

## SECTION .1200 - RULEMAKING PROCEDURES

### 21 NCAC 56 .1201 PETITIONS

- (a) Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall send the petition to the executive director at the Board's office in Raleigh, North Carolina.
- (b) The petition shall contain the following information:
- (1) a draft of the proposed rule;
  - (2) reason for proposal;
  - (3) effect on existing rules;
  - (4) any data supporting proposal;
  - (5) effect of the proposed rule on existing practices in the area involved, including cost factors;
  - (6) names of those most likely to be affected by the proposed rule, with addresses if reasonably known; and
  - (7) name and address of each petitioner.
- (c) A review committee made up of one member of the Board, the executive director and the legal counsel for the Board, on behalf of the Board, shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting it. It shall consider all the contents of the submitted petition, plus any additional information it deems relevant.
- (d) The executive director, on behalf of the review committee, shall make a recommendation to the Board for the denial of the petition or the institution of rulemaking proceedings, as the case may be.
- (e) Within 120 days of submission of the petition, the Board shall render a final decision.
- (f) If the decision is to deny the petition, the executive director, on behalf of the Board, will notify the petitioner in writing, stating the reasons therefore. If the decision is to grant the petition, the Board shall publish notice of rulemaking proceedings.

*History Note: Authority G.S. 89C-10; 150B-20;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. August 1, 2000; August 1, 1998; April 1, 1989; January 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*