



**North Carolina Department of Health and Human Services
Division of Health Service Regulation
Office of the Director**

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Drexdal Pratt
Division Director

MEMORANDUM

DATE: September 4, 2015
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule-making Coordinator *NP*
RE: Proposed Amendment of Radiation Protection Rules
 10A NCAC 15, Section .1400 – Tanning Facilities

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to amend a permanent rule and adopt new rules. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule. The rules are being amended to conform to changes in the federal Food and Drug Administration’s health and safety requirements for labeling of sunlamp products, abide by the new NC law prohibiting individuals under the age of 18 from using tanning equipment and to make clarifying technical changes.

The North Carolina Radiation Protection Commission and the N.C. Department of Health and Human Services together have submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating the intent to proceed with the following rule-making actions for the Tanning Facilities rules:

- 10A NCAC 15 .1403 Definitions (Amend)
- 10A NCAC 15 .1414 Warning Signs Required (Amend)
- 10A NCAC 15 .1415 Equipment and Construction Requirements (Amend)
- 10A NCAC 15 .1418 Records: Reports and Operating Requirements (Amend)
- 10A NCAC 15 .1419 Communications with the Agency: Agency Address (Amend)
- 10A NCAC 15 .1423 Fees and Payment (Amend)

In accordance with G.S. 150B-21.4, approval was obtained of the fiscal note for these rules from the Office of State Budget and Management on August 10, 2015.

The proposed rule text will be published in the October 1, 2015 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.



<http://www.ncdhhs.gov/dhsr/>

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A public hearing is scheduled for October 22, 2015 at 10:00 a.m. in Room 131, Wright Building, 1201 Umstead Drive, Raleigh, NC 27603. The building is located on the Dorothea Dix Hospital campus. We are accepting public comments on these rules and fiscal note from October 1, 2015 – November 30, 2015. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is May 1, 2016.

A copy of the proposed rules, fiscal note, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at www2.ncdhhs.gov/dhsr/ruleactions.html. If you have questions related to the proposed rule and fiscal note please contact the Radiation Protection Section at (919) 814-2250.

Should you have any questions regarding this memorandum please feel free to contact me at 855-3811.

Enclosures

cc: Dr. Carmine Plott, Chair, RPC
Drexdal Pratt, Director, DHSR
Joel Johnson, Assistant General Counsel, DHHS
Lee Cox, Chief, RPS
Catherine Rosfjord, Tanning & Radon Manager, RPS