

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published January 22, 2021

Volume 45 Issue No. 1

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.

2021 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

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

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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Executive Order No. 2020-76

WHEREAS, the State Grand Jury has returned a twenty-four-count Indictment charging Dalhi Nanette Myers, a member of Richland County Council, with two counts of Misconduct in Office, in violation of the Common Law of South Carolina; ten counts of Use of Official Position or Office for Financial Gain (Ethics Act Violation), in violation of section 8-13-700 of the South Carolina Code of Laws, as amended; ten counts of Embezzlement, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; one count of Drawing and Uttering a Fraudulent Check, value more than \$5,000.00, in violation of section 34-11-60 of the South Carolina Code of Laws, as amended; and one count of Use of Campaign Funds for Personal Expenses (Ethics Act Violation), in violation of section 8-13-1348 of the South Carolina Code of Laws, as amended; and

WHEREAS, Dalhi Nanette Myers, as a member of Richland County Council, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, article VI, section 8 of the South Carolina Constitution further provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, requires that upon indictment of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, section 8-1-100 of the South Carolina Code of Laws, as amended, further provides that “any state or county officer who is indicted in any court for any crime may, in the discretion of the Governor, be suspended by the Governor, who in event of suspension shall appoint another in his stead until he shall be acquitted” and “[i]n case of conviction, the office shall be declared vacant by the Governor and the vacancy filled as provided by law”; and

WHEREAS, the aforementioned Indictment includes multiple counts charging Dalhi Nanette Myers with “embezzlement or the appropriation of public or trust funds to private use,” “a crime involving moral turpitude,” or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution and sections 8-1-100 and 8-1-110 of the South Carolina Code of Laws, the undersigned is authorized to suspend Dalhi Nanette Myers from office as a member of Richland County Council, representing District 10, and appoint an individual to serve in her stead until such time as she shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first; and

4 EXECUTIVE ORDERS

WHEREAS, Cheryl D. English, of Hopkins, South Carolina, is a fit and proper person to serve as a member of Richland County Council in the office and seat representing District 10.

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 suspend Dalhi Nanette Myers from office as a member of Richland County Council, representing District 10, until such time as she shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and sections 8-1-100 and 8-1-110 of the South Carolina Code of Laws, I hereby appoint Cheryl D. English to serve as a member of Richland County Council in the office and seat representing District 10 until such time as Dalhi Nanette Myers shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Dalhi Nanette Myers and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18th DAY OF DECEMBER, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-77

WHEREAS, the State of South Carolina has taken, and must continue to take, any and all necessary and appropriate actions in confronting and coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), which now present different, additional, and evolving emergency conditions and circumstances; and

WHEREAS, in preparing for and responding to the threats posed by COVID-19, the State must remain flexible to account for new and distinct circumstances and focus on implementing narrowly tailored emergency measures and expanding interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19; minimize the resulting strain on healthcare facilities and resources; address emerging and amplifying issues associated with the nationwide increase in new cases and the impact of, and interplay with, the holidays, winter weather, and influenza season; facilitate the safe resumption or continuation of in-person classroom instruction; enhance testing capacity; and expedite deployment of the required vaccine distribution program; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, and 2020-75; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed Act No. 135 of 2020 (H. 3411, R-140), as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; *see also* Act No. 133 of 2020 (R-138, S. 635); Act No. 142 of 2020 (R-148, H. 5202); Act No. 143 of 2020 (R-149, H. 5305); Act No. 154 of 2020 (R-170, H. 3210); and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 2020-50 and amending and consolidating certain emergency measures to ensure that any remaining measures were targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

WHEREAS, on November 25, 2020, the undersigned issued Executive Order No. 2020-73, superseding, rescinding, and replacing Executive Order No. 2020-63 and further modifying and amending certain emergency measures to ensure that any remaining initiatives are targeted and narrowly tailored to address the current circumstances and public health and other threats associated with COVID-19; and

WHEREAS, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of December 23, 2020, DHEC has identified at least 261,024 confirmed cases of COVID-19 in the State of South Carolina, including 4,651 deaths due to COVID-19; and

6 EXECUTIVE ORDERS

WHEREAS, state and federal public health experts and officials across the United States have recently identified significant increases in the number of confirmed cases of COVID-19, and the White House Coronavirus Task Force has noted that the current fall to winter surge continues to spread to every corner of the United States; and

WHEREAS, South Carolina has experienced a similar increase in new cases of COVID-19, as well as increases in the percentage of positive tests for COVID-19 and the number of hospital admissions associated with COVID-19; and

WHEREAS, following the recent Thanksgiving holiday, the State experienced a significant surge in the number of new cases of COVID-19, and hospitals in South Carolina subsequently reported a corresponding increase in the number of new patients admitted with confirmed or suspected cases of COVID-19; and

WHEREAS, according to the latest data from the White House Coronavirus Task Force, all forty-six counties in South Carolina are experiencing moderate or high levels of community transmission of COVID-19, with approximately 89% of the State's counties reporting high levels of community transmission; and

WHEREAS, DHEC has noted that increased testing of both symptomatic and asymptomatic individuals is a critical component in the fight against COVID-19, and the State must focus on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing; and

WHEREAS, as a result of South Carolina's testing and tracing initiatives, DHEC has also continued to identify additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, public health experts and officials have expressed concerns that the holiday season and winter weather will lead to more people staying indoors, where COVID-19 can spread more easily, and may increase community transmission of COVID-19; and

WHEREAS, state and federal public health experts and officials have similarly cautioned that influenza season poses new public health concerns and amplifies existing threats in the context of COVID-19, as influenza is anticipated to lead to additional hospitalizations, which will further burden healthcare facilities and resources, and it is possible that individuals could contract influenza and COVID-19 at the same time, which would likely cause more complications than if influenza were the sole source of infection; and

WHEREAS, in addition to the foregoing, the State of South Carolina must take additional proactive action to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to facilitate the deployment of the required vaccine distribution program and to expedite the delivery of recently approved vaccines; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

WHEREAS, in light of the foregoing, and due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, the risks associated with the holiday season and winter weather, and the additional public health concerns associated with influenza season, including the anticipated increase in hospitalizations and the possibility of simultaneous infections, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation

efforts designed to reduce community transmission of COVID-19 and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; 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 “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

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WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency coordination, cooperation, and collaboration; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, address emerging and amplifying issues associated with the holiday season, winter weather, and the simultaneous impact of influenza season; enhance existing testing capacity; facilitate and expedite deployment of the requisite vaccine distribution program; and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina seek to resume or continue, in whole or in part, in-person classroom instruction, the State must take additional proactive action and implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective "social distancing" practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

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 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. Emergency Measures

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate and expedite the deployment of the required vaccine distribution program and the expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

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C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. 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 as he deems necessary and appropriate. 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 EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, 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).

F. 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.

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

H. I hereby declare that the provisions of Executive Order No. 2020-73 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina's preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's December 1, 2020 Expansion and Extension of the Modified Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To

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order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

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

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 5. General Provisions

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

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

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. 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 orally 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 23rd DAY OF DECEMBER, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2021-01

WHEREAS, the undersigned has been notified that Susan Dian Hunter Wallace has forfeited or vacated the office of Auditor of Lancaster County, or is otherwise legally disqualified from serving, and that there presently exists a vacancy in such office; and

WHEREAS, article VI, section 1 of the South Carolina Constitution provides, in relevant part, that “[n]o person may be popularly elected to and serve in any office in this State or its political subdivisions unless he possesses the qualifications of an elector”; and

WHEREAS, article XVII, section 1 of the South Carolina Constitution similarly provides, in pertinent part, that “[n]o person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector”; and

WHEREAS, under South Carolina law, “all officers, constitutional and statutory, and whether elected or appointed, must be qualified electors,” *McLure v. McElroy*, 211 S.C. 106, 119, 44 S.E.2d 101, 108 (1947); and

WHEREAS, the Lancaster County Administrator recently notified the undersigned that Susan Dian Hunter Wallace had modified or changed her voter registration to reflect an address outside of Lancaster County; and

WHEREAS, the undersigned has verified that Susan Dian Hunter Wallace is not currently registered to vote in Lancaster County and has further confirmed that she is no longer a registered or qualified elector in any other county in the State, having informed the State Election Commission of her intention “to cancel any voter registration in the State of South Carolina”; and

WHEREAS, in response to a request for an opinion from the Lancaster County Administrator regarding the impact of the foregoing circumstances on Susan Dian Hunter Wallace’s eligibility to serve as Auditor of Lancaster County, the Office of the Attorney General recently concluded that “all elected officials, including county auditors, must constitute qualified electors, which means they must be register[ed] to vote in the area they intend to represent” and that “this requirement must be maintained throughout the official’s term of office and the failure to do so results in a vacancy or forfeiture of the office,” *Op. Att’y Gen.*, 2020 WL 7862620, at *3 (S.C.A.G. Dec. 17, 2020); and

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WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that Susan Dian Hunter Wallace “automatically vacate[d] or forfeit[ed]” the office of Auditor of Lancaster County, or is otherwise legally disqualified from serving in such office, by virtue of having “failed to maintain her status as a qualified elector,” *id.* at *2; and

WHEREAS, due to the foregoing circumstances, there presently exists a vacancy in the office of Auditor of Lancaster County and the vacancy shall be filled as provided by law; and

WHEREAS, in the event of a vacancy in the office of a county auditor, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county auditor pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, on November 3, 2020, Suzette C. Murphy was duly elected to serve as Auditor of Lancaster County for the term prescribed by law, which shall commence on July 1, 2021, in accordance with section 4-11-10 of the South Carolina Code of Laws, as amended; and

WHEREAS, the members of Lancaster County Council and the resident members of the Lancaster County Legislative Delegation have recommended that the undersigned appoint Suzette C. Murphy to fill the aforementioned vacancy in the office of Auditor of Lancaster County; and

WHEREAS, Suzette C. Murphy, of Lancaster, South Carolina, is a fit and proper person to serve as Auditor of Lancaster 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 Suzette C. Murphy to fill the aforementioned vacancy and to serve as Auditor of Lancaster County until a 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 4th DAY OF JANUARY, 2021.**

**HENRY MCMASTER
Governor**

Executive Order No. 2021-02

WHEREAS, the undersigned has been notified of the passing of Sergeant Gordon W. Best of the North Myrtle Beach Department of Public Safety, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Sergeant Best dedicated his life to protecting and serving the people of the State of South Carolina and the residents of the City of North Myrtle Beach, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

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

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the

line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Friday, January 8, 2021, in tribute to Sergeant Best and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF JANUARY, 2021.

HENRY MCMASTER
Governor

Executive Order No. 2021-03

WHEREAS, the State of South Carolina has taken, and must continue to take, any and all necessary and appropriate actions in confronting and coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), which now present different, additional, and evolving emergency conditions and circumstances that necessitate the State implementing further extraordinary measures to address the same; and

WHEREAS, in preparing for and responding to the threats posed by COVID-19, the State must remain flexible to account for new and distinct circumstances and focus on implementing narrowly tailored emergency measures and expanding interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19; minimize the resulting strain on healthcare facilities and resources; address emerging and amplifying issues associated with the nationwide increase in new cases and the impact of, and interplay with, the holidays, winter weather, influenza season, and new COVID-19 variants; facilitate the safe resumption or continuation of in-person classroom instruction; enhance testing capacity; and expedite deployment of the required vaccine distribution program; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National

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Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, and 2020-77; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed Act No. 135 of 2020 (H. 3411, R-140), as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; *see also* Act No. 133 of 2020 (R-138, S. 635); Act No. 142 of 2020 (R-148, H. 5202); Act No. 143 of 2020 (R-149, H. 5305); Act No. 154 of 2020 (R-170, H. 3210); and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 2020-50 and amending and consolidating certain emergency measures to ensure that any remaining measures were targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

WHEREAS, on November 25, 2020, the undersigned issued Executive Order No. 2020-73, superseding, rescinding, and replacing Executive Order No. 2020-63 and further modifying and amending certain emergency measures to ensure that any remaining initiatives are targeted and narrowly tailored to address the current circumstances and public health and other threats associated with COVID-19; and

WHEREAS, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of January 7, 2021, DHEC has identified at least 310,246 confirmed cases of COVID-19 in the State of South Carolina, including 5,189 deaths due to COVID-19; and

WHEREAS, state and federal public health experts and officials across the United States have recently identified significant increases in the number of confirmed cases of COVID-19, and the White House Coronavirus Task Force has noted that the ongoing fall to winter surge of COVID-19 has involved increases in new cases at nearly twice the rate of cases documented during the spring and summer surges; and

WHEREAS, the White House Coronavirus Task Force has indicated that the aforementioned acceleration in the number of confirmed COVID-19 cases suggests that there may be both new domestic and new international variants of COVID-19, which may be more transmissible; and

WHEREAS, consistent with the ongoing nationwide surge, South Carolina has recently experienced a similar increase in new cases of COVID-19, as well as increases in the percentage of positive tests for COVID-19 and the number of hospital admissions associated with COVID-19; and

WHEREAS, following the November and December holidays, the State experienced a significant surge in the number of new cases of COVID-19, and hospitals in South Carolina subsequently reported a corresponding increase in the number of new patients admitted with confirmed or suspected cases of COVID-19; and

WHEREAS, state and federal public health experts and officials have noted that the above-referenced increases in test-positivity rates and the number of COVID-19-related hospitalizations associated with the November and December holidays suggest a significant resurgence of community spread, and they have predicted that the State may experience additional increases following the recent New Year's holiday; and

WHEREAS, in addition to the aforementioned holidays, public health experts and officials have expressed concerns that winter weather will also lead to more people staying indoors, where COVID-19 can spread more easily, and may increase community transmission of COVID-19; and

WHEREAS, state and federal public health experts and officials have similarly cautioned that influenza season will continue to pose distinct public health concerns and amplify existing threats in the context of COVID-19, as influenza is anticipated to lead to additional hospitalizations, which will further burden healthcare facilities and resources, and it remains possible that individuals could contract influenza and COVID-19 at the same time, which may cause more complications than if influenza were the sole source of infection; and

WHEREAS, according to the latest data from the White House Coronavirus Task Force, all forty-six counties in South Carolina are experiencing moderate or high levels of community transmission of COVID-19, with approximately 89% of the State's counties reporting high levels of community transmission; and

WHEREAS, DHEC has noted that increased testing of both symptomatic and asymptomatic individuals is a critical component in the fight against COVID-19, and the State must focus on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing; and

WHEREAS, as a result of South Carolina's testing and tracing initiatives, DHEC has also continued to identify additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, in addition to the foregoing, the State of South Carolina must take additional proactive action to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to facilitate the deployment of the required vaccine distribution program and to expedite the delivery of recently approved vaccines; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important

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that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

WHEREAS, in light of the foregoing, and due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, the anticipated impact of recent holidays and future winter weather, and the additional public health concerns associated with influenza season and the emergence of new variants of COVID-19, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission of COVID-19 and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; 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 “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” *Op. Att’y Gen.*, 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made meaningful progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency coordination, cooperation, and collaboration; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, address emerging and amplifying issues associated with the holiday season, winter weather, the simultaneous impact of influenza season, and the identification of new variants of COVID-19; enhance existing testing capacity; facilitate and expedite deployment of the requisite vaccine distribution program; and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread

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illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina seek to resume or continue, in whole or in part, in-person classroom instruction, the State must take additional proactive action and implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective “social distancing” practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

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 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. Emergency Measures

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate and expedite the deployment of the required vaccine distribution program and the expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. 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 as he deems necessary and appropriate. 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 EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, 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).

F. 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.

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

H. I hereby declare that the provisions of Executive Order No. 2020-73 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

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B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina's preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's December 1, 2020 Expansion and Extension of the Modified Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and

South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.
3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 5. General Provisions

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

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

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. 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 orally 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 7th DAY OF JANUARY, 2021.**

**HENRY MCMASTER
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **January 22, 2021**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

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

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

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

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

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

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

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

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

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

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

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

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

Affecting Horry County**Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center**

Purchase of a 1.5T wide-bore MRI Unit at a total project cost of \$2,672,282.30.

Pathway Treatment Center, LLC

Construction for the establishment of an Opioid Treatment Program (OTP) at a total project cost of \$141,898,00.

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

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

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Affecting Laurens County

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

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

Affecting Oconee County

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

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

Affecting Spartanburg County

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

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

Affecting Sumter County

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

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

Affecting Union County

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

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

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **January 22, 2021**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Richland County

Prisma Health d/b/a Prisma Health Baptist Parkridge Endoscopy Center

Establishment of an ambulatory surgery center restricted to endoscopic procedures at a total project cost of \$1,964,000.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 57603
Former Virginia-Carolina Chemical Company Site

NOTICES OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with CSX Transportation, Inc. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Former Virginia-Carolina Chemical Company facility located in

Charleston County at 4201 Meeting Street, North Charleston, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or vincenef@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than February 22nd, 2021, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATORS AND AMUSEMENT RIDES**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation intends to adopt the latest edition of the following nationally recognized code as set forth herein below:

1. Safety Code for Elevators and Escalators, (ASME) A17.1-2019/CSA B44:19, 2019 edition. The latest version of the code was approved October 18, 2019, and issued December 31, 2019, with an effective date of June 30, 2020.
2. The Safety Code for Elevators and Escalators was originally adopted in this state in July 1, 1986. The current version of the code, the Safety Standards for Elevators and Escalators, (ASME) A17.1-2013/CSA B44-13, 2013 edition, was published on October 21, 2013, and became effective on April 21, 2014, with the exceptions of Requirements 8.10.1.1.3 and 8.11.1.1, which became effective immediately. The Department adopted the Code on or about December 28, 2014.
3. The original promulgating authority for this code is:
The American Society of Mechanical Engineers (ASME)
22 Law Drive/Box 2300
Fairfield, New Jersey 07007-2300

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4. This code is referenced by:
South Carolina Code of Laws, Sections 41-16-10 et seq., and specifically in South Carolina Code of Laws, Section 41-16-40(2).
Elevator Safety Regulations 71-5100(1.).

The Department of Labor, Licensing and Regulation specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Duane Scott by mail at 110 Centerview Drive, Columbia, SC 29210, by fax at 803-896-7650, or by email to duane.scott@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Department of Labor, Licensing and Regulation will promulgate this latest edition as stated without amendment.

Document No 5032

CLEMSON UNIVERSITY

CHAPTER 27

Statutory Authority: 1976 Code Section 46-21-625

- 27-190. General Certification Standards.
- 27-195. Vegetatively Propagated Forage Grass Certification Standards.
- 27-196. Vegetatively Propagated Turfgrass Certification Standards.
- 27-1000. Peanut Seed Certification Standards.
- 27-1002. Small Grain Certification Standards (Wheat, Oats, Barley, Rye and Triticale).
- 27-1003. Soybean Certification Standards.
- 27-1005. Hemp Certification Standards. (New)

Preamble:

Clemson University proposes to add language to clarify and update the Seed Certification Standards for South Carolina.

Section-by-Section Discussion

- 27-190. General Certification Standards.
Add and delete text as indicated throughout this section.
- 27-195. Vegetatively Propagated Forage Grass Certification Standards.
Repeal.
- 27-196. Vegetatively Propagated Turfgrass Certification Standards.
Add and deleted text as indicated throughout this section.
- 27-1000. Peanut Seed Certification Standards.
Add and delete text as indicated throughout this section.
- 27-1002. Small Grain Certification Standards (Wheat, Oats, Barley, Rye, and Triticale).
Add and delete text as indicated throughout this section.
- 27-1003. Soybean Certification Standards.
Add and delete text as indicated throughout this section.
- 27-1005. Hemp Certification Standards.
Add new text.

A Notice of Drafting regarding the subject matter of the proposed regulation was published in the *State Register* on September 25, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

All written comments and requests for a public hearing should be sent to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670, no later than 5:00 pm on February 22, 2021. A hearing at 10:00 am on February 24, 2021 will be held at 511 Westinghouse Road, Pendleton, SC 29670, unless no requests are made by February 22, 2021, at which time the hearing on February 24, 2021 will be cancelled.

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The proposed changes to the regulations will update regulations to align with current technologies within the seed industry, allow for flexibility to certified seed growers when deemed necessary by the Department of Fertilizer Regulatory and Certification Services, add needed standards for industrial hemp.

Legal Authority: S.C. Code Ann. Section 46-21-625.

Plan for Implementation: Standards would go into effect in next growing season of each specific crop.

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

These changes are necessary to allow the certified seed department to stay in alignment with the American Association of Seed Certification Agencies, set standards for the growing industry of industrial hemp, and allow more flexibility in special cases for certified seed growers.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Adding industrial hemp regulations to the certified seed standards will provide researchers guidance on developing hemp varieties that will meet requirements of the seed certification program in turn allowing South Carolina hemp growers to have access to seed that has appropriate germination and purity standards. For turfgrass standards, the changes proposed will allow the grower more flexibility to meet standards with the approval of the seed certification department. Other proposed changes are to update wording or remove crops that are no longer in the program.

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. 5033
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-1-140(3) and 44-1-150

61-34. Raw Milk for Human Consumption.
 61-34.1. Pasteurized Milk and Milk Products.

Preamble:

Pursuant to R.61-34, Raw Milk for Human Consumption, the Department of Health and Environmental Control (“Department”) provides sanitation oversight for the production and sale of raw milk that has not been pasteurized for food safety in South Carolina. The Department proposes amending R.61-34 to address the further processing and sale of raw milk products, specifically, cream and buttermilk, and to add additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing. The proposed revisions would also update raw milk standards as needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

Pursuant to R.61-34.1, Pasteurized Milk and Milk Products, the Department provides sanitation oversight of the production and sale of pasteurized milk and milk products for both intrastate and interstate commerce. The Department proposes adopting requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. The Department further proposes clarification of requirements for potable water sources.

The Department also proposes changes for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvements. Proposed amendments to both regulations also include updates to administrative and enforcement provisions.

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 March 27, 2020, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

In all sections of the proposed amendments to R.61-34 and R.61-34.1, capitalization, punctuation, spelling, and grammatical errors have been corrected. The addition of the word “raw” and “raw milk product” have been added to all relevant citations of R.61-34 for clarity and comprehensiveness. In R.61-34.1, all references to the 2013 version of the Grade “A” Pasteurized Milk Ordinance (PMO or Ordinance) have been changed to the 2019 version. For brevity and space, these modifications are not listed.

R.61-34, Raw Milk for Human Consumption

Statutory Authority

Added: Statutory authority under Sections 44-1-140(3) and 44-1-150.

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Modified: Replaced “bottling” with “and Plants Producing and Packaging” in Section IV title (formerly Section V title) for clarity.

Modified: Moved “Labeling” section to after “The Examination of Raw Milk and Raw Milk Products for Human Consumption” section to improve the readability and flow of the regulation.

Added: New section VIII “Standards for Further Processing of Raw Milk Products”; renumbered the remaining sections.

Added: New section XIII “Delayed Implementation”; renumbered the remaining section.

In Section I, Definitions and Standards.

Amended: All definition titles were changed from all capitalization to capitalizing the first letter of each word for consistency.

Added: Definition of “Adulterated” to provide guidance and clarity for the regulated community as to what conditions will constitute adulteration of raw milk and raw milk products.

Added: Definition of “Buttermilk” as a raw milk product allowed in accordance with this regulation.

Deleted: “Cooling Pond” as a term no longer referenced in the regulation. Cooling ponds are not a commonly used facility at SC dairy farms.

Added: Definition of “Craft Usage” to clarify raw milk may not be sold without a permit.

Added: Definition of “Cream” as a raw milk product allowed in accordance with this regulation.

Modified: Definition of “Drug” for simplicity and clarity, removed the term “articles” and changed to “a substance”.

Modified: Definition of “Milk or Milk Products Distributor” to clarify that the term includes all entities distributing products produced and packaged at a permitted raw milk facility.

Added: Definition of “Milk or Milk Products Plant” for clarity in regard to further processing.

Modified: Definition of “Officially Designated Laboratory” to add “SC” designation before “Grade A” for clarity and precision.

Modified: Definition of “Person” to include producers, distributors, and plant operators.

Added: Definition of “Raw Milk” for clarity.

Added: Definition of “Raw Milk Products” for clarity and to specify that raw milk products that may be permitted and sold under this regulation are limited to unpasteurized buttermilk and cream.

Added: Definition of “Risk” to provide guidance and clarity for the regulated community as to what constitutes a risk.

Modified: Item B to strike the term “Grade ‘A’” to clarify that all raw milk and raw milk products shall meet the requirements stated. Item B is also modified to incorporate raw milk products and expand the location where a raw milk product can be produced, provided that the location is still under the control of the producer. This

provision will allow the use of “Shared Use Kitchens” permitted under R.61-25, Retail Food Establishments, for further processing of raw milk products.

In Section II, Adulterated or Misbranded Raw Milk or Raw Milk Products.

Modified: Item A to add “barter” for clarity and comprehensiveness.

Modified: Item C to clarify when raw milk or raw milk products can be examined.

Modified: Item D to clarify that raw milk may not contain more than 3% water and to incorporate former Item E to indicate that a cryoscope and the freezing point test will be used to determine whether water has been added. Amended to clarify Department process for observation and collection of samples and enforcement after a dairy farm’s violation of its individual freezing point standard within a two-year period. Renumbered the remaining item. Corrected math error in Celsius to Fahrenheit conversion.

Modified: Item E (former Item F) to update administrative provisions regarding actions taken when raw milk or raw milk products are found to be adulterated. The reference to a “Grade ‘A’” permit is also modified to specify “SC Grade ‘A’” for clarity and precision.

In Section III, Permits.

Modified: Item A to add “barter” and to specify that all raw milk or raw milk products in commerce used for craft purposes must be from a permitted dairy.

Added: Item B to clarify that the distribution of legally permitted and properly labeled raw milk and raw milk products by distributors and retailers does not require a permit so long as the product has not been repackaged or relabeled.

Added: A new Item C to make clear Department authority to investigate complaints of improperly distributed raw milk and raw milk products distributed by non-permitted persons. Renumbered remaining items.

Modified: Item D to clarify that permits may not be used by anyone other than the permit holder.

Modified: Item E to clarify that every producer of raw milk or raw milk products shall hold a valid Department permit prior to beginning operation.

Added: Item F to clarify that, except for raw milk cheese produced in accordance with R.61-36, Manufactured Grade Dairy Products, the production, distribution, storage, and sale of unpasteurized milk products other than Department-permitted unpasteurized buttermilk and cream are prohibited.

Added: Item G to clarify that the addition of flavorings or other ingredients other than cultures, citric acid, or salt needed to produce buttermilk are prohibited. Renumbered remaining section.

Modified: Item H to replace “difficulty in complying” with “noncompliance” for clarity.

In Section IV, Inspection of Dairy Farms and Plants Producing and Packaging Raw Milk and Raw Milk Products for Human Consumption.

Modified: Item A to add a reference to dairy plants for comprehensiveness, and to remove the “one size fits all” requirement for inspections and instead have the inspection frequency to be based on the risk level associated with the operation, or as otherwise deemed necessary by the Department. This will align the frequency for inspections for this regulation with other Departmental food safety regulations.

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Modified: Items B-F to update administrative procedures, to reorganize for better flow and clarity of the inspection process, and to remove unnecessary requirement for posting of the inspection report at the farm.

In Section V, The Examination of Raw Milk and Raw Milk Products for Human Consumption.

Modified: Item A to correct terminology.

Modified: Item B to correct section reference.

Modified: Item D to remove specific sampling schedule and instead to base sampling on the level of risk of the product.

Deleted: Items E and F as unnecessary for regulatory purposes. These sampling processes conducted by the Department will be included in internal Department standard operating procedures.

Modified: E. to clarify the language and section referenced regarding permit suspensions related to sampling.

Deleted: H. as unnecessary for regulatory purposes, these sampling processes that are conducted by the Department will be included in internal Department standard operating procedures (SOP's)

Modified: F. to clarify that samples that are positive for pathogenic organisms shall be considered to be an imminent health hazard and shall not be offered for sale.

Deleted: L-N. as unnecessary for regulatory purposes, these sampling processes that are conducted by the Department will be included in internal Department standard operating procedures (SOP's).

In Section VI, Labeling.

Added: B. to prevent the use of misleading statements on the label of products.

Modified: C.3. to add additional consumer advisory label requirement "Consuming raw milk products may increase your risk of foodborne illness.". This will align R.61-34's consumer advisory with the requirements of R.61-25 Retail Food Establishments (Ch. 3-603 Consumer Advisory) and may facilitate the sale of raw milk and raw milk products at retail stores by eliminating the current requirement for a placard at the point of sale in these facilities.

Added: D. to require that raw milk that has had the cream skimmed off it be labeled as such so that the consumer knows that they are purchasing a product that is not "straight from the cow or goat's teat".

Added: E. to clarify that if the term Grade A is used, it must be in conjunction with "SC" on the label.

Added: Item F to clarify that descriptive labeling terms such as "wholesome" and "healthy" shall not be used and that the label shall not be false or misleading.

Added: Item G to clarify that the permit holder's label and permit number are not transferable and may not be used by anyone other than the permit holder.

In Section VII, Standards for Raw Milk and Raw Milk Products for Human Consumption.

Modified: The entire section to replace "milkhouse" with current industry terminology of "milkroom or processing room".

Added: Language in Table 1 to address temperature standards for raw milk products, to remove outdated internal citation, and to clarify that all pathogenic organisms may not exceed zero organisms.

Added: Language in first note after Table 1 to specify when additional tests may be conducted.

Added: Second note after Table 1 to specify when pathogenic testing is to be conducted.

Modified: Subitem B.1.a to clarify that the Department will direct how to discard milk.

Modified: Subitem B.1.b to remove unnecessary information.

Modified: Subitem B.1.i.(2) to replace “deleterious” with “harmful” for clarity and simplicity.

Modified: Subitem B.2.a to remove unnecessary requirements.

Modified: Subitem B.2.f to remove unnecessary language.

Added: Subitem B.2.h to allow for the granting of construction variances and waivers when, in the opinion of the Department, they will not create a hazard or nuisance.

Deleted: Subitem B.3.d as this is redundant and covered under B.3.a. Renumbered following subitem.

Deleted: Subitem B.3.f as this is no longer applicable to modern dairies. Renumbered following subitem.

Deleted: Subitem B.4.e as this is no longer applicable to SC dairies. Renumbered following subitems.

Modified: Subitem B.5.a to address further processing of raw milk products.

Modified: Subitem B.7.a to remove reference to pit privies and to allow limited use of portable chemical toilets for consistency with onsite wastewater requirements.

Modified: Subitem B.7.b to remove reference to screening of earth pit vents as these are no longer used on dairy farms.

Deleted: Subitem B.7.c as privies are no longer used on dairy farms; renumbered remaining subitems.

Modified: Subitem B.8.g to update requirement for samples for bacteriological examination from every three years to every year.

Deleted: Subitems B.8.g.1-2 as unnecessary.

Deleted: Subitem B.8.i as unnecessary for regulatory purposes. These sampling processes conducted by the Department will be included in internal Department standard operating procedures. Renumbered the remaining subitem.

Modified: Subitem B.9.e to update internal citation to Section IX.

Deleted: The note in B.9.n as unnecessary, as it was only informational.

Modified: Subitem B.11.b.(3) to clarify that the sanitization method must be approved by the FDA, EPA, or the Department.

Modified: Subitem B.12.a to add reference to AMI milking equipment for comprehensiveness.

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Added: Subitem B.15.b by renumbering of “Note” to (7) and removed “Note” for clarity and improved codification.

Modified: Subitem B.17.c by deleting unnecessary duplicate language.

Modified: Subitem B.17.d to replace “concerned” with “associated” for clarity.

Added: Subitem B.18.b to establish temperature requirements for all finished, processed, and packaged raw milk and raw milk products after processing, during storage, and during transportation; renumbered remaining subitem.

Deleted: Former Subitem B.18.c as unnecessary, as this type of system is not in use at raw milk dairies.

In Section VIII, Standards for Further Processing of Raw Milk Products.

Added: New section in its entirety to establish standards for the further processing of raw milk into raw buttermilk and raw cream.

In Section IX, Bottling, Packaging, Container Filling and Container Closure/Sealing.

Modified: Subitem A.1 replaced “milkhouse” with “milkroom and processing rooms.”

In Section X, Animal Health.

Modified: Item B to remove specific brucellosis and tuberculosis testing requirements from the regulation and update reporting requirement to include the State Veterinarian office in accordance with applicable law. The provision is also modified to clarify that all animals producing raw milk and raw milk products must be free of brucellosis and tuberculosis.

Deleted: Subitems B.1-4 as unnecessary and duplicative as this is under the jurisdiction of the office of the State Veterinarian.

In Section XI, Recall.

Modified: to add references to “distributor” for clarity and comprehensiveness.

In Section XII, Enforcement.

Added: Item B to include language that clarifies that civil monetary penalties may be used along with suspensions and revocations of permits. Renumbered remaining items.

Deleted: Subitem C.1 (former subitem B.1) and moved its language, amended as appropriate, to section to subitem C.2 for better flow of the section. The language is amended to clarify and update enforcement procedures for immediate suspension of a permit.

Added: New subitem C.1.c. to clarify that permits may be suspended for the violation of a permit or an order. Renumbered remaining subitems.

Modified: Item D to clarify and update enforcement procedures for revocation of a permit and to align language with other Departmental food safety regulations.

Modified: Subitem E.1 to replace “make” with “submit a” for clarity.

Modified: Subitem E.2 to clarify timeframe and conditions for reinstatement of a permit.

Modified: Subitem E.3 to update internal citation.

Modified: Subitem E.4 to replace “make” with “submit a” for clarity and also to clarify that past history may include previous enforcement, suspension, or revocation history.

Added: Subitem E.5 to specify a timeframe and conditions for requesting a new permit after a permit revocation.

Deleted: Former Item E as duplicative of other regulatory and statutory language.

In Section XIII, Delayed Implementation.

Added: New section in its entirety to allow for delayed implementation of labeling changes. This will allow existing permit holders to use the supplies of labels they have on hand and eliminate any economic impact of the labeling changes.

In Section XIV, Severability Clause.

No Changes.

61-34.1, Pasteurized Milk and Milk Products

Modified: The entire regulation to replace “Regulatory Agency” with “Department”. Added “or milk products” where applicable for clarity.

In Section I, Applicability of the Grade “A” Pasteurized Milk Ordinance, 2019 Revision.

Modified: Item A to clarify that references to the Pasteurized Milk Ordinance may appear as PMO “or Ordinance,” for clarity.

Modified: Subitem A.3 to specify that Section 7 includes specific items for clarity.

Modified: Subitem C.1.a to correct reference.

Added: Subitem C.1.c to specify language in the PMO referring to South Carolina for clarity.

Added: Subitem C.1.d to clarify that specified references to Section 3 of the PMO will include Section C.3 of R.61-34.1 and applicable portions of Section 3 of the PMO.

Modified: Subitem C.2 to remove “exceptions” and reword for clarity.

Modified: Subitem C.2.a, second paragraph, to clarify that milk may not contain more than 3% water; to indicate that a cryoscope and freezing point test will be used to determine whether water has been added; and to clarify Department process for observation and collection of samples and enforcement after a dairy farm’s violation of its individual freezing point standard within a two-year period. The third paragraph is amended to reference use of hold orders, reference “sales or distribution,” and to clarify that a recall would be initiated when a drug residue test is positive. Corrected math error in Celsius to Fahrenheit conversion.

Modified: Subitem C.3.a to clarify section of the PMO that is not included in this regulation.

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Modified: Subitem C.3.b, Issuance of Permits, first paragraph, to clarify that: a permit must be obtained prior to the beginning of operation; all parts of the operation must be in compliance with the regulation to receive a permit; and permits are not transferable. Amended subitem C.3.b, Issuance of Permits, second and fourth paragraphs, to update relevant references to the “Ordinance” to specifically reference R.61-34.1 for clarity and comprehensiveness.

Modified: Subitem C.3.b, Suspension of Permit, to update and align the language with other Departmental food safety regulations and clarify and update enforcement procedures.

Added: Subitem C.3.b, Revocation of Permit, to codify enforcement procedures related to revocation of a permit.

Modified: Subitem C.3.b, Reinstatement of Permits, to add that an application for reinstatement for a suspended permit must be in writing and address all the correction of violations. Also added paragraph addressing the timeframe and conditions for reapplying for a new permit after a permit revocation.

Modified: Subitem C.4 to delete requirement to post the inspection report at the facility as unnecessary.

Added: Subitem C.4.a to clarify that non-IMS plants do not have to comply with Paragraph 3.c on page 22 in the PMO, 2019 Revision.

Added: Subitem C.4.b to replace the deleted section of C.4 and to provide for the use of electronically transmitted reports.

Added: Subitem C.4.c to clarify the process for requesting an extension of time to correct a violation.

Added: Subitem C.5 to address the requirement of the water system to meet at a minimum the standard of a state category 3 small water system.

Modified: Subitem C.6 to replace the language of Section 15 of the PMO in its entirety to include South Carolina specific authorities administrative provisions. This section also clarifies that the appendices of the PMO are also adopted and clarifies the range of enforcement procedures that may apply in response to a violation of the regulation, the PMO, a permit, or order.

Added: Subitem C.9 to clarify that Appendix T of the PMO is adopted except that it does not apply to non-IMS listed plants.

Added: Subitem C.10 to clarify that the Department regulates cottage cheese, dry curd cottage cheese, and reduced fat or low-fat cottage cheese under the terms of the PMO.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Sandra D. 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 February 22, 2021, 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 March 11, 2021, 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. Because of ongoing COVID-19 concerns, interested persons who do not

wish to appear in person may participate in the public hearing by calling in through an assigned conference line. These participants may register in advance by visiting the DHEC Events webpage (www.scdhec.gov/events) and selecting the appropriate Board meeting date. A link to register will be provided on the accompanying meeting information page. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>.

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 these regulations 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 REGULATIONS:

61-34, Raw Milk for Human Consumption.

Purpose: The Department provides sanitation oversight for the production and sale of raw milk that has not been pasteurized for food safety in South Carolina. The Department proposes amending R.61-34 to address the further processing and sale of raw milk products, specifically, cream and buttermilk, and any additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing. The proposed revisions would also update raw milk standards as needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

61-34.1, Pasteurized Milk and Milk Products.

Purpose: The Department provides sanitation oversight of the production and sale of pasteurized milk and milk products for both intrastate and interstate commerce. The Department proposes adopting requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. The Department further proposes clarification of requirements for potable water sources.

The Department also proposes changes for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvement. Proposed amendments to both regulations also include updates to administrative and enforcement provisions.

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

Plan for Implementation: Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The DHEC Regulation Development Update (<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.

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

The purpose of R.61-34, Raw Milk for Human Consumption, and R.61-34.1, Pasteurized Milk and Milk Products, is to safeguard public health and provide consumers safe, unadulterated milk and milk products manufactured in South Carolina for sale and distribution in state, and pasteurized milk and milk products sold and distributed both in and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of milk and milk products.

The Department last amended R.61-34 in 2009 and R.61-34.1 in 2015. Since those amendments there have been changes in the milk and milk products industry and numerous revisions to the PMO. The Department's regulations are based on the PMO and, in the case of R.61-34.1, the procedures of the National Conference on Interstate Milk Shippers (NCIMS), specifically Sections VI and VII of the *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the NCIMS* and the *FDA PMO, 2019 Revision*, which provide that a state's dairy regulation must be at least as stringent as the PMO to meet requirements for interstate commerce of pasteurized milk and milk products. Updating R.61-34 and R.61-34.1 to the most current amendments of the PMO ensures the regulations reflect current standards and sanitation practices. Furthermore, South Carolina milk producers and processors will be able to continue shipment of milk and milk products in interstate commerce and market their milk products as Grade "A." Updating R.61-34.1 to reflect the current federal standards also serves to reduce administrative burdens on the regulated community by facilitating streamlined inspections and compliance under both state and federal requirements.

The Department proposes amending the provisions of R.61-34, Raw Milk for Human Consumption, and R.61-34.1, Pasteurized Milk and Milk Products, to incorporate relevant standards of the updated federal ordinance. In addition, the Department proposes amending the provisions of R.61-34 to incorporate sanitation standards to address the further processing of raw milk for human consumption. These changes serve to make clear those raw milk products that may be produced and sold pursuant to a Department permit and to specify standards for these products to promote clarity and protection of public health.

The proposed amendments to these regulations also include updates to state-specific administrative and enforcement provisions that serve to improve the overall clarity and effectiveness of applicable administrative, enforcement, and other requirements.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated new costs associated with the implementation of these regulations. The proposed amendments will benefit public health by ensuring safe, unadulterated dairy food and dairy food products on the farm, 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.61-34 and R.61-34.1 will allow the regulations to be in compliance with the most current food safety science regarding milk and milk products. Furthermore, for R.61-34.1 to be in compliance with the FDA Grade "A" Interstate Milk Shippers (IMS) procedures that govern the shipment of milk and milk products across state boundaries, the regulation may not be more than six (6) years behind the current NCIMS procedures and the PMO. By updating selected sections of R.61-34.1 to the 2019 PMO by reference, the regulation will meet this criteria and South Carolina milk producers will be able to continue to ship milk and milk products outside the limits of the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these regulations will not compromise the protection of the environment or the public health. The proposed regulations will help to ensure that consumers are receiving safe, unadulterated dairy products. The amendment of R.61-34 and R.61-34.1 also provides effective means of reducing the risks of foodborne illnesses at dairy farms and dairy manufacturing plants, thus protecting consumers and industry from potentially devastating public health consequences and financial loss.

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 dairy industry. This could have a detrimental effect on the health of South Carolina's citizens and visitors.

Statement of Rationale:

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

The Department proposes these amendments to meet the latest sanitation requirements for providing safe, unadulterated pasteurized and unpasteurized dairy products to consumers and to ensure a comprehensive approach to food safety management in the dairy industry. Furthermore, the amendments to R.61-34.1 will satisfy requirements for the shipment of milk and milk products produced under this regulation to be shipped outside the limits 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. 5034
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70, 40-13-60, and 40-13-230(D)

35-12. Emergency Temporary Work Permits.

Preamble:

The South Carolina State Board of Cosmetology proposes to add a regulation creating emergency temporary work permits.

Section-by-Section Discussion

35-12. New Section.

A Notice of Drafting was published in the *State Register* on September 25, 2020.

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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 March 31, 2021. Written comments may be directed to Theresa Brown, Administrator, Board of Cosmetology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211, no later than 5:00 p.m., February 22, 2021. If a qualifying request pursuant to Section 1-23-110(A)(3) is 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 add an emergency temporary work permit for licensees of the Board of Cosmetology. The need for the emergency temporary work permit arose in the Spring of 2020, during the COVID-19 pandemic, when exam testing sites were closed, and cosmetology students were unable to take the theory and/or practical exams, both of which are required for licensure. The Board's practice act allows for the issuance of temporary licenses pursuant to terms set by the Board in regulation. The Board drafted the proposed regulation below to ensure that candidates for licensure would be able to commence work safely, under the direct supervision of an identified licensee, while awaiting testing.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to add an emergency temporary work permit.

Legal Authority: 1976 Code Sections 40-1-70, 40-13-60 and 40-13-230(D).

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:

These regulations are amended to add an emergency temporary work permit for licensees of the Board of Cosmetology. The need for the emergency work permit arose in the Spring of 2020, during the COVID-19 pandemic, when exam testing sites were closed, and cosmetology students were unable to take the theory and/or practical exams, both of which are required for licensure. The Board's practice act allows for the issuance of temporary licenses pursuant to terms set by the Board in regulation. The Board drafted the proposed regulation below to ensure that candidates for licensure would be able to commence work safely, under the direct supervision of an identified licensee, while awaiting testing.

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 add an emergency temporary work permit to allow licensees to work under the direct supervision of an identified licensee for up to ninety days in the event that a public emergency prevents cosmetology students from taking exams required for licensure.

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.

44 EMERGENCY REGULATIONS

Filed: December 17, 2020 3:18pm

Document No. 5031
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 extends through January 31, 2021, it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2020-21

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 5 - October 11, November 14 - November 28, December 25, 2020 - January 31, 2021.

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 5 – October 11).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field – 1st season – Saturdays Only beginning Sept. 5. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 9, 23; Oct. 7.

ANDERSON

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

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 5, 19; Oct. 10; Nov. 21. Sept. 12 is Wounded Warrior Hunt Only -Invitation Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 5, 12, Oct. 10, Nov. 14; Jan. 16. All hunts are Adult/Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. - Sat.

DNR Landsford Canal Forest Legacy Area. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. - Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Opening Day Sept. 5, then Wednesdays Only beginning Sept. 16. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Closed due to flooding during the planting season.

*SC Forestry Commission - Oak Lea WMA. Sept. 5, 12, 19, 26, Oct. 7, Dec. 30; Jan. 6.

COLLETON

DNR - Donnelley WMA. Sept. 5, 12; Oct. 10; Nov. 14.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons- Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 5, 19; Oct. 3, 10; Nov. 14.

GREENVILLE

Tall Pines – 1st season – Saturdays only beginning Sept. 5. 2nd and 3rd seasons – Saturdays Only.

HAMPTON

*DNR – Palachucola WMA. Sept. 5, 12, 23; Oct 10; Nov. 14.

*DNR - Webb Wildlife Center. Sept. 5, 12, 23; Oct. 10; Nov. 14.

LAURENS

DNR Gray Court Field. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 5 & 23; Oct. 14; Nov. 25, Dec. 30; Jan. 13 & 27; 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. 5. 2nd & 3rd seasons – Open Mon. - Sat.

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US Army Corp of Engineers - Plum Branch Field. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season Beginning Sept. 5. Dove Hunting Only.

DNR Belfast WMA. Sept. 5, 12, 19, 26; Oct. 3; Nov. 28. 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only Beginning Sept. 5. 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. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. 1st season – Saturdays Only Beginning Sept. 5. 2nd season – Open November 14 & 21 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 5.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Sept. 5 is Adult/Youth Only. Sept. 12, 26; Nov. 14; Dec. 26

PICKENS

DNR Property - Rifle Range. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 5. Dove hunting only.

Clemson University - Gravelly WMA - Causey Tract. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 5. Dove hunting only.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesday Only, Beginning Sept. 16. Open 1st, 2nd and 3rd seasons.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only Beginning Sept 5. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Sept. 5, 12, 19, 26. 2nd & 3rd seasons – Open Mon. – Sat.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 5 is Adult/Youth Hunt Only. 1st season - Saturdays Only Beginning Sept. 12. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A –1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. Sept. 5 is Adult/Youth Only. 1st season – Saturdays Only Beginning Sept. 12. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only Beginning Sept. 5. 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 youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ANDERSON COUNTY YOUTH HUNT

Fant’s Grove WMA Adult/Youth Field— Sept. 5, 12.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA - September 5, 12; October 10; November 14, January 16.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 5.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract - Field 1 near Wedgefield - September 5.

UNION COUNTY YOUTH HUNT

Sedalia Field (U.S. Forest Service) - September 5.

YORK COUNTY YOUTH HUNT

SCDNR - Draper WMA - September 5.

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 extend through January 31, 2021, it is necessary to file these regulations as emergency so they take remain in effect throughout the duration of the season.

Fiscal Impact Statement:

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