

Rules Subject to Legislative Review

2024 Session

*Draft Report for Presentation to the Administrative
Procedure Oversight Committee
February 2024*

Prepared by:

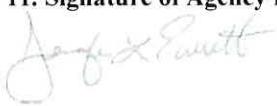
*The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone: 984-236-1850*

*Donald R. van der Vaart, Director
Ashley B. Snyder, Codifier of Rules
Bill Peaslee, Legislative Liaison
Dana McGhee, Publications Coordinator*

RULES SUBJECT TO LEGISLATIVE REVIEW

2024 Short Legislative Session		Fiscal Impact	Agency Adopted	RRC Approved	Bill Introduced
COASTAL RESOURCES COMMISSION					
<u>15A NCAC 07H .0208</u>	<u>Use Standards</u>	NR	04/26/2023	12/14/2023	
<u>15A NCAC 07M .0603</u>	<u>Policy Statements</u>	NR	04/26/2023	12/14/2023	
WILDLIFE RESOURCES COMMISSION					
<u>15A NCAC 10B .0201</u>	<u>Prohibited Taking and Manner of Take</u>	NR	12/08/2022	01/19/2023	
MARINE FISHERIES COMMISSION					
<u>15A NCAC 18A .0419</u>	<u>Harvest Vessels and Vehicles</u>	NR	11/16/2023	01/31/2024	
<u>15A NCAC 18A .0420</u>	<u>Transporting Shellfish</u>	NR	11/16/2023	01/31/2024	
<u>15A NCAC 18A .0427</u>	<u>Shellfish Storage</u>	NR	11/16/2023	01/31/2024	
DENTAL EXAMINERS, BOARD OF					
<u>21 NCAC 16Q .0103</u>	<u>Equipment, Personnel, and Clinical Requirements to Admini...</u>	NR	12/16/2022	01/19/2023	
<u>21 NCAC 16Q .0104</u>	<u>Requirements for Inspections and Evaluations</u>	NR	12/16/2022	01/19/2023	
<u>21 NCAC 16Q .0202</u>	<u>General Anesthesia Equipment and Clinical Requirements</u>	NR	12/16/2022	01/19/2023	
<u>21 NCAC 16Q .0302</u>	<u>Moderate Parenteral and Enteral Conscious Sedation Clinic...</u>	NR	12/16/2022	01/19/2023	
<u>21 NCAC 16Q .0405</u>	<u>Moderate Pediatric Conscious Sedation Clinical Requiremen...</u>	NR	12/16/2022	01/19/2023	
<u>21 NCAC 16Q .0703</u>	<u>Reports of Adverse Occurrences</u>	NR	12/16/2022	01/19/2023	
VETERINARY MEDICAL BOARD					
<u>21 NCAC 66 .0206</u>	<u>Minimum Standards for Continuing Education</u>	NR	07/06/2023	08/17/2023	
<u>21 NCAC 66 .0902</u>	<u>Veterinary Facility Permits</u>	NR	07/06/2023	08/17/2023	
<u>21 NCAC 66 .0903</u>	<u>Supervising Veterinarian</u>	NR	07/06/2023	08/17/2023	
<u>21 NCAC 66 .0904</u>	<u>Discipline Veterinary Facility Permits</u>	NR	07/06/2023	08/17/2023	
BUILDING CODE COUNCIL					
<u>Table P2906.4</u>	<u>2018 NC Residential Code/Water Service Pipe</u>	NR	12/13/2022	N/A	
<u>Table 605.3</u>	<u>2018 NC Plumbing Code/Water Service Pipe</u>	NR	12/13/2022	N/A	
<u>Section D107.2</u>	<u>2018 NC Fire Code/Remoteness</u>	NR	12/13/2022	N/A	
<u>Section D107.1</u>	<u>2018 NC Fire Code/One-or-Two-Family Dwelling Residential ...</u>	NR	12/13/2022	N/A	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .0208 Use Standards	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: February 1, 2023 Link to Agency notice: https://www.deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules/proposed-rules Hearing on: February 23, 2023 Adoption by Agency on: April 26, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: The Coastal Resources Commission's floating structure policies do not specifically address Floating Upweller Systems used in shellfish aquaculture operations. These amendments clarify how they may be sited in public trust waters.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov Additional agency contact, if any: Mike Lopazanski Phone: 252-515-5431 E-Mail: Mike.Lopazanski@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <div style="display: flex; align-items: center;"> APPROVED DEC 14 2023 6/15/23 </div> <div style="display: flex; align-items: center;"> <input checked="" type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other: </div> <div style="margin-left: 20px;"> OBJECTION AUG 21 2023 </div>	

Burgos, Alexander N

From: Rules, Oah
Sent: Wednesday, June 14, 2023 1:18 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] FW: Message from "RNP002673F01A51"
Attachments: 20230614115939945.pdf

-----Original Message-----

From: Michele Oliver <michele.oliver@ncfbssc.com>
Sent: Wednesday, June 14, 2023 12:30 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] FW: Message from "RNP002673F01A51"

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Members of the Commission:

Please see attached letter from James B Holton III and Pamlico County Farm Bureau Federation concerning Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603.

Respectfully,
Michele

Michele Oliver Licensed CSR II, Notary, County Liaison Pamlico County Farm Bureau P O Box 756 Bayboro NC 28515
Ph: 252-745-4165
Fx: 252-745-5630
Michele.oliver@ncfbssc.com

*Helping You Is What We do best

-----Original Message-----

From: noreply@mycopier.com <noreply@mycopier.com>
Sent: Wednesday, June 14, 2023 12:00 PM
To: Michele Oliver <michele.oliver@ncfbssc.com>
Subject: Message from "RNP002673F01A51"

This E-mail was sent from "RNP002673F01A51" (MP 2555).

Scan Date: 06.14.2023 11:59:39 (-0400)
Queries to: noreply@mycopier.com



PAMLICO COUNTY FARM BUREAU

Post Office Box 756 • Bayboro, North Carolina 28515-0756 • (252) 745-4165

June 14, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision. This rule will impose unnecessary hardship on oyster farmers, making it more difficult to grow oysters, and in turn causing economic strain on our coastal counties, as we rely on oyster production in our coastal communities.

Pamlico County is home to many oyster farming operations and we recognize that oyster farming is beneficial to our coastline; oysters aid in stabilizing sediments, help protect our shoreline from erosion, and “clean up” our waterways.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "James B. Holton III".

James B. Holton III, President

Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, June 13, 2023 2:29 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603 Letter
Attachments: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603 Letter.pdf

From: Deborah Orr <deborah.orr@ncfbssc.com>
Sent: Tuesday, June 13, 2023 2:26 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Sue Ellen Brock (brocksberries@gmail.com) <brocksberries@gmail.com>; Mac Hodges <mac.hodges@ncfb.org>; Deborah Orr <deborah.orr@ncfbssc.com>
Subject: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603 Letter

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

TO WHOM IT MAY CONCERN:

Please see attached letter concerning Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603.

Best Regards,

Deborah Orr
Support Services
Pitt County Farm Bureau Liaison
252-756-3165, Ext. 125
deborah.orr@ncfbssc.com

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



PITT COUNTY FARM BUREAU

Main Office: Telephone (252) 756-3165 • Fax (252) 321-1597 • 3200 Charles Blvd. • Greenville, NC 27858
Sub-Office: Telephone (252) 753-3481 • Fax (252) 753-7778 • 3384 E. Wilson St. • Farmville, NC 27828
Sub-Office: Telephone (252) 756-3007 • Fax (252) 756-3310 • 247 Beacon Dr. • Winterville, NC 28590

Pitt County Farm Bureau
Sue Ellen Brock, President
3200 Charles Blvd.
Greenville, NC 27858

June 13, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

A handwritten signature in black ink that reads "Sue Ellen Brock". The signature is fluid and cursive, with "Sue" and "Ellen" connected.

Sue Ellen Brock, President
Pitt County Farm Bureau

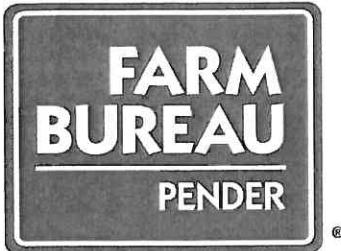
Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, June 13, 2023 1:12 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] PENDER oyster letter 2023- option 1 3.pdf
Attachments: PENDER oyster letter 2023- option 1 3.pdf

From: Susie Milam <susie.milam@ncfbssc.com>
Sent: Tuesday, June 13, 2023 1:11 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] PENDER oyster letter 2023- option 1 3.pdf

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Pender County Farm Bureau, Inc.

301 W Wilmington Street Burgaw, NC 28425 * (910) 259-5725

June 12th, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

We respectfully request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. This rule will impose unnecessary hardship on oyster farmers, making it more difficult to grow oysters, and in turn causing economic strain on our coastal counties, as we rely on oyster production in our coastal communities.

The classification of "permanent structures" that the above rule indicates in describing the small floating docks that oysters are grown in is an inaccurate depiction of the methodology utilized in oyster production.

We understand that oyster farming is beneficial to our coastline; oysters aid in stabilizing sediments, help protect our shoreline from erosion, and "clean up" our waterways by suppressing algae blooms that cause excess nitrogen that could potentially create "dead zones". We feel these and other benefits of oyster production have gone unnoticed, and that the above-mentioned rule would further dissuade farmers from putting in oyster nurseries, thereby depriving our coastline of these benefits.

We ask that you please review these rules, and consider the negative economic impact it will have in our coastal communities.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Trent Talbert".

Trent Talbert
PCFB President

Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, June 13, 2023 12:36 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Objection Letter
Attachments: Rules Review Commission Objection Letter.pdf

From: Sue Rhem <sue.rhem@ncfbssc.com>
Sent: Tuesday, June 13, 2023 12:33 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Objection Letter

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please find attached a letter for Oyster Nursery Systems.

Thank you,

Keith Waters, President
Beaufort County Farm Bureau

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BEAUFORT COUNTY FARM BUREAU

601 Hackney Avenue • PO Box 1179 • Washington, NC 27889 • (252) 946-0169

Keith Waters, President
Beaufort County Farm Bureau
P O Box 1179
Washington, NC 27889

June 6, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Keith Waters, President

A handwritten signature in black ink, appearing to read "Keith Waters". It is written in a cursive, flowing style.

*Farm Bureau and Agriculture...
We keep North Carolina growing!*

Burgos, Alexander N

Subject: FW: [External] FW: Rules 15A NCAC 07H.0208 and 15A NCAC 07M.0603
Attachments: 20230613110327772.pdf

-----Original Message-----

From: Alicia Bentley <alicia.bentley@ncfbssc.com>
Sent: Tuesday, June 13, 2023 11:25 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] FW: Rules 15A NCAC 07H.0208 and 15A NCAC 07M.0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Alicia (Leci) Bentley, Senior CSR/Liaison NC Farm Bureau Support Services Brunswick County Farm Bureau Shallotte office
Office: (910) 754-8175
Fax: (910) 754-9787

-----Original Message-----

From: ricoh.copier@ncfbins.com <ricoh.copier@ncfbins.com>
Sent: Tuesday, June 13, 2023 11:03 AM
To: Jessica Tripp <jessica.tripps@ncfb.org>; Alicia Bentley <alicia.bentley@ncfbssc.com>
Subject: Message from "RNP5838796D0B13"

This E-mail was sent from "RNP5838796D0B13" (IM 4000).

Scan Date: 06.13.2023 11:03:27 (-0400)
Queries to: ricoh.copier@ncfbins.com

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



Brunswick County Farm Bureau, Inc.
P.O. Box 775 Shallotte, NC 28459 * (910) 754-8175

June 8th, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

We respectfully request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. This rule will impose unnecessary hardship on oyster farmers, making it more difficult to grow oysters, and in turn causing economic strain on our coastal counties, as we rely on oyster production in our coastal communities.

The classification of "permanent structures" that the above rule indicates in describing the small floating docks that oysters are grown in is an inaccurate depiction of the methodology utilized in oyster production.

We understand that oyster farming is beneficial to our coastline; oysters aid in stabilizing sediments, help protect our shoreline from erosion, and "clean up" our waterways by suppressing algae blooms that cause excess nitrogen that could potentially create "dead zones". We feel these and other benefits of oyster production have gone unnoticed, and that the above-mentioned rule would further dissuade farmers from putting in oyster nurseries, thereby depriving our coastline of these benefits.

We ask that you please review these rules, and consider the negative economic impact it will have in our coastal communities.

Thank you for your consideration.

Charles "Chip" Carroll
Charles "Chip" Carroll
BCFB President

Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, June 13, 2023 10:16 AM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rules 15A NCAC 07H.0208 and 15A NCAC 07M.0603
Attachments: 20230613101501832.pdf

-----Original Message-----

From: Diane Willis <diane.willis@ncfbssc.com>
Sent: Tuesday, June 13, 2023 10:12 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Rules 15A NCAC 07H.0208 and 15A NCAC 07M.0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good Morning,
I have attached a letter to the members of the Commission concerning CAMA permits for oyster nurseries.

Diane Willis
NC Farm Bureau Support Services Corp
Licensed CSR II-Onslow County-Jacksonville Office Onslow County Liaison
Phone: (910)346-9812
Fax: (910)346-1303
Email: diane.willis@ncfbssc.com
"Helping you is what we do best"

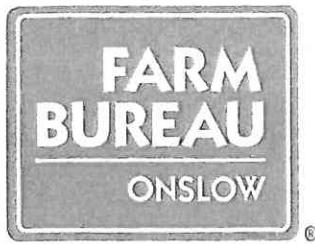
Check out our websites:
www.ncfbins.com - Portal
www.ncfb.org - Membership Programs
www.farmbureaubank.com - Farm Bureau Bank

-----Original Message-----

From: copier@ncfb.org <copier@ncfb.org>
Sent: Tuesday, June 13, 2023 10:15 AM
To: Diane Willis <diane.willis@ncfbssc.com>
Subject: Message from "RNP58387940B4D7"

This E-mail was sent from "RNP58387940B4D7" (MP 4055).

Scan Date: 06.13.2023 10:15:01 (-0400)



Onslow County Farm Bureau, Inc.
3965 Richlands Hwy Jacksonville, NC 28540 * (910) 346-9812

June 12th, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

We respectfully request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. This rule will impose unnecessary hardship on oyster farmers, making it more difficult to grow oysters, and in turn causing economic strain on our coastal counties, as we rely on oyster production in our coastal communities.

The classification of "permanent structures" that the above rule indicates in describing the small floating docks that oysters are grown in is an inaccurate depiction of the methodology utilized in oyster production.

We understand that oyster farming is beneficial to our coastline; oysters aid in stabilizing sediments, help protect our shoreline from erosion, and "clean up" our waterways by suppressing algae blooms that cause excess nitrogen that could potentially create "dead zones". We feel these and other benefits of oyster production have gone unnoticed, and that the above-mentioned rule would further dissuade farmers from putting in oyster nurseries, thereby depriving our coastline of these benefits.

We ask that you please review these rules, and consider the negative economic impact it will have in our coastal communities.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Doug Jordan".

Doug Jordan
OCFB President

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, June 12, 2023 2:27 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rule 15A NCAC 07H .0208 and 15A NCAC 07M .0603
Attachments: Letters.pdf

From: Evan Gadow <gadow.evan@gmail.com>
Sent: Monday, June 12, 2023 11:06 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: chris@chadwickcreek.com
Subject: [External] Rule 15A NCAC 07H .0208 and 15A NCAC 07M .0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hello,

Here are two signed letters requesting review of the two rules in subject line.

Evan Gadow

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

[Name] Jacob Anderman
[Address] 7013 Concord Trace Dr 28411, Wilmington NC

[Date] 6/12/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name] Jacob Anderman

[Signature]



[Name] Evan Godon
[Address] 101 N Cowans
Burgaw, NC

[Date] 6/12/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name]

Evan Godon

[Signature]



Burgos, Alexander N

From: Rules, Oah
Sent: Monday, June 12, 2023 8:35 AM
To: Burgos, Alexander N
Cc: Liebman, Brian R
Subject: FW: [External] Oysters request.
Attachments: support letter .pdf

From: James Frey <crystalcoastoysters@gmail.com>
Sent: Sunday, June 11, 2023 9:35 PM
To: Rules, Oah <oah.rules@oah.nc.gov>; chris chadwickcreek.com <chris@chadwickcreek.com>
Subject: [External] Oysters request.

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Hello

Please understand that we need these tools in order for our industry to grow efficiently and possibly even survive.
Thank you for your time.

James Kyle Frey

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

James Kyle Frey
2779 Mill Creek Road
Newport, NC 28570

6/8/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

James Kyle Frey

A handwritten signature in black ink. The first name "James" is written in a cursive script, with the "J" having a long vertical stroke. The middle name "Kyle" is written in a bold, blocky, cursive font. The last name "Frey" is also written in a cursive script, with the "F" having a prominent loop. The signature is written on a slightly tilted page.

Burgos, Alexander N

From: Rules, Oah
Sent: Friday, June 9, 2023 1:56 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rules Review

From: Mandy Uticone <hoopersnc@gmail.com>
Sent: Friday, June 9, 2023 1:45 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: chris@chadwickcreek.com
Subject: [External] Rules Review

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached letter,
Thank you
Mandy Uticone

--
Mandy Uticone
Carolina Beach Oyster Co.
315-651-5741

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

[Name] Mandy Uticone
[Address] 215 Northcreek St. Wilmington NC 28412

[Date] 6/9/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name] Mandy Uticone

[Signature] 

Spurgeon Stowe
57193 Olens Lane
Hatteras, NC 27943

6/8/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Spurgeon Stowe

Burgos, Alexander N

From: Rules, Oah
Sent: Friday, June 9, 2023 12:49 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rule review request
Attachments: img20230609_12225836.pdf

From: Katherine McGlade <kmcglade@gmail.com>
Sent: Friday, June 9, 2023 12:25 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Chris Matteo <chrismatteo@gmail.com>
Subject: [External] Rule review request

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Katherine McGlade
Slash Creek Oysters, LLC
kmcglade@gmail.com
252 646 9226

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Katherine McGlade
57193 Olens Lane
Hatteras, NC 27943

6/8/23

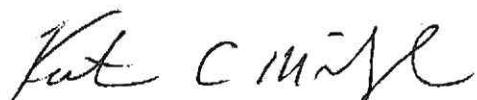
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Katherine McGlade

Burgos, Alexander N

From: Rules, Oah
Sent: Friday, June 9, 2023 12:18 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rules Review Commission Letter
Attachments: 20230609_4Jhanl^ou for..pdf

-----Original Message-----

From: Steven Anderman <sanderman@atmc.net>
Sent: Friday, June 9, 2023 11:31 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: chris chadwickcreek.com <chris@chadwickcreek.com>
Subject: [External] Rules Review Commission Letter

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please find the attached letter to the Commission.

Thank you for your attention.

Steven Anderman

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Steven Anderman
2599 Hillsborough Drive
Southport NC 28461

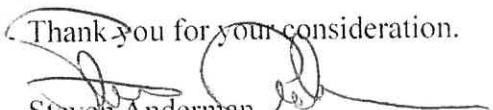
June 9, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.


Thank you for your consideration.
Steven Anderman
Partner Three Little Spats LLC

Burgos, Alexander N

From: Rules, Oah
Sent: Friday, June 9, 2023 12:17 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Objection Letter for Oyster Nursery Systems
Attachments: 20230609122138559.pdf

-----Original Message-----

From: Tracy Kelly <tracy.kelly@ncfbssc.com>
Sent: Friday, June 9, 2023 12:16 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Objection Letter for Oyster Nursery Systems

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please find attached a letter from our County President, Mr. Wayne Rose.

Thanks!

Tracy Kelly
Senior LCSR/County Liaison
Washington County Farm Bureau
PO Box 339/408 NC Hwy 32 N
Roper, NC 27970
Ph. 252-793-2134
Fax 252-793-1204

-----Original Message-----

From: roper@ncfbins.com <roper@ncfbins.com>
Sent: Friday, June 9, 2023 12:22 PM
To: Tracy Kelly <tracy.kelly@ncfbssc.com>
Subject: Message from "RNP002673F70672"

This E-mail was sent from "RNP002673F70672" (MP 3055).

Scan Date: 06.09.2023 12:21:38 (-0400)
Queries to: roper@ncfbins.com



WASHINGTON COUNTY FARM BUREAU

Post Office Box 339 • Roper, North Carolina 27970 • (252) 793-2134

Wayne Rose

1220 Cross Rd.

Roper NC 27970

June 7, 2023

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Wayne Rose".
Wayne Rose

Burgos, Alexander N

From: kellycmatteo@yahoo.com
Sent: Thursday, June 8, 2023 7:49 PM
To: Rules, Oah
Cc: chris@chadwickcreek.com
Subject: [External] Legislative Review Request for changes to rules 15A NCAC 07H and 15A NCAC 07M .0603
Attachments: Kelly Matteo_Request to Review Rule Changes.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please find the attached legislative review request.

Thank you,

Kelly C. Matteo
kellycmatteo@yahoo.com
336.414.4441

Kelly Matteo
124 Trent Shores Drive
Trent Woods, NC 28562

6/8/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Kelly Matteo

Burgos, Alexander N

From: chris chadwickcreek.com <chris@chadwickcreek.com>
Sent: Thursday, June 8, 2023 7:45 PM
To: Rules, Oah
Cc: chris chadwickcreek.com
Subject: [External] Legislative Review Request for Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603
Attachments: Chris Matteo_Request to Review Rule Changes.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see the attached request to review rule changes to 15A NCAC 07H .0208 and 15A NCAC 07M .0603.

Thank you,

Chris Matteo
919-360-2278
chris@chadwickcreek.com

Chris Matteo
124 Trent Shores Drive
Trent Woods, NC 28562

6/8/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Chris Matteo

Burgos, Alexander N

From: Adam Tyler <reeladdiction4life@yahoo.com>
Sent: Thursday, June 8, 2023 8:36 PM
To: Rules, Oah
Subject: [External] Rules 15ANCAC07H.0208 and 15ANCAC 07M.0603
Attachments: A Tyler Letter to Rules Review Commission.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Members or the commission please see my attached letter in opposition to the above.

Adam Tyler

Adam Tyler
527 Marshallberg Road
Smyrna, NC 28579

6/8/23

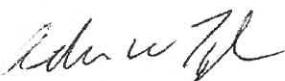
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Adam Tyler
Owner/Operator
Core Sound Oyster Company

Burgos, Alexander N

From: Matt Schwab <matt@holdfastoysters.com>
Sent: Thursday, June 8, 2023 8:55 PM
To: Rules, Oah
Cc: chris@chadwickcreek.com
Subject: [External] Rules Review
Attachments: rulesreview.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached letter. Thank you.

Matthew Schwab
Hold Fast Oyster Co.
2434 Country Club Dr
Hampstead, NC 28443

6/08/2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

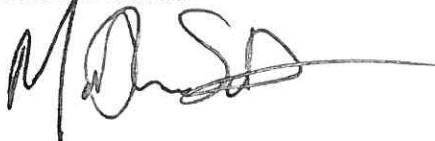
Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Matthew Schwab

A handwritten signature in black ink, appearing to read "M. Schwab".

Burgos, Alexander N

Subject: FW: [External] Objection to Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603
Attachments: rules committee signed 060723.pdf

From: Jay Styron <carolinamariculture@mail.com>
Sent: Wednesday, June 7, 2023 11:09 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Objection to Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To Whom it may Concern,
Please find attached comments to proposed rules.
Thank you
Jay Styron

Carolina Mariculture Co.
Farm: 3318 Cedar Island Rd
Cedar Island, NC
Business: 115 Longleaf Dr.
Wilmington, NC
910.279.4686
www.carolinamariculture.com

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Jay Styron
Carolina Mariculture Co
3318 Cedar Island Rd
Cedar Island NC 28520

06/07/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

North Carolina has invested much time and money into this growing and important industry. The proposed rules go against this and ignore the fact that shellfish mariculture is in fact agriculture. I am asking that the Commission apply common sense and equal application under the law to this issue. If these structures are required to conform to major permitting, then other structures in our waterways should be held to the same standard, i.e. duck blinds.

Thank you for your consideration.

Jay Styron

A handwritten signature in black ink, appearing to read "Jay Styron".

Burgos, Alexander N

From: Rules, Oah
Sent: Thursday, June 8, 2023 3:26 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603
Attachments: Letter to NC Rules Commission, Oyster Farming, 2023.pdf

From: Taylor Fish <taylor.fish@ncfb.org>
Sent: Thursday, June 8, 2023 3:24 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please submit the attached letter to the Members of the Commission concerning Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Respectfully submitted,

Taylor Fish
NCFB Field Representative
919-306-5675

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



CRAVEN COUNTY FARM BUREAU

PO Box 15238 • New Bern, North Carolina 28561 • TELEPHONE (252) 637-6125

June 5, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Craven County Farm Bureau as a membership has grown to over 8,400 Farm Bureau Families. Today the majority of our membership does not farm as they once did but we are still striving to promote Agriculture in our state and county. We recognize Oyster Farming as a positive part of North Carolina's economy and ecosystem.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Jason Jones'.

Jason Jones, President

Burgos, Alexander N

From: Rules, Oah
Sent: Wednesday, June 7, 2023 1:56 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Rules 15A NCAC 07H.0208 & 15A BCAC 07M.0603
Attachments: Thomas Seafood request letter.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dana McGhee
Publications Coordinator
Office of Administrative Hearings
984-236-1937
dana.mcghee@oah.nc.gov

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From: samuel thomas <421merrimonsam@gmail.com>
Sent: Wednesday, June 7, 2023 1:51 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Rules 15A NCAC 07H.0208 & 15A BCAC 07M.0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see my attached letter in reference to the above subject matter.

Thank you,
Sam Thomas

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Thomas Seafood Inc.
421 Merrimon Road
Beaufort, NC 28516
Phone:252-728-2391

6/5/23

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sam Thomas
Sam Thomas

Burgos, Alexander N

From: Rules, Oah
Sent: Wednesday, June 7, 2023 3:46 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] FW: oyster production
Attachments: 20230607152334791.pdf

-----Original Message-----

From: Donna Berry <donna.berry@ncfbssc.com>
Sent: Wednesday, June 7, 2023 3:41 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] FW: oyster production

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Request

Donna Berry
CSR/County Liaison
Hyde County Farm Bureau
(252) 926-5101

-----Original Message-----

From: hydeco@ncfbins.com <hydeco@ncfbins.com>
Sent: Wednesday, June 7, 2023 3:24 PM
To: Donna Berry <donna.berry@ncfbssc.com>
Subject: Message from "RNP002673EEDE1D"

This E-mail was sent from "RNP002673EEDE1D" (MP 2555).

Scan Date: 06.07.2023 15:23:34 (-0400)
Queries to: hydeco@ncfbins.com

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HYDE COUNTY FARM BUREAU

TELEPHONE 926-5101 / P. O. BOX 9 / SWAN QUARTER, N. C. 27885

Dick Tunnell, President
Hyde County Farm Bureau
P O Box 9
Swan Quarter, NC 27885

June 5, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Dick Tunnell
President

Burgos, Alexander N

Subject: FW: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603
Attachments: 20230606092137973.pdf

From: Rules, Oah <oah.rules@oah.nc.gov>
Sent: Tuesday, June 6, 2023 2:29 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

From: Kelly Tolson <kelly.tolson@ncfbssc.com>
Sent: Tuesday, June 6, 2023 2:26 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Mac Hodges <mac.hodges@ncfb.org>; Debbie Hamrick <debbie.hamrick@ncfb.org>
Subject: [External] Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached letter from the President of Edgecombe County Farm Bureau Board of Directors regarding Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603.

Thank you,

Kelly Tolson
CSR 2/County Liaison – Edgecombe County
North Carolina Farm Bureau
(252) 823-8101 – Office
(252) 823-1689 - Fax

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



. Edgecombe County Farm Bureau

Telephone 823-8101 / P.O. Box 1558 / Tarboro, North Carolina 27886

June 5, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration,

Shane Varnell, President
Edgecombe County Farm Bureau Board of Directors

Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, June 6, 2023 10:03 AM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] Letter of objection
Attachments: 20230606095904291.pdf

-----Original Message-----

From: Ruth Lamm <ruth.lamm@ncfbssc.com>
Sent: Tuesday, June 6, 2023 10:02 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Letter of objection

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached from President Randal Barnes of the Wilson County Farm Bureau.

Thanks,
Ruth

-----Original Message-----

From: Ruth Lamm <ruth.lamm@ncfbssc.com>
Sent: Tuesday, June 6, 2023 9:59 AM
To: Ruth Lamm <ruth.lamm@ncfbssc.com>
Subject: Message from "RNP583879841E47"

This E-mail was sent from "RNP583879841E47" (IM 2500).

Scan Date: 06.06.2023 09:59:04 (-0400)

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WILSON COUNTY FARM BUREAU

2853 Wooten Boulevard SW • Wilson, North Carolina 27893 • Office (252) 237-8071 • Fax (252) 243-6998

June 5, 2023

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

A handwritten signature in black ink that reads "Randal Barnes".

**Randal Barnes
County President**

Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, June 6, 2023 8:14 AM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: FW: [External] review commission
Attachments: 20230605162553573.pdf

From: Jamey Rawls <jamey.rawls@ncfbssc.com>
Sent: Monday, June 5, 2023 4:32 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] review commission

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached

Jamey C. Rawls
CSR II/County Liaison
Martin County Farm Bureau
252-792-1571

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



MARTIN COUNTY FARM BUREAU

Post Office Box 1007 • Williamston, NC 27892-1007 • (252) 792-1571 • Fax (252) 792-5565

June 5, 2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Clayton Cowin, President

A handwritten signature in black ink, appearing to read "Clayton Cowin".

Burgos, Alexander N

Subject: FW: [External] RE: RULES 15A NCAC 07H .0208 and 15A NCAC 07M .0603
Attachments: 20230605121850166.pdf

-----Original Message-----

From: Deborah Watts <deborah.watts@ncfbssc.com>
Sent: Monday, June 5, 2023 1:23 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] RE: RULES 15A NCAC 07H .0208 and 15A NCAC 07M .0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Members of the Commission:

Please find attached a letter requesting review of above rules from CARTERET COUNTY FARM BUREAU.

Thank you,
Debbie Watts

Have a blessed day!

Deborah Watts, LCSR, Co. Liaison
Carteret County Farm Bureau
PH 252-726-4779
FAX 252-726-5801

"Helping you is what we do best!"

-----Original Message-----

From: Deborah Watts <deborah.watts@ncfbssc.com>
Sent: Monday, June 5, 2023 12:19 PM
To: Deborah Watts <deborah.watts@ncfbssc.com>
Subject: Message from "RNP5838793F9FA7"

This E-mail was sent from "RNP5838793F9FA7" (MP 3055).

Scan Date: 06.05.2023 12:18:50 (-0400)

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



CARTERET COUNTY FARM BUREAU, INC.

4370 Arendell Street • Morehead City, NC 28557 • (252) 726-4779 • Fax (252) 726-5801

Carteret County Farm Bureau
4370 Arendell St
Morehead City, NC 28557

06/02/2023

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I am writing to you on behalf of the Carteret County Farm Bureau Board of Directors and the 9,500 member families that make up our organization, including local oyster farmers. Oyster production is a vital part of our community and economy in Carteret County. We support our oyster farmers and recognize their positive impact to better North Carolina's environment and waterways.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration,


L. M. Simmons, President
Carteret County Farm Bureau

LMS/dew

*Farm Bureau and Agriculture...
We keep North Carolina growing!*

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, June 5, 2023 8:27 AM
To: Burgos, Alexander N; Liebman, Brian R
Subject: FW: [External] Letter of objection to 15A NCAD07H.0208 and 15A NCAC 07M.0603
Attachments: 2023 June 1 Oyster Rule Letter Objection.pdf

From: Debbie Hamrick <dhamrick1615@gmail.com>
Sent: Friday, June 2, 2023 9:53 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Letter of objection to 15A NCAD07H.0208 and 15A NCAC 07M.0603

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Dear Sir or Madam,

Attached please find a letter requesting that the above rules be reviewed in the upcoming legislative session. These rules should be delayed until such time as the NC General Assembly is able to review them.

The Coastal Resources Commission overstepped their bounds.

Sincerely,
Debbie Hamrick
2310 Fairview Road
Raleigh, NC 27608

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Debbie Hamrick
2310 Fairview Road
Raleigh, NC 27608

June 1, 2023

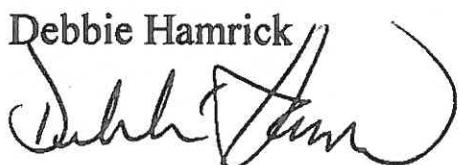
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rules 15A NCAC 07H .0208 and 15A NCAC 07M .0603

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Debbie Hamrick


1 15A NCAC 07H .0208 is amended as published with changes in 37:15 NCR 1036-1046 as follows:

2

3 **15A NCAC 07H .0208 USE STANDARDS**

4 (a) General Use Standards

5 (1) Uses that are not water dependent shall not be permitted in coastal wetlands, estuarine waters, and
6 public trust areas. Restaurants, residences, apartments, motels, hotels, trailer parks, private roads,
7 factories, and parking lots are examples of uses that are not water dependent. Uses that are water
8 dependent include: utility crossings, wind energy facilities, docks, wharves, boat ramps, dredging,
9 bridges and bridge approaches, revetments, bulkheads, culverts, groins, navigational aids, mooring
10 pilings, navigational channels, access channels and drainage ditches;

11 (2) Before being granted a permit, the CRC or local permitting authority shall find that the applicant
12 has complied with the following standards:

13 (A) The location, design, and need for development, as well as the construction activities
14 involved shall be consistent with the management objective of the Estuarine and Ocean
15 System AEC (Rule .0203 of this subchapter) System AEC in Rule .0203 of this Section
16 and shall be sited and designed to avoid significant adverse impacts upon the productivity
17 and biologic integrity of coastal wetlands, shellfish beds, submerged aquatic vegetation as
18 defined by the Marine Fisheries Commission in 15A NCAC 03I .0101(4)(i) , and spawning
19 and nursery areas;

20 (B) Development shall comply with State and federal water and air quality rules, statutes
21 statutes, and regulations;

22 (C) Development shall not cause irreversible damage to documented archaeological or historic
23 resources as identified by the N.C. Department of Natural and Cultural resources;
24 Resources;

25 (D) Development shall not increase siltation;

26 (E) Development shall not create stagnant water bodies;

27 (F) Development shall be timed to avoid significant adverse impacts on life cycles of estuarine
28 and ocean resources; and

29 (G) Development shall not jeopardize the use of the waters for navigation or for other public
30 trust rights in public trust areas including estuarine waters.

31 (3) When the proposed development is in conflict with the general or specific use standards set forth in
32 this Rule, the CRC may approve the development if the applicant can demonstrate that the activity
33 associated with the proposed project will have public benefits as-identified consistent with the
34 findings and goals of the Coastal Area Management Act identified in G.S. 113A-102, that the public
35 benefits outweigh the long range adverse effects of the project, that there is no reasonable alternate
36 site available for the project, and that all reasonable means and measures to mitigate adverse impacts
37 of the project have been incorporated into the project design and shall be implemented at the

1 applicant's expense. Measures taken to mitigate or minimize adverse impacts shall include actions
2 that:

3 (A) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
4 (B) restore the affected environment; or
5 (C) compensate for the adverse impacts by replacing or providing substitute resources.

6 (4) "Primary nursery areas" are defined as those areas in the estuarine and ocean system where initial
7 post larval development of finfish and crustaceans takes place. ~~place and They are usually located~~
8 ~~in the uppermost sections of a system where~~ populations are uniformly ~~in their~~ early juvenile stages.
9 Primary nursery areas are designated and described by the N.C. Marine Fisheries Commission
10 (MFC) at 15A NCAC 03R .0103 and by the N.C. Wildlife Resources Commission (WRC) at 15A
11 NCAC 10C .0502; 15A NCAC 03R .0103;

12 (5) "Outstanding Resource Waters" (ORW) are defined as those estuarine waters and public trust areas
13 classified by the N.C. Environmental Management Commission (EMC). ~~(EMC) as defined in 15A~~
14 NCAC 02B .0225. ~~In those estuarine waters and public trust areas classified as ORW by the EMC~~
15 ~~no permit required by the Coastal Area Management Act shall be approved for any project which~~
16 ~~would be inconsistent with applicable use standards adopted by the CRC, EMC, or MFC for~~
17 ~~estuarine waters, public trust areas, or coastal wetlands. For development activities not covered by~~
18 ~~specific use standards, no permit shall be issued if the activity would, based on site specific~~
19 ~~information, degrade the water quality or outstanding resource values; and~~

20 (6) Beds of "submerged aquatic vegetation" (SAV) are defined as those habitats in public trust and
21 estuarine ~~waters-waters, that occur in both subtidal and intertidal zones and may occur in isolated~~
22 ~~patches or cover extensive areas, vegetated with one or more species of submergent vegetation.~~
23 ~~vegetation as listed in 15A NCAC 03I .0101(4)(i). These vegetation beds occur in both subtidal and~~
24 ~~intertidal zones and may occur in isolated patches or cover extensive areas. In either case, the bed~~
25 ~~is [submerged aquatic vegetation beds are] defined by the Marine Fisheries Commission. Any rules~~
26 ~~relating to SAVs beds of submerged aquatic vegetation [beds] shall not apply to non-development~~
27 ~~control activities authorized by the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et seq.).~~

28 (7) "Adverse impact", "adverse impacts", "adverse effects", or similar formulations, are defined as an
29 effect or impact that is opposed to the goals of the Coastal Area Management Act as found in G.S.
30 113A-102(b) and with the provisions of G.S. 113-229(e).

31 (8) "Significant" as used in this Section includes consideration of both context and intensity. Context
32 means that the impact or effect shall be analyzed from several perspectives that include society as a
33 whole (human, national), the affected subregion of the North Carolina coast, the local area and all
34 directly and indirectly affected parties. Both short- and long-term effects are relevant. Intensity
35 refers to the severity of impact or effect. The following shall be considered in evaluating intensity:
36 (A) both adverse impacts as defined in subparagraph (a)(7) of this Rule and impacts that

promote or enhance the goals of the Coastal Area Management Act set out at G.S. 113A-102(b);

- (B) the degree to which the proposed action affects public health or safety;
- (C) unique characteristics of the geographic area;
- (D) the degree to which the possible effects on the environment are uncertain or involve unique or unknown risks;
- (E) the degree to which the CRC's permit decisions may establish a precedent for future CRC permit decisions;
- (F) the degree to which the CRC's permit decisions are related to other CRC permit decisions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into smaller component parts; and
- (H) the degree to which the CRC's permit decision may cause the loss or destruction of scientific, cultural, historical, and environmental resources as those terms are commonly defined and understood.

(b) Specific Use Standards

(1) Navigation channels, canals, and boat basins shall be aligned or located so as to avoid primary nursery areas, shellfish beds, beds of submerged aquatic vegetation as defined by the MFC, as defined in 15A NCAC 07H .0208(a)(6), or areas of coastal wetlands except as otherwise allowed within this Subchapter. Navigation channels, canals and boat basins shall also comply with the following standards:

(A) Navigation channels and canals may not be allowed through fringes [of] regularly and irregularly flooded coastal wetlands if the loss of wetlands will have no significant adverse impacts on fishery resources, water quality quality, or adjacent wetlands, and wetlands. Navigation channels and canals may be allowed if there is no reasonable alternative that would avoid the wetland losses;

(B) All dredged material shall be confined landward of regularly and irregularly flooded coastal wetlands and stabilized to prevent entry of sediments into the adjacent water bodies or coastal wetlands;

(C) Dredged material from maintenance of channels and canals through irregularly flooded coastal wetlands shall be placed on non-wetland areas, remnant spoil piles, or disposed of by a method having no significant, long term wetland impacts. Under no circumstances shall dredged material be placed on regularly or irregularly flooded wetlands. New dredged material disposal areas shall not be located in the buffer area as outlined in 15A NCAC 07H .0209(d)(10);

(D) Widths of excavated canals and channels shall be the minimum required to meet the applicant's needs but not impair water circulation;

(E) Boat basin design shall maximize water exchange by having the widest possible opening and the shortest practical entrance canal. Depths of boat basins shall decrease from the waterward end inland;

(F) Any canal or boat basin shall be excavated no deeper than the depth of the connecting waters;

(G) Construction of finger canal systems are not allowed. Canals shall be either straight or meandering with no right angle corners;

(H) Canals shall be designed so as not to create an erosion hazard to adjoining property. Design may include shoreline stabilization, vegetative stabilization, or setbacks based on soil characteristics; and

(I) Maintenance excavation in canals, channels, and boat basins within primary nursery areas and areas beds of submerged aquatic vegetation as defined by the MFC in 15A NCAC 03I .0101(4)(i), by the Marine Fisheries Commission shall be avoided. However, when essential to maintain a traditional and established use, maintenance excavation may shall be approved if the applicant meets all of the following criteria:

- (i) The applicant demonstrates and documents that There has been navigational use of the area; water-dependent need exists for the excavation;
- (ii) There exists a previously permitted channel that was constructed or maintained under permits issued by the State or Federal government. If a natural channel was in use, or if a human-made channel was constructed before permitting was necessary, there shall be evidence that the channel was continuously used for a specific purpose;
- (iii) Excavated material can be removed and placed in a disposal area in accordance with Part (b)(1)(B) and Part (b)(1)(C) of this Rule without impacting adjacent nursery areas and beds of submerged aquatic vegetation as defined by the MFC; and in 15A NCAC 03I .0101(4)(i) by the Marine Fisheries Commission;
- (iv) The original depth and width of a human-made or natural channel shall not be increased to allow a new or expanded use of the channel; channel; and
- (v) Consistent with the provisions of G.S. 113-229.

Hydraulic Dredging

(A) The terminal end of the dredge pipeline shall be positioned at a distance sufficient to preclude erosion of the containment dike and a maximum distance from spillways to allow settlement of suspended solids;

(B) Dredged material shall be either confined on high ground by retaining structures or deposited on beaches for purposes of renourishment if the material is suitable in accordance with 15A NCAC 07H .0208(b)(8) and 15A NCAC 07H .0312 and the rules in this Subchapter, except as provided in Part (G) of this Subparagraph;

- (C) Confinement of excavated materials shall be landward of all coastal wetlands and shall employ soil stabilization measures to prevent entry of sediments into the adjacent water bodies or coastal wetlands;
- (D) Effluent from diked areas receiving disposal from hydraulic dredging operations shall be contained by pipe, trough, or similar device to a point waterward of emergent vegetation or, where local conditions require, below normal low water or normal water level;
- (E) When possible, effluent from diked disposal areas shall be returned to the area being dredged;
- (F) A water control structure shall be installed at the intake end of the effluent pipe;
- (G) Publicly funded projects shall be considered by review agencies on a case-by-case basis with respect to dredging methods and dredged material disposal in accordance with Subparagraph (a)(3) of this Rule; and
- (H) Dredged material from closed shellfish waters and effluent from diked disposal areas used when dredging in closed shellfish waters shall be returned to the closed shellfish waters.

(3) Drainage Ditches

- (A) Drainage ditches located through any coastal wetland shall not exceed six feet wide by four feet deep (from ground surface) unless the applicant shows that larger ditches are necessary;
- (B) Dredged material derived from the construction or maintenance of drainage ditches through regularly flooded marsh shall be placed landward of these marsh areas in a manner that will insure ensure that entry of sediment into the water or marsh will not occur. Dredged material derived from the construction or maintenance of drainage ditches through irregularly flooded marshes shall be placed on non-wetlands wherever feasible. Non-wetland areas include relie existing disposal sites;
- (C) Excavation of new ditches through high ground shall take place landward of an earthen plug or other methods to minimize siltation to adjacent water bodies; and
- (D) Drainage ditches shall not have a significant adverse impact on primary nursery areas, productive shellfish beds, submerged aquatic vegetation beds as defined by the MFC, Marine Fisheries Commission in 15A NCAC 03I .0101(4)(i) or other estuarine habitat. Drainage ditches shall be designed so as to minimize the effects of freshwater inflows, sediment, and the introduction of nutrients to receiving waters. Settling basins, water gates, and retention structures are examples of design alternatives that may be used to minimize sediment introduction.

(4) Nonagricultural Drainage

- (A) Drainage ditches shall be designed so that restrictions in the volume or diversions of flow are minimized to both surface and ground water;

1 (B) Drainage ditches shall provide for the passage of migratory organisms by allowing free
2 passage of water of sufficient depth; depth required to allow passage of those migratory
3 organisms; and

4 (C) Drainage ditches shall not create stagnant water pools or changes in the velocity of flow.

5 (5) Marinas. "Marinas" are defined as any publicly or privately owned dock, ~~basin~~ basin, or wet boat
6 storage facility constructed to accommodate more than 10 boats and providing any of the following
7 services: permanent or transient docking spaces, dry storage, fueling facilities, haulout facilities,
8 and repair service. Excluded from this definition are boat ramp facilities allowing access only,
9 temporary docking, and none of the preceding services. Expansion of existing facilities shall comply
10 with the standards of this Subparagraph for all development other than maintenance and repair
11 necessary to maintain previous service levels. Marinas shall comply with the following standards:

12 (A) Marinas shall be sited in non-wetland areas or in deep ~~waters~~ water (~~areas~~ areas not
13 requiring ~~dredging~~) dredging, and shall not disturb shellfish resources, beds of submerged
14 aquatic vegetation as defined by the MFC, in 15A NCAC 03I .0101(4)(i) by the Marine
15 Fisheries Commission, or wetland habitats, except for dredging necessary for access to
16 high-ground sites. The following ~~four~~ alternatives for siting marinas ~~are listed in order of~~
17 ~~preference for the least damaging alternative; marina projects shall be allowed, designed to~~
18 ~~[accommodate]~~ ~~have the highest of these four priorities: priorities that is deemed feasible~~
19 ~~by the permit letting agency:~~

20 (i) an upland basin site requiring no alteration of wetland or estuarine habitat and
21 providing flushing by tidal or wind generated water circulation or basin design
22 characteristics;

23 (ii) an upland basin site requiring dredging for access when the necessary dredging
24 and operation of the marina will not result in significant adverse impacts to
25 existing fishery, shellfish, or wetland resources and the basin design shall provide
26 flushing by tidal or wind generated water circulation;

27 (iii) an open water site located outside a primary nursery area which utilizes piers or
28 docks rather than channels or canals to reach deeper water; and

29 (iv) an open water marina requiring excavation of no intertidal habitat, and no
30 dredging greater than the depth of the connecting channel.

31 (B) Marinas that require dredging shall not be located in primary nursery areas nor in areas
32 which require dredging through primary nursery areas for access. Maintenance dredging
33 in primary nursery areas for existing marinas shall comply with the standards set out in
34 Part (b)(1)(I) of this Rule;

35 (C) ~~To minimize coverage of public trust areas by docks and moored vessels, dry storage~~
36 ~~marinas shall be used where feasible;~~

(D)(C) Marinas to be developed in waters subject to public trust rights, rights (either other than those created by dredging upland basins or canals) canals for the purpose of providing docking for residential developments shall be allowed no more than 27 square feet of public trust areas for every one linear foot of shoreline adjacent to these public trust areas for construction of docks and mooring facilities. The 27 square feet allocation does not apply to fairway areas between parallel piers or any portion of the pier used only for access from land to the docking spaces;

(E)(D) To protect water quality in shellfishing areas, marinas shall not be located within areas where shellfish harvesting for human consumption is a significant existing use or adjacent to such areas if shellfish harvest closure is anticipated to will result from the location of the marina. In compliance with 33 U.S.C. U.S. Code Section 101(a)(2) of the Clean Water Act and North Carolina Water Quality Standards (15A NCAC 02B .0200) 15A NCAC 02B .0200 adopted pursuant to that section, shellfish harvesting is a significant existing use if it can be established that shellfish have been regularly harvested for human consumption since November 28, 1975 or that shellfish are propagating and surviving in a biologically suitable habitat and are available and suitable for harvesting for the purpose of human consumption. consumption as determined by the NC Division of Marine Fisheries in accordance with 15A NCAC 18A .0900. The Division of Coastal Management shall consult with the Division of Marine Fisheries regarding the significance of shellfish harvest as an existing use and the magnitude of the quantities of shellfish that have been harvested or are available for harvest in the area where harvest will be affected by the development;

(F)(E) Marinas shall not be located without written consent from the leaseholders or owners of submerged lands that have been leased from the state State or deeded by the State;

(G)(F) Marina basins shall be designed to promote flushing through the following design criteria:

- (i) the basin and channel depths shall gradually increase toward open water and shall never be deeper than the waters to which they connect; and
- (ii) when possible, an opening shall be provided at opposite ends of the basin to establish flow-through circulation;

(H)(G) Marinas shall be designed so that the capability of the waters to be used for navigation or for other public trust rights in estuarine or public trust waters are not jeopardized while allowing the applicant access to deep waters;

(I)(H) Marinas shall be located and constructed so as to avoid adverse impacts on navigation throughout all federally maintained channels and their boundaries as designated by the US Army Corps of Engineers. This includes permanent or temporary mooring sites; speed or traffic reductions; or any other device, either physical or regulatory, that may cause a federally maintained channel to be restricted;

(J) Open water marinas shall not be enclosed within breakwaters that preclude circulation sufficient to maintain water ~~quality; quality as determined by the Division of Water Resources.~~

(K) ~~Marinas that require dredging shall provide areas in accordance with Part (b)(1)(B) of this Rule to accommodate disposal needs for future maintenance dredging, including the ability to remove the dredged material from the marina site;~~

(L) ~~(K) (J) Marina design shall comply with all applicable EMC requirements (15A NCAC 02B .0200) 15A NCAC 02B .0200 for management of stormwater runoff. Stormwater management systems shall not be located within the 30-foot buffer area outlined in 15A NCAC 07H .0209(d);~~

(M) ~~(L) (K) Marinas shall post a notice prohibiting the discharge of any waste from boat toilets and listing the availability of local pump-out services;~~

(N) ~~(M) (L) Boat maintenance areas shall be designed so that all scraping, sandblasting, and painting will be done over dry land with collection and containment devices that prevent entry of waste materials into adjacent waters;~~

(O) ~~(N) All marinas shall comply with all applicable standards for decks and piers, shoreline stabilization, dredging and dredged material disposal of this Rule; [pursuant to 15A NCAC 7H .0208.]~~

(P) ~~(O) (M) All applications for marinas shall be reviewed by the Division of Coastal Management to determine their potential impact to coastal resources and compliance with applicable standards of this Rule. Such review shall also consider the cumulative impacts of marina development in accordance with G.S. 113A-120(a)(10); and~~

(Q) ~~(P) (N) Replacement of existing marinas to maintain previous service levels shall be allowed provided that the development complies with the standards for marina development within this Section.~~

Piers and Docking Facilities.

(A) Piers shall not exceed six feet in width. Piers greater than six feet in width shall be permitted only if the greater width is necessary for safe use, to improve public ~~aceess~~, access or to support a water dependent use that cannot otherwise occur;

(B) The total square footage of ~~shaded impact for decks docks, platforms platforms~~, and mooring facilities (excluding the pier) allowed shall be eight square feet per linear foot of shoreline with a maximum of 2,000 square ~~feet~~. feet to limit shading impacts to the substrate. In calculating the ~~shaded impact~~, total square footage, uncovered open water slips shall not be counted in the total. Projects requiring dimensions greater than those stated in this Rule shall be permitted only if the greater dimensions are necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur. Size restrictions shall not apply to marinas;

- (C) Piers and docking facilities over coastal wetlands shall be no wider than six feet and shall be elevated at least three feet above any coastal wetland substrate as measured from the bottom of the decking;
- (D) A boathouse shall not exceed 400 square feet except to accommodate a documented ~~need~~, provided to the Division of Coastal Management by the ~~application~~ applicant for a larger boathouse and shall have sides extending no farther than one-half the height of the walls as measured from the Normal Water Level or Normal High Water to the bottom edge of the roofline, and covering only the top half of the walls. Measurements of square footage shall be taken of the greatest exterior dimensions. Boathouses shall not be allowed on lots with less than 75 linear feet of shoreline, except that structural boat covers utilizing a frame-supported fabric covering may be permitted on properties with less than 75 linear feet of shoreline when using screened fabric for side walls. Size restrictions do not apply to marinas;
- (E) The total area enclosed by an individual boat lift shall not exceed 400 square feet except to accommodate a documented need for a larger boat lift;
- (F) Piers and docking facilities shall be single story. They may be roofed but shall not be designed to allow second story use;
- (G) Pier and docking facility length shall be limited by:
 - (i) ~~not extending beyond the established pier or decking facility length along the same shoreline for similar use. This restriction does not apply to piers 100 feet or less in length unless necessary to avoid unreasonable interference with navigation or other uses of the waters by the public;~~
 - (ii)(i) ~~not extending into the channel portion of the water body; and~~
 - (iii)(ii) ~~not extending more than one-fourth the width of a natural water body, or human-made canal or basin. Measurements to determine widths of the water body, canals, or basins shall be made from the waterward edge of any coastal wetland vegetation that borders the water body. The one-fourth length limitation does not apply in areas where the U.S. Army Corps of Engineers, or a local government in consultation with the Corps of Engineers, has established an official pier-head line. The one-fourth length limitation shall not apply when the proposed pier is located between longer piers or docking facilities within 200 feet of the applicant's property. However, the proposed pier or docking facility shall not be longer than the pier head line established by the adjacent piers or docking facilities, nor longer than one-third the width of the water body.~~
 - (iii) Notwithstanding (i) and (ii) of this Paragraph, the proposed pier or docking facility shall not be longer than the pier head line established by the piers or docking facilities along the same contiguous shoreline having the same land use,

nor longer than one-third the width of the water body. This restriction does not apply to piers 100 feet or less in length unless necessary to avoid unreasonable interference with navigation or other uses of the waters by the public.

(H) Piers or docking facilities longer than 400 feet shall be permitted only if the proposed length gives access to deeper water at a rate of at least 1 foot for each 100 foot increment of length longer than 400 feet, or, if the additional length is necessary to span some obstruction to navigation. Measurements to determine lengths shall be made from the waterward edge of any coastal wetland vegetation that borders the water body;

(I) Piers and docking facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. If the adjacent property is sold before construction of the pier or docking facility commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205(t) illustrating the rule as applied to various shoreline configurations. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable as determined by the Director of the Division of Coastal Management; and

(J) Applicants for authorization to construct a pier or docking facility shall provide notice of the permit application to the owner of any part of a shellfish franchise or lease over which the proposed dock or pier would extend. The applicant shall allow the lease holder the opportunity to mark a navigation route from the pier to the edge of the lease.

Bulkheads

(A) Bulkhead alignment, for the purpose of shoreline stabilization, shall approximate the location of normal high water or normal water level;

(B) Bulkheads shall be constructed landward of coastal wetlands in order to avoid significant adverse impacts to the coastal resources;

(C) Bulkhead backfill material shall be obtained from an upland source approved by the Division of Coastal Management pursuant to this Section, or if the bulkhead is a part of a permitted project involving excavation from a non-upland source, the material so obtained may be contained behind the bulkhead;

1 (D) Bulkheads shall be permitted below normal high water or normal water level only when
2 the following standards are met:

3 (i) the property to be bulkheaded has an identifiable erosion problem, whether it
4 results from natural causes or adjacent bulkheads, or it has unusual geographic or
5 geologic features, e.g. steep grade bank; ~~bank, which will cause the applicant~~
6 ~~unreasonable hardship under the other provisions of this Rule;~~

7 (ii) the bulkhead alignment extends no further below normal high water or normal
8 water level than necessary to allow recovery of the area eroded in the year prior
9 to the date of application, to align with adjacent bulkheads, or to mitigate the
10 ~~unreasonable hardship resulting from the unusual geographic or geologic features;~~

11 (iii) the bulkhead alignment will not adversely impact public trust rights or the
12 property of adjacent riparian owners; and;

13 (iv) ~~the need for a bulkhead below normal high water or normal water level is do-~~
14 ~~cumented by the Division of Coastal Management; and~~

15 (v)(iv) the property to be bulkheaded is in a non-oceanfront area.

16 (E) Where possible, sloping rip-rap, gabions, or vegetation shall be used rather than bulkheads.

17 (8) Beach Nourishment

18 (A) Beach creation or maintenance may shall be allowed to enhance water related recreational
19 facilities for public, commercial, and private use if consistent with all of the following:

20 (i) Beaches ~~may be created or maintained~~ are located in areas where they have
21 historically been found due to natural processes;

22 (ii) Material placed in the water and along the shoreline shall be clean sand. sand and
23 ~~free from pollutants~~. Grain size shall be equal to that found naturally at the site;

24 (iii) Beach creation shall not be allowed in primary nursery areas, nor in any areas
25 where siltation from the site would pose a threat to shellfish beds;

26 (iv) Material shall not be placed on any coastal wetlands or submerged aquatic
27 vegetation ~~as defined by MFC~~; beds as defined by the Marine Fisheries
28 Commission in 15A NCAC 03I .0101(4)(i);

29 (v) Material shall not be placed on any submerged bottom with significant shellfish
30 resources as identified by the Division of Marine Fisheries during the permit
31 review; and

32 (vi) Beach construction shall not ~~create the potential for~~ cause filling of adjacent
33 navigation channels, ~~canals~~ canals, or boat basins.

34 (B) Placing unconfined sand material in the water and along the shoreline shall not be allowed
35 as a method of shoreline erosion control;

36 (C) Material from dredging projects may be used for beach nourishment if:

- (i) it is first handled in a manner consistent with dredged material disposal as set forth in this Rule; 15A NCAC 07H .0208;
- (ii) it is allowed to dry prior to being placed on the beach; and
- (iii) only that material of acceptable grain size as set forth in Subpart (b)(8)(A)(ii) of this Rule is removed from the disposal site for placement on the beach. Material shall not be placed directly on the beach by dredge or dragline during maintenance excavation.

(D) Beach construction shall comply with State and federal water quality standards;

(E)(D) The renewal of permits for beach nourishment projects shall require an evaluation by the Division of Coastal Management of any significant adverse impacts of the original work; and

(E)(E) Permits issued for beach nourishment shall be limited to authorizing beach nourishment only one time.

Groins

- (A) Groins shall not extend more than 25 feet waterward of the normal high water or normal water level unless a longer structure is justified by site specific conditions and by an individual who meets any North Carolina occupational licensing requirements for the type of structure being proposed and approved during the application process;
- (B) Groins shall be set back a minimum of 15 feet from the adjoining riparian lines. The setback for rock groins shall be measured from the toe of the structure. This setback may be waived by written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the groin commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the groin;
- (C) Groins shall pose no threat to navigation;
- (D) The height of groins shall not exceed one foot above normal high water or normal water level;
- (E) No more than two structures shall be allowed per 100 feet of shoreline unless the applicant provides evidence the Division of Coastal Management a design showing that more structures are needed for shoreline stabilization. The groin structures shall be designed by an individual who meets any North Carolina occupational licensing requirements for the structures being proposed.
- (F) "L" and "T" sections shall not be allowed at the end of groins; and
- (G) Riprap material used for groin construction shall be free from loose dirt ~~or any other pollutant~~ and of a size sufficient to prevent its movement from the site by wave and current action.

1 (10) "Freestanding Moorings".

2 (A) A "freestanding mooring" is any means to attach a ship, boat, vessel, floating structure
3 structure, or other water craft to a stationary underwater device, mooring buoy, buoyed
4 anchor, or piling as long as the piling is not associated with an existing or proposed pier,
5 dock, or boathouse;

6 (B) Freestanding moorings shall be permitted only:

7 (i) to riparian property owners within their riparian corridors; or

8 (ii) to any applicant proposing to locate a mooring buoy consistent with a water use
9 plan that is included in either the local zoning or land use plan; or

10 (iii) is associated with commercial shipping, public service, or temporary construction
11 or salvage operations.

12 (C) All mooring fields shall provide an area for access to any mooring(s) moorings and other
13 land based operations that shall include wastewater pumpout, trash disposal disposal, and
14 vehicle parking;

15 (D) To protect water quality of shellfishing areas, mooring fields shall not be located within
16 areas where shellfish harvesting for human consumption is a significant existing use or
17 adjacent to such areas if shellfish harvest closure is anticipated to will result from the
18 location of the mooring field. In compliance with Section 101(a)(2) of the Federal Water
19 Pollution Control Act, 33 U.S.C. 1251 (a)(2), and North Carolina Water Quality Standards
20 adopted pursuant to that section, shellfish harvesting is a significant existing use if it can
21 be established that shellfish have been regularly harvested for human consumption since
22 November 28, 1975 or that shellfish are propagating and surviving in a biologically suitable
23 habitat and are available and suitable for harvesting for the purpose of human consumption
24 consumption as determined by the Division of Marine Fisheries in accordance with 15A
25 NCAC 18A .0900. The Division of Marine Fisheries shall be consulted regarding the
26 significance of shellfish harvest as an existing use and the magnitude of the quantities of
27 shellfish that have been harvested or are available for harvest in the area where harvest will
28 be affected by the development;

29 (E) Moorings shall not be located without written consent from the leaseholders or owners of
30 submerged lands that have been leased from the state or deeded by the State;

31 (F) Moorings shall be located and constructed so as to avoid adverse impacts on navigation
32 throughout all federally maintained channels. This includes permanent or temporary
33 mooring sites, speed or traffic reductions, or any other device, either physical or regulatory,
34 which may cause a federally maintained channel to be restricted;

35 (G) Open water moorings shall not be enclosed within breakwaters that preclude circulation
36 and degrade water quality in violation of EMC standards; in accordance with 15A NCAC
37 02B .0225.

1 (H) Moorings and the associated land based operation design shall comply with all applicable
2 EMC requirements for management of stormwater runoff;

3 (I)(H) Mooring fields shall have posted in view of patrons a notice prohibiting the discharge of
4 any waste from boat toilets or any other discharge and listing the availability of local pump-
5 out services and waste disposal;

6 (J) ~~Freestanding moorings associated with commercial shipping, public service, or temporary
7 construction or salvage operations may be permitted without a public sponsor;~~

8 (K)(I) Freestanding mooring buoys and piles shall be evaluated based upon the arc of the swing
9 including the length of the vessel to be moored. Moorings and the attached vessel shall not
10 interfere with the access of any riparian owner nor shall it block riparian access to channels
11 or deep water, which allows riparian access. Freestanding moorings shall not interfere with
12 the ability of any riparian owner to place a pier for access;

13 (L)(J) Freestanding moorings shall not be established in submerged cable or pipe crossing areas
14 or in a manner that interferes with the operations of an access through any bridge;

15 (M)(K) Freestanding moorings shall be marked or colored in compliance with U.S. Coast Guard
16 and the WRC requirements and the required marking maintained for the life of the
17 mooring(s); and

18 (N)(L) The type of material used to create a mooring must be ~~free of pollutants and~~ of a design
19 and type of material so as to not present a hazard to navigation or public safety.

20 (11) Filling of Canals, Basins and Ditches - Notwithstanding the general use standards for estuarine
21 systems as set out in Paragraph (a) of this Rule, filling canals, basins and ditches shall be allowed if
22 all of the following conditions are met:

23 (A) the area to be filled was not created by excavating lands which were below the normal high
24 water or normal water level;

25 (B) if the area was created from wetlands, the elevation of the proposed filling does not exceed
26 the elevation of said wetlands so that wetland function will be restored;

27 (C) the filling will not adversely impact any designated primary nursery area, shellfish bed,
28 ~~beds of~~ submerged aquatic vegetation as defined by the ~~MFC, Marine Fisheries~~
29 ~~Commission in 15A NCAC 03I .0101(4)(i),~~ coastal wetlands, public trust ~~right~~ right, or
30 public trust usage; and

31 (D) the filling will not adversely affect the value and enjoyment of property of any riparian
32 owner.

33 (12) "Submerged Lands Mining"
34 (A) Development Standards. Mining of submerged lands shall meet all the following standards:
35 (i) The Division of Coastal Management shall evaluate the biological productivity
36 and biological significance of mine sites, or borrow sites used for sediment
37 extraction, shall be evaluated extraction for significant adverse impacts and a

1 protection strategy for these ~~natural functions and values~~ sites provided with the
2 State approval request or permit application;

3 (ii) Natural reefs, coral outcrops, artificial reefs, seaweed communities, and
4 significant benthic communities identified by the Division of Marine Fisheries or
5 the WRC shall be avoided;

6 (iii) Mining shall avoid ~~significant~~ archaeological resources ~~as defined in Rule .0509~~
7 ~~of this Subchapter; and~~ shipwrecks identified by the Department of Cultural
8 Resources; and unique geological features that require protection from
9 uncontrolled or incompatible development as identified by the Division of
10 Energy, Mineral, and Land Resources pursuant to G.S. 113A-113(b)(4)(g);

11 (iv) Mining activities shall not be conducted on or within 500 meters of ~~significant~~
12 biological communities identified by the Division of Marine Fisheries or the
13 WRC, such as high relief hard bottom areas. "High relief" is defined for this Part
14 as relief greater than or equal to one-half meter per five meters of horizontal
15 distance;

16 (v) Mining activities shall be timed to minimize impacts on the life cycles of estuarine
17 or ocean resources; and

18 (vi) Mining activities shall not negatively affect potable groundwater supplies,
19 wildlife, freshwater, estuarine, or marine fisheries.

20 (B) Permit Conditions. Permits for submerged lands mining ~~may~~ shall be conditioned on the
21 applicant amending the mining proposal to include measures necessary to ensure
22 compliance with the provisions of the Mining Act and the rules for development set out in
23 this Subchapter. Permit conditions shall also include:

24 (i) Monitoring by the applicant to ensure compliance with all applicable development
25 standards; and

26 (ii) A determination of the necessity and feasibility of restoration shall be made by
27 the Division of Coastal Management as part of the permit or consistency review
28 process. Restoration shall be necessary where it will facilitate recovery of the pre-
29 development ecosystem. Restoration shall be considered feasible unless, after
30 consideration of all practicable restoration alternatives, the Division of Coastal
31 Management determines that the adverse effects of restoration outweigh the
32 benefits of the restoration on estuarine or ocean resources. If restoration is
33 determined to be necessary and feasible, then the applicant shall submit a
34 restoration plan to the Division of Coastal Management prior to the issuance of
35 the permit.

36 (C) Dredging activities for the purposes of mining natural resources shall be consistent with
37 the development standards set out in ~~this Rule~~; 15A NCAC 07H .0208.

(D) Mitigation. Where mining cannot be conducted consistent with the development standards set out in this Rule, the applicant may request mitigation approval under 15A NCAC 07M .0700; and

(E) ~~Public Benefits Exception. Projects that conflict with the standards in this Subparagraph, but provide a public benefit, may be approved pursuant to the standards set out in Subparagraph (a)(3) of this Rule.~~

(13) "Wind Energy Facilities"

(A) An applicant for the development and operation of a wind energy facility shall provide:

- (i) an evaluation of the proposed noise impacts of the turbines to be associated with the proposed facility;
- (ii) an evaluation of shadow flicker impacts for the turbines to be associated with the proposed facility;
- (iii) an evaluation of avian and bat impacts of the proposed facility;
- (iv) an evaluation of viewshed impacts of the proposed facility;
- (v) an evaluation of potential user conflicts associated with development in the proposed project area; and
- (vi) a plan regarding the action to be taken upon decommissioning and removal of the wind energy facility. The plan shall include estimates of monetary costs, time frame of ~~removal~~ ~~removal~~, and the proposed site condition after decommissioning.

(B) Development Standards. Development of wind energy facilities shall meet the following standards in addition to adhering to the requirements outlined in Part (a)(13)(A) of this Rule:

- (i) Natural reefs, coral outcrops, artificial reefs, seaweed communities, and significant benthic communities identified by the Division of Marine Fisheries or the WRC shall be avoided;
- (ii) Development shall not be sited on or within 500 meters of ~~significant~~ biological communities identified by the Division of Marine Fisheries or the WRC, such as high relief hard bottom areas. High relief is defined for this standard as relief greater than or equal to one-half meter per five meters of horizontal distance;
- (iii) Development shall not cause irreversible damage to documented archeological resources including shipwrecks identified by the Department of Natural and Cultural Resources and unique geological features as identified by the State Archeologist pursuant to G.S. 113A-113(b)(4)(g) that require protection from uncontrolled or incompatible ~~development~~; ~~development as identified by the Division of Energy, Mineral, and Land Resources~~ pursuant to G.S. 113A-113(b)(4)(g);

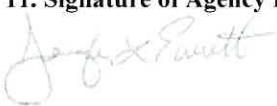
- (iv) Development activities shall be timed to avoid significant adverse impacts on the life cycles of estuarine or ocean resources, or wildlife;
- (v) Development or operation of a wind energy facility shall not jeopardize the use of the surrounding waters for navigation or for other public trust rights in public trust areas or estuarine waters; and
- (vi) Development or operation of a wind energy facility shall not interfere with air navigation routes, air traffic control areas, military training ~~routes~~ routes, ~~or~~ or, special use airspace and shall comply with standards adopted by the Federal Aviation Administration and codified under 14 CFR Part 77.13.

(C) Permit Conditions. Permits for wind energy facilities may be conditioned on the applicant amending the proposal to include measures necessary to ensure compliance with the standards for development set out in this Rule. Permit conditions may include monitoring to ensure compliance with all applicable development ~~standards~~; and ~~standards~~.

(D) ~~Public Benefits Exception~~. Projects that ~~conflict with these standards, but provide a public benefit~~, may be approved pursuant to the standards set out in Subparagraph (a)(3) of this Rule.

History Note: *Authority G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-115; 113A-115.1; 113A-124; 113-229;*
Eff. September 9, 1977;
Amended Eff. February 1, 1996; April 1, 1993; February 1, 1993; November 30, 1992;
RRC Objection due to ambiguity Eff. March 21, 1996;
Amended Eff. August 1, 2012(see S.L. 2012-143, s.1.(f)); February 1, 2011; August 1, 2010;
June 1, 2010; August 1, 1998; May 1, 1996;
Readopted Eff. July 1, 2020;
Amended Eff. January 1, 2024; August 1, 2022.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07M .0603 Policy Statements	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: February 1, 2023 Link to Agency notice: https://www.deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules/proposed-rules Hearing on: February 23, 2023 Adoption by Agency on: April 26, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: The Coastal Resources Commission's floating structure policies do not specifically address Floating Upweller Systems used in shellfish aquaculture operations. These amendments clarify how they may be sited in public trust waters.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <div style="text-align: center;"> <div style="display: inline-block; transform: rotate(-15deg);">APPROVED DEC 14 2023</div> <div style="display: inline-block; transform: rotate(15deg);"><i>6/15/23</i></div> </div>	
<input checked="" type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	
OBJECTION <i>OBJECTED AUG 21 2023</i>	

1 15A NCAC 07M .0603 is amended as published with changes in 37:15 NCR 1047 as follows:

2

3 **15A NCAC 07M .0603 POLICY STATEMENTS**

4 (a) ~~It is the policy of the State of North Carolina that floating~~ Floating structures shall not be allowed or permitted
5 within the public trust waters of the coastal area except in a marina permitted as development pursuant to the Coastal
6 Area Management Act of 1974.

7 (b) All floating structures shall be in conformance with local regulations for on-shore sewage treatment.

8 (c) A boat shall be deemed a floating structure when its means of propulsion has been removed or rendered inoperative
9 and it contains at least 200 square feet of living space area.

10 [(d) ~~A floating upweller system is a structure used in mariculture for the purpose of growing shellfish. For the purpose~~
11 ~~of this Rule, floating upweller systems are considered floating structures.~~

12 (e) ~~Floating upweller systems may be permitted as a platform at a private docking facility in accordance with 15A~~
13 ~~NCAC 07H .0208(b)(6) or at a permitted marina in accordance with 15A NCAC 07H .0208(b)(5).]~~

14

15 *History Note: Authority G.S. 113A-102; 113A-103; 113A-107; 113A-108; 113A-118; 119.2(a)(2); 113A-*

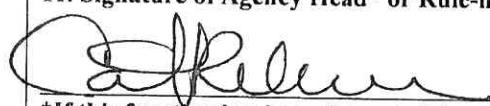
16 *119.2(a)(2); 113A-120(a)(8);*

17 *Eff. July 1, 1983;*

18 *Readopted Eff. January 1, 2023;*

19 *Amended Eff. January 1, 2024.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission			
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0201 Prohibited Taking and Manner of Take			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>S.L. 2021-176</i> <input checked="" type="checkbox"/> No <i>Paragraph (h)</i>		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/15/22 Link to Agency notice: https://www.ncwildlife.org/Proposed-Regulations Hearing on: 10/4/22 Adoption by Agency on: 12/8/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: SL 2021-176 <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </td> </tr> </table> 9B. Explain: Proposed 10B .0201 incorporates required exceptions to the prohibition on possession and use of any substance that contains or is labeled as containing any excretion collected from a cervid for the purpose of taking wildlife. In addition, the Commission is required to adopt Session Law 2021-176. Additional amendments to this rule are part of the periodic review. This rule is required to be readopted by December 31, 2022.		<input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: SL 2021-176 <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A
<input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: SL 2021-176 <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A		
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: Ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Carrie Ruhlman Title: Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <ul style="list-style-type: none"> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other: 			

with changes

1 15A NCAC 10B .0201 is readopted as published in 37:06 NCR 449 as follows:

2

3 **15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE**

4 (a) ~~It is unlawful for any No person to shall take, or have in their possession, any wild animal or wild bird listed in~~
5 ~~this Section except during the open seasons and in accordance with the limits herein prescribed, or as prescribed by~~
6 ~~15A NCAC 10B .0300 pertaining to trapping or 15A NCAC 10D applicable to game lands managed by the Wildlife~~
7 ~~Resources Commission, unless otherwise permitted by law. Lawful seasons and bag limits for each species apply~~
8 ~~beginning with the first day of the listed season and continue through the last day of the listed season, with all dates~~
9 ~~being included. When any hunting season ends on a January 1 that falls on a Sunday, that season shall be extended~~
10 ~~to Monday, January 2.~~

11 (b) Lawful seasons and bag limits for each species apply beginning with the first day of the [listed] established season
12 and continue through the last day of the listed season, with all dates being included.

13 (c) When any hunting season ends on a January 1 that falls on a Sunday, that season shall be extended to Monday,
14 January 2.

15 (d) (d) On Sundays, the following manners of take shall be allowed subject to the restrictions in G.S. 103-2: [hunting
16 on private lands shall be allowed under the following conditions:]

17 (1) archery equipment as described in 15A NCAC 10B .0116, falconry, and 10B .0116;
18 (2) falconry; and
19 (3) dogs where and when allowed the other days of the week are lawful methods of take, except as
20 prohibited in G.S. 103-2: week.
21 (2) firearms are lawful methods of take when used as described in G.S. 103-2; and
22 (3) migratory game birds may not be taken.

23 (e) Migratory game birds shall not be taken on Sundays.

24 (e) On Sundays, hunting on public lands is allowed with the following restrictions:

25 (1) only falconry and dogs used in conjunction with falconry are lawful methods of take; and
26 (2) migratory game birds may not be taken.

27 These restrictions do not apply to military installations under the exclusive jurisdiction of the federal government.

28 (e) On Sundays, the following shall be prohibited on public game lands:

29 (1) hunting with a firearm between 9:30 AM and 12:30 PM;
30 (2) the use of a firearm to take deer that are run or chased by dogs;
31 (3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 32
32 54.1(b), or any accessory structure thereof; and
33 (4) hunting migratory game birds

34 (f) Sunday hunting restrictions in paragraph (d) of this Rule shall not apply to military reservations, installations under
35 the exclusive jurisdiction of the federal government.

36 (f) (f) (g) Those animals not classified as game animals in G.S. 113-129(7c), and for which a season is set under this
37 Section, may be taken during the hours and methods authorized for taking game animals.

1 (g) (h) No person shall possess or use any substance or material that contains or is labeled as containing any excretion
2 collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or
3 attempting to take, attracting, or scouting wildlife. This prohibition shall not apply to the following substances:

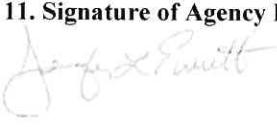
- 4 (1) Products containing synthetic analogs of cervid excretions and labeled as such.
- 5 (2) Products consisting of or containing natural substances collected by a hunter from a legally
6 harvested cervid in North Carolina.
- 7 (3) Natural substances collected from facilities within North Carolina that have a valid Farmed Cervid
8 License from the North Carolina Department of Agriculture and Consumer Services and are labeled
9 as such.
- 10 (4) Natural deer urine products containing excretions from facilities within North Carolina that have a
11 valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer
12 Services and are labeled as such.
- 13 (5) Natural deer urine products containing excretions from facilities that meet all the following
14 requirements and are labeled as such:
 - 15 (A) Determined to be free of chronic wasting disease (CWD) based on testing by an
16 independent laboratory using a method that may help detect the presence of CWD
17 prions.
 - 18 (B) Complies with a federally approved CWD herd certification program and any federal
19 CWD protocols.
 - 20 (C) Participates in additional herd management requirements as specified by the Wildlife
21 Resources Commission.

22 (e) (h) (i) Where local laws with local effect govern hunting, or are in conflict with this Subchapter, the local law
23 shall prevail.

24
25 *History Note:* Authority S.L 2021-176; G.S. 103-2; 113-291.1(a); 113-134; 113-291.2; 113-291.3;
26 *Eff. February 1, 1976;*

27 *Amended Eff. February 1, 2023; May 1, 2016; August 1, 2012; July 10, 2010; July 1, 1996; July 1,
28 1987;*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION									
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0419 HARVEST VESSELS AND VEHICLES									
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION									
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No								
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Aug. 1, 2023 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Aug. 16, 2023 Adoption by Agency on: Nov. 16, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:									
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required								
9. REASON FOR ACTION									
9A. What prompted this action? Check all that apply: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Agency</td> <td style="width: 50%;"><input type="checkbox"/> Legislation enacted by the General Assembly</td> </tr> <tr> <td><input type="checkbox"/> Court order / cite:</td> <td><input type="checkbox"/> Cite Session Law:</td> </tr> <tr> <td><input type="checkbox"/> Federal statute / cite:</td> <td><input type="checkbox"/> Petition for rule-making</td> </tr> <tr> <td><input type="checkbox"/> Federal regulation / cite:</td> <td><input type="checkbox"/> Other:</td> </tr> </table>		<input checked="" type="checkbox"/> Agency	<input type="checkbox"/> Legislation enacted by the General Assembly	<input type="checkbox"/> Court order / cite:	<input type="checkbox"/> Cite Session Law:	<input type="checkbox"/> Federal statute / cite:	<input type="checkbox"/> Petition for rule-making	<input type="checkbox"/> Federal regulation / cite:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Agency	<input type="checkbox"/> Legislation enacted by the General Assembly								
<input type="checkbox"/> Court order / cite:	<input type="checkbox"/> Cite Session Law:								
<input type="checkbox"/> Federal statute / cite:	<input type="checkbox"/> Petition for rule-making								
<input type="checkbox"/> Federal regulation / cite:	<input type="checkbox"/> Other:								
9B. Explain: In accordance with G.S. 150B-21.3A, this is one proposed rule in a group of 83 proposed rules in 15A NCAC 18A to help ensure that North Carolina remains in full compliance with National Shellfish Sanitation Program requirements, increase clarity of rules for stakeholders, and allow the division to efficiently support and enforce rules for the protection of public health related to the consumption of shellfish.									
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8595 E-Mail: JENNIFER.EVERETT@DEQ.NC.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@DEQ.NC.GOV	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR								
RRC AND OAH USE ONLY									
Action taken: APPROVED JAN 31 2024									
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:									

1 15A NCAC 18A .0419 is readopted as published in 38:03 NCR 132 as follows:

2

3 **15A NCAC 18A .0419 HARVEST BOATSVESSELS AND VEHICLES**

4 All boats used in the harvesting and handling of shellstock shall be kept clean and repaired such that the shellstock
5 thereon shall not be subject to adulteration by bilge water, by leakage of water from prohibited areas, or by other
6 means. Decks, holds, or bins used for shellstock on boats shall not be washed with water from prohibited areas. Human
7 wastes shall not be discharged into shellfish waters.

8 (a) It shall be unlawful to use vessels or vehicles that are engaged in the commercial harvest, handling, or transport
9 of shellstock in such a manner that allows contact of shellstock with bilge water, standing water, or other sources of
10 contamination in the vessel or vehicle.

11 (b) It shall be unlawful to allow dogs or other animals on or inside vessels or vehicles that are engaged in the
12 commercial harvest or transport of shellstock.

13 (c) It shall be unlawful to discharge human waste overboard from vessels or vehicles used in the harvesting of
14 shellstock.

15

16 *History Note: Authority G.S. 1304-230; 113-134; 113-182; 113-221.2; 143B-289.52;*

17 *Eff. February 1, 1987.1987;*

18 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0420 TRANSPORTING SHELLFISH	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Aug. 1, 2023 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Aug. 16, 2023 Adoption by Agency on: Nov. 16, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: In accordance with G.S. 150B-21.3A, this is one proposed rule in a group of 83 proposed rules in 15A NCAC 18A to help ensure that North Carolina remains in full compliance with National Shellfish Sanitation Program requirements, increase clarity of rules for stakeholders, and allow the division to efficiently support and enforce rules for the protection of public health related to the consumption of shellfish.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8595 E-Mail: JENNIFER.EVERETT@DEQ.NC.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@DEQ.NC.GOV	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: APPROVED JAN 31 2024 <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 15A NCAC 18A .0420 is readopted with changes as published in 38:03 NCR 132 as follows:

2

3 **15A NCAC 18A .0420 TRANSPORTING SHELLSTOCKSHELLFISH**

4 (a) All shellstock-shellfish storage areas in trucks, buy boats, buy trucks, vessels, trailers, and other conveyances used
5 for transporting shellstock-shellfish shall be enclosed, tightly constructed, constructed to eliminate the entrance of
6 pests, painted with a light color washable paint, kept clean, and shall be subject to inspection by the Division-Division
7 of Marine Fisheries.

8 (b) Shellstock shall be shipped under temperature and sanitary conditions in accordance with these Rules which will
9 keep them alive and clean and will prevent adulteration or deterioration. All shellstock shall be kept under mechanical
10 refrigeration at a temperature of 45°F (7.1°C) or below. All conveyances used to transport shellstock shall be equipped
11 with an operating thermometer. It shall be unlawful to transport shellstock and in-shell product unless shipped under
12 mechanical refrigeration and the shipping conveyance is pre-chilled and maintained at an ambient temperature of 45°F
13 or below. The storage area of the shipping conveyance shall be equipped with an accurate, operating thermometer.

14 (c) Buy boats and buy trucks shall be kept clean with water from a source approved by the Division under Rule .0413
15 of this Subchapter. Buy boats and buy trucks shall provide storage space for clean shipping containers, identification
16 tags, and records. It shall be unlawful to transport shucked shellfish unless maintained under temperature control of
17 45°F or below.

18

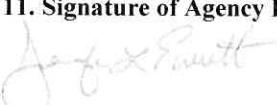
19 *History Note: Authority G.S. 430A-230; 113-134; 113-182; 113-221.2; 143B-289.52;*

20 *Eff. February 1, 1987;*

21 *Amended Eff. May 1, 1994-1994;*

22 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0427 SHELLFISH STORAGE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Aug. 1, 2023 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Aug. 16, 2023 Adoption by Agency on: Nov. 16, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: In accordance with G.S. 150B-21.3A, this is one proposed rule in a group of 83 proposed rules in 15A NCAC 18A to help ensure that North Carolina remains in full compliance with National Shellfish Sanitation Program requirements, increase clarity of rules for stakeholders, and allow the division to efficiently support and enforce rules for the protection of public health related to the consumption of shellfish.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8595 E-Mail: JENNIFER.EVERETT@DEQ.NC.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@DEQ.NC.GOV	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> <small>Typed Name: JENNIFER EVERETT</small> <small>Title: RULEMAKING COORDINATOR</small>
RRC AND OAH USE ONLY	
Action taken:	APPROVED JAN 31 2024
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 15A NCAC 18A .0427 is readopted as published in 38:03 NCR 133-134 as follows:

2

3 **15A NCAC 18A .0427 SHELLSTOCK-SHELLFISH STORAGE**

4 Shellstock held in wet or dry storage must be kept so that they will not become adulterated. All shellstock held in dry
5 storage shall be kept under mechanical refrigeration at a temperature of 45°F (7.1°C) or below. All refrigerated
6 shellstock storage areas shall be equipped with an operating thermometer.

7 (a) It shall be unlawful to fail to keep shellstock and in-shell product under mechanical refrigeration at a temperature
8 of 45°F or below unless otherwise required by proclamation issued under the authority of 15A NCAC 03K .0110 or
9 otherwise specified in the HACCP plan.

10 (b) Refrigerated storage areas shall be equipped with an accurate, operating thermometer.

11 (c) It shall be unlawful to fail to keep shucked shellfish under temperature control at a temperature of 45°F or below.

12

13 *History Note: Authority G.S. 130A-230; 113-134; 113-182; 113-221.2; 143B-289.52;*

14 *Eff. February 1, 1987;*

15 *Amended Eff. May 1, 1994; December 1, 1987-1987;*

16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Board of Dental Examiners 2. Rule citation & name (name not required for repeal): 21 NCAC 16Q .0103 EQUIPMENT, PERSONNEL, AND CLINICAL REQUIREMENTS TO ADMINISTER ANESTHESIA OR	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION MODERATE SEDATION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/3/22 Link to Agency notice: www.ncdentalboard.org Hearing on: 11/17/22 Adoption by Agency on: 12/16/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	
9B. Explain: This rule addresses the practice requirements for a permit holder to administer general anesthesia, moderate conscious sedation, and moderate pediatric conscious sedation.	
10. Rulemaking Coordinator: Dauna Bartley Dauna Bartley Phone: 919-283-1390 E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small>
Additional agency contact, if any: Phone: E-Mail:	
RRC AND OAH USE ONLY	
Action taken: APPROVED JAN 19 2023	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input checked="" type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Burgos, Alexander N

From: Shital Patel <srtrip@gmail.com>
Sent: Friday, January 13, 2023 9:22 AM
To: rrc.comments; dauna@brockerlawfirm.com
Cc: Shital Patel
Subject: [External] Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

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January 13, 2023

Shital Patel
Hemant Drewv Magan
Macy Anjani Magan
Indu Magan Patel

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

Today is my son's 24th birthday and we are celebrating WITHOUT his FATHER. His father died at a dentist office! My children are fatherless because of the NC Dental Board's rules regarding deep sedation - or there lack of. I am a widow because oral surgeons value profits over patients. They "think" they are qualified to manage airways, administer general anesthesia and conduct a procedure at the same time....that is why one person dies at their hands every single month!

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Shital Patel (widow of Dr. Henry Patel)
Hemant Drewv Magan (fatherless son of Dr. Henry Patel)
Macy Anjani Magan (fatherless daughter of Dr. Henry Patel)
Indu Magan Patel (childless mother of Dr. Henry Patel)

Burgos, Alexander N

From: Williams, Bridgette <Bridgette.Williams@novanhealth.org>
Sent: Thursday, January 12, 2023 11:24 AM
To: rrc.comments; dauna@brockerlawfirm.com
Subject: [External] Objection for the record

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1/12/2023

Bridgette Williams, FNP-BC
1213 Deer Hill Drive, Wilmington, NC 28409

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Bridgette Williams, FNP-BC

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Burgos, Alexander N

From: Robin Harper <rthunc@gmail.com>
Sent: Thursday, January 12, 2023 10:01 AM
To: rrc.comments; Liebman, Brian R; dauna@brockerlawfirm.com
Subject: [External] Proposed Rules Objection

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January 12, 2023

Robin Tate Harper, RN, BSN
1612 Aurora Place
Wilmington, NC 28405

NC Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

To the Members of the Commission,

I would like to present my request that the above rule(s) be reviewed in the upcoming legislative session as set out in NCGS 150B-21.3.

I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your time and consideration of this request.

Respectfully Submitted,

Robin Tate Harper, RN

Burgos, Alexander N

From: Mary Ellen Bonczek <mebrn55@gmail.com>
Sent: Wednesday, January 11, 2023 8:39 PM
To: rrc.comments
Subject: [External] Objection

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January 11, 2023

Mary Ellen Bonczek
218 Granada Ave
Wilmington, NC 28409

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Mary Ellen Bonczek RN, BSN, MPA, NEA-BC

--
Mary Ellen Bonczek RN, BSN, MPA, NEA-BC
President - NCONL
Student - UNCW DNP - Nurse Executive Leadership
910-431-2073

Burgos, Alexander N

From: Herrington, Megan <Megan.Herrington@novanhealth.org>
Sent: Wednesday, January 11, 2023 5:33 PM
To: rrc.comments
Cc: dauna@brockerlawfirm.com
Subject: [External] Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration,

Megan W. Herrington, PA-C, AACC
Chief Advanced Practice Provider
Novant Health Heart & Vascular Institute (Cardiology)
1415 Physicians Drive / 1500 Physicians Drive (EP Annex)
Wilmington, NC 28401
910.662.9500 office

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Burgos, Alexander N

From: Smith T., William <WilliamT.Smith@novanhealth.org>
Sent: Wednesday, January 11, 2023 9:26 AM
To: rrc.comments
Cc: dauna@brockerlawfirm.com
Subject: [External] Dental Board

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N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sincerely,

William T Smith IV, MD, FACC

Clinical Physician Executive, Coastal Market
Novant Heart & Vascular Institute

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Estamos aquí para ayudarle con el cuidado que usted necesita. Visite [Novant Health](#) para información actualizada.

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promptly delete this message and notify the sender by email. If you believe that any information contained in this message is disparaging or harassing or if you find it objectionable please contact Novant Health, Inc. at 1-844-266-8268 or forward the email to reports@novanthealth.org.

Burgos, Alexander N

From: Rob Harper <robh8920@gmail.com>
Sent: Tuesday, January 10, 2023 8:29 PM
To: rrc.comments; Liebman, Brian R; dauna@brockerlawfirm.com
Subject: [External] Objection to proposed Rules

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January 10, 2023

James R. Harper, Jr., MD
1415 Physicians Drive
Wilmington, NC 28403

NC Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in NCGS 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,

James R. Harper, Jr., MD

Burgos, Alexander N

From: rrc.comments
Subject: FW: [External] Rules review Commission letter
Attachments: Rules review letter.docx

From: Robert Lubanski <relubanski@gmail.com>
Sent: Sunday, January 15, 2023 9:55 AM
To: rrc.comments <rrc.comments@oah.nc.gov>
Cc: dauna@brockerlawfirm.com
Subject: [External] Rules review Commission letter

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dear Commission,

Please add my attached comments to your discussion with my objection noted to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703.

Thank you for your consideration.

Robert E. Lubanski Jr., MD
Staff Anesthesiologist
Novant-New Hanover Medical Center
Wilmington, NC.

9106199874
Relubanski@gmail.com

1/15/2023

Robert E. Lubanski, Jr., MD
6415 Hawksbill Dr
Wilmington, NC. 28409

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Patient safety is the overarching requirement for our community. The unpredictability of modern anesthetics requires a dedicated, trained professional administering them and most importantly, monitoring the patient, with the skills to intervene in routine and emergency situations.

Thank you for your consideration.

Robert E. Lubanski, Jr, MD

Burgos, Alexander N

From: Sandra Hall <sghall70@aol.com>
Sent: Sunday, January 15, 2023 9:46 AM
To: rrc.comments; dauna@brockerlawfirm.com
Subject: [External] Dental ruling

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11/14/2022

Sandra Hall, MD
1332 South Moorings Drive
Wilmington, NC 28405

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sandra Hall

Burgos, Alexander N

From: Barton Williams <docbartwms@yahoo.com>
Sent: Saturday, January 14, 2023 1:16 PM
To: rrc.comments; duana@brockerlawfirm.com
Subject: [External] Dental Board Rules Review Commission
Attachments: Dental board 011423.pdf

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Barton G Williams MD

608 North Channel Drive
Wrightsville Beach, North Carolina 28480
910.231.0339
docbartwms@yahoo.com

January 14, 2023

Via email: rrc.comments@oah.nc.gov
duana@brockerlawfirm.com

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

RE: Objection to 21 NCAC 16Q .0103, .0104, .0202, .0302, .0405, .0703

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Barton G Williams MDson

Burgos, Alexander N

From: Sally Wooten <smwooten8@gmail.com>
Sent: Saturday, January 14, 2023 9:09 AM
To: rrc.comments; dauna@brockerlawfirm.com
Subject: [External] Rule Review

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January 14, 2023

Sally Wooten

3216 Millstream Place

Raleigh, NC 27609

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

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Sally Wooten

Sally Wooten

919-673-8230

Carlisle/Per Se Stylist
sallywooten.carlislecollection.com

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sallywooten.bhhsysu.com



BERKSHIRE HATHAWAY | York Simpson
Underwood Realty
HomeServices

1 21 NCAC 16Q .0103 is adopted with changes as published in 37:07 NCR 543-45 as follows:

2

3 **21 NCAC 16Q .0103 EQUIPMENT, PERSONNEL, AND CLINICAL REQUIREMENTS TO**
4 **ADMINISTER ANESTHESIA OR MODERATE SEDATION**

5 (a) Before administering general anesthesia, moderate conscious sedation, or moderate pediatric conscious sedation
6 ("anesthesia or moderate sedation"), or supervising a CRNA to administer or an RN employed to deliver anesthesia
7 or moderate sedation, a dentist shall hold an unexpired permit issued by the Board in accordance with this Subchapter
8 permitting the dentist to administer that level of sedation.

9 (b) Before performing sedation procedures in a facility other than a hospital or credentialed surgery center, the permit
10 holder shall ensure that the Board has been notified that the permit holder intends to administer anesthesia or moderate
11 sedation at the facility and shall ensure that the facility has passed a facility inspection by the Board in accordance
12 with this Subchapter. For purposes of these Rules, "credentialed surgery center" means a surgical facility accredited
13 by the Joint Commission on Accreditation of Healthcare Organizations, the Accreditation Association for Ambulatory
14 Health Care, or the American Association for Accreditation of Ambulatory Surgery Facilities.

15 (c) The permit holder shall ensure that the facility where the sedation procedure is to be performed meets the following
16 requirements at the time of the procedure:

17 (1) The permit holder shall ensure the facility is equipped as follows and that the following listed
18 equipment is immediately available and accessible from the operatory and recovery rooms:

19 (A) an operatory of size and design to permit access of emergency equipment and personnel
20 and to permit emergency management;

21 (B) a CPR board or dental chair ~~without enhancements~~–suitable for providing emergency
22 treatment;

23 (C) lighting as necessary for the procedure to be performed, specific procedures and back-up
24 lighting;

25 (D) suction equipment as necessary for the procedure to be performed, specific procedures,
26 including non-electrical back-up suction;

27 (E) positive pressure oxygen delivery system, including full face masks for small, medium,
28 and large patients, and back-up E-cylinder portable oxygen tank apart from the central
29 system;

30 (F) small, medium, and large oral and nasal airways;

31 (G) a blood pressure monitoring device;

32 (H) an EKG monitor;

33 (I) a pulse oximeter;

34 (J) an automatic external defibrillator (AED);

35 (K) a capnograph;

36 (L) a precordial or pretracheal stethoscope;

37 (M) a thermometer;

- (N) vascular access set-up as necessary for the procedure to be performed, specific procedures, including hardware and fluids;
- (O) a laryngoscope with working batteries;
- (P) intubation forceps and advanced airway devices;
- (Q) tonsillar suction with back-up suction;
- (R) syringes as necessary for the procedure to be performed; specific procedures; and
- (S) tourniquet and tape.

(2) The permit holder shall ensure all monitoring and other equipment in the facility receives preventive maintenance no less frequently than once per year, including safety and function checks per the manufacturers' recommendations. The permit holder shall maintain documentation of all preventive maintenance performed, and shall ensure equipment is replaced upon its expiration or as clinically required.

(3) The permit holder shall ensure the following unexpired drugs are immediately available and are accessible from the operatory and recovery rooms:

- (A) epinephrine;
- (B) atropine;
- (C) an antiarrhythmic;
- (D) an antihistamine;
- (E) an antihypertensive;
- (F) a bronchodilator;
- (G) an antihypoglycemic agent;
- (H) a vasopressor;
- (I) a corticosteroid;
- (J) an anticonvulsant;
- (K) appropriate reversal agents;
- (L) nitroglycerine; and
- (M) an antiemetic.

(4) The permit holder shall maintain written emergency and patient discharge protocols accessible from the operatory and recovery rooms. The written emergency manual shall include a protocol for activation of emergency management services for life-threatening complications along with the information set out in Rule .0101(17) of this Section.

(5) The permit holder shall satisfy any additional facility requirements applicable to the level of the permit, as set out in Rule .0202, .0206, .0302, or .0405 of this Subchapter.

The permit holder shall ensure that the following staffing, education, and training requirements are met prior to performing a sedation procedure:

(1) The permit holder shall provide training to familiarize all auxiliaries in the treatment of clinical emergencies including the following, and shall review and practice responding to clinical emergencies with all auxiliaries as a team and in person every six months:

- (A) airway obstruction;
- (B) allergic reactions;
- (C) angina pectoris;
- (D) apnea;
- (E) bradycardia;
- (F) bronchospasm;
- (G) cardiac arrest;
- (H) convulsions;
- (I) emesis and aspiration;
- (J) hypertension;
- (K) hypoglycemia;
- (L) hypotension;
- (M) hypoventilation and respiratory arrest;
- (N) hypoxemia and hypoxia;
- (O) laryngospasm;
- (P) myocardial infarction; and
- (Q) syncope.

(2) All auxiliaries in the facility shall be BLS certified.

(3) Except as set out in Subparagraph (d)(4) of this Rule, the permit holder performing the surgery or other dental procedure shall ensure that an RN or a BLS-certified auxiliary is dedicated to patient monitoring and recording anesthesia or sedation data throughout the sedation procedure.

(4) The requirement set out in Subparagraph (d)(3) of this Rule shall not apply if the permit holder or an additional sedation provider is dedicated to patient care and monitoring regarding anesthesia or moderate sedation throughout the sedation procedure and is not performing the surgery or other dental procedure. The additional sedation provider shall be:

- (A) a dentist holding a permit or mobile permit in satisfaction of this Subchapter to administer the anesthesia or sedation level at the facility where the sedation procedure is performed;
- (B) an anesthesiologist licensed and practicing in accordance with the rules of the North Carolina Medical Board; or
- (C) a CRNA licensed and practicing in accordance with the rules of the North Carolina Board of Nursing, under the supervision and direction of the permit holder who shall ensure the level of sedation administered does not exceed the level of the sedation allowed by the permit holder's permit.

(5) The permit holder shall satisfy any additional staffing, education, and training requirements applicable to the level of the permit, as set out in Rule .0202, .0302, or .0405 of this Subchapter.

(e) Before starting any sedation procedure, the permit holder shall conduct a pre-operative patient evaluation which shall include, but is not limited to, include the following:

- (1) ~~evaluate evaluating~~ the patient for health risks relevant to the potential sedation procedure;
- (2) ~~evaluate evaluating~~ the patient's food and fluid intake following the ASA guidelines for pre-operative fasting applicable to elective procedures involving the administration of anesthesia or moderate sedation. The ASA guidelines are incorporated by reference, including subsequent amendments and editions, and may be accessed at <https://www.asahq.org> at no cost; and
- (3) ~~satisfy satisfying~~ any additional requirements for pre-operative patient evaluation and procedures applicable to the level of the permit, as set out in Rule .0202, .0302, or .0405 of this Subchapter.

(f) During the sedation procedure:

(1) Prescriptions intended to accomplish procedural sedation, including enteral dosages, shall be administered only under the direct supervision of the permit holder.

(2) If IV sedation is used, IV infusion shall be administered before the start of the procedure and maintained until the patient is ready for discharge.

(3) Capnography shall be used to monitor patients unless an individual patient's behavior or condition prevents use of capnography. In that event, the permit holder shall document in the sedation record the clinical reason capnography could not be used.

(4) The permit holder shall ensure the patient's ~~base line~~baseline vital signs are taken and recorded, including temperature, SPO₂, blood pressure, and pulse.

(5) The permit holder shall ensure the patient's blood pressure, oxygen saturation, ET CO₂ (unless capnography cannot be used), pulse, and respiration rates ("vital sign information") are monitored continuously in a manner that enables the permit holder to view vital sign trends throughout the procedure.

(6) The permit holder shall ensure the intraoperative vital sign information is recorded on the anesthesia or sedation record contemporaneously throughout the procedure in intervals of five minutes or less for patients over twelve years old, and in intervals of ten minutes or less for pediatric patients twelve years old or younger.

(7) The permit holder shall satisfy any additional requirements for operative procedures applicable to the level of the permit, as set out in Rule .0202, .0302, or .0405 of this Subchapter.

(g) Post-operative monitoring and discharge shall include the following:

(1) The permit holder or an auxiliary under his or her direct supervision shall monitor the patient's post-operative vital signs sign information until the patient is recovered and is ready for discharge from the office. Recovery from anesthesia or moderate sedation shall include documentation of the following:

(A) stable cardiovascular function;

- (B) uncompromised airway patency;
- (C) patient arousable and protective reflexes intact;
- (D) state of hydration within normal limits;
- (E) patient can talk, if applicable;
- (F) patient can sit unaided, if applicable;
- (G) patient can ambulate with minimal assistance, if applicable; and
- (H) for a special needs patient, the pre-sedation level of responsiveness or the level as close as possible for that patient shall be achieved.

(2) Before allowing the patient to leave the office, the permit holder shall determine that the patient has met the recovery criteria set out in Subparagraph (g)(1) of this Rule and the following discharge criteria:

- (A) oxygenation, circulation, activity, skin color, and level of consciousness are stable and have been documented;
- (B) explanation and documentation of written post-operative instructions have been provided to the patient or a person responsible for the patient at time of discharge; and
- (C) a person authorized by or responsible for the patient is available to transport the patient after discharge.

permit holder shall maintain the following in the patient treatment records for 10 years:

- (1) the patient's current written medical ~~history~~history, including known allergies and previous surgeries;
- (2) a pre-operative assessment as set out in Paragraph (e) of this Rule;
- (3) consent to the procedure and to the anesthesia or sedation, signed by the patient or guardian, identifying the procedure and its risks and benefits, the level of anesthesia or sedation and its risks and benefits, and the date signed;
- (4) the anesthesia or sedation record that shall include:
 - (A) the patient's ~~base line~~baseline vital signs and intraoperative vital sign information as set out in Subparagraphs (f)(4)-(6) of this Rule;
 - (B) the printed or downloaded vital sign information from the capnograph. A permit holder's failure to maintain capnograph documentation, except as set out in Subparagraph (f)(3) of this Rule, shall be deemed a failure to monitor the patient as required pursuant to this Subchapter;
 - (C) procedure start and end times;
 - (D) gauge of needle and location of IV on the patient, if used;
 - (E) the total amount of any local anesthetic administered during the procedure;
 - (F) any analgesic, sedative, pharmacological, or reversal agent, or other drugs administered during the procedure, including route of administration, dosage, strength, time, and

sequence of administration, with separate entries for each increment of medication that is titrated to effect;

(G) documentation of complications or morbidity, and clinical responses; and

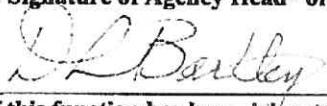
(H) status of patient upon discharge, including documentation of satisfying the requirements set out in Paragraph (g) of this Rule; and

(5) any additional documentation applicable to the level of the permit, as set out in Rule .0202, .0302, or .0405 of this Subchapter.

History Note: Authority G.S. 90-28; 90-30.1; 90-31.1; 90-48;

Eff. February 1, 2023.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Board of Dental Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 16Q .0104 REQUIREMENTS FOR INSPECTIONS AND EVALUATIONS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/3/22 Link to Agency notice: www.ncdentalboard.org Hearing on: 11/17/22 Adoption by Agency on: 12/16/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: This rule addresses requirements for facility inspections and evaluations.	
10. Rulemaking Coordinator: Dauna Bartley Dauna Bartley Phone: 919-283-1390 E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Dauna Bartley Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: APPROVED JAN 19 2023	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 16Q .0104 is adopted with changes as published in 37:07 NCR 545 as follows:

3 21 NCAC 16Q .0104 REQUIREMENTS FOR INSPECTIONS AND EVALUATIONS

4 (a) During a facility inspection pursuant to the rules of this Subchapter, for a dentist applying for or holding a permit
5 to administer general anesthesia, moderate conscious sedation, or moderate pediatric conscious sedation, the applicant
6 or permit holder shall demonstrate satisfaction of the requirements set forth in Rule .0103(c) and (d) of this Section.

(b) During an evaluation, for a dentist applying for or holding a permit to administer general anesthesia, moderate conscious sedation, or moderate pediatric conscious sedation, the applicant or permit holder shall demonstrate the administration of anesthesia or sedation in accordance with the level of the permit, and shall demonstrate competency

10 including but not limited to in the following areas:

11 (1) pre-operative patient evaluation and procedures, including the requirements set forth in Rule
12 .0103(e) of this Section;

13 (2) operative procedures, including the deployment of an intravenous delivery system and the
14 requirements set forth in Rule .0103(f) of this Section;

15 (3) post-operative patient monitoring and discharge, including the requirements set forth in Rule
16 .0103(g) of this Section; and

17 (4) treatment of the clinical emergencies set out in Rule .0103(d)(1) of this Section.

18 (c) During the evaluation, the applicant shall take a written examination on the topics set forth in Paragraph (b)
19 Subparagraphs (b)(1)-(4) of this Rule. The applicant shall obtain a passing score on the written examination by
20 answering 80 percent of the examination questions correctly. If the applicant fails to obtain a passing score on the
21 written examination, he or she may be re-examined in accordance with Rule .0204(h), .0306(h), or .0408(h) of this
22 Subchapter.

23 (d) The permit holder shall be subject to re-evaluation every five years. Each facility where the permit holder
24 administers anesthesia or sedation shall be subject to a facility inspection upon annual renewal of the permit.

25

26 *History Note:* *Authority G.S. 90-28; 90-30.1; 90-48;*

27 *Eff. February 1, 2023.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Board of Dental Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 16Q .0202 GENERAL ANESTHESIA EQUIPMENT AND CLINICAL REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/3/22 Link to Agency notice: www.ncdentalboard.org Hearing on: 11/17/22 Adoption by Agency on: 12/16/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: This rule is amended to set out modified requirements for a general anesthesia permit applicant or holder.	
10. Rulemaking Coordinator: Dauna Bartley Dauna Bartley Phone: 919-283-1390 E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small>
Additional agency contact, if any: Phone: E-Mail:	Typed Name: Dauna Bartley Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: APPROVED JAN 19 2023	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 16Q .0202 is amended as published in 37:07 NCR 546-48 as follows:

2

3 **21 NCAC 16Q .0202 GENERAL ANESTHESIA EQUIPMENT AND CLINICAL REQUIREMENTS**

4 (a) A dentist ~~administering holding or applying for a permit to administer general anesthesia shall ensure that the~~ facility where the general anesthesia is administered meets the following requirements: ~~be subject to the requirements~~ set out in Section .0100 of this Subchapter.

5 (b) ~~In addition to the drugs listed in Rule .0103(c)(3) of this Subchapter, an unexpired neuromuscular blocking agent~~ shall be immediately available and be accessible from the operatory and recovery rooms.

6 (1) The facility shall be equipped with the following:

7 (A) ~~an operatory of size and design to permit access of emergency equipment and personnel and to permit emergency management;~~

8 (B) ~~a CPR board or dental chair without enhancements, suitable for providing emergency treatment;~~

9 (C) ~~lighting as necessary for specific procedures and back-up lighting;~~

10 (D) ~~suction equipment as necessary for specific procedures, including non-electrical back-up suction;~~

11 (E) ~~positive pressure oxygen delivery system, including full face masks for small, medium, and large patients, and back-up E cylinder portable oxygen tank apart from the central system;~~

12 (F) ~~small, medium, and large oral and nasal airways;~~

13 (G) ~~blood pressure monitoring device;~~

14 (H) ~~EKG monitor;~~

15 (I) ~~pulse oximeter;~~

16 (J) ~~automatic external defibrillator (AED);~~

17 (K) ~~precordial stethoscope or capnograph;~~

18 (L) ~~thermometer;~~

19 (M) ~~vascular access set-up as necessary for specific procedures, including hardware and fluids;~~

20 (N) ~~laryngoscope with working batteries;~~

21 (O) ~~intubation forceps and advanced airway devices;~~

22 (P) ~~tonsillar suction with back-up suction;~~

23 (Q) ~~syringes as necessary for specific procedures; and~~

24 (R) ~~tourniquet and tape.~~

25 (2) The following unexpired drugs shall be maintained in the facility and with access from the operatory and recovery rooms:

26 (A) ~~Epinephrine;~~

27 (B) ~~Atropine;~~

28 (C) ~~antiarrhythmic;~~

- 1 (D) antihistamine;
- 2 (E) antihypertensive;
- 3 (F) bronchodilator;
- 4 (G) antihypoglycemic agent;
- 5 (H) vasopressor;
- 6 (I) corticosteroid;
- 7 (J) anticonvulsant;
- 8 (K) muscle relaxant;
- 9 (L) appropriate reversal agents;
- 10 (M) nitroglycerine;
- 11 (N) antiemetic; and
- 12 (O) Dextrose.

13 (3) The permit holder shall maintain written emergency and patient discharge protocols. The permit
14 holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies.
15 (4) The permit holder shall maintain the following records for 10 years:

- 16 (A) Patient's current written medical history, including a record of known allergies and
17 previous surgeries;
- 18 (B) Consent to general anesthesia, signed by the patient or guardian, identifying the risks and
19 benefits, level of anesthesia, and date signed;
- 20 (C) Consent to the procedure, signed by the patient or guardian identifying the risks, benefits,
21 and date signed; and
- 22 (D) Patient base line vital signs, including temperature, SPO₂, blood pressure, and pulse.

23 (5) The anesthesia record shall include:

- 24 (A) base line vital signs, blood pressure (unless patient behavior prevents recording), oxygen
25 saturation, ET CO₂ if capnography is utilized, pulse and respiration rates of the patient
26 recorded in real time at 15 minute intervals;
- 27 (B) procedure start and end times;
- 28 (C) gauge of needle and location of IV on the patient, if used;
- 29 (D) status of patient upon discharge; and
- 30 (E) documentation of complications or morbidity.

31 (6) The facility shall be staffed with at least two BLS certified auxiliaries, one of whom shall be
32 dedicated to patient monitoring and recording general anesthesia or sedation data throughout the
33 sedation procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to
34 patient care and monitoring regarding general anesthesia or sedation throughout the sedation
35 procedure and is not performing the surgery or other dental procedure.

36 (b) During an inspection or evaluation, the applicant or permit holder shall demonstrate the administration of
37 anesthesia while the evaluator observes, and shall demonstrate competency in the following areas:

- 1 (1) monitoring of blood pressure, pulse, ET CO₂ if capnography is utilized, and respiration;
- 2 (2) drug dosage and administration;
- 3 (3) treatment of untoward reactions including respiratory or cardiac depression;
- 4 (4) sterile technique;
- 5 (5) use of BLS certified auxiliaries;
- 6 (6) monitoring of patient during recovery; and
- 7 (7) sufficiency of patient recovery time.

8 (e) During an inspection or evaluation, the applicant or permit holder shall demonstrate competency in the treatment
9 of the following clinical emergencies:

- 10 (1) laryngospasm;
- 11 (2) bronchospasm;
- 12 (3) emesis and aspiration;
- 13 (4) respiratory depression and arrest;
- 14 (5) angina pectoris;
- 15 (6) myocardial infarction;
- 16 (7) hypertension and hypotension;
- 17 (8) syncope;
- 18 (9) allergic reactions;
- 19 (10) convulsions;
- 20 (11) bradycardia;
- 21 (12) hypoglycemia;
- 22 (13) cardiac arrest; and
- 23 (14) airway obstruction.

24 (d) During the evaluation, the permit applicant shall take a written examination on the topics set forth in Paragraphs
25 (b) and (c) of this Rule. The permit applicant must obtain a passing score on the written examination by answering 80
26 percent of the examination questions correctly. If the permit applicant fails to obtain a passing score on the written
27 examination that is administered during the evaluation, he or she may be re-examined in accordance with Rule
28 .0204(h) of this Section.

29 (e) A general anesthesia permit holder shall evaluate a patient for health risks before starting any anesthesia procedure.

30 (f) Post-operative monitoring and discharge shall include the following:

- 31 (1) the permit holder or a BLS certified auxiliary under his or her direct supervision shall monitor the
32 patient's vital signs throughout the sedation procedure until the patient is recovered as defined by
33 Subparagraph (f)(2) of this Rule and is ready for discharge from the office; and
- 34 (2) recovery from general anesthesia shall include documentation of the following:
 - 35 (A) cardiovascular function stable;
 - 36 (B) airway patency uncompromised;
 - 37 (C) patient arousable and protective reflexes intact;

- (D) state of hydration within normal limits;
- (E) patient can talk, if applicable;
- (F) patient can sit unaided, if applicable;
- (G) patient can ambulate, if applicable, with minimal assistance; and
- (H) for the special needs patient or a patient incapable of the usually expected responses, the pre-sedation level of responsiveness or the level as close as possible for that patient shall be achieved; and

(3) before allowing the patient to leave the office, the dentist shall determine that the patient has met the recovery criteria set out in Subparagraph (f)(2) of this Rule and the following discharge criteria:

- (A) oxygenation, circulation, activity, skin color, and level of consciousness are stable and have been documented;
- (B) explanation and documentation of written postoperative instructions have been provided to the patient or a person responsible for the patient at time of discharge; and
- (C) a person authorized by the patient is available to transport the patient after discharge.

History Note: Authority G.S. 90-28; 90-30.1; 90-48;

Eff. February 1, 1990;

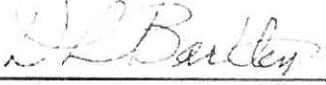
Amended Eff. June 1, 2017; November 1, 2013; August 1, 2002; August 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,

2018;

Amended Eff. February 1, 2023; February 1, 2019; August 1, 2018.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Board of Dental Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 16Q .0302 MODERATE PARENTERAL AND ENTERAL CONSCIOUS SEDATION CLINICAL REQUIREMENTS AND	
3. Action: <div style="display: flex; justify-content: space-between; align-items: center;"> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION EQUIPMENT </div>	
4. Rule exempt from RRC review? <div style="display: flex; justify-content: space-between; align-items: center;"> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No </div>	5. Rule automatically subject to legislative review? <div style="display: flex; justify-content: space-between; align-items: center;"> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No </div>
6. Notice for Proposed Rule: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/3/22 Link to Agency notice: www.ncdentalboard.org Hearing on: 11/17/22 Adoption by Agency on: 12/16/22 </div> <div style="flex: 1;"> <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on: </div> </div>	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No </div> <div style="flex: 1;"> 8. Fiscal impact. Check all that apply. <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <input type="checkbox"/> This Rule was part of a combined analysis. </div> <div style="flex: 1;"> <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \\$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required </div> </div> </div> </div>	
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="flex: 1;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: This rule is amended to set out modified requirements for a moderate conscious sedation permit applicant or holder.	
10. Rulemaking Coordinator: Dauna Bartley Dauna Bartley Phone: 919-283-1390 E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small>
Additional agency contact, if any: Phone: E-Mail:	Typed Name: Dauna Bartley Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <div style="text-align: center;"> APPROVED JAN 19 2023 </div>	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 16Q .0302 is amended with changes as published in 37:07 NCR 548-50 as follows:

2

3 **21 NCAC 16Q .0302 MODERATE PARENTERAL AND ENTERAL CONSCIOUS SEDATION**
4 **CLINICAL REQUIREMENTS AND EQUIPMENT**

5 (a) A dentist administering holding or applying for a permit to administer moderate conscious sedation or supervising
6 any CRNA employed to administer or RN employed to deliver moderate conscious sedation shall ensure that the
7 facility where the sedation is administered meets the following requirements: be subject to the requirements set out in
8 Section .0100 of this Subchapter.

9 (b) In addition to the drugs listed in Rule .0103(c)(3) of this Subchapter, an unexpired muscle relaxant shall be
10 immediately available and be accessible from the operatory and recovery rooms.

11 (c) As part of the pre-operative assessment required by Rule .0103(e) of this Subchapter, the permit holder shall
12 evaluate the patient for health risks as follows:

13 (1) a patient who is medically stable and who is ASA I or II shall be evaluated by reviewing the patient's
14 current medical history and medication use; or

15 (2) a patient who is not medically stable or who is ASA III or higher shall be evaluated by the permit
16 holder's consultation with the patient's primary care physician or consulting medical specialist
17 regarding the potential risks posed by the planned dental procedure.

18 (d) During the sedation procedure, a moderate conscious sedation permit holder shall not administer anesthetic or
19 sedative agents:

20 (1) designed by the manufacturer for use in administering general anesthesia or deep sedation;

21 (2) determined by the manufacturer to be contraindicated for use in moderate conscious sedation; or

22 (3) in amounts exceeding the manufacturers' maximum recommended dosages, unless the permit holder
23 documents in the sedation record the clinical reason for exceeding the maximum recommended
24 dosage for the patient.

25 (1) The facility shall be equipped with the following:

26 (A) an operatory of size and design to permit access of emergency equipment and personnel
27 and to permit emergency management;

28 (B) a CPR board or a dental chair without enhancements, suitable for providing emergency
29 treatment;

30 (C) lighting as necessary for specific procedures and back-up lighting;

31 (D) suction equipment as necessary for specific procedures, including non-electrical back-up
32 suction;

33 (E) positive pressure oxygen delivery system, including full face masks for small, medium,
34 and large patients and back-up E cylinder portable oxygen tank apart from the central
35 system;

36 (F) small, medium, and large oral and nasal airways;

37 (G) blood pressure monitoring device;

- (H) EKG monitor;
- (I) pulse oximeter;
- (J) automatic external defibrillator (AED);
- (K) precordial stethoscope or capnograph;
- (L) thermometer;
- (M) vascular access set up as necessary for specific procedures, including hardware and fluids;
- (N) laryngoscope with working batteries;
- (O) intubation forceps and advanced airway devices;
- (P) tonsillar suction with back-up suction;
- (Q) syringes as necessary for specific procedures; and
- (R) tourniquet and tape.

(2) The following unexpired drugs shall be maintained in the facility and with access from the operatory and recovery rooms:

- (A) Epinephrine;
- (B) Atropine;
- (C) antiarrhythmic;
- (D) antihistamine;
- (E) antihypertensive;
- (F) bronchodilator;
- (G) antihyperglycemic agent;
- (H) vasopressor;
- (I) corticosteroid;
- (J) anticonvulsant;
- (K) muscle relaxant;
- (L) appropriate reversal agent
- (M) nitroglycerine;
- (N) antiemetic; and
- (O) Dextrose.

(3) The permit holder shall maintain written emergency and patient discharge protocols. The permit holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies;

(4) The dentist shall maintain the following records for at least 10 years:

- (A) patient's current written medical history and pre-operative assessment;
- (B) drugs administered during the procedure, including route of administration, dosage, strength, time, and sequence of administration; and

(5) The sedation record shall include:

1 (A) base line vital signs, blood pressure (unless patient behavior prevents recording), oxygen
2 saturation, ET CO₂ if capnography is utilized, pulse and respiration rates of the patient
3 recorded in real time at 15 minute intervals;

4 (B) procedure start and end times;

5 (C) gauge of needle and location of IV on the patient, if used;

6 (D) status of patient upon discharge;

7 (E) documentation of complications or morbidity; and

8 (F) consent form, signed by the patient or guardian, identifying the procedure, risks and
9 benefits, level of sedation, and date signed; and

10 (6) The following conditions shall be satisfied during a sedation procedure:

11 (A) The facility shall be staffed with at least two BLS certified auxiliaries, one of whom shall
12 be dedicated to patient monitoring and recording sedation data throughout the sedation
13 procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to
14 patient care and monitoring regarding sedation throughout the sedation procedure and is
15 not performing the surgery or other dental procedure; and

16 (B) If IV sedation is used, IV infusion shall be administered before the start of the procedure
17 and maintained until the patient is ready for discharge.

18 (b) During an inspection or evaluation, the applicant or permit holder shall demonstrate the administration of moderate
19 conscious sedation on a patient, including the deployment of an intravenous delivery system, while the evaluator
20 observes. During the demonstration, the applicant or permit holder shall demonstrate competency in the following
21 areas:

22 (1) monitoring blood pressure, pulse, ET CO₂ if capnography is utilized, and respiration;

23 (2) drug dosage and administration;

24 (3) treatment of untoward reactions including respiratory or cardiac depression if applicable;

25 (4) sterile technique;

26 (5) use of BLS certified auxiliaries;

27 (6) monitoring of patient during recovery; and

28 (7) sufficiency of patient recovery time.

29 (c) During an inspection or evaluation, the applicant or permit holder shall demonstrate competency to the evaluator
30 in the treatment of the following clinical emergencies:

31 (1) laryngospasm;

32 (2) bronchospasm;

33 (3) emesis and aspiration;

34 (4) respiratory depression and arrest;

35 (5) angina pectoris;

36 (6) myocardial infarction;

37 (7) hypertension and hypotension;

- 1 (8) allergic reactions;
- 2 (9) convulsions;
- 3 (10) syncope;
- 4 (11) bradycardia;
- 5 (12) hypoglycemia;
- 6 (13) cardiac arrest; and
- 7 (14) airway obstruction.

8 (d) During the evaluation, the permit applicant shall take a written examination on the topics set forth in Paragraphs
9 (b) and (c) of this Rule. The permit applicant must obtain a passing score on the written examination by answering 80
10 percent of the examination questions correctly. If the permit applicant fails to obtain a passing score on the written
11 examination that is administered during the evaluation, he or she may be re-examined in accordance with Rule
12 .0306(h) of this Section.

13 (e) A moderate conscious sedation permit holder shall evaluate a patient for health risks before starting any sedation
14 procedure as follows:

- 15 (1) a patient who is medically stable and who is ASA I or II shall be evaluated by reviewing the patient's
16 current medical history and medication use or;
- 17 (2) a patient who is not medically stable or who is ASA III or higher shall be evaluated by a consultation
18 with the patient's primary care physician or consulting medical specialist regarding the potential
19 risks posed by the procedure.

20 (f) Post-operative monitoring and discharge:

- 21 (1) the permit holder or a BLS certified auxiliary under his or her direct supervision shall monitor the
22 patient's vital signs throughout the sedation procedure until the patient is recovered as defined in
23 Subparagraph (f)(2) of this Rule and is ready for discharge from the office.
- 24 (2) recovery from moderate conscious sedation shall include documentation of the following:
 - 25 (A) cardiovascular function stable;
 - 26 (B) airway patency uncompromised;
 - 27 (C) patient arousable and protective reflexes intact;
 - 28 (D) state of hydration within normal limits;
 - 29 (E) patient can talk, if applicable;
 - 30 (F) patient can sit unaided, if applicable;
 - 31 (G) patient can ambulate, if applicable, with minimal assistance; and
 - 32 (H) for the special needs patient or patient incapable of the usually expected responses, the pre-
33 sedation level of responsiveness or the level as close as possible for that patient shall be
34 achieved.
- 35 (3) before allowing the patient to leave the office, the dentist shall determine that the patient has met
36 the recovery criteria set out in Subparagraph (f)(2) of this Rule and the following discharge criteria:

- (A) oxygenation, circulation, activity, skin color, and level of consciousness are stable, and have been documented;
- (B) explanation and documentation of written postoperative instructions have been provided to the patient or a person responsible for the patient at the time of discharge; and
- (C) a person authorized by the patient is available to transport the patient after discharge.

History Note: Authority G.S. 90-28; 90-30.1; 90-48;

Eff. February 1, 1990;

Amended Eff. August 1, 2002; August 1, 2000;

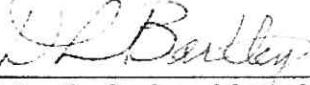
Temporary Amendment Eff. December 11, 2002;

Amended Eff. June 1, 2017; November 1, 2013; July 1, 2010; July 3, 2008; August 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. February 1, 2023; February 1, 2019; August 1, 2018.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Board of Dental Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 16Q .0405 MODERATE PEDIATRIC CONSCIOUS SEDATION CLINICAL REQUIREMENTS AND EQUIPMENT	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/3/22 Link to Agency notice: www.ncdentalboard.org Hearing on: 11/17/22 Adoption by Agency on: 12/16/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: This rule is amended to set out modified requirements for a moderate pediatric conscious sedation permit applicant or holder.	
10. Rulemaking Coordinator: Dauna Bartley Dauna Bartley Phone: 919-263-1390 E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Dauna Bartley Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: APPROVED JAN 19 2023	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 16Q .0405 is amended with changes as published in 37:07 NCR 550-52 as follows:

2

3 **21 NCAC 16Q .0405 MODERATE PEDIATRIC CONSCIOUS SEDATION CLINICAL**

4 **REQUIREMENTS AND EQUIPMENT**

5 (a) A dentist administering holding or applying for a permit to administer moderate pediatric conscious sedation shall
6 ensure that the facility where the sedation is administered meets the following requirements: be subject to the
7 requirements set out in Section .0100 of this Subchapter.

8 (b) In addition to the drugs listed in Rule .0103(c)(3) of this Subchapter, an unexpired muscle relaxant shall be
9 immediately available and be accessible from the operatory and recovery rooms.

10 (c) In addition to the requirements set out in Rule .0103(c)(4) of this Subchapter, the permit holder's emergency
11 manual shall include assignments to be performed in the event of emergency by a BLS-certified auxiliary dedicated
12 to patient monitoring.

13 (d) In addition to the requirements set out in Rule .0103(e) of this Subchapter concerning pre-operative procedures,
14 the permit holder shall ensure that patients who have been administered moderate pediatric conscious sedation are
15 monitored for alertness, responsiveness, breathing, and skin coloration during waiting periods before operative
16 procedures by the permit holder or an auxiliary dedicated to patient monitoring.

17 (e) As part of the pre-operative assessment required by Rule .0103(e) of this Subchapter, the permit holder shall
18 evaluate the patient for health risks as follows:

19 (1) a patient who is medically stable and who is ASA I or II shall be evaluated by reviewing the patient's
20 current medical history and medication use; or

21 (2) a patient who is not medically stable or who is ASA III or higher shall be evaluated by the permit
22 holder's consultation with the patient's primary care physician or consulting medical specialist
23 regarding the potential risks posed by the planned dental procedure.

24 (f) If a patient immobilization device is used, the permit holder shall ensure that:

25 (1) the device is applied to avoid airway obstruction or chest restriction;

26 (2) the patient's head position and respiratory excursions are checked frequently to ensure airway
27 patency;

28 (3) a hand or foot is kept exposed; and

29 (4) the patient is [attended] under observation by the permit holder or a BLS-certified auxiliary at all
30 times.

31 (g) During the sedation procedure, a moderate pediatric conscious sedation permit holder shall not administer
32 anesthetic or sedative agents:

33 (1) designed by the manufacturer for use in administering general anesthesia or deep sedation;

34 (2) determined by the manufacturer to be contraindicated for use in moderate pediatric conscious
35 sedation; or

(3) in amounts exceeding the manufacturers' maximum recommended dosages, unless the permit holder documents in the sedation record the clinical reason for exceeding the maximum recommended dosage for the patient.

(h) In addition to the requirements set out in Rule .0103(h) of this Subchapter concerning the patient treatment record, the permit holder shall maintain documentation of pre-sedation instructions and information provided to the patient or person responsible for the patient, which shall include:

- (1) objectives of the sedation;
- (2) anticipated changes in patient behavior during and after sedation;
- (3) instructions to the person responsible for a patient transported in a [ear] child safety seat regarding patient head position to avoid airway obstruction;
- (4) a 24-hour telephone number for the permit holder or his or her BLS-certified auxiliaries; and
- (5) instructions on limitations of activities and dietary precautions.

(i) For purposes of Rule .0104(b)(2) of this Subchapter, during an evaluation, a moderate pediatric conscious sedation permit holder or applicant shall demonstrate competency in the deployment of an intravenous delivery system as follows:

- (1) a permit holder or applicant who uses intravenous sedation shall demonstrate the administration of moderate pediatric conscious sedation on a live patient, including the deployment of an intravenous delivery system; and
- (2) a permit holder or applicant who does not use intravenous sedation shall describe the proper deployment of an intravenous delivery system and shall demonstrate the administration of moderate pediatric conscious sedation on a live patient.

(1) The facility shall be equipped with the following:

- (A) an operatory of size and design to permit access of emergency equipment and personnel and to permit emergency management;
- (B) a CPR board or a dental chair without enhancements, suitable for providing emergency treatment;
- (C) lighting as necessary for specific procedures and back-up lighting;
- (D) suction equipment as necessary for specific procedures, including non-electrical back-up suction;
- (E) positive pressure oxygen delivery system, including full face masks for small, medium, and large patients and back-up E cylinder portable oxygen tank apart from the central system;
- (F) small, medium, and large oral and nasal airways;
- (G) blood pressure monitoring device;
- (H) EKG monitor;
- (I) pulse oximeter;
- (J) automatic external defibrillator (AED);

- (K) precordial stethoscope or capnograph;
- (L) thermometer;
- (M) vascular access set up as necessary for specific procedures, including hardware and fluids;
- (N) laryngoscope with working batteries;
- (O) intubation forceps and advanced airway devices;
- (P) tonsillar suction with back-up suction;
- (Q) syringes as necessary for specific procedures; and
- (R) tourniquet and tape.

(2) The following unexpired drugs shall be maintained in the facility and with access from the operatory and recovery rooms:

- (A) Epinephrine;
- (B) Atropine;
- (C) antiarrhythmic;
- (D) antihistamine;
- (E) antihypertensive;
- (F) bronchodilator;
- (G) antihypoglycemic agent;
- (H) vasopressor;
- (I) corticosteroid;
- (J) anticonvulsant;
- (K) muscle relaxant;
- (L) appropriate reversal agents;
- (M) nitroglycerine;
- (N) antiemetic; and
- (O) Dextrose.

(3) The permit holder shall maintain written emergency and patient discharge protocols. The permit holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies;

(4) The following records are maintained for at least 10 years:

- (A) patient's current written medical history and pre-operative assessment;
- (B) drugs administered during the procedure, including route of administration, dosage, strength, time, and sequence of administration;
- (C) a sedation record; and
- (D) a consent form, signed by the patient or a guardian, identifying the procedure, risks and benefits, level of sedation, and date signed;

(5) The sedation record shall include:

(A) base line vital signs, blood pressure (unless patient behavior prevents recording), oxygen saturation, ET CO₂ if capnography is utilized, pulse and respiration rates of the patient recorded in real time at 15 minute intervals;

(B) procedure start and end times;

(C) gauge of needle and location of IV on the patient, if used;

(D) status of patient upon discharge; and

(E) documentation of complications or morbidity; and

(6) The following conditions shall be satisfied during a sedation procedure:

(A) the facility shall be staffed with at least two BLS certified auxiliaries, one of whom shall be dedicated to patient monitoring and recording sedation data throughout the sedation procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to patient care and monitoring regarding sedation throughout the sedation procedure and is not performing the surgery or other dental procedure; and

(B) when IV sedation is used, IV infusion shall be administered before the commencement of the procedure and maintained until the patient is ready for discharge.

ing an inspection or evaluation, applicants and permit holders who use intravenous sedation shall demonstrate administration of moderate pediatric conscious sedation on a live patient, including the deployment of an ous delivery system, while the evaluator observes. Applicants and permit holders who do not use IV sedation scribe the proper deployment of an intravascular delivery system to the evaluator and shall demonstrate the tration of moderate pediatric conscious sedation on a live patient while the evaluator observes.

ing the demonstration, all applicants and permit holders shall demonstrate competency in the following areas:

(1) monitoring blood pressure, pulse, and respiration;

(2) drug dosage and administration;

(3) treatment of untoward reactions including respiratory or cardiac depression if applicable;

(4) sterile technique;

(5) use of BLS certified auxiliaries;

(6) monitoring of patient during recovery; and

(7) sufficiency of patient recovery time.

ing an inspection or evaluation, the applicant or permit holder shall demonstrate competency in the treatment llowing clinical emergencies:

(1) laryngospasm;

(2) bronchospasm;

(3) emesis and aspiration;

(4) respiratory depression and arrest;

(5) angina pectoris;

(6) myocardial infarction;

(7) hypertension and hypotension;

- 1 (8) allergic reactions;
- 2 (9) convulsions;
- 3 (10) syncope;
- 4 (11) bradycardia;
- 5 (12) hypoglycemia;
- 6 (13) cardiac arrest; and
- 7 (14) airway obstruction.

8 (e) During the evaluation, the permit applicant shall take a written examination on the topics set forth in Paragraphs
9 (c) and (d) of this Rule. The permit applicant must obtain a passing score on the written examination by answering 80
10 percent of the examination questions correctly. If the permit applicant fails to obtain a passing score on the written
11 examination that is administered during the evaluation, he or she may be re-examined in accordance with Rule
12 .0408(h) of this Section.

13 (f) A moderate pediatric conscious sedation permit holder shall evaluate patients for health risks before starting any
14 sedation procedure as follows:

- 15 (1) a patient who is medically stable and who is ASA I or II shall be evaluated by reviewing the patient's
16 current medical history and medication use; or
- 17 (2) a patient who is not medically stable or who is ASA III or higher shall be evaluated by a consultation
18 with the patient's primary care physician or consulting medical specialist regarding the potential
19 risks posed by the procedure.

20 (g) Patient monitoring:

- 21 (1) Patients who have been administered moderate pediatric conscious sedation shall be monitored for
22 alertness, responsiveness, breathing, and skin coloration during waiting periods before operative
23 procedures.
- 24 (2) The permit holder or a BLS certified auxiliary under his or her direct supervision shall monitor the
25 patient's vital signs throughout the sedation procedure until the patient is recovered as defined in
26 Subparagraph (g)(3) of this Rule and is ready for discharge from the office.
- 27 (3) Recovery from moderate pediatric conscious sedation shall include documentation of the following:
 - 28 (A) cardiovascular function stable;
 - 29 (B) airway patency uncompromised;
 - 30 (C) patient arousable and protective reflexes intact;
 - 31 (D) state of hydration within normal limits;
 - 32 (E) patient can talk, if applicable;
 - 33 (F) patient can sit unaided, if applicable;
 - 34 (G) patient can ambulate, if applicable, with minimal assistance; and
 - 35 (H) for the special needs patient or a patient incapable of the usually expected responses, the
36 pre-sedation level of responsiveness or the level as close as possible for that patient shall
37 be achieved.

(4) Before allowing the patient to leave the office, the dentist shall determine that the patient has met the recovery criteria set out in Subparagraph (g)(3) of this Rule and the following discharge criteria:

- (A) oxygenation, circulation, activity, skin color, and level of consciousness are stable, and have been documented;
- (B) explanation and documentation of written postoperative instructions have been provided to a person responsible for the patient at time of discharge; and
- (C) a person responsible for the patient is available to transport the patient after discharge, and for the patient for whom a motor vehicle restraint system is required, an additional responsible individual is available to attend to the patient.

History Note: Authority G.S. 90-28; 90-30.1; 90-48;

Eff. June 1, 2017;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. February 1, 2023; February 1, 2019; August 1, 2018.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Board of Dental Examiners 2. Rule citation & name (name not required for repeal): 21 NCAC 16Q .0703 REPORTS OF ADVERSE OCCURRENCES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/3/22 Link to Agency notice: www.ncdentalboard.org Hearing on: 11/17/22 Adoption by Agency on: 12/16/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: This rule is amended to change requirements for adverse occurrence reporting.	
10. Rulemaking Coordinator: Dauna Bartley Dauna Bartley Phone: 919-283-1390 E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Dauna Bartley Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: APPROVED JAN 19 2023	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 16Q .0703 is amended with changes as published in 37:07 NCR 552-53 as follows:

2

3 **21 NCAC 16Q .0703 REPORTS OF ADVERSE OCCURRENCES**

4 (a) A dentist who holds a permit to administer general anesthesia or sedation shall submit an adverse occurrence
5 report to the Board within 72 hours after each adverse occurrence related to the administration of general anesthesia
6 or sedation that results in the death of a patient if the patient dies or has permanent organic brain dysfunction within
7 24 hours of after the procedure administration of general anesthesia or sedation. Sedation permit holders shall cease
8 administration of sedation until the Board has investigated the death or permanent organic brain dysfunction and
9 approved resumption of permit privileges. General anesthesia permit holders shall cease administration of general
10 anesthesia and sedation until the Board has reviewed the incident adverse occurrence report and approved resumption
11 of permit privileges.

12 (b) A dentist who holds a permit to administer general anesthesia or sedation shall submit an adverse occurrence
13 report to the Board within 30 days after each adverse occurrence related to if the patient is admitted to a hospital on
14 inpatient status for a medical emergency or physical injury within 24 hours after the administration of general
15 anesthesia or sedation. sedation that results in permanent organic brain dysfunction of a patient occurring within 24
16 hours of the procedure or that results in physical injury or severe medical emergencies, causing hospitalization of a
17 patient occurring within 24 hours of the procedure.

18 (c) The adverse occurrence report shall be in writing and shall include the following:

19 (1) dentist's name, license number and permit number;
20 (2) date and time of the occurrence;
21 (3) facility where the occurrence took place;
22 (4) name and address of the patient;
23 (5) surgical procedure involved;
24 (6) type and dosage of sedation or anesthesia utilized in the procedure;
25 (7) circumstances involved in the occurrence; and
26 (8) the entire patient treatment record including anesthesia records.

27 (d) Upon receipt of any such report, report submitted pursuant to this Rule, the Board shall investigate and shall take
28 disciplinary action if the evidence demonstrates that a licensee has violated the Dental Practice Act set forth in Article
29 2 of G.S. Chapter 90 of the General Statutes or the Board's rules of this Chapter.

30

31 *History Note: Authority G.S. 90-28; 90-30.1; 90-41; 90-48;*

32 *Eff. April 1, 2016;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
34 *2018.2018;*

35 *Amended Eff. February 1, 2023.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Veterinary Medical Board	
2. Rule citation & name (name not required for repeal): 21 NCAC 66 .0206 Minimum Standards for Continuing Education	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 05/01/2023 Link to Agency notice: www.ncvmb.org Hearing on: 06/30/2023 Adoption by Agency on: 07/06/2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: Amend continuing education rule to allow live interactive presentations.	
10. Rulemaking Coordinator: Keith West Keith West Phone: 919-854-5601 E-Mail: kwest@ncvmb.org Additional agency contact, if any: Dr. Tod Schadler Phone: 919-854-5601 E-Mail: tschadler@ncvmb.org	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Keith West Title: Deputy Director/Rule Making Coordinator
RRC AND OAH USE ONLY	
Action taken: APPROVED AUG 17 2023	
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

July 26, 2023

Via email:
oah.rules@oah.nc.gov

Original via Post:

Office of Administrative Hearings
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: LETTERS OF OBJECTIONS TO RULES REQUESTING LEGISLATIVE REVIEW
Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)
Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)
Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)
Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

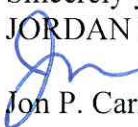
Members of the Commission:

I serve as counsel to the NC Veterinary Medical Association. Enclosed please find twelve (12) letters of objection to the rules referenced above, as adopted by the NC Veterinary Medical Board at its July 6, 2023 meeting. I understand that these rules have since been submitted by NC Veterinary Medical Board to the Rules Review Commission.

Each of the enclosed letters of objection request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. and further request that the rules be subject to a delayed effective date as set out in that same provision.

Each of the letters of objection are signed by members of the Board of Directors of the NC Veterinary Medical Association, and I am hereby submitting the enclosed letters of objection on behalf of the doctors of veterinary medicine who signed the enclosed letters.

Thank you for your consideration.

Sincerely yours,
JORDAN PRICE WALL GRAY JONES & CARLTON

Jon P. Carr

Enc.

cc: Board of Directors, NC Veterinary Medical Association
Seth M. Ascher, Counsel to the North Carolina Rules Review Commission (via email)

Shannon Bass DVM
3513 Kendale Ave NW
Concord, NC 28027

July 18, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)

Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)

Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Shannon Bass DVM

Shannon Bass

Dr. Holly Capps
106 West 2nd Street
P.O. Box 1018
Princeton, NC 27569

July 21, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)
Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)
Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)
Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Holly Capps

A handwritten signature in black ink that reads "Holly Capps". The signature is fluid and cursive, with a large, stylized "H" and "C".

4883-0769-3681, v. 1

Melina Efthimiadis, DVM
Roxboro Animal Hospital
585 Patterson Drive
Roxboro, NC 27573

7/19/2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)

Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)

Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Melina Efthimiadis, DVM

A handwritten signature in black ink, appearing to read "Melina Efthimiadis, DVM".

Dr. Marguerite Gleason
4931 Windchase Lane
Charlotte, NC 28269

July 18, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)

Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)

Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Marguerite Gleason, DVM

Marguerite Gleason, DVM

President NCVMA

Dante Martin DVM
324 US Hwy 17 N
Holly Ridge, NC 28445

18 July 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

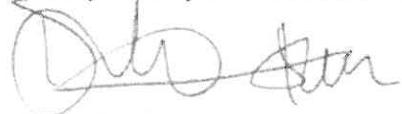
Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits) Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian) Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Dante Martin DVM

Donna McLamb DVM
304 N. White Street, PO Box 1356 Dobson NC 27017

July 19, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

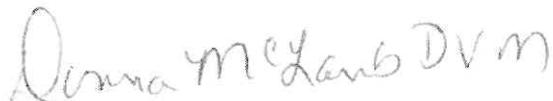
Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)
Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)
Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)
Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Donna McLamb DVM

A handwritten signature in black ink that reads "Donna McLamb DVM". The signature is cursive and fluid, with "Donna" and "McLamb" connected.

4883-0769-3681, v. 1

Eliza Ruffner
242 Dallas Drive
Wilmington, NC 28405

July 20, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)

Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)

Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Eliza Ruffner, DVM

Eliza K. Ruffner

4883-0769-3681, v. 1

Jennifer Jones Shults, DVM, CCRT, CVSMT
6910 Carpenter Fire Station Rd, Ste 101
Cary, NC 27519

July 18, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)
Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)
Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)
Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer Jones Shults, DVM, CCRT, CVSMT



4883-0769-3681, v. 1

**Karyn Smith, DVM
3911 W Durant Ct.
Wilmington, NC 28412**

July 19, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)
Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)
Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)
Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Karyn Smith, DVM

4883-0769-3681, v. 1

Sandra Strong, DVM
Diplomat American College of Animal Welfare
3501 Trenton Rd
Raleigh, NC 27607

July 18, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)

Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)

Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sandra Strong, DVM, DACAW

4883-0769-3681, v. 1

A handwritten signature in black ink, appearing to read "Sandra Strong", with "DVM" written to the right of the signature.

Brian D. Stuber, DVM
2736 Graves Drive
Goldsboro, NC 27534

July 20, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)

Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)

Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)

Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Brian D. Stuber, DVM

Brian D. Stuber, DVM

4883-0769-3681, v. 1

Erin Purvis, DVM
136 Culpepper Ln
Weaverville, NC 28787

July 26th, 2023

oah.rules@oah.nc.gov

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Proposed amendments to 21 NCAC 66 .0206 (Minimum Standards for Continuing Education)
Proposed adoption of 21 NCAC 66 .0902 (Veterinary Facility Permits)
Proposed adoption of 21 NCAC 66 .0903 (Supervising Veterinarian)
Proposed adoption of 21 NCAC 66 .0904 (Discipline Veterinary Facility Permits)

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Erin Purvis, DVM



4883-0769-3681, v. 1

1 21 NCAC 66 .0206 is amended with changes as published in 37:21 NCR pages 2047-2049 as follows:

2 **21 NCAC 66 .0206 MINIMUM STANDARDS FOR CONTINUING EDUCATION**

3 Each person holding a veterinary license, limited license, a faculty certificate, or a zoo veterinary certificate
4 (collectively referred to herein as “veterinarian”) or a veterinary technician registration issued by the Board shall
5 comply with the standards in this Rule. The standards shall be a condition precedent to the renewal of a license,
6 certificate, or registration respectively. The standards are as follows:

7 (1) ~~Continuing education credit hours shall relate to veterinary medicine.~~

8 (2) (1) A veterinarian shall earn 20 [15] continuing education credit hours for the calendar year license
9 renewal period. A maximum of five hours may be obtained pursuant to courses described in
10 Item (3) of this rule.

11 (3) (2) A registered veterinary technician shall earn 12 continuing education credit hours for the two-
12 calendar year registration renewal period. A maximum of four hours may be obtained pursuant
13 to course described in Item (3) of this rule.

14 (3) One continuing education hour may be earned for each hour of independent self-study courses,
15 prerecorded webinars, audio conferences, and non-interactive on-line presentations approved by
16 approved continuing education credit providers.

17 (4) One continuing education credit hour may be earned for each hour of in-person attendance or live
18 interactive attendance at courses presented or approved by approved continuing education credit
19 providers.

20 (5) A live interactive presentation shall:

21 (a) include instant or synchronous two-way communication;

22 (b) provide access to both technical personnel and professional faculty, as well as interactivity
23 among participants for the exchange of questions and answers via instant messaging or a
24 moderated teleconference, and

25 (c) document the level of participation by keeping a record of the participant's activity in
26 asking or answering questions during the presentation and the score of any examination
27 administered at the end of the presentation.

28 (4)(6) A veterinarian or registered veterinary technician may request and be granted an extension of time,
29 not to exceed six months, to satisfy the continuing education requirement if the veterinarian or
30 registered veterinary technician provides evidence of a debilitating injury or illness or circumstance
31 that prevents the veterinarian or registered veterinary technician from being able to obtain continuing
32 education. The Board shall consider any evidence submitted of a circumstance preventing the
33 veterinarian or registered veterinary technician from being able to obtain continuing education on a
34 case-by-case basis. If the veterinarian or veterinary technician submits evidence of failure to
35 complete continuing education due to debilitating injury or illness or hardship, the Board shall
36 consider the evidence submitted on a case-by-case basis. If the board finds that the debilitating injury
37 or illness or hardship was the basis for non-compliance with the continuing education requirement,

1 the Board shall exempt that individual from completing the unearned portion of the continuing
2 education for that renewal period.

3 (7) If the Board finds that the circumstance that was the basis for non-compliance with the continuing
4 education requirement justified the non-compliance, the Board may exempt that individual from
5 completing the unearned portion of the continuing education for that renewal period.

6 (5)(8) Continuing education credits hours may be earned from courses, programs, or materials presented or
7 approved by the following providers:

- 8 (a) the American Veterinary Medical Association (AVMA);
- 9 (b) the American Animal Hospital Association (AAHA);
- 10 (c) the North Carolina Veterinary Medical Association (NCVMA);
- 11 (d) the United States Department of Agriculture-Animal and Plant Health Inspection Service;
- 12 (e) (e) the American Association of Veterinary State Boards' (AAVSB) Registry of
13 Approved Continuing Education (RACE); and
- 14 (e) (f) academies, schools, or colleges of veterinary medicine.

15 These providers are designated herein as "approved continuing education credit providers." The
16 Board shall consider additional courses, presentations, or materials eligible for approval for
17 continuing education credit hours, provided that the individual seeking the credit furnishes the Board
18 with information to establish that the content of the course, presentation, or material are of an
19 education level reflective of the audience (veterinarians or veterinary technicians). sufficiently
20 educational for veterinarians or registered veterinary technicians. Board approval for continuing
21 education credits for such additional courses, presentations, or materials shall be obtained prior to
22 attendance or participation; however, the Board shall waive the requirement of prior approval if
23 illness, injury, or natural disaster prevented the individual from obtaining the prior approval.

24 (6) Subject to the limitations in this Rule, continuing education credit hours may be earned by:

- 25 (a) attendance at in person courses or presentations;
- 26 (b) completion of independent self study courses;
- 27 (c) non-interactive on-line presentations, courses, or materials; or
- 28 (d) completion of live interactive on-line presentations or courses.

29 (7) One continuing education credit hour, up to 100% of the CE requirement for renewal, may be earned
30 for each hour of in person attendance at courses presented or approved by approved continuing
31 education credit providers. Up to 25% of the CE requirement for renewal may be obtained from
32 independent self study courses, videos, DVDs, CDs, prerecorded webinars, audio conferences, and
33 non-interactive on-line presentations approved by approved continuing education credit providers.
34 Up to 50% of the CE requirement for renewal may be obtained from live interactive on-line
35 presentations or courses approved by approved continuing education credit providers. However,
36 the number of credit hours earned from live interactive on-line presentations or courses shall be
37 reduced by the number of credit hours earned from independent self study courses or materials and

1 non-interactive on-line presentations or courses. A live interactive on-line presentation or course
2 shall:

3 (a) ~~include instant or asynchronous two-way communication;~~
4 (b) ~~provide access to both technical personnel and professional faculty, as well as interactivity~~
5 ~~among participants for the exchange of questions and answers via instant messaging or a~~
6 ~~moderated teleconference; and~~
7 (c) ~~document the level of participation by keeping a record of the participant's activity in~~
8 ~~asking or answering questions during the presentation and the score of any examination~~
9 ~~administered at the end of the presentation.~~

10 (8) (9) Each veterinarian and registered veterinary technician shall keep a record file containing for the
11 three most recent renewal periods of the content of courses submitted to the Board for
12 continuing education credit hours.

13 (9) (10) A veterinarian licensed in the year of graduation from a veterinary medical college is not
14 required to earn continuing education credit hours to be eligible for license renewal for the
15 next renewal period.

16 (10)(11) A veterinary technician registered in the year of graduation from a veterinary medical
17 technology program is not required to earn continuing education credit hours to be eligible for
18 registration renewal for the next renewal period.

19 (11) (12) A veterinarian or veterinary technician serving in the armed forces of the United States and to
20 whom an extension of time to file a tax return is granted pursuant to G.S. § 105-249.2 is granted
21 the same extension of time to comply with the continuing education requirement of this Rule.
22

23 *History Note:* *Authority G.S. 90-185(6); 90-186(1); 93B-15;*

24 *Eff. February 1, 1976;*

25 *Readopted Eff. September 30, 1977;*

26 *Amended Eff. June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987;*

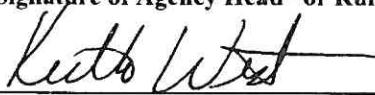
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*

28 *2018;*

29 *Amended Eff. February 1, 2018.*

30 *Amended Eff. September 1, 2023.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Veterinary Medical Board			
2. Rule citation & name (name not required for repeal): 21 NCAC 66 .0902 VETERINARY FACILITY PERMITS			
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 05/01/2023 Link to Agency notice: www.ncvmb.org Hearing on: 06/30/2023 Adoption by Agency on: 07/06/2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input checked="" type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: Session Law 2019-170 <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:		
9B. Explain: Session Law 2019-170			
10. Rulemaking Coordinator: Keith West Keith West Phone: 919-854-5601 E-Mail: kwest@ncvmb.org Additional agency contact, if any: Dr. Tod Schadler Phone: 919-854-5601 E-Mail: tschadler@ncvmb.org	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Keith West Title: Deputy Director/Rule Making Coordinator		
RRC AND OAH USE ONLY			
Action taken: <div style="text-align: center;"> APPROVED AUG 17 2023 </div>			
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 21 NCAC 66.0902 is adopted with changes as published in 37:21 NCR pages 2050-2051 as follows:

2 **21 NCAC 66 .0902 VETERINARY FACILITY PERMITS**

3 (a) Any person who owns a business which operates a facility providing services that constitute the "practice of
4 veterinary medicine" on a full, part-time, or temporary basis shall have a veterinary facility permit issued by the Board
5 prior to offering or delivering any veterinary medical services to the public. Veterinary or Veterinary Technician
6 teaching programs offering services to the public shall have a veterinary facility permit.

7 (b) As a condition of any veterinary facility permit issued by the Board, the owner shall designate a supervising
8 veterinarian [to oversee practice of veterinary medicine].

9 (c) The Board shall issue a veterinary facility permit to an owner after the owner submits an application, pays the
10 veterinary facility permit fee, and passes a facility inspection. The Board shall inspect the veterinary facility
11 pursuant to ensure compliance with Rule .0207(b)(16) and .0208 of this chapter if an inspection has not been
12 performed in the last two years. The facility inspection shall be conducted to ensure compliance with statutes and
13 the rules of this Chapter, particularly Rules .0207 and .0208 of this Chapter. It is the responsibility of the owners to
14 ensure that the veterinary facility meets the minimum veterinary facility standards in Rules .0207 and .0208 of this
15 Chapter.

16 (d) The application for a veterinary facility permit shall be on a form prescribed by the Board and available on the
17 Board's website. The application shall contain:

- 18 (1) the owner's name, physical address, mailing address, email address, and telephone number;
- 19 (2) proposed or existing name of the facility, as set forth in G.S. 90-181.1, physical address, mailing
20 address, email address, and telephone number; and
- 21 (3) designation of a supervising veterinarian of the facility subject to the provisions of Rules .0903 of
22 this section.

23 (e) Each veterinary facility permit shall be renewed yearly. The veterinary facility must have passed an inspection pursuant
24 to Rule .0207(b)(16) of this Chapter within the 24 months prior to issuance of renewal.

25 (f) Each veterinary facility that is identified by a separate physical address or that is located at the same physical address
26 as another veterinary facility but has different owners or supervising veterinarians shall be a separate veterinary facility
27 requiring a separate veterinary facility permit. Each mobile veterinary facility shall be inspected pursuant to G.S. 90-
28 186(2) whether operating under its own veterinary facility permit or operating under an existing veterinary facility
29 permit. The physical address for a veterinary facility shall be the primary business location.

30 (g) The owner shall notify the Board within five~~ten~~ 10 business days of any changes in contact information.

31 (h) The owner shall notify the Board in writing of a planned change in the ownership or in the supervising
32 veterinarian of the veterinary facility at least 20 business days prior to the planned change.

33 (i) In the event of an owner's inability to maintain the facility's compliance with Chapter 90 of the General Statutes
34 and the rules of this Chapter, the Board shall be notified within 10 business days by [one of the following] an owner,
35 or if the owner is unable to do so as a result of physical inability, the supervising veterinarian, or a member of
36 the veterinary facility's staff.

1 (j) In the event of a natural or physical event that [results in the loss of the safe and effective utilization of the facility:
2 pursuant to] prevents the facility from being able to comply with the rules of this Chapter, particularly Rules .0207
3 and .0208 of this Chapter, the Board shall be notified within 10 business days by the owner(s) or the supervising
4 veterinarian.

5 (k)(j) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily,
6 administratively, or by operation of [law,] law; suspended by the NC Department of [Revenue,] Revenue; or has its
7 certificate of authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the
8 owner. The suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or
9 the person has been reinstated by the NC Secretary of State, or both.

10 (l)(k) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of
11 35 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly,
12 Rules .0207 and .0208 of this chapter, discovered during the veterinary facility inspection. However, the Board
13 shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public
14 or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more
15 than 35 business days, as long as satisfactory progress has been made as determined by the Board. In the event of the
16 death of an owner, the permit remains valid for 35 business days from the date of the death of the owner, so long as
17 the facility continues to have an active, supervising veterinarian registered with the Board.

18 (m)(l) The following are exempt from the requirement for a veterinary facility permit:

- 19 (1) those exempted by licensure under G.S. 90-187.10;
- 20 (2) a veterinary facility owned and operated by the State of North Carolina, a political subdivision
21 thereof, or the federal government, so long as the facility does not offer or provide veterinary
22 services to the public; or
- 23 (3) a temporary veterinary facility established as a result of an emergency declared by the Governor of
24 North Carolina.

25 (n)(m) A person operating without a veterinary facility permit is subject to the provisions of G.S. 90-187.13.

26 (o)(n) The veterinary facility permit shall be displayed by the owners at the facility at a location viewable by the
27 public. Veterinary facility permits for mobile facilities shall be available upon request.

28 (p)(o) An owner or supervising veterinarian shall provide a copy of medical records maintained pursuant to Rule
29 .0207 of this Chapter within 10 business days of receipt of a request by a current or former patient's owner. The
30 veterinary facility may charge the patient's owner the actual cost of reproducing the records as a reasonable fee.

31 (q)(p) Owners shall post on [the veterinary facility website home page, the emergency services available at the
32 veterinary facility when the veterinary facility is open and the veterinary facility name, address, and telephone number
33 for the provider of after hours emergency services.] any existing veterinary facility website home page:

- 34 (1) The facility's name, address, and telephone number,
- 35 (2) The facility's regular business hours,
- 36 (3) Availability of after-hours emergency care at the facility; and
- 37 (4) If after-hours emergency care is not available, the name, address, and telephone number of an

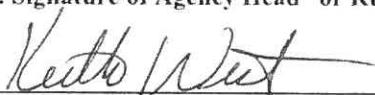
after-hours emergency provider.

2

3 History Note: Authority G.S. 90-185; 90-186(2); 90-186(8); 90-186(9);

4 Eff. November 2, 2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Veterinary Medical Board 2. Rule citation & name (name not required for repeal): 21 NCAC 66 .0903 SUPERVISING VETERINARIAN	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 05/01/2023 Link to Agency notice: www.ncvmb.org Hearing on: 06/30/2023 Adoption by Agency on: 07/06/2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input checked="" type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: Session Law 2019-170 <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:
9B. Explain: Session Law 2019-170	
10. Rulemaking Coordinator: Keith West Keith West Phone: 919-854-5601 E-Mail: kwest@ncvmb.org Additional agency contact, if any: Dr. Tod Schadler Phone: 919-854-5601 E-Mail: tschadler@ncvmb.org	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Keith West Title: Deputy Director/Rule Making Coordinator
RRC AND OAH USE ONLY	
Action taken: APPROVED AUG 17 2023 <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 66.0903 is adopted with changes as published in 37:21 NCR pages 2051-2052 as follows:

2 **21 NCAC 66 .0903 SUPERVISING VETERINARIAN**

3 (a) The owners of a veterinary facility shall designate a supervising veterinarian who shall be responsible for
4 informing the owners as to the instances of non-compliance [of] with [Board Rules] 21 NCAC 66 .0207 and 21 NCAC
5 66 .0208 [of this chapter] at the veterinary facility.

6 (b) The supervising veterinarian shall be currently licensed by and in good standing with the Board.

7 (c) The owners may designate an interim supervising veterinarian to serve [as the supervising veterinarian] for a
8 period not to exceed 25 business days.

9 (d) A veterinarian may be a supervising veterinarian at more than one veterinary facility. At
10 each veterinary facility that is open for 159 hours or less per month, [The] the supervising veterinarian
11 shall be physically onsite [at each veterinary facility that is open for 159 hours or less per month,] for a minimum of
12 25 percent of the total time a veterinary facility is open. At each veterinary facility that is open for 160 hours or more
13 per month, [The] the supervising veterinarian shall be physically onsite at each veterinary facility [that is open for 160
14 hours or more per month,] for a minimum of 40 hours per month. Electronic or handwritten documentation stating the
15 dates and times that the supervising veterinarian was present at the veterinary facility shall be maintained by the
16 supervising veterinarian at each individual facility and made available by the owner, supervising veterinarian, or the
17 staff at each facility at the time of inspection or investigation by the Board.

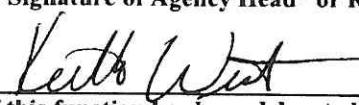
18 (e) The owners of a veterinary facility may designate more than one supervising veterinarian for a veterinary facility,
19 in which case the onsite physical presence of each of the supervising veterinarians at the veterinary facility shall be
20 counted toward satisfaction of the onsite physical presence requirement of Board Rule 0.0903(d).

21

22 History Note: Authority G.S. 90-185(6); 90-186(9);

23 Eff. November 2, 2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Veterinary Medical Board			
2. Rule citation & name (name not required for repeal): 21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS			
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 05/01/2023 Link to Agency notice: www.ncvmb.org Hearing on: 06/30/2023 Adoption by Agency on: 07/06/2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input checked="" type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: Session Law 2019-170 <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2019-170 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:		
9B. Explain: Session Law 2019-170			
10. Rulemaking Coordinator: Keith West Keith West Phone: 919-854-5601 E-Mail: kwest@ncvmb.org Additional agency contact, if any: Dr. Tod Schadler Phone: 919-854-5601 E-Mail: tschadler@ncvmb.org	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Keith West Title: Deputy Director/Rule Making Coordinator		
RRC AND OAH USE ONLY			
Action taken: APPROVED AUG 17 2023			
<input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 21 NCAC 66.0904 is adopted as published in 37:21 NCR page 2052 as follows:

2 **21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS**

3 (a) The Board shall investigate any complaint or information within its jurisdiction. The investigation and any resulting
4 hearings shall be conducted pursuant to Sections .0600 and .0700 of the Chapter. Following an investigation and the
5 owner's opportunity to be heard [pursuant to the provisions of Sections .0600 and .0700 of this chapter], the Board
6 may:

- 7 (1) revoke or suspend a veterinary facility permit issued under this [Article]Chapter;
- 8 (2) discipline the owner of a facility permitted under this [Article]Chapter in accordance with the
9 disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
- 10 (3) deny a veterinary facility permit required by [this Article in accordance with the provisions of] G.S.
11 90-186(8) [90 Article 11] and the rules of this Chapter based on violations of Board Rules including
12 but not limited to .0207 and .0208 of this Chapter.

13 For the purpose of this rule, references [References] to licensee or registrant in the provisions of sections .0600 and
14 .0700 of this chapter are treated as references to owner and permittee. References to license are treated as references
15 to facility permit.

16 (b) The Board may suspend, revoke, or deny issuance of a veterinary facility permit, without hearing, if:

- 17 (1) A veterinary facility has not had a supervising veterinarian or an interim supervising veterinarian
18 serving in that capacity for more than five business days.
- 19 (2) [Per] The Board obtains a summary emergency order pursuant to the provisions of G.S. 90-186(3).
- 20 (3) The owners of the veterinary facility have failed to notify the Board after 10 business days of a
21 change in ownership of the facility or change in the supervising veterinarian.

22 (c) An owner shall cease to operate a veterinary facility as of the date the Board notifies the owner of the revocation
23 of his or her veterinary facility permit. Within 24 hours of receiving notification of revocation, an owner shall display
24 the following information at the facility and through any existing medium of communication with the public, such as
25 social media, a telephone answering system, or facility website:

- 26 (1) information that the veterinary facility is closed;
- 27 (2) the means by which clients may obtain their animal's medical records; and
- 28 (3) notice of the Board's revocation of the facility permit.

30 *History Note:* Authority G.S. 90-185(6); 90-186(8); 90-186(9);

31 *Eff. November 2, 2023*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Residential Code, Table P2906.4 Water Service Pipe (220614 Item B-6)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>S.L. 2021-121</i> <input type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>S.L. 2021-121</i> <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 15, 2022 Link to Agency notice: https://www.ncosfin.gov/codes/building-code-council-bcc/bcc-hearing-notices Hearing on: September 13, 2022 Adoption by Agency on: December 13, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: C900 pipe was approved for water service use when House Bill 489, Session Law 2021-121 was signed into law. Refer to Sections 7.(b), 7.(c) and 7.(d).	
The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input checked="" type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code
Table P2906.4 Water Service Pipe (220614 Item B-6)

Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3; ANSI/AWWA C900
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Plumbing Code, Table 605.3 Water Service Pipe (220614 Item B-5)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>SL 2021-121</i> <input type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>SL 2021-121</i> <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 15, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices Hearing on: September 13, 2022 Adoption by Agency on: December 13, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: C900 pipe was approved for water service use when House Bill 489, Session Law 2021-121 was signed into law. Refer to Sections 7.(b), 7.(c) and 7.(d).	
<p>The delayed effective date of this Rule is January 1, 2024. The Statutory authority for Rule-making is G. S. 143-136; 143-138.</p>	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov	11. Signature of Agency Head* or Rule-making Coordinator: 
Additional agency contact, if any: Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

2018 NC Plumbing Code
Table 605.3 Water Service Pipe (220614 Item B-5)

Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3; ANSI/AWWA C900
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Fire Code, Section D107.2 Remoteness (220614 Item B-2)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>SL 2021-121</i> <input type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>SL 2021-121</i> <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 15, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices Hearing on: September 13, 2022 Adoption by Agency on: December 13, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: Session Law 2021-183 SECTION 3.(c)	
The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

2018 NC Fire Code

Section D107.2 Remoteness (220614 Item B-2)

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Exception: For developments where compliance is technically infeasible because of road connectivity limitations, real property dimensions or limitations, real property acquisition constraints, or environmental constraints, as determined by the property owner or developer, the *fire code official* shall either not require two fire apparatus access roads or allow for alterations that provide for fire apparatus access road remoteness to the maximum extent technically feasible.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Fire Code, Section D107.1 One-or two-family dwelling residential developments (220614 Item B-1)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>SL 2021-121</i> <input type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: <i>SL 2021-121</i> <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 15, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices Hearing on: September 13, 2022 Adoption by Agency on: December 13, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: 9B. Explain: Session Law 2021-121 SECTION 6.(c)	
The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input checked="" type="checkbox"/> Withdrawn by agency <input checked="" type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

2018 NC Fire Code

Section D107.1 One-or two-family dwelling residential developments (220614 Item B-1)

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 100 shall be provided with two separate and *approved* fire apparatus access roads.

Exceptions:

1. Where there are more than 30 100 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.