

PETITION FOR PROMULGATION OF REGULATION

Code **BCBMC**

Issued **7/10/80**

Revised **4/8/92:6/14/06**

Constitutional and Statutory Provisions:

Any person may petition the Board in writing for a declaratory ruling as to the authority of the Board to promulgate a particular regulation. The Board shall, within thirty (30) days after receipt of such petition, issue a declaratory ruling thereon. (See §1-23-150(a), South Carolina Code.)

State Board Rule:

A petition for a declaratory ruling as to the authority of the Board to promulgate a particular regulation shall be addressed to or forwarded to the Chair of the Board.

The Chair shall review the petition and has the following options:

1. Prepare a recommended ruling for consideration by the Board.
2. Refer the petition to a committee and request its recommendation.
3. Request assistance from State Department staff in formulating a recommended ruling.

The recommended ruling shall either cite the statutory authority for the Board to promulgate the regulation or indicate that the Board does not have the authority to promulgate the regulation.

The recommended ruling should be considered at the next meeting of the Board following receipt of the petition and be approved or revised by the full Board. The declaratory ruling should be issued at this meeting as the petition must be responded to within thirty (30) days after receipt.

The Chair shall notify the petitioner in writing of the declaratory ruling of the Board.

If the declaratory ruling states that the Board does not have authority to promulgate the particular regulation, the Board shall terminate promulgation of the regulation.