

Commission Review
Log of Permanent Rule Filings
November 23, 2021 through December 20, 2021

HHS - HEALTH SERVICE REGULATION, DIVISION OF

The rules in Chapter 14 concern services provided by the Division of Health Service Regulation.

The rules in Subchapter 14C are Certificate of Need regulations including general provisions (.0100); applications and review process (.0200); exemptions (.0300); appeal process (.0400); enforcement and sanctions (.0500); and criteria and standards for nursing facility or adult care home services (.1100), intensive care services (.1200), pediatric intensive care services (.1300), neonatal services (.1400), hospices, hospice inpatient facilities, and hospice residential care facilities (.1500), cardiac catheterization equipment and cardiac angioplasty equipment (.1600), open heart surgery services and heart-lung bypass machines (.1700), diagnostic centers (.1800), radiation therapy equipment (.1900), home health services (.2000), surgical services and operating rooms (.2100), end stage renal disease services (.2200), computed tomography equipment (.2300), immediate care facility/mentally retarded (ICF/MR) (.2400), substance abuse/chemical dependency treatment beds (.2500), psychiatric beds (.2600), magnetic resonance imaging scanner (.2700), rehabilitation services (.2800), bone marrow transplantation services (.2900), solid organ transplantation services (.3000), major medical equipment (.3100), lithotripter equipment (.3200), air ambulance (.3300), burn intensive care services (.3400), oncology treatment centers (.3500), gamma knife (.3600), positron emission tomography scanner (.3700), acute care beds (.3800), gastrointestinal endoscopy procedure rooms in licensed health service facilities (.3900), and hospice inpatient facilities and hospice residential care facilities (.4000).

Performance Standards
Readopt with Changes

10A NCAC 14C .1703

PRIVATE PROTECTIVE SERVICES BOARD

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); and armed armored car service guards firearm registration permit (.1400).

Reporting Requirements
Amend

14B NCAC 16 .0110

Experience Requirements for a Polygraph License
Amend

14B NCAC 16 .0501

Training Requirements for Armed Security Guards
Amend

14B NCAC 16 .0807

Fees for Trainer Certificate
Amend

14B NCAC 16 .0903

Accreditation Standards
Amend

14B NCAC 16 .1203

MARINE FISHERIES COMMISSION

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

<u>Ocean Fishing Piers</u>	15A NCAC 03I .0108
Readopt without Changes	
<u>Replacement Costs of Marine and Estuarine Resources - Fish</u>	15A NCAC 03I .0115
Readopt without Changes	
<u>User Conflict Resolution</u>	15A NCAC 03I .0122
Readopt without 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).

<u>Gill Nets, Seines, Identification, Restrictions</u>	15A NCAC 03J .0103
Readopt without Changes	
<u>Trawl Nets</u>	15A NCAC 03J .0104
Readopt without Changes	
<u>Channel Nets</u>	15A NCAC 03J .0106
Readopt without Changes	
<u>Fyke or Hoop Nets</u>	15A NCAC 03J .0111
Readopt without Changes	
<u>Atlantic Ocean</u>	15A NCAC 03J .0202
Readopt without Changes	
<u>New River</u>	15A NCAC 03J .0208
Readopt without Changes	
<u>Fishing Gear</u>	15A NCAC 03J .0401
Readopt without Changes	
<u>Fishing Gear Restrictions</u>	15A NCAC 03J .0402
Readopt without Changes	

The rules in Subchapter 3L concern shrimp (.0100); crabs (.0200); and lobsters (.0300).

<u>Horseshoe Crabs</u>	15A NCAC 03L .0207
Readopt with Changes	
<u>Repacking of Foreign Crab Meat Prohibited</u>	15A NCAC 03L .0210
Adopt	
<u>American Lobster (Northern Lobster)</u>	15A NCAC 03L .0301
Readopt with Changes	
<u>Spiny Lobster</u>	15A NCAC 03L .0302
Readopt with Changes	

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>Spanish and King Mackerel</u>	15A NCAC 03M .0301
Readopt/Repeal	
<u>Purse Gill Net Prohibited</u>	15A NCAC 03M .0302
Readopt with Changes	
<u>Bluefish</u>	15A NCAC 03M .0511
Readopt/Repeal	
<u>Cobia</u>	15A NCAC 03M .0516

COASTAL RESOURCES COMMISSION

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>Purpose</u>	15A NCAC 07H .1101
Readopt without Changes	
<u>Approval Procedures</u>	15A NCAC 07H .1102
Readopt without Changes	
<u>Permit Fee</u>	15A NCAC 07H .1103
Readopt without Changes	
<u>General Conditions</u>	15A NCAC 07H .1104
Readopt without Changes	
<u>Specific Conditions</u>	15A NCAC 07H .1105
Readopt without Changes	
<u>Purpose</u>	15A NCAC 07H .1801
Readopt without Changes	
<u>Approval Procedures</u>	15A NCAC 07H .1802
Readopt without Changes	
<u>Permit Fee</u>	15A NCAC 07H .1803
Readopt without Changes	
<u>General Conditions</u>	15A NCAC 07H .1804
Readopt without Changes	
<u>Specific Conditions</u>	15A NCAC 07H .1805
Readopt without Changes	

WILDLIFE RESOURCES COMMISSION

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>Importation of Gray Foxes</u>	15A NCAC 10B .0102
Readopt without Changes	
<u>Shining Lights in Deer Areas</u>	15A NCAC 10B .0115
Readopt without Changes	
<u>Wild Birds Defined</u>	15A NCAC 10B .0121
Readopt without Changes	
<u>Prohibited Hunting on State Fish Hatcheries</u>	15A NCAC 10B .0122
Readopt without Changes	
<u>Importation of Animal Parts</u>	15A NCAC 10B .0124
Readopt without Changes	
<u>Release of Mute Swans</u>	15A NCAC 10B .0125
Readopt without Changes	
<u>Bear</u>	15A NCAC 10B .0202
Readopt without Changes	
<u>Quail</u>	15A NCAC 10B .0208
Readopt without Changes	
<u>Wild Turkey</u>	15A NCAC 10B .0209
Readopt without Changes	
<u>Ruffed Goose</u>	15A NCAC 10B .0210
Readopt without Changes	
<u>Pheasant (Nonnative Varieties)</u>	15A NCAC 10B .0211
Readopt without Changes	
<u>Groundhog</u>	15A NCAC 10B .0213
Readopt without Changes	
<u>Wildcat (Bobcat)</u>	15A NCAC 10B .0214
Readopt without Changes	
<u>Crows</u>	15A NCAC 10B .0215
Readopt without Changes	
<u>Coyote</u>	15A NCAC 10B .0219
Readopt without Changes	
<u>Nutria</u>	15A NCAC 10B .0220
Readopt without Changes	
<u>Striped Skunk</u>	15A NCAC 10B .0221
Readopt without Changes	
<u>Armadillo</u>	15A NCAC 10B .0222
Readopt without Changes	
<u>Elk</u>	15A NCAC 10B .0225
Readopt without Changes	
<u>Definitions</u>	15A NCAC 10B .0301
Readopt without Changes	

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

<u>Identification</u>	15A NCAC 10C .0201
Readopt without Changes	
<u>Fish Hatcheries</u>	15A NCAC 10C .0212
Readopt without Changes	
<u>Snagging Fish</u>	15A NCAC 10C .0213
Readopt without Changes	
<u>Public Access for Anglers Only</u>	15A NCAC 10C .0217
Readopt without Changes	

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), reptiles and amphibians (.1300), wildlife captivity and rehabilitation (.1400), wildlife and alligator control agents (.1500).

<u>Controlled Rabbit Hunting Preserves</u>	15A NCAC 10H .1601
Adopt	

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 .0134
Readopt with Changes	
<u>Applicability of Rules</u>	15A NCAC 18A .0136
Readopt with Changes	
<u>General Requirements for Operation</u>	15A NCAC 18A .0137
Readopt with Changes	
<u>Supervision</u>	15A NCAC 18A .0138
Readopt with Changes	
<u>Facility Flooding</u>	15A NCAC 18A .0139
Readopt with Changes	
<u>Insect Control</u>	15A NCAC 18A .0144
Readopt with Changes	
<u>Rodent and Animal Control</u>	15A NCAC 18A .0145
Readopt with Changes	
<u>Water Supply</u>	15A NCAC 18A .0147

Readopt with Changes	
<u>Ice</u>	15A NCAC 18A .0148
Readopt with Changes	
<u>Plumbing</u>	15A NCAC 18A .0149
Readopt with Changes	
<u>Toilets</u>	15A NCAC 18A .0151
Readopt with Changes	
<u>Solid Waste</u>	15A NCAC 18A .0152
Readopt with Changes	
<u>Person Hygiene</u>	15A NCAC 18A .0153
Readopt with Changes	
<u>Equipment and Utensil Construction</u>	15A NCAC 18A .0156
Readopt with Changes	
<u>Facility and Equipment Sanitation</u>	15A NCAC 18A .0157
Readopt with Changes	
<u>Equipment Storage</u>	15A NCAC 18A .0158
Readopt with Changes	
<u>Crustacea Cooking</u>	15A NCAC 18A .0161
Readopt with Changes	
<u>Cooked Crustacea Air-Cool</u>	15A NCAC 18A .0162
Readopt with Changes	
<u>Cooked Crustacea Picking</u>	15A NCAC 18A .0164
Readopt with Changes	
<u>Packing</u>	15A NCAC 18A .0165
Readopt with Changes	
<u>Picked Crustacea Meat</u>	15A NCAC 18A .0166
Readopt with Changes	
<u>Single-Service Containers</u>	15A NCAC 18A .0168
Readopt with Changes	
<u>Repacking</u>	15A NCAC 18A .0173
Readopt with Changes	
<u>Pasteurization Process</u>	15A NCAC 18A .0174
Readopt with Changes	
<u>Preparation of Crustacea Meat for Pasteurization</u>	15A NCAC 18A .0175
Readopt with Changes	
<u>Pasteurization of Crustacea Meat</u>	15A NCAC 18A .0176
Readopt with Changes	
<u>Labeling of Pasteurized Crustacea Meat</u>	15A NCAC 18A .0177
Readopt with Changes	
<u>Interfacility Pasteurization</u>	15A NCAC 18A .0178
Readopt with Changes	
<u>Embargo or Disposal of Cooked Crustacea or Crustacea Meat</u>	15A NCAC 18A .0181
Readopt with Changes	
<u>Bacteriological and Contamination Standards</u>	15A NCAC 18A .0182
Readopt with Changes	
<u>Alternative Labeling</u>	15A NCAC 18A .0183
Readopt with Changes	
<u>Thermal Processing</u>	15A NCAC 18A .0184
Readopt with Changes	

<u>Thermal Processing of Crustacea and Crustacea Meat</u>	15A NCAC 18A .0185
Readopt with Changes	
<u>Labeling of Thermally Processed Crustacea and Crustacea Meat</u>	15A NCAC 18A .0186
Readopt with Changes	
<u>Interfacility Thermal Processing Procedures</u>	15A NCAC 18A .0187
Readopt with Changes	
<u>Monitoring Records</u>	15A NCAC 18A .0191
Readopt with Changes	