

*Policy*

**DECLARATORY RULING FOR REGULATION APPLICABILITY**

Code **BCBMB**

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**Constitutional and Statutory Provisions:**

Any person may petition the Board in writing for a declaratory ruling as to the applicability of any regulation of the Board. 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.)

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**State Board Rule:**

A petition for a declaratory ruling as to the applicability of a regulation of the board shall be addressed to or forwarded to the Chair of the Board. Upon receipt, the Chair will:

1. Prepare a recommended ruling for consideration by the Board; or
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 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 of the Board 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.