-32.V.B.4. Amended: to clarify timeframe for re-inspection or sampling.

61-32.V.C.1. Amended: to add violation of an order issued by the Department to this section.

61-32.V.C.2. Amended: to remove section that referred to hearing procedures and added information to include clarification of inspection and enforcement history as it relates to non-compliance.

61-32.V.C.3. Amended: to clarify process for re-applying for a new permit once a permit is revoked.

In Section VI. LABELING, the following changes apply:

61-32.VI. Amended: deleted outdated language and added that products must be labeled according to 21 CFR Part 101.

In Section VII. INSPECTION OF BOTTLED WATER, SOFT DRINK AND ICE PLANTS AND DISTRIBUTION STATIONS, the following changes apply:

61-32.VII.B. Amended: to adjust frequency of inspections to be determined by the risk level of the product.

61-32.VII.C. Amended: to allow for electronic or paper inspection reports and clarify delivery method.

61-32.VII.E. Added: to provide for the protection of trade secrets.

In Section VIII. THE EXAMINATION OF BOTTLED WATER, SOFT DRINKS AND ICE, the following changes apply:

Moved and created this new section from previous Section VII. Production and Process Controls A.3. and updated sampling protocols.

In Section IX. BOTTLED WATER, SOFT DRINK AND ICE PLANTS AND DISTRIBUTION STATIONS, the following changes apply:

61-32.IX.A. Amended: to clarify who must have an approved public water supply and the examination and records requirements.

61-32.IX.I Amended: Relocated and combined all previous sections relating to the sanitation, production and processing of these products. This included deleting sections on sanitation and replacing with new language that requires compliance with requirements of 21 CFR Part 117, Subpart A - General Provisions, Subpart B - Current Good Manufacturing Practice, Subpart C - Hazard Analysis and Risk Based Preventive, Subpart D - Modified Requirements, Subpart F - Requirements Applying to Records That Must Be Established and Maintained, and Subpart G - Supply-Chain Program.

Renumbered remaining sections.

In Section X. SUBMISSION OF PLANS

No changes.

In Section XI. RECIPROCITY, the following changes apply:

61-32.XI. Amended: clarified and simplified requirements for recognizing out of state or country products.

In Section XII. OUT-OF-STATE BOTTLED WATER IMPORTS

No changes.

In Section XIII. RECALL, the following changes apply:

61-32.XIII. Amended: to reference 21 CFR Part 117.139 if applicable and, if not applicable, state the requirements for a procedure for developing a recall plan.

In Section XIV. EQUIPMENT AND FACILITIES IN OPERATION PRIOR TO JULY 1, 2020, the following changes apply:

61-32.XIV. Amended: Re-titled and replaced the content of this entire section with new content on allowing equipment and facilities approved under previous versions of this regulation to be accepted as long as they are capable of being maintained in a sanitary condition and are not creating a health hazard. Renumbered remaining sections.

In Section XV. PROCEDURE WHEN INFECTION OR HIGH RISK INFECTION IS SUSPECTED, the following changes apply:

61-32.XV. Amended: updated the language in this section to clarify when and how to restrict and exclude ill food employees.

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In Section XVI. ENFORCEMENT PROVISIONS, the following changes apply:

61-32.XVI. Amended: replaced the entire section with language that reflects current laws

In Section XVII. SEVERABILITY CLAUSE

No changes.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments and repeals to Sandra Craig of the Bureau of Environmental Health Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; craigsd@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 28, 2019, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments and repeals during its December 12, 2019, 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/Agency/docs/AGENDA.PDF>.

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 are no anticipated new costs associated with the implementation of this regulation to the state or its political subdivisions.

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: 61-32, Soft Drink and Water Bottling Plants; and 61-54, Wholesale Commercial Ice Manufacturing.

Purpose: This amendment strikes the text of the existing regulations in total, repeals the text of R.61-54, and combines the revised text of both to align with current applicable federal standards. The existing regulations are based on 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food, which has been replaced with 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. The new federal regulation updates good manufacturing processes to be implemented by the regulated community and also incorporates new preventive controls for minimizing or preventing food safety hazards.

Legal Authority: 1976 Code Sections 44-1-140 and 44-1-150.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these proposed amendments and repeals. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take

appropriate steps to inform the regulated community of the amendments and repeals and any associated information.

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

The purpose of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing, is to safeguard public health and provide consumers safe, unadulterated soft drinks, bottled water, and wholesale ice products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of soft drinks, bottled water, and wholesale ice products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-32 in 2004 and R.61-54 in 2008. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-32 and 61-54 outdated. The new federal regulation updates good manufacturing processes to be implemented by the regulated community and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-32 and R.61-54 to incorporate the standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing manufactured water-based products into one streamlined regulation into one streamlined regulation, instead of two separate regulations with repetitive content.

The proposed amendments to these regulations serve to improve the overall clarity and effectiveness of applicable administrative, enforcement, and other requirements. In addition to clarification and updating of state-specific regulatory provisions, these proposed amendments incorporate current federal standards which have replaced preexisting federal standards upon which the Department's existing, unrevised regulations are based. This serves to reduce administrative burdens on the regulated community by facilitating streamlined inspections and compliance under both state and federal requirements.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated new costs associated with the implementation of this regulation. The proposed amendments will benefit public health by ensuring safe, unadulterated bottled water, soft drinks, and wholesale ice products from manufacturing plants and throughout the distribution chain. The proposed amendments to these regulations serve to improve the overall clarity and effectiveness of applicable administrative, enforcement, and other requirements. Furthermore, industry will benefit by only having an aligned set of rules to comply with for federal inspections that may be conducted by the FDA, those conducted by the Department for the FDA, and those conducted for the state under this regulation. Such alignment also allows for facilities to undergo one inspection, conducted by the Department under this regulation, to satisfy both federal and state oversight. The amendments also combine provisions governing manufactured water-based products into one streamlined regulation, instead of two separate regulations with repetitive content.

UNCERTAINTIES OF ESTIMATES:

None.

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EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this regulation will not compromise the protection of the environment or the public health. The proposed regulation will help to ensure that consumers are receiving safe, unadulterated bottled water, soft drinks, and wholesale ice products. The amendment of R.61-32 to conform to the most recent federal regulation provides effective means of reducing the risks of foodborne illnesses within food manufacturing plants, thus protecting consumers and industry from potentially devastating public health consequences and financial loss. Incorporation of the Food Safety Modernization Act compliant 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food and the new preventive controls provision for minimizing or preventing food safety hazards allows for better training and understanding of risk by those in charge of food safety in processing plants.

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

There will be no adverse effect on the environment if the regulations are not implemented.

Failure to adopt these amendments would prevent implementation of the latest sanitary standards and a comprehensive approach to food safety management needed in addressing food protection in the manufactured water-based products industry. This could have a detrimental effect on the health of South Carolina's citizens and visitors.

Statement of Rationale:

The Department proposes these amendments to ensure safe, unadulterated bottled water, soft drinks, and wholesale ice products from manufacturing plants and throughout the distribution chain. Furthermore, the amendments allow for one inspection, conducted by the Department under this regulation, to satisfy both federal and state oversight. The amendments also combine provisions governing manufactured water-based products into one streamlined regulation, instead of two separate regulations with repetitive content.

Text:

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

Document No. 4897

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 30

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

30-1. Statement of Policy.

30-14. Administrative Procedures.

Preamble:

The Department of Health and Environmental Control ("Department") proposes amending R.30-1.D(43) and R.30-14.E., F., and G. to incorporate state statutory changes. The Beachfront Management Reform Act, Act 173 of 2018 ("Act"), requires the Department to establish, based on best available data, the position of baselines and setback lines during establishment cycles not less than every seven (7) years and not more than every ten (10) years following a previous establishment cycle. The purpose of these jurisdictional lines is to delineate the extent of the Department's direct permitting authority for activities within the defined beaches and beach/dune system critical areas.

The Act establishes the position of the jurisdictional baselines and setback lines for the 2018 establishment cycle. Section 8 of the Act requires the Department to promulgate regulations for implementation, including provisions to locate a primary oceanfront sand dune. The Department convened a Beachfront Jurisdictional Line Stakeholder Workgroup in 2018 to provide input into this process.

The proposed amendments are based on final recommendations of the workgroup and associated public engagement and input. The proposed amendments provide clarity and standards to be utilized in the establishment of the state's beachfront jurisdictional lines. The proposed amendments also modify specific procedures related to appeals and movement of the jurisdictional lines to comply with Act 173 and Coastal Zone Critical Areas, Act 197 of 2016.

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 April 26, 2019, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments

R.30-1.D(43) Amend definition to clarify the characteristics associated with a primary oceanfront sand dune used to establish the beachfront jurisdictional baseline.

R.30-14.E Amend title to conform with language in statutory procedures and to delete statutory citation.

R.30-14.E(1) Amend to include the statutory timeframes for establishment cycles for state beachfront jurisdictional baselines and setback lines pursuant to S.C. Code Section 48-39-280.

R.30-14.E(2) Amend to include the statutory notification process for establishing beachfront jurisdictional baselines and setback lines to comply with Act 173 of 2018.

R.30-14.E(3) Add subsection to allow a process for revising establishment dates for a specific geographical location if certain qualifications associated with a beach renourishment project are met.

R.30-14.E(4) Add subsection to clarify that establishment of beachfront jurisdictional baselines and setback lines must be completed within statutory timeframes if construction of the qualifying beach renourishment project has not started within one year.

R.30-14.F Delete to comply with Act 173 of 2018 and reserve.

R.30-14.G Delete to comply with Act 197 of 2016 and reserve.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405; hartjeen@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 28, 2019, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its December 12, 2019, 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/Agency/docs/AGENDA.PDF>.

50 PROPOSED REGULATIONS

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

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment. The Department will use existing staff and resources to implement these proposed amendments.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 30-1, Statement of Policy, and 30-14, Administrative Procedures.

Purpose: The Department proposes amending R.30-1.D.(43) and R.30-14.E., F., and G. to incorporate state statutory changes. The Beachfront Management Reform Act, Act 173 of 2018 (“Act”), requires the Department to establish, based on best available data, the position of baselines and setback lines during establishment cycles not less than every seven (7) years and not more than every ten (10) years following a previous establishment cycle. The purpose of these jurisdictional lines is to delineate the extent of the Department’s direct permitting authority for activities within the defined beaches and beach/dune system critical areas. Section 8 of the Act requires the Department to promulgate regulations for implementation, including provisions to locate a primary oceanfront sand dune. The proposed amendments provide clarity and standards to be utilized in the establishment of the state’s beachfront jurisdictional lines. The proposed amendments also modify specific procedures related to appeals and movement of the jurisdictional lines to comply with Act 173 and Coastal Zone Critical Areas, Act 197 of 2016.

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

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

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

The Department proposes amending R.30-1.D.(43) and R.30-14.E., F., and G. to incorporate state statutory changes. The Department convened a Beachfront Jurisdictional Line Stakeholder Workgroup in 2018 to provide input into this process. The proposed amendments are based on final recommendations of the workgroup and associated public engagement and input. The proposed amendments modify specific procedures related to appeals and movement of the jurisdictional lines to comply with Act 173 and Coastal Zone Critical Areas, Act 197 of 2016.

The proposed amendments are reasonable and necessary to manage the long-term health and sustainability of the state’s beaches and beach/dune systems while providing sufficient public input into Department decisions. The proposed amendments also clarify existing regulations to better enable Department staff to more effectively implement the stated policies of the Act.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate additional cost to the state resulting from administration of these proposed amendments. Benefits to the state include improved management of coastal resources through increased clarity of the regulations. The Department does not anticipate additional cost to the regulated community as a result of these proposed amendments.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments seeks to benefit the environment by providing more clarity to the Department's Coastal Division statutory directives to manage the state's beaches and beach/dune critical areas for its citizens. These proposed amendments refine the Department's processes for establishing the state's direct regulatory jurisdiction along the beach and within the beach/dune system. The proposed amendments also provide more clarity to those seeking to utilize these resources.

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

There is no anticipated detrimental effect on the environment and/or public health if these proposed amendments are not implemented. Implementation of these amendments as proposed seeks to benefit the environment by providing more clarity to the Department's Coastal Division statutory directives to manage the state's beaches and beach/dune critical areas for its citizens.

Statement of Rationale:

The Department proposes amending R.30-1.D.(43) and R.30-14.E., F., and G. to incorporate state statutory changes. The Beachfront Management Reform Act, Act 173 of 2018 ("Act"), requires the Department to establish, based on best available data, the position of baselines and setback lines during establishment cycles not less than every seven (7) years and not more than every ten (10) years following a previous establishment cycle. Section 8 of the Act requires the Department to promulgate regulations for implementation, including provisions to locate a primary oceanfront sand dune. The proposed amendments provide clarity and standards to be utilized in the establishment of the state's beachfront jurisdictional lines. The proposed amendments also modify specific procedures related to appeals and movement of the jurisdictional lines to comply with Act 173 and Coastal Zone Critical Areas, Act 197 of 2016.

Text:

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

52 PROPOSED REGULATIONS

BOARD OF FUNERAL SERVICE CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-60

57-15. Inspection Guidelines.

Preamble:

The South Carolina Board of Funeral Service proposes to amend R.57-15 regarding the inspection guidelines.

Section-by-Section Discussion

57-15(1). Strike “excluding tables, cabinets and other equipment.” Add grandfathering provision for funeral homes in operation prior to April 23, 2010.

57-15(2). No change.

57-15(3). Add language providing that where water fountains are not accessible, alternatives such as bottled water should be provided.

57-15(4). No change.

57-15(5). No change.

57-15(6). No change.

57-15(7). No change.

57-15(8). No change.

57-15(9). No change.

57-15(10). No change.

A Notice of Drafting was published in the *State Register* on June 28, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 3, 2019. Written comments may be directed to Amy Holleman, Administrator, Board of Funeral Service, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 28, 2019. If qualifying requests pursuant to Section 1-23-110(A)(3) of the 1976 Code are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to remove certain restrictions on the size of the embalming room, to ensure that embalming rooms in existence at the time the inspection guidelines regulations were promulgated are grandfathered into compliance with the regulations as they pertain to the size of embalming rooms, and to make additional changes to comply with the Americans with Disabilities Act.

DESCRIPTION OF REGULATION:

Purpose: The Board is amending its regulations to remove certain restrictions on the size of the embalming room, to ensure that embalming rooms in existence at the time the inspection guidelines regulations were

promulgated are grandfathered into compliance with the regulations as they pertain to the size of embalming rooms, and to make additional changes to comply with the Americans with Disabilities Act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-19-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will remove certain restrictions on the size of the embalming room, will ensure that embalming rooms in existence at the time the inspection guidelines regulations were promulgated are grandfathered into compliance with the regulations as they pertain to the size of embalming rooms, and will make additional changes to comply with the Americans with Disabilities Act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will remove certain restrictions on the size of the embalming room, will ensure that embalming rooms in existence at the time the inspection guidelines regulations were promulgated are grandfathered into compliance with the regulations as they pertain to the size of embalming rooms, and will make additional changes to comply with the Americans with Disabilities Act.

Text:

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

54 PROPOSED REGULATIONS

Statutory Authority: 1976 Code Section 43-1-80

114-550. Licensure for Foster Care.

Preamble:

The Department of Social Services is charged with administering the provisions of the law relating to foster family homes and with making and promulgating such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of the laws relating to foster family homes. The existing regulations regarding foster family homes (S.C. Code of Regulations Section 114-550) need to be amended. These proposed regulations set forth the requirements for foster family homes to be licensed by the Department and enable the Department to enforce licensing standards for foster family homes. These regulations help protect children residing in foster family homes.

The Department is promulgating these proposed regulations so that South Carolina foster home licensing standards will be consistent with the model foster home licensing standards published by the United States Department of Health and Human Services, Administration on Children, Youth and Families.

Section-by-Section Discussion

1. 114-550A sets forth definitions relating to licensure for foster care.
2. 114-550B sets forth general application process requirements.
3. 114-550C sets forth the application procedure.
4. 114-550D sets forth the types of licenses that may be issued.
5. 114-550E sets forth assessment study requirements.
6. 114-550F sets forth eligibility standards.
7. 114-550G sets forth physical and mental health standards.
8. 114-550H sets forth home study standards.
9. 114-550I sets forth capacity standards.
10. 114-550J sets forth sleeping arrangement standards.
11. 114-550K sets forth living space standards.
12. 114-550L sets forth fire safety and evacuation plan standards.
13. 114-550M sets forth health and safety standards.
14. 114-550N sets forth criminal history records check standards.
15. 114-550O sets forth abuse and neglect background check standards.
16. 114-550P sets forth requirements of certain assurances from applicants.
17. 114-550Q sets forth training standards.
18. 114-550R sets forth emergency placement standards.
19. 114-550S sets forth records requirements for child placing agencies.
20. 114-550T sets forth standards relating to issuance, renewal, denial, revocation, or termination.
21. 114-550U sets forth standards relating to kinship foster parents.
22. 114-550V sets forth standards relating to confidentiality.
23. 114-550W repeals prior licensing regulations.
24. 114-550X sets forth period to review regulations regarding need for revision.

The Department of Social Services proposes the placement of these regulations in the South Carolina Code of Regulations Chapter 114, Article 5, Subarticle 5 governing foster care. Specifically, the amended regulation will replace the current regulation section 114-550 titled Licensure for Foster Care.

The Notice of Drafting was published in the *State Register* on August 23, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments may be sent to Dawn Barton, Permanency Management Director, South Carolina Department of Social Services, P.O. Box 1520, Columbia, SC 29202, no later than October 28, 2019 at 9:00 a.m.

A public hearing has been requested. The public hearing will be held upon the receipt of a request for the public hearing by 1) 25 or more people; 2) a governmental subdivision or agency; or 3) by an association with 25 or more members pursuant to S.C. Code Section 1-23-110(A)(3). The date, time and place of public hearing is Monday, October 28, 2019, at 10:00 a.m. at the offices of the Administrative Law Court, Edgar Brown Building, Second Floor, Suite 224, 1205 Pendleton Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$155,000.

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION

Purpose: The purpose of these regulations is to establish standards that protect the health, safety, and well-being of children residing in foster family homes.

Legal Authority: The Department of Social Services is promulgating these regulations pursuant to the 1976 Code Section 43-1-80.

Plan for Implementation: The amendments will take effect upon the approval of the South Carolina General Assembly and publication of final regulations in the State Register. A copy of the regulations will be made available electronically on the SCDSS website. The Department will communicate with the affected foster parents before and after the implementation period regarding the new regulations.

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

These regulations are necessary so that South Carolina foster home licensing standards will be consistent with the model foster home licensing standards published by the United States Department of Health and Human Services, Administration on Children, Youth and Families. These regulations should also provide better protections for children residing in foster family homes and should provide more clarity for applicants who wish to serve as foster parents.

The proposed standards are significantly similar to those standards already in effect and applicable to foster family homes, and the application process and home study requirements are substantially the same. There should be no additional cost to applicants as a result of these proposed standards. The proposed standards will benefit the regulated community and the children they serve by providing clarity as to licensing requirements and by promoting safe foster home environments for children in foster care.

DETERMINATION OF COSTS AND BENEFITS:

The anticipated additional cost to the state will be the result of the addition of a provisional foster home license. Current regulations do not allow for a provisional license. A provisional license will allow temporary licensure of a relative or close family friend while the applicant completes the standard licensure application process. If a child is placed in a home with a provisional license, the foster care board rates must be paid entirely with state funds rather than with a contribution of federal funds.

UNCERTAINTIES OF ESTIMATES:

56 PROPOSED REGULATIONS

Any uncertainties as to cost estimates primarily involve uncertainty over the number of provisional licenses to be issued, which will affect whether federal funds may be used to contribute to foster care board rates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The Department anticipates no environmental effect. Public health will be positively affected by the amendment of regulations regarding health and safety standards for foster family homes.

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

There is no anticipated detrimental effect on the environment. Public health may be detrimentally affected if the regulations are not implemented by failing to amend health and safety standards that address the needs of children in foster family homes.

Statement of Rationale:

These regulations are proposed to enhance and improve the licensing regulations for foster family homes. These regulations are also proposed for consistency with the model foster family licensing standards published by the United States Department of Health and Human Services, Administration on Children, Youth and Families (see ACF Information Memorandum ACYF-CB-IM-19-01). The proposed regulations shall establish standards that protect the health, safety, and well-being of children residing in foster family homes, which allows for the healthy physical and mental growth of the children in foster care.

Text:

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

Document No. 4901

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-7-2320

114-550. Licensure for Foster Care.

Preamble:

The Department of Social Services proposes to add 114-550(D)(5) to authorize provisional licensure for kinship foster care.

Section-by-Section Discussion

114-550. Licensure for Foster Care.

A-C. No changes.

D. Add new text. Renumber.

E-O. No changes.

The Notice of Drafting was published in the *State Register* on July 26, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 on December, 2, 2019 at 2:00 p.m. Written comments may be directed to Sharleta Woodall, Kinship Care Program Manager, South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202-1520, no later than 8:30 a.m., October 28, 2019.

Preliminary Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$155,000.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To provide a process for issuance of a provisional license to kin who want to provide foster care.

Legal Authority: 1976 Code Sections 43-1-80 and 63-7-2320.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. DSS will notify staff and licensing partners of the amended regulation, provide training, and post the amended regulation on the agency's website.

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

The agency is adding a process for provisional licensure of kinship caregivers under specified conditions. This process will allow children in foster care to be placed with a family member while the agency works with biological parents to remedy child safety and risk concerns. The agency expects benefits including, but not limited to, fewer children being placed in foster care with unrelated caregivers, reducing the trauma associated with removal from biological parents, maintaining connections to siblings, extended family, and community, and enhanced placement stability while in foster care.

DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the amended regulation are \$155,000. Provisional licensure of kinship caregivers who meet specified conditions will allow children who need foster care to be placed in the care of adults who know the children or their families; lessening the trauma of removal from biological parents, maintaining connections to siblings; extended family, and community; and enhancing placement stability while in foster care.

UNCERTAINTIES OF ESTIMATES:

The only uncertainties are those associated with not knowing in advance the precise number of relatives who might qualify for provisional licensure.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the agency's function of protecting public welfare and promoting safety, permanency, and well-being for children.

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

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There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale :

This regulation authorizes the agency to issue a provisional license to kinship caregivers who meet specified conditions. This regulation will enable children who have been abused or neglected to be placed in a licensed foster home with an adult who is either known to the child or the child's family. Placement with relatives, lessens the impact of removal from the biological home, helps children maintain important connections to family and community, and reduces the likelihood that children will experience multiple placement changes while in foster care.

Text:

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

Filed: August 29, 2019 1:30pm

Document No. 4896

**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 the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 2, it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2019-20

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 2 - October 12, November 16 - November 30, December 28, 2019 - January 30, 2020.

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 2 – October 12).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field – Sept. 7 is youth hunt only. 1st season – Saturdays Only beginning Sept. 14. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 11, 25; Oct. 9.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays Only Beginning Sept. 7. Field Closed Oct. 5. Open 2nd & 3rd seasons – Saturdays Only.

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 7, 21; Oct. 12; Nov. 23. Sept. 14 is Wounded Warrior Hunt Only -Invitation Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 7, 14; Oct. 12; Nov. 16. All hunts are Adult/Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 7. Dove Hunting Only.

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CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

DNR Landsford Canal Forest Legacy Area. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

CHESTERFIELD

SC Forestry Commission - Sand Hills State Forest - Wilkes Chapel Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

SC Forestry Commission - Sand Hills State Forest - Davis Field. 1st season - Opening Day Sept. 7, then Wednesdays Only beginning Sept. 18. 2nd & 3rd seasons - Open Mon. - Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 7, 14, 28; Nov. 30; Dec. 28.

*SC Forestry Commission - Oak Lea WMA. Sept. 7, 14, 18, 25; Oct. 2; Jan. 1, 8.

COLLETON

DNR - Donnelley WMA. Sept. 7, 14; Oct. 12; Nov. 16.

FLORENCE

Santee Cooper - Pee Dee Station Site WMA. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 7, 14, 28; Oct. 12; Nov. 16.

HAMPTON

*DNR - Palachucola WMA. Sept. 7, 14, 25; Oct 12; Nov. 16.

*DNR - Webb Wildlife Center. Sept. 7, 14, 25; Oct. 12; Nov. 16.

LAURENS

DNR Gray Court Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 7 & 21; Oct. 5; Nov. 23, Dec. 28; Jan. 11; 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. 7. 2nd & 3rd seasons - Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season Beginning Sept. 7. Dove Hunting Only.

DNR Belfast WMA. Sept. 7, 14, 21, 28; Oct. 5; Nov. 29. 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only Beginning Sept. 7. 3rd season – Closed.

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. 7. 2nd season – Open November 16 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 7

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Sept. 7 is Adult/Youth Only. Sept. 14, 28; Nov. 16; Dec. 28

PICKENS

DNR Property - Rifle Range. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 7. Dove hunting only.

Clemson University - Gravelly WMA - Causey Tract. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 7. Dove hunting only.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesday Only, Beginning Sept. 18. Open 1st, 2nd and 3rd seasons.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only Beginning Sept 7. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Sept. 7, 14, 21, 28. 2nd & 3rd seasons – Open Mon. – Sat.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 7 is Adult/Youth Hunt Only. 1st season - Saturdays Only Beginning Sept. 14. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A – 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field B – 1st season – Saturdays Only Beginning Sept 7. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. Sept. 7 is Adult/Youth Only. 1st season – Saturdays Only Beginning Sept. 14. 2nd & 3rd seasons - Open Mon. - Sat.

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U.S. Forest Service - Herbert Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL ADULT/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 hunter. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY ADULT/YOUTH HUNT

U.S. Forest Service - Power of Partnerships Field - September 7. No pre-registration required.

CHARLESTON COUNTY ADULT/YOUTH HUNT

Botany Bay Plantation WMA - September 7, 14; October 12; November 16. No pre-registration required.

ORANGEBURG COUNTY ADULT/YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 7. No pre-registration required.

SUMTER COUNTY ADULT/YOUTH HUNT

Manchester State Forest near Wedgefield. Bland Tract - Field 1 near Wedgefield - September 7. No pre-registration required.

UNION COUNTY ADULT/YOUTH HUNT

Sedalia Field (U.S. Forest Service) - September 7. No pre-registration required.

YORK COUNTY ADULT/YOUTH HUNT

SCDNR - Draper WMA - September 7. No pre-registration required.

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 begin on September 2, it is necessary to file these regulations as emergency so they take effect immediately.

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.

Filed: September 13, 2019 12:37pm

Document No. 4899

DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-7-2320

114-550. Licensure for Foster Care.

Emergency Situation:

This regulatory amendment is necessary to make it possible to issue a provisional license to kin who are willing to provide foster care for an abused or neglected child. Kin would receive a monetary stipend during the period of provisional licensure.

Text:

114-550. Licensure for Foster Care.

A. Definitions.

(1) Foster Care—This is care for children in the custody of the South Carolina Department of Social Services who must be separated from their parents or guardians. It is a temporary living arrangement within the structure and atmosphere of a private family home (kin and non relative), or a group home, emergency shelter, residential facility, child care institution, or pre adoptive home, and is utilized while permanent placement plans are being formulated for the involved children.

(2) Board Payments—These are monthly funds appropriated for daily care and maintenance for eligible children in foster care.

(3) The Foster Family—A family that is generally composed of a father and mother, but may be widowed, divorced or single adults, who are licensed by SCDSS, and who are mutually interested in and evidence a capability to care for foster children.

(4) Kinship Care Foster Family—This is a relative family that has been identified and licensed to provide foster care for a specified child or children. Unless otherwise stated, the term foster parent or foster family includes kinship foster care parents and families.

(5) Assessment Study—This is the actual documentation of the assessment study of a family or related family applying to provide foster care services, completed by designated agency staff of the South Carolina Department of Social Services or designated staff of a child placing agency.

(6) Child Placing Agency—For the purposes of these regulations, any person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement, or a person or entity who facilitates the placement of children for the purpose of foster care or adoption or a private placement and, which for the purpose of these regulations, retain their own system of foster homes, is a child placing agency. Homes assessed by child placing agencies are licensed in accordance with the Department of Social Services licensing regulations and issued a license by SCDSS.

(7) Agency—South Carolina Department of Social Services.

(8) Foster child—for the purposes of these regulations, a child in the custody of SCDSS.

(9) Household member—for the purposes of licensing interviews and assessment, an individual who spends significant amounts of time (as defined by SCDSS or the child placing agency) in an applicant's household, can be considered a household member.

B. Applications.

(1) An application form shall be completed by all foster families desiring to be licensed and relicensed.

(2) Applicants must supply thorough, complete and accurate information. Incomplete or erroneous information or violation of regulations can be grounds for denial of an application, revocation of a current license or denial of a renewal.

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(3) SCDSS or a licensed child placing agency reserves the right to request and consider additional information if needed during the licensing or renewal process. This additional information may be considered during the licensing or renewal decision-making process.

C. Licensing Procedure.

(1) Any application for licensure pursuant to these regulations shall be studied by SCDSS or a licensed child placing agency.

(2) A decision regarding each application for a license shall be made within 120 days subsequent to the date the standard application is completed by the applicant(s) and is received by SCDSS or the child placing agency. If SCDSS or the child placing agency has requested information that has not been received within 120 days, then the decision is stayed pending receipt of all information.

(3) An initial Standard license shall be issued or denied by the director of SCDSS or his/her designee based on the result of the assessment study and recommendation of SCDSS or child placing agency.

D. Licenses.

(1) The issued license shall not be transferable from either the address or foster family specified on the license.

(2) A Standard license shall be issued when all requirements of these regulations are met. A Standard license is valid for two years from the date of issuance.

(3) A Standard with Temporary Waiver license may be issued for up to 90 days. The utilization of this type of license is warranted when SCDSS or the child placing agency is acting in the best interest of children already in placement and for whom stability is necessary. The Standard with Temporary Waiver license shall include language that reflects the expiration period and the reason for the temporary waiver. No additional children may be placed during temporary waiver periods. Standard with Temporary Waiver licenses can be issued under the following circumstances:

(a) A standard licensed foster parent moves to a new home and SCDSS or child placing agency is waiting to receive written documentation that the fire and health inspections have been completed and any noted deficiencies have been corrected; or

(b) A standard license has previously been issued to a foster family and subsequently a household member reaches the age of eighteen years, or a new adult household member has entered the home since licensure, and SCDSS or child placing agency is waiting to receive written clearance on all background checks for that individual.

(4) A Standard-Exceeds Maximum Number Allowed license may be issued when a standard licensed foster parent receives placement of more children than allowed under requirements due to SCDSS or child placing agency trying to preserve unity of a sibling group or making an adoptive placement. This license can continue until the number of children again satisfies licensing requirements.

(5) A Provisional License for Kinship Foster Care may be issued for up to ninety (90) days. Except in extenuating circumstances, a provisional license should remain effect for no more than ninety (90) days. The department shall provide a monthly stipend to the kinship foster parent during the period of provisional licensure. A Provisional License for Kinship Foster Care may be issued under the following circumstances:

(a) The child is in the legal and physical custody of the department;

(b) A relative has indicated in writing that the relative wants to become a licensed kinship foster parent;

(c) The relative is eighteen (18) years of age or older; and

(d) The department has completed an Assessment Study, a child abuse and neglect history check, a Sex offender registry check, a criminal history check pursuant to R.114-550(G)(1)(a), and other investigations as deemed necessary by the department to determine the suitability of placement. The relative must consent to a check of records necessary for the department to determine suitability of placement.

(6) No license issued shall be effective for more than two years from the date of issuance. Subsequent relicensure studies must be completed prior to the expiration of the last license.

(7) A foster home shall not be licensed for more than five (5) children, including the foster parents' own children and/or other children who are household members unless SCDSS or child placing agency is keeping siblings together or the placement has been court ordered.

(8) Foster Home licensure by more than one agency, or by more than one division within an agency, is not permitted.

E. Assessment Study.

(1) Each prospective foster family shall be assessed by designated staff of SCDSS or by designated staff of a licensed child placing agency.

(2) Such assessment shall be conducted in order to determine:

- (a) Whether the applicant(s) complies with licensing requirements and standards;
- (b) For which gender and age range of children the home can be licensed;
- (c) Whether the prospective foster parents fully understand the purpose of foster care; and
- (d) Applicant(s) and other household members ability to provide quality foster care.

(3) All members of the household over six years of age shall be assessed and interviewed in order to determine their willingness to accept a child and to evaluate the stability of the family unit.

(a) A minimum of one family interview, and one interview per individual, shall be conducted in the home with the prospective applicant, spouse, their children and other household members.

(b) The applicant and spouse shall provide information to SCDSS or the child placing agency staff that enables the licensing staff to interview adult children of the applicant and spouse.

(4) Documentation for the assessment summary at a minimum includes the following issues:

- (a) motivations to foster parent;
- (b) preferences related to placements;
- (c) family history, relationships, parenting experiences, and coping ability;
- (d) educational, health, and work history of family members;
- (e) information on other household members, adult children, and related children not in the physical custody of the applicant or spouse;
- (f) home environment and community resources;
- (g) completion of preparation training;
- (h) results of CPS/Sex Offender/SLED and FBI background checks;
- (i) compliance with all requirements;
- (j) income is reasonably secure and not dependent on board payments;
- (k) appropriateness of day care arrangements for foster children; and
- (l) family's overall understanding of the purpose of foster care and ability to provide quality foster care.

(5) The assessment summary and the SCDSS or child placing agency's recommendation shall be explained to the applicant. If SCDSS or the child placing agency is not recommending licensure, the applicant family should be offered the opportunity to elect to withdraw their application. If the applicant elects to continue their request to be licensed and if the application is denied, the reason(s) for the denial shall be provided in writing. The applicant shall be advised regarding the right to appeal.

F. Working Foster Parents.

(1) If foster parents are employed outside the home, a written statement outlining a total plan of care, including plans for any necessary emergency care for the child, shall be submitted by the foster family.

(2) Individuals who are to provide child care on behalf of employed foster parents must be interviewed by SCDSS or child placing agency staff prior to the issuance of a Standard license to a foster home.

G. The Requirements for Licensing of a Foster Family.

(1) The following requirements shall be met prior to the issuance of a Standard license to provide foster care:

(a) Background checks shall be documented including a review of abuse and neglect history, criminal history found with SLED and the FBI, and the Sex Offender Registry.

(i) The applicant(s) cannot be considered for licensure if an applicant and/or any household member over age eighteen has a substantiated history of child abuse and/or neglect and/or convictions of those crimes listed in SC Code 20-7-1642 and/or is listed on the SC Sex Offender Registry.

(ii) The applicant(s) may be considered for licensure if an applicant and/or any household member over age eighteen has a conviction, or has been pardoned for a conviction of an offense other than those offenses listed in SC Code 20-7-1642. The Director of SCDSS or his/her designee shall review the conviction or pardoned conviction taking into account the nature of the offense(s), any implications of the offense which have bearing on the individual having access to foster children; the length of time that has elapsed since the conviction(s); the applicant's life experiences indicating reform or rehabilitation during the ensuing period of time; and the fitness and ability to perform as a caregiver or the degree of risk which an individual may pose to children placed in the

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home. The Director of SCDSS or his/her designee shall document the basis of the decision to approve applicant in light of applicant's and/or household member's criminal record.

(2) The applicant(s) shall be able to access community services and activities.

(3) The applicant's home and property shall be inspected by licensing or child placing agency staff, State Fire Marshal authorities, and health authorities.

(a) A fire inspection by State Fire Marshal authorities who are required or permitted to inspect and enforce fire regulations must be conducted prior to the initial standard licensure.

(b) Annual fire inspections are required thereafter.

(c) A health inspection by such health authorities who are required or permitted to inspect and enforce health and sanitation regulations must be conducted prior to the initial licensure and as needed thereafter.

(d) Additional fire and health inspections are required if there is a change in residence.

(e) Additional fire and health inspections may be required if there are structural changes made to a residence or if such an inspection is deemed necessary by SCDSS or the licensed child placing agency.

(f) Any deficiencies must be corrected prior to initial licensure and/or relicensure.

(4) The applicants/foster parents shall:

(a) Be at least twenty one years of age or older. Age of foster parents should be considered only as it affects their ability to care for children within the age group applicant has expressed an interest in, and in relation to the probable duration of placement of a particular child.

(b) Have knowledge of the needs of children, be capable of meeting the needs of foster children and provide adequate foster care services;

(c) Be capable of handling an emergency situation;

(d) Be cooperative with SCDSS or child placing agency staff in furthering the best interest of the child; and

(e) Provide all relevant and factual information to SCDSS or the child placing agency.

(5) Foster parents must each have a minimum of fourteen (14) hours of appropriate foster care pre service training and which includes training on licensing requirements and expected standards of care prior to licensure commencing January 1, 2003.

(a) The foster parents will each subsequently be required to complete a minimum of fourteen (14) hours training each year, or twenty (28) hours prior to each subsequent relicensure commencing January 1, 2003.

(b) Viewing standard television programs or reading popular news or magazine articles will not be accepted for training hours and the training shall be provided by SCDSS or via another source which is approved by SCDSS.

(6) The applicant's or current foster family's income shall be reasonably secure and not dependent upon foster care boarding payments. The family shall supply verifiable information on family income and expenditures whenever requested to do so by SCDSS or the child placing agency.

(7) All applicants and household members shall submit an initial medical report by a duly licensed physician or licensed nurse practitioner verifying that such individuals are in reasonably good health, including an evaluation as to any communicable or contagious diseases. If deemed necessary by SCDSS or the child placing agency, additional medical reports may be required.

(a) If applicant/household member has sought treatment for issues related to mental health or drug or alcohol abuse, such information must be disclosed to SCDSS or the child placing agency during the assessment. Applicants shall only be licensed after consultation between SCDSS or the child placing agency staff and appropriate therapist, counselor or physician, if applicable, of the applicant/household member to obtain a history of rehabilitation and to assess the potential effects on their ability to care for children placed in the home.

(b) SCDSS or the child placing agency has the authority to request a psychological report on an applicant or household member, at the expense of the applicant, pursuant to securing information during the assessment study process that could indicate a need for professional consultation.

(c) Applicants/household members will execute the necessary releases to allow SCDSS or the child placing agency to access this information.

(8) A minimum of three written letters of reference shall be initially obtained in regard to foster parent applicants.

(a) If deemed necessary by SCDSS or the child placing agency, additional references may be required.

(b) References should have known the applicants three years prior to the application and, unless specifically requested, should not be related to the applicants.

H. The following standards of care shall be maintained by foster families. Failure to comply with one or more of these standards of care may result in removal of foster children from the home and revocation of the foster home license:

(1) The child's daily routine shall be planned to promote the development of good health habits.

(2) Each child shall be provided with adequate health and hygiene aids.

(3) Space for a child's possessions shall be provided.

(4) The foster family home shall be able to comfortably accommodate a foster child as well as their own family.

(a) Each child in care shall be provided with his or her own bed and storage space, however same sex siblings may be allowed to share a bed or storage.

(b) No child may routinely share a bed or a bedroom with an adult and except for a child under one year of age, a child must not share a bedroom with an adult unless SCDSS or the child placing agency staff document extenuating circumstances exist.

(c) Children of opposite sex sleeping in the same bed must be limited to siblings under the age of four years. Children of opposite sex sleeping in the same room must be limited to children under the age of four years.

(d) Children shall sleep within calling distance of an adult member of the family, with no child sleeping in a detached building, unfinished attic or basement, stairway, hall, or room commonly used for other than bedroom purposes.

(e) No biological children of the foster family shall be displaced and made to occupy sleeping quarters prohibited in (b), (c) and (d) above because of a foster child being placed in the home.

(f) The top level of bunk beds shall not be used for children under the age of six years.

(5) If deemed appropriate by SCDSS or the child placing agency, the foster family will cooperate in assuring that foster children are able to maintain regular contact with their birth parents, siblings, and other significant relatives.

(6) Unless advised otherwise by the responsible agency, each foster child shall be prepared by foster parents to eventually leave the home.

(7) Foster parents shall follow instructions and suggestions of providers of medical and health related services. If receiving medication, a child's prescription shall be filled on a timely basis and medications will be administered as prescribed, and otherwise be kept secured.

(8) Foster parents shall obtain emergency medical treatment immediately as need arises, and shall notify SCDSS and child placing agency staff, no later than 24 hours of receiving such care.

(a) If the primary source of payment for medical care is medicaid, foster parents must insure that the child's card is accessible at all times.

(b) Foster parents should contact SCDSS for coordination of any elective or non-emergency surgical procedures as far in advance of the procedure(s) as possible.

(c) Any injuries sustained by a foster child must be reported as they occur and no later than 24 hours of incident.

(9) Foster parents are responsible for notifying SCDSS and child placing agency staff as soon as possible when a critical incident has occurred such as:

(a) Death of any child in the home;

(b) Attempted suicide by the child;

(c) Child is caught with a weapon or illegal substance;

(d) Child is charged with a juvenile or adult offense;

(e) Child is placed on homebound schooling or is suspended or expelled from school;

(f) Child has left the home without permission and has not returned.

(10) School attendance shall be in accordance with State law requirements and be in accordance with the ability and in the best interest of the child.

(a) The foster parents will assure that each foster child has access to education, educational opportunities and related services. Foster parents must emphasize the value of education and encourage and support children in their care to fully participate in educational activities;

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(b) SCDSS will choose school foster child attends.

(c) SCDSS will not pay for costs associated with private tuition.

(d) Unless extenuating circumstances exist, foster parents shall not home school foster children. SCDSS must approve any such plan.

(11) Religious education shall be in accordance with the expressed wishes of the natural parents, if such wishes are expressed.

(12) All discipline must be reasonable in manner, moderate in degree and responsibly related to the child's understanding and need.

(a) Discipline should be constructive or educational in nature (e.g. withdrawal of privileges).

(b) Cruel, inhumane and inappropriate discipline is prohibited. This would include but not necessarily be limited to the following: head shaving or any other dehumanizing or degrading act; prolonged/frequent deprivation of food or serving foster children meals which are not as nutritionally adequate as those served to other family members or requiring children to be isolated from other family members when eating, deprivation of mail, slapping or shaking; a pattern of threats of removal from the home as punishment; disciplining a child for a medical or psychological problem over which he/she has no control (e.g. bedwetting, stuttering, etc.).

(c) All foster homes are subject to South Carolina laws relating to child abuse and neglect.

(d) The use of corporal punishment as a form of discipline is prohibited.

(13) Tasks which are assigned to foster children shall be appropriate to the ability of the child, similar to responsibilities assigned to other children, and geared toward teaching personal responsibility.

(14) Foster parents must assist older foster adolescents in their care in learning skills that are necessary for successful independent living.

(15) Varied recreational activities shall be available to each child.

(16) Infants and children shall not be left without competent supervision.

(17) Foster parents, in conjunction with SCDSS, shall keep a life book/scrapbook on each foster child placed in their home. Children's records and reports shall be kept confidential and shall be returned to SCDSS when a foster child leaves the foster home.

(18) Firearms and any ammunition shall be kept in a locked storage container except when being legally carried upon the foster parent's person; being used for educational, recreational, or defense of self or property purposes by the foster parent; or being cleaned by the foster parent.

(19) Applicant must be able to secure/supervise access to in ground or above ground swimming pools and maintain adequate supervision during periods of swimming.

(20) Fire escape plans must be developed, posted and routine drills conducted.

(21) A plan for how the family will respond and travel in the event of a disaster (e.g., a hurricane evacuation) must be developed and shared with SCDSS or child placing agency.

(22) All pets must be kept current with rabies vaccinations and proof of such provided. Pets must not pose a safety concern. SCDSS or the child placing agency will determine what constitutes a safety concern.

(23) Applicants and current licensed families must make themselves reasonably available on an ongoing basis to SCDSS or the child placing agency for statutorily required contacts or other contacts SCDSS or the child placing agency deems necessary. SCDSS or the child placing agency has the right to make unannounced visits, and talk to any foster child on an as needed basis.

(24) Board payments shall be utilized but not limited to reimbursement for a foster child's board, school expenses, food, clothing, incidentals, minor medical needs and other expenses.

(25) A foster home shall not provide full time care for more than five (5) children, including the foster parents' own children and/or other children who are household members unless SCDSS or the child placing agency is keeping siblings together or making an adoptive placement or the placement has been court ordered.

(a) No more than two (2) infants (age birth to one year) shall be placed in the same foster home without prior approval from SCDSS or child placing agency management staff.

(b) No foster home shall exceed the number of children stipulated on their issued license without permission from SCDSS or child placing agency staff.

(c) No foster home shall accept children referred by another public or private source without obtaining the permission of SCDSS or child placing agency staff prior to the actual placement.

(26) When a home is licensed to provide care for an unmarried mother, a plan for medical and hospital care, as well as appropriate protection from community stresses associated with pregnancy, must be made.

(27) A foster family is required to notify SCDSS or child placing agency staff of any significant change in the family/home including, but not limited to, any structural changes in the home; plans involving a change of residence; any major changes in the health of anyone living in the home; change in marital status and the addition of any occupants to the home; significant changes in finances; and criminal and/or child abuse allegation charges and/or investigations.

(28) No unrelated lodger or boarder shall be allowed to move into a foster home without the agency's concurrence. Foster children may be placed or remain in a foster home where there is an unrelated lodger or boarder or room mate after necessary safety checks have been made and written concurrence obtained by SCDSS or the child placing agency. Anyone over the age of eighteen years and living in the home must undergo a fingerprinting, SLED, Sex Offender, and CPS check. If children are already in placement, an affidavit must be submitted by the household member confirming there is no record. The license must be amended to a Standard with Temporary Waiver until the results of the submitted checks have been received.

(29) Applicants or current foster families must advise SCDSS or the child placing agency staff prior to opening a day care or other home based business in the home.

(30) Foster parents shall transport children in accordance with state public safety laws.

I. Records Documentation Required for Child Placing Agencies.

(1) All child placing agencies in the State shall keep records regarding each of their foster children containing the following information:

- (a) The child's name;
- (b) The child's birth date;
- (c) The date of his admission and discharge from each foster care placement;
- (d) Name, address and telephone number of relatives;
- (e) Place and hours of employment of child's relatives; and
- (f) Name, address and telephone number of available physician.

(2) All child placing agencies in the State shall keep records regarding each of their foster homes and said records shall contain documentation of compliance with these regulations and SCDSS procedures related to foster home licensing.

J. Adoption of Foster Children by Foster Parents.

(1) Foster parents may apply to adopt a foster child.

(2) Foster families who have been approved for adoption will be given first consideration for the adoption of a foster child under the following conditions:

- (a) The child has been in the same foster home for a consecutive six months period of time or more; and
- (b) The child is legally free for adoption; and
- (c) Placement for adoption with the foster family is deemed to be in the best interest of the child by SCDSS or the child placing agency.

K. Initial Licensing, Renewal, Denial, Revocation, and Termination of License.

(1) Foster family licenses shall be studied for renewal every two years and prior to the expiration of the last license.

(2) Renewal process requirements include documentation of annual fire inspection, additional training hours, background checks through CPS, SLED, and Sex Offender Registry, home visit, assessment of ongoing compliance with requirements and standards of care, and any additional requirements as SCDSS or the child placing agency staff may deem necessary.

(3) A license will not be issued or renewed if licensing requirements are not met, or standards of care have not been maintained as prescribed within these regulations or if, in the opinion of SCDSS, it would be detrimental for children to be placed in the home. Written notification of the denial, signed by the director of SCDSS or his/her designee will be mailed via certified mail from SCDSS to the applicant(s) or license holder. The notification will inform the applicant(s) or license holder of any right to appeal this decision pursuant to established SCDSS procedure.

(4) A foster home license may be revoked by SCDSS if minimum licensing requirements or standards within these regulations are not met, or, if in the opinion of SCDSS or child placing agency staff, it would be detrimental for additional children to be placed in the home. Written notification of the revocation, signed by the director of SCDSS or his/her designee will be mailed via certified mail from SCDSS to the license holder.

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The notification will inform the license holder of any right to appeal this decision pursuant to established SCDSS procedure.

(5) A foster family license shall be terminated when:

- (a) The time specified on the license has elapsed; or
- (b) The foster family has moved to a new location without applying for a change in license; or
- (c) The license has been revoked or renewal denied and the time frame for appeal has elapsed; or
- (d) A foster family voluntarily returns the current license to SCDSS or the child placing agency for cancellation or otherwise informs SCDSS or the child placing agency that they no longer desire to be licensed.

L. Kinship Foster Parents.

(1) Per federal policy, relatives being licensed must be licensed in accordance with the same requirements as non-relative applicants. SCDSS may waive, on a case by case basis, for relatives or non-relatives, non-safety elements as SCDSS deems appropriate. Safety elements such as history of child abuse/neglect, state and/or federal criminal history checks must not be waived. SCDSS must note on the standard license if there was a waiver of non-safety element and identify the element being waived.

(2) Relatives are given preference in placement options provided such placement is in the best interest of the child(ren).

M. Confidentiality.

(1) No foster family shall directly or indirectly disclose any information regarding foster children, their biological families/relatives or other individuals who have had control of the foster children, other than to professionals treating, caring and providing services for the child or others as SCDSS or the licensed child placing agency deems appropriate.

(2) Information that is disclosed shall be limited to information that is necessary to provide for the child's needs and in their best interest.

N. Prior Regulations Repealed.

All regulations concerning foster family homes previously promulgated by the agency are hereby repealed, including: Regulations 114-550 (Vol. 27).

O. Regulations Review.

These regulations are to be evaluated at a minimum, every five (5) years from the date of initiation, to assess the need for revision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To provide a process for issuance of a provisional license to kin who want to provide foster care.

Legal Authority: 1976 Code Sections 43-1-80 and 63-7-2320.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. DSS will notify staff and licensing partners of the amended regulation, provide training, and post the amended regulation on the agency's website.

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

The agency is adding a process for provisional licensure of kinship caregivers under specified conditions. This process will allow children in foster care to be placed with a family member while the agency works with biological parents to remedy child safety and risk concerns. The agency expects benefits including, but not limited to, fewer children being placed in foster care with unrelated caregivers, reducing the trauma associated with removal from biological parents, maintaining connections to siblings, extended family, and community, and enhanced placement stability while in foster care.

DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the amended regulation are \$155,000. Provisional licensure of kinship caregivers who meet specified conditions will allow children who need foster care to be placed in the care of adults who know the children or their families; lessening the trauma of removal from biological parents, maintaining connections to siblings; extended family, and community; and enhancing placement stability while in foster care.

UNCERTAINTIES OF ESTIMATES:

The only uncertainties are those associated with not knowing in advance the precise number of relatives who might qualify for provisional licensure.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the agency's function of protecting public welfare and promoting safety, permanency, and well-being for children.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

72 FINAL REGULATIONS

Document No. 4906

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

Statutory Authority: 1976 Code Section 41-15-210

Article 1, Subarticles 6 and 7
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Occupational Safety and Health, hereby promulgates the following revisions to South Carolina regulations:

In Subarticle 6 (General Industry):

Revisions to Sections 1910.119 Process Safety Management of Highly Hazardous Chemicals, and 1910.184 Slings, as amended in Federal Register Volume 84, No. 72, dated April 15, 2019, pages 15102 through 15107; and revisions to Sections 1910.6 Incorporation by Reference, 1910.120 HAZWOPER, 1910.1001 Asbestos, 1910.1017 Vinyl Chloride, 1910.1018 Inorganic Arsenic, 1910.1025 Lead, 1910.1026 Chromium (VI), 1910.1027 Cadmium, 1910.1028 Benzene, 1910.1029 Coke Oven Emissions, 1910.1030 Bloodborne Pathogens, 1910.1043 Cotton Dust, 1910.1044 1,2-Dibromo-3-chloropropane, 1910.1045 Acrylonitrile, 1910.1047 Ethylene Oxide, 1910.1048 Formaldehyde, 1910.1050 Methylenedianiline, 1910.1051 1,3-Butadiene, 1910.1052 Methylene Chloride, and 1910.1053 Respirable Crystalline Silica, as amended in Federal Register Volume 84, No. 93, dated May 14, 2019, pages 21457 through 21555.

In Subarticle 7 (Construction):

Revisions to Sections 1926.6 Incorporation by Reference, 1926.50 Medical Services and First Aid, 1926.55 Gases, Vapors, Fumes, Dusts, and Mists, 1926.60 Methylenedianiline, 1926.62 Lead, 1926.64 Process Safety Management of Highly Hazardous Chemicals, 1926.65 HAZWOPER, 1926.104 Safety Belts, Lifelines, and Lanyards, 1926.200 Accident Prevention Signs and Tags, 1926.201 Signaling, 1926.202 Barricades, 1926.203 Definitions, 1926.250 General Requirements for Storage, 1926.800 Underground Construction, 1926.1000 ROPS for Material Handling Equipment, 1926.1001 Minimum Performance Criteria for ROPS, 1926.1002 Protective Frames for Wheel-type Tractors, 1926.1003 Overhead Protection for Tractor Operators, 1926 Subpart W Rollover Protective Structures, 1926.1101 Asbestos, 1926.1126 Chromium (VI), 1926.1127 Cadmium, 1926.1129 Coke Oven Emissions, and 1926.1153 Respirable Crystalline Silica, as amended in Federal Register Volume 84, No. 93 dated May 14, 2019, pages 21574 through 21598.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.