

Commission Review

Log of Permanent Rule Filings

July 23, 2019 through August 20, 2019

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

ADMINISTRATION, DEPARTMENT OF

The rules in Chapter 5 concern purchase and contract.

The rules in Subchapter 5A concern the division of purchase and contract.

<u>Definitions</u>	01	NCAC	05A	.0112
Amend*				
<p>The rules in Subchapter 5B concern purchase procedures including requisitioning (.0100); specifications (.0200); procurement authorization and procedures (.0300); rejection of offers (.0500); purchase of used items (.0600); removal of certain items from general construction (.0700); inspection and testing (.0900); guarantees and warranties (.1000); term contracts (.1100); partial and multiple awards (.1200); waiver of competition (.1400); miscellaneous provisions (.1500) exemptions, emergencies and special delegations (.1600); inventories and stores (.1800); and records of the division of purchase and contract (.1900).</p>				
<u>Confidentiality</u>	01	NCAC	05B	.0103
Amend*				
<u>Copies of Specifications</u>	01	NCAC	05B	.0207
Readopt/Repeal*				
<u>Qualified Products List</u>	01	NCAC	05B	.0208
Readopt/Repeal*				
<u>Confidentiality</u>	01	NCAC	05B	.0210
Repeal*				
<u>Electronic, Facsimile, and Telephone Offers</u>	01	NCAC	05B	.0303
Readopt with Changes*				
<u>Recall of Offers</u>	01	NCAC	05B	.0304
Readopt with Changes*				
<u>Public Opening</u>	01	NCAC	05B	.0305
Readopt with Changes*				
<u>Late Offers, Modifications, or Withdrawals</u>	01	NCAC	05B	.0306
Readopt with Changes*				
<u>Extension of Acceptance Time</u>	01	NCAC	05B	.0308
Readopt with Changes*				
<u>Evaluation</u>	01	NCAC	05B	.0309
Readopt with Changes*				
<u>Notification of Award</u>	01	NCAC	05B	.0310
Readopt with Changes*				
<u>Tabulations and Abstracts</u>	01	NCAC	05B	.0313
Readopt/Repeal*				
<u>Advertisement Requirements</u>	01	NCAC	05B	.0316
Readopt with Changes*				
<u>Mandatory Conferences/Site Visits</u>	01	NCAC	05B	.0317
Readopt with Changes*				

<u>Rejection or Cancellation of Offers</u>	01	NCAC 05B .0501
Readopt with Changes*		
<u>Public Record</u>	01	NCAC 05B .0502
Readopt/Repeal*		
<u>Negotiation</u>	01	NCAC 05B .0503
Readopt with Changes*		
<u>Extension of Contract Termination Dates</u>	01	NCAC 05B .1108
Readopt with Changes*		
<u>Use</u>	01	NCAC 05B .1201
Readopt with Changes*		
<u>Confidentiality</u>	01	NCAC 05B .1501
Readopt/Repeal*		
<u>Change in Corporate Structure</u>	01	NCAC 05B .1507
Readopt with Changes*		
<u>Use of Purchasing Power for Private Gain</u>	01	NCAC 05B .1510
Readopt/Repeal*		
<u>Anticompetitive, Deceptive, and Fraudulent Practices</u>	01	NCAC 05B .1511
Readopt with Changes*		
<u>Advertising</u>	01	NCAC 05B .1516
Readopt with Changes*		
<u>Protest Procedures</u>	01	NCAC 05B .1519
Readopt with Changes*		
<u>Debarment</u>	01	NCAC 05B .1520
Readopt with Changes**		
<u>Faithful Performance</u>	01	NCAC 05B .1521
Readopt with Changes*		
<u>Reciprocal Preference</u>	01	NCAC 05B .1522
Readopt with Changes*		

The rules in Subchapter 5D concern consultant contracts including contracting procedures.

<u>Relationship of Consultant to State</u>	01	NCAC 05D .0209
Readopt/Repeal*		

AGRICULTURE, BOARD OF

The rules in Chapter 20 concern the North Carolina State Fair.

The rules in Subchapter 20B concern regulations of the state fair including general provisions (.0100); space rental: commercial exhibit and concession regulations (.0200); competitive exhibit regulations (.0300); and operation of state fair facilities (.0400).

<u>Admission Rules</u>	02	NCAC 20B .0104
Amend*		

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

Certification Training for School Resource Officers 12 NCAC 09B .0313
Amend**

The rules in Subchapter 9F cover concealed handgun training.

Topical Areas 12 NCAC 09F .0102
Amend*

Instructor Responsibilities 12 NCAC 09F .0105
Amend*

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Chapter 15 are from the Alcoholic Beverage Control Commission. The rules in Subchapter 15B concern retail beer, wine, mixed beverages, brownbagging, advertising, and special permits. The rules include definitions and permit application procedures (.0100); general rules affecting retailers and brownbagging permittees (.0200); malt beverages and the wine retailer/wholesaler relationship (.0300); additional requirements for brownbagging permittees (.0400); additional requirements for mixed beverages permittees (.0500); special requirements for convention centers, community theatres, sports clubs, and nonprofit and political organizations (.0600); special occasions permits (.0700); culinary permits (.0800); wine and beer tastings (.0900); advertising (.1000); and effect of administrative action, fines, and offers in compromise (.1100).

Refund Offers 14B NCAC 15B .1013
Amend*

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 for the Discharge of Firearms 14B NCAC 16 .0110
Readopt with Changes*

Investigation/Armed Security Guard Firearm Registration P... 14B NCAC 16 .0804
Readopt with Changes**

Armed Security Guard Firearm Registration Permit Ident Cards 14B NCAC 16 .0805
Readopt with Changes*

Renewal of Armed Security Guard Firearm Registration Permit 14B NCAC 16 .0806
Readopt with Changes*

Training Requirements for Armed Security Guards 14B NCAC 16 .0807
Readopt with Changes*

Concealed Weapons 14B NCAC 16 .0808
Readopt with Changes*

Authorized Firearms 14B NCAC 16 .0809
Readopt with Changes*

<u>Requirements for Firearms Trainer Certificate</u> Readopt with Changes**	14B NCAC 16 .0901
<u>Renewal of a Firearms Trainer Certificate</u> Readopt with Changes*	14B NCAC 16 .0904
<u>Records Retention</u> Readopt with Changes*	14B NCAC 16 .0906
<u>Unarmed Trainer Certificate</u> Readopt with Changes**	14B NCAC 16 .0909

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>Wildlife Taken for Depredations</u> Amend*	15A NCAC 10B .0106
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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>Catawba, Iredell, Lincoln, and Mecklenburg Counties</u> Amend*	15A NCAC 10F .0307
<u>Onslow County</u> Amend*	15A NCAC 10F .0320
<u>McDowell County</u> Amend*	15A NCAC 10F .0339
<u>City of Rocky Mount - Rocky Mount Millpond Dam Safety Zone</u> Amend*	15A NCAC 10F .0370

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 for Captivity License</u> Adopt*	15A NCAC 10H .1401
<u>Captivity License for Rehabilitation</u> Adopt*	15A NCAC 10H .1402
<u>Captivity License for Holding</u> Adopt*	15A NCAC 10H .1403
<u>Minimum Standards Captivity License for Holding</u> Adopt*	15A NCAC 10H .1404
<u>Captivity License Revocation and Enforcement</u> Adopt*	15A NCAC 10H .1405
<u>Form for Captivity Licenses</u> Adopt*	15A NCAC 10H .1406

PUBLIC HEALTH, COMMISSION FOR

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).

Lead Poisoning Hazards in Child Care Centers
Amend*

15A NCAC 18A .2816

CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

The rules in Subchapter 8F are the requirements for CPA examination and certificate applicants including general provisions (.0100), fees and refunds (.0200), educational requirements (.0300), experience (.0400), and applications (.0500).

Conditioning Requirements
Amend*

21 NCAC 08F .0105

COSMETIC ART EXAMINERS, BOARD OF

The rules in Subchapter 14H are sanitation rules for both operators and facilities including sanitation (.0100); shop licensing and physical dimensions (.0200); cosmetic art shop and equipment (.0300); sanitation procedures and practices (.0400); and enforcement, maintenance of licensure (.0500).

Copy of Rules to Cosmetology Students
Amend**

21 NCAC 14H .0101

Copy of Rules to Beauty Establishments
Amend**

21 NCAC 14H .0102

Ventilation and Light
Amend*

21 NCAC 14H .0302

Licensees and Students
Amend*

21 NCAC 14H .0401

Disinfection Procedures
Amend*

21 NCAC 14H .0403

The rules in Subchapter 14P are civil penalty rules.

Operations of Schools of Cosmetic Art
Amend*

21 NCAC 14P .0113

The rules in Subchapter 14R are continuing education rules.

Continuing Education 21 NCAC 14R .0105
Amend*

The rules in Subchapter 14T concern cosmetic art schools including the scope of the rules and school applications (.0100); physical requirements for cosmetic art schools (.0200); school equipment and supplies (.0300); student equipment (.0400); record keeping (.0500); curricula for all cosmetic art disciplines (.0600); school licensure, operations, closing and relocating schools (.0700); school inspections (.0800); and disciplinary actions (.0900).

New School Applications 21 NCAC 14T .0102
Amend*

All Cosmetic Art Schools 21 NCAC 14T .0201
Amend*

Permanent Records, Forms and Documentation 21 NCAC 14T .0502
Amend*

Cosmetic Art Curricula 21 NCAC 14T .0601
Amend*

Cosmetology Curriculum 21 NCAC 14T .0602
Amend*

Apprentice Cosmetology Curriculum 21 NCAC 14T .0603
Amend*

Esthetics Curriculum 21 NCAC 14T .0604
Amend*

Manicuring Curriculum 21 NCAC 14T .0605
Amend*

Natural Hair Care Curriculum 21 NCAC 14T .0606
Amend*

Cosmetology Teacher Trainee Curriculum 21 NCAC 14T .0607
Amend*

Esthetic Teacher Trainee Curriculum 21 NCAC 14T .0608
Amend*

Manicurist Teacher Trainee Curriculum 21 NCAC 14T .0609
Amend*

Natural Hair Care Teacher Curriculum 21 NCAC 14T .0610
Amend*

Online Instruction 21 NCAC 14T .0611
Amend*

Instruction Guidelines 21 NCAC 14T .0612
Amend*

School Operations/Licensure Maintenance 21 NCAC 14T .0701
Amend*

Expiration of Student Credit 21 NCAC 14T .0703
Amend*

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16A concern the organization of the board of dental examiners.

Definitions 21 NCAC 16A .0101

Amend*

Suspension of Authority to Expend Funds

21 NCAC 16A .0105

Adopt*

The rules in Chapter 16 cover the licensing of dentists and dental hygienists. The rules in Subchapter 16B concern licensure examination for dentists including examination required (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); licensure by credentials (.0500); limited volunteer dental license (.0600); instructor's license (.0700); temporary volunteer dental license (.0800); and exemptions for active military (.0900).

Examination Required; Exemptions

21 NCAC 16B .0101

Amend*

Board Approved Examinations

21 NCAC 16B .0303

Amend*

The rules in Chapter 16 cover the licensing of dentists and dental hygienists. The rules in Subchapter 16C are dental hygienist licensure rules including general provisions (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); and licensure by credentials (.0500).

Licensure

21 NCAC 16C .0101

Amend*

The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

General Permitted Functions of Dental Assistant I

21 NCAC 16H .0201

Amend*

Limited Exception for Assisting Hygienists

21 NCAC 16H .0208

Adopt*

The rules in Subchapter 16I concern the annual renewal of the dental hygienist license.

Fee for Late Filing and Duplicate License

21 NCAC 16I .0106

Amend*

The rules in Subchapter 16N concern rule-making and administrative hearing procedures including petitions for rulemaking (.0100); notice of rule-making hearings (.0200); rule-making hearings (.0300); declaratory rulings (.0400); administrative hearing procedures (.0500); and administrative hearings, decisions, related rights and procedures (.0600).

Right to Hearing

21 NCAC 16N .0501

Amend*

Subpoenas

21 NCAC 16N .0603

Amend*

Disciplinary Factors

21 NCAC 16N .0607

Adopt*

The rules in Subchapter 16V concern unprofessional conduct.

Definition: Unprofessional Conduct by a Dentist

21 NCAC 16V .0101

Amend*

Definition: Unprofessional Conduct by a Dental Hygienist

21 NCAC 16V .0102

Amend*

The rules in Subchapter 16W concern public health hygienists.

Training for Public Health Hygienists

21 NCAC 16W .0102

Amend*

OPTICIANS, STATE BOARD OF

The rules in Chapter 40 are from the Board of Opticians and concern location (.0100); conduct of registrants (.0200); qualifications, applications and licensing (.0300); and administrative hearings (.0400).

<u>Location and Function</u>	21	NCAC 40	.0101
Amend*			
<u>Information and Application</u>	21	NCAC 40	.0104
Amend*			
<u>Fees</u>	21	NCAC 40	.0108
Repeal*			
<u>Election of Members</u>	21	NCAC 40	.0109
Amend**			
<u>Display of Registration and License</u>	21	NCAC 40	.0209
Amend*			
<u>Duty to Provide Direct Supervision</u>	21	NCAC 40	.0212
Amend*			
<u>Licensure Examination Fees</u>	21	NCAC 40	.0302
Amend*			
<u>Licensure Examination and Re-Examination</u>	21	NCAC 40	.0303
Amend*			
<u>Apprenticeship and Internship Requirements: Registration</u>	21	NCAC 40	.0314
Amend*			
<u>Applicants from Other States</u>	21	NCAC 40	.0319
Amend*			
<u>License Renewal Information</u>	21	NCAC 40	.0320
Amend*			
<u>Training Establishment Requirements</u>	21	NCAC 40	.0321
Amend**			
<u>Affidavit of Applicant</u>	21	NCAC 40	.0323
Amend**			
<u>Licensure for Military-Trained Applicant; Licensure for M...</u>	21	NCAC 40	.0325
Amend*			