

**G.S. 150B-21.3A Report for 02 NCAC 38, STANDARDS DIVISION**

Agency - AGRICULTURE AND CONSUMER SERVICES/ CONSUMER STANDARDS

Comment Period - July 30th, 2014 - September 28th, 2014

Date Submitted to APO - January 20, 2015

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - PURPOSE AND DEFINITIONS	02 NCAC 38 .0101	PURPOSE	Amended Eff. June 1, 1984	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0102	DEFINITIONS	Amended Eff. January 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0200 - APPROVAL OF WEIGHING AND MEASURING DEVICES	02 NCAC 38 .0201	ADOPTION BY REFERENCE	Amended Eff. January 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	02 NCAC 38 .0202	WEIGHING AND MEASURING DEVICES	Amended Eff. January 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	02 NCAC 38 .0203	TYPE APPROVAL OF WEIGHING AND MEASURING DEVICES	Amended Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0204	RECORD OF APPROVED WEIGHING AND MEASURING DEVICES	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0205	REPAIRS TO REJECTED WEIGHING DEVICES	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0300 - PACKAGE AND LABELING REQUIREMENTS	02 NCAC 38 .0301	ADOPTION BY REFERENCE	Amended Eff. January 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0400 - METHOD OF SALE OF COMMODITIES	02 NCAC 38 .0401	ADOPTION BY REFERENCE	Amended Eff. June 1, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0500 - LEAF TOBACCO	02 NCAC 38 .0501	TOBACCO OFFERED FOR SALE	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0502	BASKETS	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0503	WAREHOUSE TRUCKS	Eff. May 1, 1983	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	02 NCAC 38 .0504	WEIGHING	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0505	VARIATIONS IN WEIGHT	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0507	VIOLATIONS	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0508	CUSTODIAN OF TOBACCO	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0600 - SALE OF PETROLEUM PRODUCTS	02 NCAC 38 .0601	RETAIL MOTOR FUEL DISPENSERS/HALF - PRICING	Amended Eff. February 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	02 NCAC 38 .0602	METRIC SALES OF RETAIL MOTOR FUEL	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	02 NCAC 38 .0603	PRICE AND VOLUME CONSISTENCY	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0604	PRICE POSTING/CASH DISCOUNTS FOR RETAIL MOTOR FUEL SALES	Amended Eff. October 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
<b>SECTION .0700 - STANDARDS FOR STORAGE, HANDLING AND INSTALLATION OF LP GAS</b>	02 NCAC 38 .0701	ADOPTION BY REFERENCE	Amended Eff. November 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	02 NCAC 38 .0702	METERS ON TANK TRUCKS	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0703	LP GAS INSPECTION REPORT	Amended Eff. June 1, 1984	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0704	APPROVED THIRD PARTY TESTING LABORATORIES	Amended Eff. December 1, 1988	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0705	NOTIFICATION FOR DISCONNECTION OF SERVICE	Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
<b>SECTION .0800 - LIQUID FERTILIZERS</b>	02 NCAC 38 .0801	ADOPTION BY REFERENCE	Amended Eff. June 1, 1984	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0802	APPROVAL FOR ANHYDROUS AMMONIA INSTALLATIONS	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0803	METERS FOR LIQUID FERTILIZERS	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	02 NCAC 38 .0804	USE OF APPLICATOR TANKS AS MEASURING DEVICES	Eff. May 1, 1983	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note