

Certificate Tag from the state or country of origin stating in effect that the nursery stock being moved has been inspected and certified by an authorized official as apparently free of Plant Pests. Any shipment of nursery stock entering South Carolina not accompanied by such a Nursery Certificate Tag shall be declared a public nuisance and may be returned to the shipper, treated, destroyed or otherwise disposed of by the Department. Any plants moving from outside of South Carolina, whether or not accompanied by a Nursery Certificate Tab, found infested with Plant Pests shall be declared a public nuisance and may be returned to the shipper, treated, destroyed or otherwise disposed of to the satisfaction of the Department.

3. Nurseries growing peach, nectarine, or other **Prunus** spp. Nursery Stock for shipment to commercial growers in South Carolina must, in addition to being certified apparently free of insects and diseases in their state or country of origin, also file or mail an invoice to the Department at the time of shipment showing the following information: (1) name and address of shipper, (2) producer of stock, if different from shipper, (3) date of shipment, (4) name and address of purchaser, and (5) name and address of receiver, if different from purchaser.

27-164. Penalties.

Any person who violates the provisions of these regulations shall become subject to a stop sale, use, or distribution order pursuant to 46-33-100 and shall be deemed guilty of a misdemeanor and upon conviction shall be punished pursuant to 46-9-90.

Fiscal Impact Statement:

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

Statement of Rationale:

The reduction in some Nursery Regulation fees and shipping costs and addition of fees to the Nursery Dealer Registration category will continue to allow the Commission to enforce regulatory plant laws and protect the state's agricultural industry, which includes working to decrease the introduction and spread of new and invasive pests and diseases in South Carolina through consistent inspections and surveys. Without implementation of the proposed regulations, the mandates of the commission cannot be sustained due to increasing numbers of inspections, surveys, and shipments provided to this industry sector and invasive pests may move in from other states putting the state's agricultural resources at risk.

Document No. 4707

DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 28

Statutory Authority: 1976 Code Sections 37-17-10 et seq.,

Particularly Section 37-17-120

Synopsis:

The department proposes to amend Regulation 28-90 to clarify registration requirements and processes regarding discount medical plan organizations.

Notice of Drafting for the proposed regulation was published in the *State Register* on August 26, 2016. Comments were solicited for consideration in drafting the proposed regulation. Proposed regulation was published in the *State Register* on October 28, 2016.

32 FINAL REGULATIONS

Instructions:

Add Regulation 28-90. (Discount Medical Plan Certificate of Registration) as printed below.

Text:

28-90. Discount Medical Plan Certificate of Registration.

A. DEFINITIONS

Definitions shall be those contained in S.C. Code Ann. S. 37-1-101 et seq., including 37-17-10 et seq. (1976 as amended) and the following:

(1) "Card" means the instrument issued by a discount medical plan organization for a customer or user to access benefits of the discount medical plan.

B. REGISTRATION OF A DISCOUNT MEDICAL PLAN ORGANIZATION

All Discount Medical Plan Organizations initial and renewal applications shall contain all trade names, brand names, and any other names used to advertise the product, or otherwise conduct business with South Carolina consumers.

C. REPRESENTATIVE OR MARKETER STATUS

Discount Medical Plan Organizations may notify the Department on a continual basis of any changes in representatives or marketers, including any additions or inactivations, to ensure consumers and the Department have accurate information regarding the status of representatives and marketers. The Discount Medical Plan Organization's list of marketers and representatives must be updated at each renewal or subsequent registration to reflect any changes.

D. MEMBERSHIP CANCELLATION AND REIMBURSEMENT

Discount Medical Plan Organizations shall provide cancellation and reimbursement terms in writing to the applicant at the time of application and to the customer together with the discount medical plan card. Such terms shall include that all reimbursements or refunds shall be issued to the applicant or customer no later than thirty days from the date of cancellation.

Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Rationale:

The department is revising this regulation in order to clarify registration requirements and processes regarding discount medical plan organizations.