

Commission Review

Log of Permanent Rule Filings

November 23, 2020 through December 21, 2020

* Approval Recommended, ** Objection Recommended

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency(.3100).

<u>Definitions</u>	10A NCAC 09 .0102
Amend*	
<u>Application for a License for a Child Care Facility</u>	10A NCAC 09 .0302
Amend*	
<u>Temporary Licenses for Centers</u>	10A NCAC 09 .0403
Amend*	
<u>Safe Environment</u>	10A NCAC 09 .0601
Amend*	
<u>Safe Sleep Practices</u>	10A NCAC 09 .0606
Amend*	
<u>Emergency Preparedness and Response in Child Care Centers</u>	10A NCAC 09 .0607
Amend*	
<u>Health Standards for Child Care Providers, Substitute Pro...</u>	10A NCAC 09 .0701
Amend*	
<u>Staff/Child Ratios for Centers</u>	10A NCAC 09 .0713
Amend*	
<u>Application for Enrollment</u>	10A NCAC 09 .0801
Amend*	
<u>Emergency Medical Care</u>	10A NCAC 09 .0802
Amend*	
<u>On-Going Training and Professional Development</u>	10A NCAC 09 .1103
Amend*	
<u>Documentation of On-Going Training and Professional Devel...</u>	10A NCAC 09 .1106
Amend*	
<u>Outdoor Space</u>	10A NCAC 09 .1402
Amend*	
<u>Activities Involving Water in Child Care Centers</u>	10A NCAC 09 .1403
Amend*	

<u>Application for a License for a Family Child Care Home</u> Amend*	10A NCAC 09 .1702
<u>On-Going Requirements for Family Child Care Home Operators</u> Amend*	10A NCAC 09 .1703
<u>Nutrition Standards</u> Amend*	10A NCAC 09 .1706
<u>Building Requirements</u> Amend*	10A NCAC 09 .1707
<u>Emergency Preparedness and Response</u> Amend*	10A NCAC 09 .1714
<u>Requirements for Daily Operations</u> Amend*	10A NCAC 09 .1718
<u>Requirements for Records</u> Amend*	10A NCAC 09 .1721
<u>Safe Sleep Practices</u> Amend*	10A NCAC 09 .1724
<u>Additional Caregiver and Substitute Provider Qualifications</u> Amend*	10A NCAC 09 .1729
<u>Activities Involving Water</u> Amend*	10A NCAC 09 .1730
<u>Provisional Child Care Facility License or Provisional No...</u> Amend*	10A NCAC 09 .2204
<u>Suspension</u> Amend*	10A NCAC 09 .2206
<u>Revocation of a Child Care Facility License or an Order t...</u> Amend*	10A NCAC 09 .2209
<u>Child Care Center Records Retention</u> Amend*	10A NCAC 09 .2318
<u>Staff Qualifications</u> Amend*	10A NCAC 09 .2408
<u>Children's Activities</u> Amend*	10A NCAC 09 .2410
<u>Activities: Off-Premises</u> Amend*	10A NCAC 09 .2509
<u>Criminal History Record Check Requirements for Child Care...</u> Amend*	10A NCAC 09 .2703
<u>Enhanced Space Requirements</u> Amend*	10A NCAC 09 .2809
<u>Enhanced Program Standards for Child Care Centers</u> Amend*	10A NCAC 09 .2817
<u>Staff Qualifications</u> Amend*	10A NCAC 09 .2903
<u>NC Pre-K Teacher Education, Licensure and Credentials</u> Amend*	10A NCAC 09 .3012

HHS - HEALTH SERVICE REGULATION, DIVISION OF

The rules in Subchapter 14E concern certifications of Clinics for Abortion including certification procedure (.0100); minimum standards for construction and equipment (.0200); governing authority (.0300); and medical staff (.0400).

<u>Approval</u>	10A NCAC 14E .0105
Readopt with Changes*	
<u>Medications and Anesthesia</u>	10A NCAC 14E .0312
Readopt with Changes*	
<u>Food Service</u>	10A NCAC 14E .0316
Readopt with Changes*	

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15A concern organization rules: policies and procedures including general provisions (.0100); structure (.0200); publications, records, copies (.0300); rule-making (.0400); emergency rules (.0500); declaratory rulings (.0600); personnel policies: commission (.0700); adjudication: contested cases (.0800); fiscal rules for local boards (.0900); local abc board: personnel policies (.1000); local abc boards: relationship with state commission (.1100); openings and discontinuance of stores (.1200); storage and distribution of spirituous liquors: commercial transportation (.1300); purchase of alcoholic beverages by local boards (.1400); pricing of spirituous liquor (.1500); warehouse storage of spirituous liquors (.1600); retail sales of alcoholic beverages (.1700); purchase transportation permits for individuals and mixed beverages permittees (.1800); sales of liquor to mixed beverages permittees (.1900); local board training (.2000); distillery permit holders' sale of spirituous liquor distilled on premises to visitors of the distillery for consumption off the premises (.2100); special one-time permits (.2200); and homemade wine and malt beverage events (.2300).

<u>Direct Shipments</u>	14B NCAC 15A .1304
Amend*	
<u>Transportation Between ABC Boards</u>	14B NCAC 15A .1305
Adopt*	
<u>Special Orders</u>	14B NCAC 15A .1403
Amend*	
<u>Purchase-Transportation Permits</u>	14B NCAC 15A .1706
Repeal*	
<u>Purchase-Transportation Permits for Wine and Liquor</u>	14B NCAC 15A .1801
Amend*	
<u>Distillery Record-Keeping</u>	14B NCAC 15A .2103
Repeal*	
<u>Distillery Issued Purchase-Transportation Permits</u>	14B NCAC 15A .2104
Adopt*	

The rules in Subchapter 15C concern industry members, retail/industry member relationships, ship chandlers, air carriers, and fuel alcohol including definitions and application procedures (.0100); product approvals, listing procedures and product lists (.0200); packaging and labeling of malt beverages and wine (.0300); standards of identity for wine containers (.0400); general provisions for industry members (.0500); sales and deliveries of malt beverages and wine (.0600); alcoholic beverages, retailer/industry member relationship and trade practices (.0700); ships Chandler's permit (.0800); distillers and representatives (.0900); air carriers (.1000); fuel alcohol permits (.1100); administrative action by commission (.1200); and special event permits (.1300).

<u>Sales and Purchase Restrictions: Records</u> Amend*	14B NCAC 15C .0602
<u>Malt Beverage and Wine Shipments to Military Bases</u> Amend*	14B NCAC 15C .0607

PUBLIC SAFETY, DEPARTMENT OF

The rules in Chapter 19 concern the statewide sexual assault evidence collection kit tracking system.

The rules in Subchapter 19A concern general provisions.

<u>Scope</u> Adopt*	14B NCAC 19A .0101
<u>Definitions</u> Adopt*	14B NCAC 19A .0102
<u>System Administrator Designation</u> Adopt*	14B NCAC 19A .0103
<u>Covered Entity System Access; Local Administrators</u> Adopt*	14B NCAC 19A .0104

The rules in Subchapter 19B concern covered entity tracking requirements.

<u>System Compatibility for Kits</u> Adopt*	14B NCAC 19B .0101
<u>Medical Service Providers</u> Adopt*	14B NCAC 19B .0102
<u>Law Enforcement Agencies</u> Adopt*	14B NCAC 19B .0103
<u>Law Enforcement Support Services</u> Adopt*	14B NCAC 19B .0104
<u>Forensic Laboratories</u> Adopt*	14B NCAC 19B .0105
<u>Previously Untested Kits</u> Adopt*	14B NCAC 19B .0106
<u>Victim Notification for Kits Collected Prior to October 1...</u> Adopt*	14B NCAC 19B .0107

The rules in Subchapter 19C concern compliance and sanctions.

<u>Compliance and Sanctions</u> Adopt*	14B NCAC 19C .0101
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WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Sale of Live Foxes and Coyotes to Controlled Fox Hunting ...</u> Readopt with Changes*	15A NCAC 10B .0409
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The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Clay County</u>	15A NCAC 10F .0308
Amend*	
<u>Stanly County</u>	15A NCAC 10F .0317
Amend*	
<u>Burke County</u>	15A NCAC 10F .0323
Amend*	

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), and reptiles and amphibians (.1300).

<u>Definitions and General Requirements</u>	15A NCAC 10H .1201
Readopt with Changes*	
<u>Establishment and Operation</u>	15A NCAC 10H .1202
Readopt with Changes*	
<u>Quality of Foxes and Coyotes Released</u>	15A NCAC 10H .1203
Readopt with Changes*	
<u>Records Required</u>	15A NCAC 10H .1204
Readopt with Changes*	
<u>Hunting License Required</u>	15A NCAC 10H .1205
Readopt with Changes*	
<u>Minimum Standards for Care of Foxes and Coyotes</u>	15A NCAC 10H .1206
Readopt with Changes*	
<u>License Revocation and Enforcement</u>	15A NCAC 10H .1207
Readopt with Changes*	

MARINE FISHERIES COMMISSION

The rules in Chapter 18 cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D). The rules in Subchapter 18A deal with sanitation and include handling, packing and shipping of crustacean meat (.0100) and shellfish (.0300 and .0400); operation of shellstock plants and reshippers (.0500); shucking and packing plants (.0600); depuration mechanical purification facilities (.0700); wet storage of shellstock (.0800); shellfish growing waters (.0900); summer camps (.1000); grade A milk (.1200); hospitals, nursing homes, rest homes, etc. (.1300); mass gatherings (.1400); local confinement facilities (.1500); residential care facilities (.1600); protection of water supplies (.1700); lodging places (.1800); sewage treatment and disposal systems (.1900); migrant housing (.2100); bed and breakfast homes (.2200); delegation of authority to enforce rules (.2300); public, private and religious schools (.2400); public swimming pools (.2500); restaurants, meat markets, and other food handling establishments (.2600); child day care facilities (.2800); restaurant and lodging fee collection program (.2900); bed and breakfast inns (.3000); lead poisoning prevention (.3100); tattooing (.3200); adult day service facilities (.3300); primitive camps (.3500); rules governing the sanitation of resident camps (.3600); and private drinking water well sampling (.3800).

<u>Definitions</u>	15A NCAC 18A .3401
Readopt with Changes*	

<u>Bacteriological Limits for Swimming Areas</u> Readopt with Changes*	15A NCAC 18A .3402
<u>Public Notice of Increased Health Risks in Swimming Areas</u> Readopt with Changes*	15A NCAC 18A .3403
<u>Swimming Advisories for Point Source Discharges into Swim...</u> Readopt with Changes*	15A NCAC 18A .3404
<u>Rescinding a Pending Swimming Advisory or Swimming Advisory</u> Readopt with Changes*	15A NCAC 18A .3405
<u>Destruction of Signs</u> Readopt/Repeal*	15A NCAC 18A .3406
<u>Applicability of Rules</u> Readopt/Repeal*	15A NCAC 18A .3407

SECRETARY OF STATE, DEPARTMENT OF THE

The rules in Subchapter 6A concern recodified rules of the securities division including general provisions (.1100); exemptions (.1200); registration of securities (.1300); registration of dealers and salesmen (.1400); miscellaneous provisions (.1500); registration of investment advisers and investment adviser representatives (.1700); miscellaneous provisions - investment advisers (.1800); invest NC exemption (crowdfunding); (.2000); and rules for local public offerings (LPO) (.2100).

<u>Sunset Provision</u> Amend*	18 NCAC 06A .2120
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BARBER EXAMINERS, BOARD OF

The rules in Subchapter 06F concern barber schools.

<u>Waiver of Requirements During Disaster or Emergency</u> Adopt*	21 NCAC 06F .0128
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The rules in Subchapter 6N establish fees and provide for the use of various forms.

<u>Form Bar-1</u> Amend*	21 NCAC 06N .0102
<u>Form Bar-10</u> Amend*	21 NCAC 06N .0111

MEDICAL BOARD

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

<u>Prescriptive Authority</u> Amend*	21 NCAC 32S .0212
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PHARMACY, BOARD OF

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200);

prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

COVID-19 Drug Preservation Rule

21 NCAC 46 .1819

Adopt*