

**26 NCAC 05 .0209 EXEMPTION FROM THE PERIODIC REVIEW OF EXISTING RULES**

- (a) An agency requesting an exemption from the review pursuant to G.S. 150B-21.3A(d) may make an exemption request for an entire Section, Subchapter, Chapter, or Title of rules if the entire Section, Subchapter, Chapter, or Title of rules were adopted or amended within the previous 10 years prior to the review.
- (b) The Commission shall not grant an exemption for individual rules.
- (c) The agency head must make the written request to the Commission.
- (d) If an agency head submits a request for exemption, the agency shall post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d).
- (e) The Commission shall post notice of the agency's request on its website and provide notice of a public hearing.
- (f) The Commission shall conduct a public hearing to determine whether it should grant the waiver. The Commission shall consider the following:
  - (1) the arguments of the agency;
  - (2) public input;
  - (3) impact on the regulated public affected by the rule; and
  - (4) whether granting the waiver is within the public interest.
- (g) If the Commission grants the waiver request, the Section, Subchapter, Chapter, or Title shall be removed from the current schedule and shall not be reviewed under this Section until the new review schedule is set.

*History Note: Authority G.S. 150B-21.3A;  
Eff. April 1, 2014.*