

# Commission Review

## Log of Permanent Rule Filings

### November 21, 2018 through December 20, 2018

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other, P Pre-reviewed

#### AGRICULTURE, BOARD OF

The rules in Chapter 9 are from the Food and Drug Protection Division.

The rules in Subchapter 9B are the rules and standards adopted by reference.

<u>Adoptions by Reference</u>	02	NCAC	09B	.0116
Amend*				
<u>Current Good Manufacturing Practices for Retail Food Esta...</u>	02	NCAC	09B	.0135
Adopt*				

The rules in Chapter 37 concern agronomic services.

<u>Nematode Advisory Service</u>	02	NCAC	37	.0203
Amend*				

#### AGRICULTURE, COMMISSIONER OF

The rules in Chapter 58 are for the agricultural development and farmland preservation trust fund.

<u>Evaluation of Applications</u>	02	NCAC	58	.0105
Readopt with Changes*				
<u>Grant Agreement</u>	02	NCAC	58	.0106
Readopt with Changes*				
<u>Reporting</u>	02	NCAC	58	.0107
Readopt with Changes*				
<u>Records</u>	02	NCAC	58	.0108
Readopt with Changes*				

#### SOIL AND WATER CONSERVATION COMMISSION

The rules in Subchapter 59D concern the agriculture cost share program for nonpoint source pollution control.

<u>Purpose</u>	02	NCAC	59D	.0101
Readopt with Changes*				
<u>Definitions For Subchapter 59D</u>	02	NCAC	59D	.0102
Readopt with Changes*				
<u>Agriculture Cost Share Program Financial Assistance Alloc...</u>	02	NCAC	59D	.0103
Readopt with Changes*				
<u>Community Conservation Assistance Program Allocation Guid...</u>	02	NCAC	59D	.0104
Readopt with Changes*				
<u>Agricultural Water Resources Assistance Program Financial...</u>	02	NCAC	59D	.0105
Readopt with Changes*				
<u>Best Management Practices Eligible for Cost Share Payments</u>	02	NCAC	59D	.0106
Readopt with Changes*				

<u>Cost Share and Incentive Payments</u>	02	NCAC 59D .0107
Readopt with Changes*		
<u>Technical Assistance Funds</u>	02	NCAC 59D .0108
Readopt with Changes*		
<u>Cost Share Agreement</u>	02	NCAC 59D .0109
Adopt*		
<u>District Program Operation</u>	02	NCAC 59D .0110
Adopt*		

The rules in Subchapter 59H concern community conservation assistance program for nonpoint source pollution control

<u>Purpose</u>	02	NCAC 59H .0101
Readopt/Repeal*		
<u>Definitions</u>	02	NCAC 59H .0102
Readopt/Repeal*		
<u>Allocation Guidelines and Procedures</u>	02	NCAC 59H .0103
Readopt/Repeal*		
<u>Best Management Practices Eligible for Cost Share Payments</u>	02	NCAC 59H .0104
Readopt/Repeal*		
<u>Cost Share and Incentive Payments</u>	02	NCAC 59H .0105
Readopt/Repeal*		
<u>Technical Assistance Funds</u>	02	NCAC 59H .0106
Readopt/Repeal*		
<u>Cost Share Agreement</u>	02	NCAC 59H .0107
Readopt/Repeal*		
<u>District Program Operation</u>	02	NCAC 59H .0108
Readopt/Repeal*		

## **AGRICULTURE, BOARD OF**

The rules in Chapter 60 are for the division of forest resources.

The rules in Subchapter 60B concern the administration (.0100) of division programs including forest fire control (.0200); pest control (.0300); forest management (.0400); forest tree seedlings (.0500); custom forestry services (.0600); forest development program (.0700); urban and community forestry (.0800); NC prescribed burning act (.0900); and Dupont State Forest (.1000).

<u>Administration of Program</u>	02	NCAC 60B .0701
Amend*		

## **INSURANCE, DEPARTMENT OF**

The rules in Chapter 20 concern managed care health benefit plans including managed care definitions (.0100); contracts between network plan carriers and health care providers (.0200); provider accessibility and availability (.0300); network provider credentials (.0400); HMO quality management programs (.0500); and significant modifications to HMO operations (.0600).

<u>Scope and Definitions</u>	11	NCAC 20 .0101
Amend*		

## 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).

Location and Address 14B NCAC 15A .0102  
Amend\*

## MARINE FISHERIES COMMISSION

The rules in Subchapter 3I are general and miscellaneous rules.

Possession or Transportation Limits Through State Waters;... 15A NCAC 03I .0120  
Readopt with Changes\*

The rules in Subchapter 3J concern the use of nets in general (.0100) and in specific areas (.0200); the use of pots, dredges, and other fishing devices (.0300); fishing gear (.0400); and pound nets (.0500).

Nets or Net Stakes 15A NCAC 03J .0102  
Readopt with Changes\*

Nets Pulled by More than One Vessel 15A NCAC 03J .0108  
Readopt with Changes\*

Chowan River and Meherrin River 15A NCAC 03J .0203  
Readopt with Changes\*

Currituck Sound and Its Tributaries 15A NCAC 03J .0204  
Readopt with Changes\*

Southport Boat Harbor 15A NCAC 03J .0206  
Readopt with Changes\*

Nuclear Plant Intake Canal 15A NCAC 03J .0207  
Readopt with Changes\*

Albemarle Sound and Chowan River Herring Management... 15A NCAC 03J .0209  
Readopt without Changes\*

Dredges and Mechanical Methods Prohibited 15A NCAC 03J .0303  
Readopt with Changes\*

Electrical Fishing Device in Cape Fear River 15A NCAC 03J .0304  
Readopt with Changes\*

Hook and Line 15A NCAC 03J .0306  
Readopt with Changes\*

The rules in subchapter 3K concern oyster, clams, scallops and mussels including shellfish, general (.0100); crabs (.0200); hard clams (mercenaria) (.0300); rangia clams (.0400); and scallops (.0500).

<u>Size and Harvest Limits</u> Readopt with Changes*	15A NCAC 03K .0402
<u>Disposition of Meats</u> Readopt with Changes*	15A NCAC 03K .0403
<u>Dredges and Mechanical Methods Prohibited and Open Season</u> Readopt with Changes*	15A NCAC 03K .0404
<u>Oysters, Hard Clams, or Mussels Prohibited</u> Readopt with Changes*	15A NCAC 03K .0405
<u>Bay Scallop Harvest Management</u> Readopt with Changes*	15A NCAC 03K .0501
<u>Taking Bay Scallops at Night and on Weekends</u> Readopt with Changes*	15A NCAC 03K .0502
<u>Bay Scallop Dredge Prohibited</u> Readopt without Changes*	15A NCAC 03K .0503
<u>Calico Scallop Harvest</u> Readopt with Changes*	15A NCAC 03K .0504
<u>Marketing Scallops Taken from Shellfish Leases or Franchises</u> Readopt with Changes*	15A NCAC 03K .0507
<u>Scallop Aquaculture Harvest Exemptions</u> Readopt with Changes*	15A NCAC 03K .0508

The rules in Chapter 3 are from the Marine Fisheries Commission. The rules in Subchapter 3L concern shrimp (.0100); crabs (.0200); and lobsters (.0300).

<u>Stone Crabs</u> Readopt with Changes*	15A NCAC 03L .0208
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The rules in Subchapter 3M cover harvesting of finfish including general rules (.0100); striped bass (.0200); mackerel (.0300); menhaden and Atlantic herring (.0400); and other finfish (.0500).

<u>Mutilated Finfish</u> Readopt with Changes*	15A NCAC 03M .0101
<u>Unmarketable Finfish</u> Readopt with Changes*	15A NCAC 03M .0102
<u>Minimum Size Limits</u> Readopt with Changes*	15A NCAC 03M .0103
<u>Red Drum</u> Readopt with Changes*	15A NCAC 03M .0501
<u>Mullet</u> Readopt with Changes*	15A NCAC 03M .0502
<u>Snapper Grouper Complex</u> Readopt with Changes*	15A NCAC 03M .0506
<u>Billfish</u> Readopt with Changes*	15A NCAC 03M .0507
<u>American Eel</u> Readopt with Changes*	15A NCAC 03M .0510
<u>River Herring</u> Readopt with Changes*	15A NCAC 03M .0513
<u>Dolphin</u> Readopt with Changes*	15A NCAC 03M .0515
<u>Wahoo</u>	15A NCAC 03M .0517

Readopt with Changes*	
<u>Kingfishes (Sea Mullet)</u>	15A NCAC 03M .0518
Readopt with Changes*	
<u>Tuna</u>	15A NCAC 03M .0520
Readopt with Changes*	
<u>Sheepshead</u>	15A NCAC 03M .0521
Readopt without Changes*	

The rules in Subchapter 3O cover various licenses (.0100); leases and franchises (.0200); license appeal procedures (.0300); Standard Commercial Fishing License Eligibility Board (.0400); and licenses, leases and franchises (.0500).

<u>Display of Licenses and Registrations</u>	15A NCAC 03O .0106
Readopt with Changes*	
<u>For-Hire License Requirements</u>	15A NCAC 03O .0112
Readopt with Changes*	
<u>Procedures and Requirements to Obtain Permits</u>	15A NCAC 03O .0501
Readopt with Changes*	
<u>Permit Conditions; Specific</u>	15A NCAC 03O .0503
Readopt with Changes*	

The rules in Subchapter 3R specify boundaries for various areas (.0100); and fishery management areas (.0200).

<u>Attended Gill Net Areas</u>	15A NCAC 03R .0112
Readopt with Changes*	

## COASTAL RESOURCES COMMISSION

The rules in Chapter 7 are coastal management rules.

The rules in Subchapter 7B are land use planning guidelines including introduction (.0600); land use planning (.0700); CAMA land use plan review and CRC certification (.0800); and CAMA land use plan amendments (.0900).

<u>Public Hearing and Local Adoption Requirements</u>	15A NCAC 07B .0802
Amend*	
<u>Certification and Use of the Plan</u>	15A NCAC 07B .0803
Amend*	

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); temporary structures within the estuarine and ocean hazard AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas

(.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

<u>Coastal Shorelines</u>	15A NCAC 07H .0209
Amend*	
<u>Specific Use Standards for Ocean Hazard Areas</u>	15A NCAC 07H .0308
Amend*	
<u>General Conditions</u>	15A NCAC 07H .1704
Amend*	
<u>Specific Conditions</u>	15A NCAC 07H .1705
Amend*	

The rules in Subchapter 7K set out activities in areas of environmental concern (AECs) which do not require a Coastal Area Management Act (CAMA) permit. These include activities that are not considered development (.0100); exempt minor maintenance and improvement (.0200); and exempt federal agency activities (.0400).

<u>Maintenance and Repair</u>	15A NCAC 07K .0103
Amend*	
<u>Single Family Residences Exempted</u>	15A NCAC 07K .0208
Amend*	

## TRANSPORTATION, DEPARTMENT OF

The rules in Chapter 2 are from the Division of Highways.

The rules in Subchapter 2B concern highway planning including right of way (.0100); traffic engineering (.0200); chief engineer-programs (.0300); relocation assistance procedures (.0400); utility encroachments (.0500); and driveway entrances (.0600).

<u>The Sale of Surplus Lands</u>	19A NCAC 02B .0143
Readopt/Repeal*	
<u>Copies of Forms</u>	19A NCAC 02B .0145
Readopt/Repeal*	
<u>Definitions</u>	19A NCAC 02B .0202
Readopt/Repeal*	
<u>Uniform Traffic Control Devices</u>	19A NCAC 02B .0208
Readopt/Repeal*	
<u>Channelization for Entrances and Exits to Property</u>	19A NCAC 02B .0240
Readopt/Repeal*	
<u>Personal Property not to be Acquired</u>	19A NCAC 02B .0316
Readopt/Repeal*	
<u>Relocation Assistance</u>	19A NCAC 02B .0432
Readopt without Changes*	

<u>Applicability</u>	19A NCAC 02B .0433
Readopt without Changes*	
<u>Execution of Utility Agreement</u>	19A NCAC 02B .0507
Readopt without Changes*	

The rules in Subchapter 2D concern highway operations including standards for design and construction (.0100); landscape (.0200); field operations-maintenance and equipment (.0400); ferry operations (.0500); oversize-overweight permits (.0600); highway design branch (.0700); prequalification advertising and bidding regulations (.0800); regulations for informal construction and repair contracts (.0900); adopt-a-highway program (.1000); and disadvantaged business enterprise, minority business enterprise and women business enterprise programs for highway and bridge construction contracts (.1100).

<u>Minimum Size of Surface Drainage Pipeline</u>	19A NCAC 02D .0102
Readopt without Changes*	
<u>Guidelines - Curb Cuts and Ramps</u>	19A NCAC 02D .0104
Readopt without Changes*	
<u>Temporary Bridge Weight Limits and Closings</u>	19A NCAC 02D .0408
Readopt without Changes*	
<u>General Regulations for Drawbridges</u>	19A NCAC 02D .0415
Readopt/Repeal*	

The rules in Subchapter 2E concern miscellaneous operations including tort claims (.0100); outdoor advertising (.0200); junkyard control (.0300); general ordinances (.0400); selective vegetation removal policy (.0600); professional or specialized services (.0700); solicitation of contributions for religious purposes at rest areas (.0800); distribution of newspapers from dispensers at rest areas and welcome centers (.0900); scenic byways (.1000); tourist-oriented directional sign program (.1100); private property owners (.1200).

<u>Aircraft Landing and Taking Off on Highways</u>	19A NCAC 02E .0412
Readopt without Changes*	
<u>Parades on Highway System Roads</u>	19A NCAC 02E .0413
Readopt without Changes*	
<u>Parking Vehicle for Sale or Distribution of Goods</u>	19A NCAC 02E .0414
Readopt without Changes*	
<u>Advertising Signs within Right of Way</u>	19A NCAC 02E .0415
Readopt without Changes*	
<u>Private Drives or Roads Intersecting Highways</u>	19A NCAC 02E .0416
Readopt without Changes*	
<u>Commercial Entrances Intersecting with Right of Way</u>	19A NCAC 02E .0417
Readopt without Changes*	
<u>Fencing within Right-of-Way</u>	19A NCAC 02E .0418
Readopt without Changes*	
<u>Cultivating Crops and Maintaining Pastures within Right-o...</u>	19A NCAC 02E .0419
Readopt without Changes*	
<u>Construction within Right-of-Way</u>	19A NCAC 02E .0420
Readopt without Changes*	
<u>Utility Wires or Cables Over Highways</u>	19A NCAC 02E .0421
Readopt without Changes*	
<u>Use of Runaway Truck Ramps</u>	19A NCAC 02E .0422
Readopt without Changes*	
<u>Application for Designation</u>	19A NCAC 02E .1006

Readopt without Changes\*

## **BARBER EXAMINERS, BOARD OF**

The rules in Subchapter 6N establish fees and provide for the use of various forms.

Fees, Access to Forms, and Renewals 21 NCAC 06N .0101  
Amend\*

## **DENTAL EXAMINERS, BOARD OF**

The rules in Subchapter 16P concern the advertisement of dental services.

Advertising as a Specialist 21 NCAC 16P .0105  
Readopt with Changes\*

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

General Anesthesia Equipment and Clinical Requirements 21 NCAC 16Q .0202  
Amend\*

Procedure for General Anesthesia Evaluation or Inspection... 21 NCAC 16Q .0204  
Amend\*

Credentials and Permits for Moderate Parenteral and Enter... 21 NCAC 16Q .0301  
Amend\*

Moderate Parenteral and Enteral Conscious Sedation Clinic... 21 NCAC 16Q .0302  
Amend\*

Procedure for Moderate Conscious Sedation Evaluation or I... 21 NCAC 16Q .0306  
Amend\*

Minimal Conscious Sedation Credentials, Evaluation and Pe... 21 NCAC 16Q .0401  
Amend\*

Minimal Conscious Sedation Permit Requirements, Clinical ... 21 NCAC 16Q .0402  
Readopt with Changes\*

Credentials and Permits for Moderate Pediatric Conscious ... 21 NCAC 16Q .0404  
Amend\*

Moderate Pediatric Conscious Sedation Clinical Requiremen... 21 NCAC 16Q .0405  
Amend\*

Procedure for Moderate Pediatric Conscious Sedation Evalu... 21 NCAC 16Q .0408  
Amend\*

Annual Renewal Required 21 NCAC 16Q .0501  
Repeal\*

## **ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF**

The rules in Chapter 18B are from the Board of Electrical Contractors including general provisions (.0100); examinations and qualifications (.0200); terms and definitions applicable to licensing (.0300); licensing requirements (.0400); reciprocal licensing agreements with other states (.0700); special restricted licenses (.0800); violations and contested case hearings (.0900); forms, certificates, and publications of the board (.1000); and continuing education courses and requirements (.1100).

Requirements for All Examination Applicants 21 NCAC 18B .0201



Amend\*

## **SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD**

The rules in Chapter 68 include general provisions (.0100); certification (.0200); clinical addictions specialist (.0300); education (.0400); ethical principles of conduct (.0500); grounds for discipline and disciplinary procedures (.0600); and appeals process (.0700).

<u>Designation as Substance Abuse Counselor Intern</u> Readopt with Changes**	21	NCAC 68	.0203
<u>Certified Substance Abuse Counselor Certification</u> Readopt with Changes**	21	NCAC 68	.0205
<u>Process for Prevention Consultant Certification</u> Readopt with Changes*	21	NCAC 68	.0206
<u>Certification or Licensure Period</u> Readopt with Changes*	21	NCAC 68	.0207
<u>Renewal Requirements for Counselor, Criminal Justice Addi...</u> Readopt with Changes**	21	NCAC 68	.0208
<u>Process for Clinical Supervisor Certification</u> Readopt with Changes**	21	NCAC 68	.0211
<u>Process for Residential Facility Director Certification</u> Readopt with Changes**	21	NCAC 68	.0212
<u>Licensure Requirements for Initial Applicants for Licensu...</u> Readopt with Changes**	21	NCAC 68	.0305
<u>Renewal of Individual Licensure as Clinical Addictions Sp...</u> Readopt with Changes*	21	NCAC 68	.0306