

# NORTH CAROLINA REGISTER

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June 3, 2024

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## Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

### **Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

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116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2024 – December 2024

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
38:22	05/15/24	04/24/24	05/30/24	07/15/24	07/20/24	08/28/2024	09/01/24	02/09/25
38:23	06/03/24	05/10/24	06/18/24	08/02/24	08/20/24	09/25/2024	10/01/24	02/28/25
38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
39:03	08/01/24	07/11/24	08/16/24	09/30/24	10/20/24	11/26/2024	12/01/24	04/28/25
39:04	08/15/24	07/25/24	08/30/24	10/14/24	10/20/24	11/26/2024	12/01/24	05/12/25
39:05	09/03/24	08/12/24	09/18/24	11/04/24	11/20/24	12/19/2024	01/01/25	05/31/25
39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

\*Dates not approved by the RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: CZV Inc

Applicant's Address: 19601 Hamilton Avenue Torrance CA 90502

Application Date: 04-03-2024

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: Kevin R. Czinger – CEO

Lukas P. Czinger – President & COO

Steven Millsap - Secretary

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Velocity-EV LLC

Applicant's Address: 2429 Peck Rd Whittier, CA 90601

Application Date: 01/18/2024

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Velocity Dealership Acquisition LLC -Managing Member

Bradley Charles Fauvre- Co President

James Andrew Barker- Co President

Bryan Kobus-CFO

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

**TITLE 02 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Pesticide Board intends to adopt the rule cited as 02 NCAC 09L .0531 and amend the rules cited as 02 NCAC 09L .0503-.0507, .0512, .0522, .1002, .1003, .1102, .1103, .1105, .1107-.1109, .1303, .1305, and .1402.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncagr.gov/divisions/legal-affairs/rules/legal-affairs-proposed-rules>

**Proposed Effective Date:** October 1, 2024

**Instructions on How to Demand a Public Hearing:** (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than May 15th, 2024 to Anna Hayworth, NCDA&CS Rule-Making coordinator, 1002 Mail Service Center, Raleigh, NC 27699 or at [rulesreview@ncagr.gov](mailto:rulesreview@ncagr.gov).

**Reason for Proposed Action:** In 2017 EPA revised the Certification of Pesticide Applicators rule (40 CFR Part 171). The revisions provide assurance that certified applicators and non-certified applicators under their supervision are competent to use pesticides in a manner that will not cause unreasonable adverse effects on human health or the environment. The existing NC Pesticide Regulations were revised so that they meet or exceed the new minimum requirements detailed in 40 CFR Part 171. The rule revisions have been reviewed and approved by the NC Pesticide Board and the NC State Certification plan has been reviewed and final approval has been received from EPA.

**Comments may be submitted to:** Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (919) 745-9356; email [rulesreview@ncagr.gov](mailto:rulesreview@ncagr.gov)

**Comment period ends:** August 2, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to

1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 09 - FOOD AND DRUG PROTECTION**

**SUBCHAPTER 09L - PESTICIDE SECTION**

**SECTION .0500 - PESTICIDE LICENSES**

**02 NCAC 09L .0503 PESTICIDE APPLICATORS**

(a) The Commissioner shall require the licensing of at least one person at each business location who shall be responsible for the application of pesticides for routine pest control situations.

(b) The person licensed as the pesticide applicator shall supervise and guide the activities of all personnel applying pesticides from the business location of the licensee.

(c) ADOPTION BY REFERENCE: The North Carolina Pesticide Board hereby adopts by reference for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators," of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B –Certification Requirements for Applicators of Restricted Use Pesticides," including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

(d) The requirements for direct supervision of noncertified applicators by pesticide applicators are as follows:

- (1) The requirements for the supervising pesticide applicator:
  - (A) the supervising pesticide applicator must have a practical knowledge of applicable federal, state and tribal supervisory requirements, including any requirements on the product label and labeling, regarding the use of said pesticide by noncertified applicators; and
  - (B) the supervising pesticide applicator must be certified in each category as set forth in 02 NCAC 09L .0505

- applicable to the supervised pesticide use.
- (2) Requirements for the noncertified applicator include that the supervising pesticide applicator must ensure that each noncertified applicator using any pesticide under his or her direct supervision meets all of the following requirements before using any pesticide.
- (A) The non-certified applicator has satisfied the qualification requirements under Paragraph (e) of this Rule, including the following: the noncertified applicator has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides; and the noncertified applicator has met the minimum age required to use pesticides under the supervision of a pesticide applicator, as well as that a noncertified applicator must be at least 18 years old.
- (3) Use-specific conditions that must be met for a noncertified applicator to use any pesticide. The supervising pesticide applicator must ensure that all the following requirements are met before allowing a noncertified applicator to use any pesticide under his or her direct supervision.
- (A) The supervising pesticide applicator must ensure that the noncertified applicator has access to the applicable product labeling at all times during its use.
- (B) Where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the supervising pesticide applicator must ensure that any noncertified applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose.
- (C) The supervising pesticide applicator must provide to each noncertified applicator instructions specific to the site and pesticide used, and these instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g.,

equipment, method of application, formulation) might increase or decrease the risk of adverse effects, as well as that the supervising pesticide applicator must provide this information in a manner that the noncertified applicator can understand.

- (D) The supervising pesticide applicator must ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment.
- (E) The supervising pesticide applicator must ensure that a means to immediately communicate with the supervising pesticide applicator is available to each noncertified applicator using any pesticide under his or her direct supervision.
- (F) The supervising pesticide applicator must be physically present at the site of the use being supervised when required by the product labeling.
- (G) The supervising pesticide applicator must create and verify the existence of the records required by Paragraph (g) of this Rule of the qualification method being completed/verified.

(e) Before any noncertified applicator uses any pesticide under the direct supervision of a pesticide applicator, the supervising pesticide applicator must ensure that the noncertified applicator has met at least one of the following qualifications:

- (1) the noncertified applicator has been trained in accordance with Paragraph (f) of this Rule within the last 12 months;
- (2) the noncertified applicator has met training requirements for an agricultural handler under 40 CFR 170.501 within the last 12 months;
- (3) the noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in Subparagraph (f)(3) of this Rule; or
- (4) the noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in North Carolina.

(f) Guidelines for the noncertified applicator training program and their subsections shall be detailed as follows.

- (1) General noncertified applicator training must be presented to noncertified applicators orally from written materials or audio visually. The information must be presented in a manner that the noncertified applicators can understand.

- The person conducting the training must be present during the entire training program and must respond to the noncertified applicators' questions.
- (2) The person who conducts the training must meet one of the following criteria:
- (A) be currently certified as a pesticide applicator;
  - (B) be currently designated as a trainer of certified applicators or pesticide handlers by EPA, the certifying authority, or a state, tribal, or federal agency having jurisdiction; or
  - (C) have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under 40 CFR part 170.
- (3) The noncertified applicator training materials must include information on how the noncertified applicators can protect themselves, other people, and the environment before, during and after making a pesticide application. The noncertified applicator training materials must include, at a minimum, the following:
- (A) potential hazards from toxicity and exposure that pesticides present to noncertified applicators and their families, including acute and chronic effects, delayed effects, and sensitization;
  - (B) routes through which pesticides can enter the body;
  - (C) signs and symptoms of common types of pesticide poisonings;
  - (D) emergency first aid for pesticide injuries or poisonings;
  - (E) routine and emergency decontamination procedures, including emergency eye flushing techniques, including that noncertified applicators must be instructed that if pesticides are spilled or sprayed on the body, to immediately wash or to rinse off in the nearest appropriate location with clean water, and that noncertified applicators must also be instructed to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible;
  - (F) how and when to obtain emergency medical care;
  - (G) after working with pesticides, to wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;
  - (H) wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible after working with pesticides;
  - (I) potential hazards from pesticide residues on clothing;
  - (J) wash clothes worn while working with pesticides before wearing them again and wash them separately from other clothes;
  - (K) do not take pesticides or pesticide containers used at work to your home;
  - (L) potential hazards to children and pregnant women from pesticide exposure;
  - (M) remove work boots or shoes worn during a pesticide application before entering your home, and remove work clothes worn during a pesticide application and wash or shower before physical contact with children or family members;
  - (N) how to report suspected pesticide use violations to the appropriate state or tribal agency responsible for pesticide enforcement;
  - (O) format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use product statement, how to identify when the labeling requires the licensed applicator to be physically present during the use of the pesticide and information on personal protective equipment;
  - (P) need for, and appropriate use and removal of, personal protective equipment;
  - (Q) how to recognize, prevent, and provide first aid treatment for heat-related illness;
  - (R) safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;
  - (S) environmental concerns such as drift, runoff, and wildlife hazards;
  - (T) restricted use pesticides may be used only by a pesticide applicator or by a noncertified applicator working under the direct supervision of a pesticide applicator;
  - (U) the supervising pesticide applicator must be present at the site only when required by the product labeling;
  - (V) the supervising pesticide applicator's responsibility to provide to each noncertified applicator instructions specific to the site and pesticide used, and that these instructions must include labeling directions.

precautions, and requirements applicable to the specific use and site and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population, and risks) and the conditions of application (e.g., equipment, method of application, formulation, and risk of adverse effects), and these instructions must be provided by the supervising pesticide applicator in a manner the noncertified applicator can understand;

(W) the supervising pesticide applicator's responsibility to ensure that each noncertified applicator has access to the applicable product labeling at all times during its use;

(X) the supervising pesticide applicator's responsibility to ensure that where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, each noncertified applicator has clean, labeling required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose;

(Y) the supervising pesticide applicator's responsibility to ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons or the environment; and

(Z) the supervising pesticide applicator's responsibility to ensure that a means to immediately communicate with the supervising pesticide applicator is available to each noncertified applicator using any pesticide under his or her direct supervision.

(g) All applicators must adhere to the provisions of recordkeeping as outlined in the following section and subsection.

(1) Before allowing a noncertified applicator to make any pesticide application under their direct supervision, the supervising pesticide applicator must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in Paragraph (e) of this Rule. For each noncertified applicator, the records must contain the information appropriate to the method of qualification.

(A) If the noncertified applicator was trained in accordance with Subparagraph (e)(1) of this Rule, the record must contain all of the following information: the noncertified applicator's printed name and signature; the date the training requirement in Paragraph (d) of this Rule was met; the name of the person who provided the training; and the title or a description of the training provided.

(B) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501 in accordance with Subparagraph (e)(2) of this Rule, the record must contain all of the information required at 40 CFR 170.501 (d)(1).

(C) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, as described in Subparagraph (e)(3) of this Rule, the record must contain the information required by the certifying authority.

(D) If the noncertified applicator is an otherwise certified applicator who is not certified to perform the type of application being conducted or not certified in the jurisdiction where the use will take place, as described in Subparagraph (e)(4) of this Rule, the record must include all of the following information: the noncertified applicator's name; the noncertified applicator's certification number; the expiration date of the noncertified applicator's certification; and the certifying authority that issued the certification.

(2) The supervising pesticide applicator must create or verify the existence of the record containing the information in Subparagraph (g)(1) of this Rule before allowing the noncertified applicator to use any pesticides under his or her direct supervision.

(h) The pesticide applicator supervising any noncertified applicator must have access to records documenting the information required in Subparagraph (g)(1) of this Rule at the supervising pesticide applicator's principal place of business for three years from the date the noncertified applicator uses the pesticide.

*Authority G.S. 143-452; 143-453; 143-458; 143-460(30).*

**02 NCAC 09L .0504 DEFINITIONS**

The following definitions apply to ~~Rules .0505, .0506, and .0507 of this Section:~~ pesticide applicators:

- (1) ~~"Agricultural pest control"~~: "Agricultural pest control" and its subcategories shall apply to the following:
- (a) ~~Plant. Includes~~ crop pest control is the category applied to pesticide applicators using or supervising the use of pesticides in production of agricultural crops, including tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; as well as on grasslands and non-crop agricultural lands; and
- (b) ~~Animal. livestock pest control is the category applied to~~ includes pesticide applicators using or supervising the use of pesticides on animals, including, but not limited to, the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places where animals are confined. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides are included in this category. The following subcategories are defined as follows:
- (i) livestock: this subcategory applies to the application of pesticides to domesticated animals being raised as an agricultural commodity or for the purpose of producing an ag commodity;
- (ii) poultry: this subcategory applies to the application of pesticides to poultry or poultry operations; and
- (iii) small animal: this subcategory applies to the application of pesticides to pets or the areas where they are confined.
- (2) ~~"Forest pest control" includes~~ means the category of pesticide applicators using or supervising the use of pesticides in forests, forest nurseries, and forest seed-producing areas. seed production.
- (3) ~~"Ornamental and turf pest control" includes~~ means the category of pesticide applicators using or supervising the use of pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf plants and turf.
- (4) ~~"Seed treatment" includes pesticide applicators using or supervising the use of pesticides on~~
- ~~seeds.~~ "Aquatic pest control" means the category of pesticide applicators using or supervising the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in Items (6) and (7) of this Rule.
- (5) ~~"Aquatic pest control" includes pesticide applicators using or supervising the use of any pesticide intended to be applied to standing or running water, excluding applicators engaged in public health related activities included in Item (7) of this Rule.~~ "Right-of-way pest control" means the category of pesticide applicators using or supervising the use of pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way, or other similar areas.
- (6) ~~"Right of way pest control" includes pesticide applicators using or supervising the use of pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way, or other similar areas.~~ "Public health pest control" means the category of state, tribal, federal, or other governmental employees and contractors using or supervising the use of pesticides in government sponsored public health programs for the management and control of pests having medical and public health importance.
- (7) ~~"Public health pest control" includes primarily, but is not limited to, state, federal, or other governmental employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance.~~ "Commercial Public Health pest control" means the category of persons using or supervising the use of pesticides commercially for the management and control of pests having medical and public health importance.
- (8) ~~"Regulatory pest control" includes~~ means the category of state, tribal, federal, or other governmental employees who use or supervise the use of pesticides in government-sponsored programs for the control of regulated pests.
- (9) ~~"Demonstration and research pest control" includes~~ means the category of the following:
- (a) persons who demonstrate to the public the use and techniques of application of pesticides or supervise such demonstration, including extension specialists and county agents; commercial representatives demonstrating pesticide products, and those persons demonstrating methods used in public programs; and
- (b) persons who use or supervise the use of pesticides while conducting field

research with pesticides. This includes state, federal, commercial, and other persons conducting field research on or utilizing pesticides.

- (10) ~~"Wood treatment" includes pesticide applicators using or supervising the use of restricted use pesticides in wood preservation and wood products treatment. "Seed treatment" means the category of pesticide applicators using or supervising the use of pesticides on seeds in seed treatment facilities.~~
- (11) ~~"Soil and growing media fumigation pest control" includes individuals using or supervising the use of any fumigant pesticide injected or applied to soils or growing media. This category excludes fumigation of raw agricultural commodities and all structural fumigation such as:~~
  - ~~(a) boxcars;~~
  - ~~(b) warehouses;~~
  - ~~(c) tractor trailers; and~~
  - ~~(d) grain bins.~~

"Wood treatment" means the category of individuals applying pesticides to wood products such as crossties, poles, logs, shingles, posts or other wood products that are not part of a structure when treated and are or will be exposed to insects, fungi, marine pests, or weather. This category does not include treatment for the control of termites and other wood destroying organisms in houses or in an area as pretreatment prior to the construction of a structure.
- (12) ~~"Growing media" includes a substance or substances through which roots grow and extract water and nutrients. "Soil and growing media fumigation pest control" means individuals using or supervising the use of any fumigant pesticide injected or applied to soils or growing media. This category excludes fumigation of raw agricultural commodities and all structural fumigation such as:~~
  - ~~(a) boxcars;~~
  - ~~(b) warehouses;~~
  - ~~(c) tractor trailers; and~~
  - ~~(d) grain bins.~~
- (13) "Aerial pest control" means the category of commercial applicators who use or supervise the use of pesticides applied by fixed or rotary wing aircraft.
- (14) "Growing media" means a substance or substances through which roots grow and extract water and nutrients.
- (15) "Noncertified applicator" means any person who does not meet the requirements set forth in 02 NCAC 09L .0503 to be a pesticide applicator, but who has met the requirements set forth in 02 NCAC 09L .0503(d)(2), and who is using a pesticide under the direct supervision

of a pesticide applicator in accordance with 02 NCAC 09L .0503(c).

*Authority G.S. 143-452(d); 143-460(29); 40 C.F.R. 171.3.*

**02 NCAC 09L .0505 CLASSIFICATIONS**

(a) ADOPTION BY REFERENCE: The North Carolina Pesticide Board hereby adopts by reference for all Pesticide Applicators, Part 171.101 "Commercial applicator certification categories" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides," including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html). The following classifications shall apply in North Carolina:

- (1) neither the sodium cyanide predator control nor the sodium fluoroacetate predator control categories shall be created in North Carolina;
- (2) additional classifications and their respective subclassifications not established by the federal guidelines referenced in Paragraph (a) of this Rule that shall be created in North Carolina are as follows:
  - (A) commercial public health pest control;
  - (B) wood treatment;
  - (C) livestock pest control, which shall include the subsections of livestock; poultry; and small animals.

(b) The following classifications and subclassifications shall apply to the licensing of pesticide applicators:

- (1) pesticide applicators and public operators utilizing ground equipment:
  - ~~(A)(a)~~ agricultural pest control, including the subsections of crop pest control and livestock pest control (including further subcategories of livestock, poultry, and small animals);
  - ~~(B)(b)~~ forest pest control;
  - ~~(C)(c)~~ ornamental and turf pest control;
  - ~~(D)(d)~~ aquatic pest control;
  - ~~(E)(e)~~ right-of-way pest control;
  - ~~(F)(f)~~ public health pest control;
  - ~~(g)~~ regulatory pest control;
  - ~~(G)~~ commercial public health pest control;
  - ~~(h)~~ demonstration and research pest control:
    - (i) agricultural pest control:
      - ~~(A)~~ plant; and
      - ~~(B)~~ animal;
    - (ii) forest pest control;
    - (iii) ornamental and turf pest control;
    - (iv) aquatic pest control;
    - (v) right of way pest control;
    - (vi) public health pest control;
    - (vii) regulatory pest control;
    - (viii) seed treatment;
    - (ix) wood treatment; and

- (x) ~~soil and growing media fumigation pest control;~~
- (H) regulatory pest control;
- (i) seed treatment;
- (I) demonstration and research pest control, with the subsections of agricultural crop pest control; agricultural livestock pest control (including further subcategories of livestock, poultry, and small animals); forest pest control; ornamental and turf pest control; aquatic pest control; right-of-way pest control; commercial public health pest control; public health pest control; regulatory pest control; wood treatment; spoil and growing media fumigation pest control; aerial pest control;
- (j) ~~wood treatment; and~~
- (J) seed treatment;
- (k) ~~soil and growing media fumigation pest control;~~
- (K) wood treatment;
- (L) soil and growing media fumigation pest control;
- (M) aerial pest control;
- (2) pesticide applicators and public operators utilizing aerial equipment:
  - (A)(a) agricultural pest control; ~~plant; crop~~ pest control;
  - (B)(b) forest pest control;
  - (C)(c) ornamental and turf pest control;
  - (D)(d) aquatic pest control;
  - (E)(e) right-of-way pest control;
  - (F)(f) public health pest control;
  - (g) ~~regulatory pest control; and~~
  - (G) commercial public health pest control;
  - (h) ~~demonstration and research pest control:~~
    - (i) ~~agricultural pest control; plant;~~
    - (ii) ~~forest pest control;~~
    - (iii) ~~ornamental and turf pest control;~~
    - (iv) ~~aquatic pest control;~~
    - (v) ~~right of way pest control;~~
    - (vi) ~~public health pest control; and~~
    - (vii) ~~regulatory pest control.~~
- (H) regulatory pest control;
- (I) demonstration and research pest control, which shall include the subsections of agricultural pest control; crop pest control; forest pest control; ornamental and turf pest control; aquatic pest control; right-of-way pest control; regulatory pest control; public health pest control; and aerial pest control;

(J) aerial pest control.

*Authority G.S. 143-452(d); 143-460(29); 143-460(33).*

**02 NCAC 09L .0506 GOVERNMENTAL WORKERS**

Persons in job classifications in the government unit or agencies listed below are required to be licensed as public operators:

- (1) North Carolina Department of Transportation, division of highway (14 divisions);
- (2) United States Department of Agriculture, Animal and Plant Health Inspection Service:
  - (a) staff specialist for witchweed control,
  - (b) assistant district director,
  - (c) work unit supervisors,
  - (d) designated inspectors who supervise pesticide applications,
  - (e) witchweed methods development laboratory supervisor,
  - (f) witchweed methods development assistant laboratory supervisor;
- (3) North Carolina Department of Agriculture and Consumer Services plant industry division:
  - (a) plant pest administrator,
  - (b) entomological program specialist,
  - (c) plant pathologist,
  - (d) greenhouse manager,
  - (e) area supervisors,
  - (f) pest control specialists,
  - (g) all plant pest inspectors who have supervision of pesticide applications as part of their job assignments;
- (4) North Carolina Department of ~~Environment, Health, and Natural Resources, Forest Resources Division, Agriculture and Consumer Services, North Carolina Forest service staff, as outlined in their job descriptions:~~ pest control unit:
  - (a) ~~pest control foresters, foresters and forest technicians tasked with forest management duties such as writing, reviewing and approving herbicide application recommendations,~~
  - (b) ~~pest control staff forester, forest health program head and staff;~~
  - (c) ~~nursery unit superintendents, nursery program managers, technicians, and equipment operators; and~~
  - (d) ~~tree improvement unit technicians, tree improvement program supervisors, technicians, and equipment operators.~~
  - (e) ~~forestation unit rangers;~~
- (5) North Carolina Department of ~~Environment, Health, and Natural Resources, Public Health Pest Management Section, Division of Environmental Health one~~ medical entomologist;
- (5) Count boards of health and municipal governments;

- (a) in counties where the health department employees apply all the pesticides or supervise, on a weekly or more frequent basis, the activities of all municipal employees applying pesticides, at least one county environmental health specialist must be licensed;
- (b) one county environmental health specialist and one municipal employee for each municipality must be licensed in counties where the health department personnel apply pesticides but have no direct control over municipal employees who apply pesticides; and
- (c) one licensed supervisor for each municipality, sanitary district or mosquito control district must be licensed in counties where only municipal, sanitary district or mosquito control district personnel apply pesticides.
- ~~(6) County boards of health and municipal governments:
 
  - (a) ~~In counties where the health department employees apply all the pesticides or supervise, on a weekly or more frequent basis, the activities of all municipal employees applying pesticides, at least one county sanitarian must be licensed.~~
  - (b) ~~One county sanitarian and one municipal employee for each municipality must be licensed in counties where the health department personnel apply pesticides but have no direct control over municipal employees who apply pesticides.~~
  - (c) ~~One licensed supervisor for each municipality, sanitary district or mosquito control district must be licensed in counties where only municipal, sanitary district or mosquito control district personnel apply pesticides.~~~~

- (4) aquatic pest control;
- (5) right-of-way pest control;
- (6) public health pest control;
- (7) regulatory pest control;
- (8) seed treatment;
- (9) wood treatment; and
- (10) soil and growing media fumigation pest control.

Authority G.S. 143-455; 143-460(27).

**02 NCAC 09L .0512 AGE REQUIREMENT**

~~Each applicant for a license must be 18 years old by January 1 of the calendar year for which he has submitted an application for a license provided, however, in hardship cases persons below the age of 18 may be licensed by the Board on an individual basis when they demonstrate to the Board by written, or written and oral, examination their qualifications to sell or apply pesticides. A pesticide applicator must be at least 18 years old.~~

Authority G.S. 143-449(b); 143-452(f); 143-453(b); 143-455(c).

**02 NCAC 09L .0522 RECERTIFICATION OPTIONS**

(a) Pesticide applicators, public operators, and pest control consultants may be recertified by completion of approved continuing certification credit requirements in the pest control category in which the individual is certified and desires to retain certification. A "continuing certification credit" is defined as one hour of approved continuing certification training. Continuing certification training shall be approved by the Board based upon the US Environmental Protection Agency "Standards for certification of commercial applicators," as contained in 40 CFR 171.103, and "Standards for recertification of certified applicators," as contained in 40 CFR 171.107. Such training may consist of grower meetings, seminars, short courses, or other presentations taught by extension pesticide personnel, or other privately or publicly sponsored training organizations approved by the Board. Continuing certification requirements for each pest control category are as follows:

- ~~(1) aquatic 6 credits per 5-year period~~
- (1) agricultural pest control – crop pest control  
10 credits per 5-year period;
- ~~(2) public health 6 credits per 5-year period~~
- (2) agricultural pest control – livestock pest control  
6 credits per 5-year period;
- ~~(3) forest 6 credits per 5-year period~~
- (3) forest pest control  
6 credits per 5-year period;
- ~~(4) right-of-way 4 credits per 5-year period~~
- (4) ornamental and turf pest control  
10 credits per 5-year period;
- ~~(5) regulatory 6 credits per 5-year period~~
- (5) aquatic pest control  
6 credits per 5-year period;
- ~~(6) ag pest animal 6 credits per 5-year period~~
- (6) right of way pest control  
4 credits per 5-year period;
- ~~(7) ornamental and turf 10 credits per 5-year period~~
- (7) public health pest control  
6 credits per 5-year period;

Authority G.S. 143-453(c)(1); 143-460(33).

**02 NCAC 09L .0507 CATEGORIES OF CONSULTANTS**

Each person acting as a pest control consultant as defined in G.S. 143-460(27) shall be licensed. The categories requiring a license may include the following:

- (1) agricultural pest control:
  - (a) plant; and crop pest control;
  - (b) animal; livestock pest control;
- (2) forest pest control;
- (3) ornamental and turf pest control;

- (8) seed treatment 3 credits per 5-year period
- (8) commercial public health pest control  
6 credits per 5-year period;
- (9) ag-pest plant 10 credits per 5-year period
- (9) regulatory pest control  
6 credits per 5-year period;
- (10) ~~demonstration and research 10 credits per~~  
~~5-year period~~
- (10) demonstration and research pest control  
10 credits per 5-year period;

The continuing certification credits required for demonstration and research may consist of any combination of credits divided between training in the primary categories set forth in Subparagraph (a)(1) through (a)(9) and (a)(11) through (a)(14) of this Rule and training in demonstration and research.

(11) aerial 4 credits per 2-year period  
~~The Continuing Certification Credits required for aerial applicators shall include one credit obtained through training in aerial methods.~~

- (11) seed treatment  
3 credits per 5-year period;
- (12) wood treatment  
4 credits per 5-year period
- (12) wood treatment  
4 credits per 5-year period;
- (13) soil and growing media fumigation  
3 credits per 5-year period
- (13) soil and growing media fumigation  
3 credits per 5-year period; and
- (14) aerial 4 credits per 5-year period.

~~The Continuing Certification Credits required for aerial applicators shall include one credit obtained through training aerial methods.~~ The Continuing Certification Credits established for each ground application pest control category shall be obtained in at least two years of the five-year period.

(b) Pesticide applicators, public operators, and pest control consultants may be recertified by passing a written comprehensive examination administered by North Carolina Department of Agriculture and Consumer Services personnel and based on training materials that have been approved by the Board.

*Authority G.S. 143-437(1); 143-440(b); 143-453(c)(2); 143-455(d).*

**02 NCAC 09L .0531 PESTICIDE LICENSE EXAMINATION REQUIREMENT**

(a) ADOPTION BY REFERENCE: The North Carolina Pesticide Board, hereby adopts by reference for all Pesticide Applicators, Part 171.103 (a) through (e) "Standards for certification of commercial applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B-Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

(b) Core requirements as described in 40 CFR 171.103 must be met for all categories and subcategories.

(c) The competency standards for additional categories established in North Carolina are as follows:

- (1) commercial public health pest control: applicators must demonstrate practical knowledge of pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology and behavior as it may be relevant to problem identification and control, as well as the required knowledge on how to minimize damage to and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures;
- (2) wood treatment: applicators must demonstrate a practical knowledge of the different types of wood, tree anatomy and physiology and be able to identify what treatment factors are specific to each, as well as common disease and insect problems and factors, such as moisture, that must be considered prior to beginning a treatment, and knowledge of the different types of wood preservatives, as well as the specific PPE requirements and cautions associated with each, proper disposal of treated and unused wood;
- (3) livestock pest control and it's subcategories are established as follows:
  - (A) livestock: applicators must demonstrate practical knowledge of the various types of livestock, the area where they're housed and their associated pests, as well as the required knowledge which shall include specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment;
  - (B) poultry: applicators must demonstrate practical knowledge of poultry, typical poultry operations and their associated pests, as well as the required knowledge of specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment; and
  - (C) small animal: applicators must demonstrate practical knowledge of small companion animals and their associated pests, as well as the required knowledge of specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of

animals, stress, and extent of treatment.

Authority G.S. 143-449(b); 143-4523(b); 143-452(f); 143-453(b); 143-455; 143-460.

**SECTION .1000 - AERIAL APPLICATION OF PESTICIDES**

**02 NCAC 09L .1002 GENERAL REQUIREMENTS**

(a) All agricultural aircraft operations in North Carolina shall comply with the Federal Occupational Safety and Health Act of 1971 (OSHA), Title 29 U.S.C. Chapter 15, the North Carolina Occupational Safety and Health Law, G.S. Chapter 95 Article 16, all rules and regulations promulgated thereunder and the Federal Aviation Regulations Part 137. In any case of conflict, a provision of the aforementioned authorities takes precedence over any of these Rules.

(b) Each aerial application business shall have a licensed contractor. The contractor shall be responsible for the compliance of the business with the North Carolina Pesticide Law of 1971 and all rules promulgated thereunder except where the responsibility is designated to another person(s) this Section.

(c) All agricultural aircraft operations (pilot or contractor) shall keep a written record to be completed within 72 hours after each application, unless requested sooner by an employee of the Pesticide Section for the purposes of a pesticide incident investigation. The record shall show the following:

- (1) name of contractor;
- (2) name and address of the person for whom the pesticide was applied;
- (3) identification of farm or land sites treated with pesticide(s);
- (4) name of crop which was treated;
- (5) total number of acres treated;
- (6) the year, month, date, and the specific time of day when each pesticide application was completed;
- (7) the brand name of the pesticide(s) and EPA registration number;
- (8) amount of formulated product or active material applied per acre shall be specified;
- (9) total gallons or pounds per acre of the final tank mix applied per acre;
- (10) name of pilot; and
- (11) signature of the person completing this record.

(d) Each day of application shall be recorded as a separate record.

(e) The pilot shall, prior to application, learn and confirm:

- (1) the boundaries and exact location of the target area(s); and
- (2) the identity of nontarget areas and safety hazards located on or adjacent to the target areas.

(f) Spray and spreading equipment shall be rinsed after each agricultural aircraft operation except when the next agricultural aircraft operation will be made using the same pesticide, or if another pesticide, compatible with the previous pesticide according to the manufacturer's recommendations was previously in the equipment, and will not result in any adverse effects or

created by the drainage or disposal of waste materials and conducted with methods which will not create an adverse effect as defined in this Section.

(g) During application, the flow and mixture of the pesticide(s) shall be uniform. Pilots and contractors shall utilize equipment which will maintain a uniform mixture and flow during application.

(h) Pilots and contractors shall use and operate, in any agricultural aircraft operation, aircraft equipped with spray or spreading equipment suited, according to its manufacturer's recommendations for the pesticide(s) to be applied. All aerial spray or spreading equipment shall be free of leaks and shall have a positive shutoff system to prevent leaking and dissemination of pesticides on any nontarget areas over which the flight is made. Such equipment shall not allow spillage, dripping and backflow or create a hazard from vapors or drift.

(i) The loading area shall be kept free of pesticide contamination.

(j) No pesticide(s) shall be applied by an aerial applicator while any persons other than those assisting in the application are in the target area.

(k) The shape of the tank or hopper of the spray or spreading equipment shall be such as to allow complete drainage during flight and on ground.

(l) The contractor or pilot shall notify the Secretary of the Board of any emergency or accidental release of pesticide(s) from the application or auxiliary equipment. They shall provide the following information:

- (1) the name of the pilot;
- (2) the contractor involved;
- (3) the name of the property owner or operator;
- (4) the location of the incident;
- (5) the name of the pesticide;
- (6) the estimated amount of pesticide involved;
- (7) the estimated size of the area that received the spill;
- (8) the description of what is located within 300 feet from the edge of the spill in all directions;
- (9) the number of humans or animals known to have been contaminated; and
- (10) the weather conditions at the site of the emergency or accidental release of pesticide(s).

Authority G.S. 143-458; 143-463; 143-466.

**02 NCAC 09L .1003 DRIFT CONTROL**

No person shall apply a ~~pesticide(s) pesticide or pesticides~~ aerially under such conditions that drift from ~~pesticide(s) pesticide~~ particles or vapors results in adverse effect. ~~As a minimum, the following precautions shall be taken:~~

- (1) ~~Fixed nozzles shall be spaced on the boom to afford a uniform spray pattern at the height the aircraft will be flown.~~
- (2) ~~All pesticides applied aerially as liquids, in liquid carriers, or as dusts shall be released within 15 feet above the canopy of the target, except where obstructions in or adjacent to the target would endanger the safety of the pilot while applying pesticides at that altitude.~~

- (3) ~~All pesticides applied aerially as dry granules or pellets shall be released within 40 feet above the canopy of the target, except where obstructions in or adjacent to the target would endanger the safety of the pilot while applying pesticides at that altitude.~~
- (4) ~~All applications of the following liquid pesticide formulations shall be made using a D4 or larger disk with a 46 whirlplate with the discharge directed with the airstream or not more than 10 degrees below the horizontal, and operated at a maximum pressure of 40 pounds per square inch, or a system producing a droplet size range not smaller than the above system, except for rotary wing aircraft flying at speeds of 60 mph or less, in which case the nozzles may be directed downward:~~
  - (a) ~~phenoxy herbicides,~~
  - (b) ~~paraquat,~~
  - (c) ~~picloram (Tordon), and~~
  - (d) ~~dicamba.~~
- (5) ~~Restricted use pesticides other than those specified in (4) of this Rule shall be applied as follows:~~
  - (a) ~~use a D4 or larger disk with a 45 whirlplate with the discharge directed with the airstream or not more than 10 degrees below the horizontal, and operated at a maximum pressure of 40 pounds per square inch; or~~
  - (b) ~~a system producing a droplet size range not smaller than the above system, except for rotary wing aircraft flying at speeds of 60 mph or less, in which case the nozzles may be directed downward; or~~
  - (c) ~~use a boom with outside nozzles placed no closer to the wingtips than 12 1/2 percent of the total wingspan distance. If the length of the boom of the spraying equipment exceeds the nozzle span, a bleeder line shall be provided from the end of the boom to the last nozzle on the boom.~~

- (2) "Noncertified applicator" means any person who is not certified in accordance with G.S. 143-440(b) to use or supervise the use of restricted use pesticides, but who has met the requirements set forth in 40 CFR 171.201(c), and who is using a restricted use pesticide under the direct supervision of a certified applicator in accordance with 40 CFR 171.201.
  - (a) ~~for the purpose of producing any agricultural commodity on property owned or rented by the person or the person's employer; or~~
  - (b) ~~if the pesticide is applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.~~
- (3) "Private pesticide applicator certification standards review" means a training session designed by the North Carolina State University Pesticide Safety Extension Specialist to advance a private pesticide applicator's practical knowledge in areas such as:
  - (a) ~~the pest problems and pest control practices associated with agricultural operations;~~
  - (b) ~~storage, use, handling, and disposal of pesticides and their containers;~~
  - (c) ~~labels and labeling information;~~
  - (d) ~~local environmental situations to consider during application to avoid eontamination;~~
  - (e) ~~recognition of poisoning symptoms and procedures to follow in case of a pesticide accident;~~
  - (f) ~~protective clothing, equipment, and other worker protection standards;~~
  - (g) ~~federal and State pesticide laws, rules, and regulations and the applicator's related legal responsibility;~~
  - (h) ~~current agricultural production related pesticide technology; and~~
  - (i) ~~sources of advice and guidance necessary for the safe and proper use of each pesticide related to his or her eertification including EPA guidance, extension publications and court decisions.~~

- (3) "Private pesticide applicator" means a person who uses or supervises the use of any restricted use pesticide under the following conditions:
  - (a) for the purpose of producing any agricultural commodity on property owned or rented by the person or the person's employer; or
  - (b) if the pesticide is applied without compensation other than the trading of personal services between producers

Authority G.S. 143-458; 143-463.

**SECTION .1100 - PRIVATE PESTICIDE APPLICATOR CERTIFICATION**

**02 NCAC 09L .1102 DEFINITIONS**

The following definitions apply in this Section.

- (1) "Certified applicator" means any individual who is certified to use or supervise the use of any restricted use pesticide.
- (2) "Private pesticide applicator" means a person who uses or supervises the use of any restricted use pesticide under the following conditions:

of agricultural commodities on the property of another person.

~~These training sessions shall be taught by Cooperative Extension Service pesticide training agents or other individuals approved by the Board on a case by case basis, based upon the individual's education, experience, and knowledge of Subparagraph (c)(1) through (9) of this Rule.~~

~~(4) "Continuing certification credit" means one hour of continuing certification training. Such training may be offered during grower meetings, seminars, short courses, or other presentations taught by Cooperative Extension Service pesticide training agents, or other privately or publicly sponsored training organizations. Private applicators may also earn continuing certification credits by attending training sessions for which credit has been assigned in the following commercial categories as set forth in Rule .0505(1)(a) through (1)(k):~~

- ~~(a) aquatic;~~
- ~~(b) agricultural pest animal;~~
- ~~(c) agricultural pest plant;~~
- ~~(d) ornamental and turf;~~
- ~~(e) forest;~~
- ~~(f) seed treatment; and~~
- ~~(g) soil and growing media fumigation.~~

~~(4) "Private pesticide applicator certification standards review" means a training session designed by the North Carolina State University Pesticide Safety Extension Specialist to advance a private pesticide applicator's practical knowledge in areas such as:~~

- ~~(a) the pest problems and pest control practices associated with agricultural operations;~~
- ~~(b) storage, use, handling, and disposal of pesticides and their containers;~~
- ~~(c) labels and labeling information;~~
- ~~(d) local environmental situations to consider during application to avoid contamination;~~
- ~~(e) recognition of poisoning symptoms and procedures to follow in case of a pesticide accident;~~
- ~~(f) protective clothing, equipment, and other worker protection standards;~~
- ~~(g) federal and state pesticide laws, rules, and regulations and the applicator's related legal responsibility;~~
- ~~(h) current agricultural production-related pesticide technology; and~~
- ~~(i) sources of advice and guidance necessary for the safe and proper use of each pesticide related to his or her certification including EPA guidance, extension publications and court decisions.~~

These training sessions shall be taught by Cooperative Extension Service pesticide training agents or other individuals approved by the Pesticide Board on a case-by-case basis, based upon the individual's education, experience, and knowledge of Sub-items (4)(a) through (i) of this Rule.

(5) "Continuing certification credit" means one hour of continuing certification training. Such training may be offered during grower meetings, seminars, short courses, or other presentations taught by Cooperative Extension Service pesticide training agents, or other privately or publicly sponsored training organizations. Private applicators may also earn continuing certification credits by attending training sessions for which credit has been assigned in the following commercial categories and subcategories as set forth in Rule .0505(b):

- (a) agricultural pest control;
  - (i) crop pest control;
  - (ii) livestock pest control;
- (b) forest pest control;
- (c) ornamental and turf pest control;
- (d) aquatic pest control;
- (e) seed treatment;
- (f) soil and growing media fumigation pest control; and
- (g) aerial pest control.

*Authority G.S. 143-440; 143-453.*

**02 NCAC 09L .1103 CERTIFICATION EXAMINATION**

~~(a) An applicant for an initial private pesticide applicator's certification shall demonstrate by written examination his or her knowledge of pesticides and their usefulness and hazards; his or her competence to act as a private pesticide applicator; and his or her knowledge of the laws and rules governing the use and application of pesticides by private pesticide applicators. Passing grade shall be 70 percent. ADOPTION BY REFERENCE. The North Carolina Pesticide Board hereby adopts by reference, including subsequent amendments, Part 171.105 (a) through (i) "Standards for certification of private applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B— Certification Requirements for Applicators of Restricted Use Pesticides." Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).~~

~~(b) Any applicant for initial certification in any private applicator certification subclass shall first become certified as a private pesticide applicator. A passing grade shall be 70 percent.~~

~~(c) Any applicant for initial certification in any private applicator certification subclass shall first become certified as a private pesticide applicator.~~

*Authority G.S. 143-440.*

02 NCAC 09L .1105 APPLICATIONS UNDER SUPERVISION OF CERTIFIED APPLICATOR

(a) ~~The certified applicator acting in a supervisory role shall be available to the non-certified applicator in the event he is needed. It shall be the responsibility of the certified applicator to keep the non-certified applicator aware of all directions for use and cautions for safe use and application of any restricted use pesticide he or she may be directed to apply.~~

(a) ADOPTION BY REFERENCE: The North Carolina Pesticide Board hereby adopts by reference, including subsequent amendments, Part 171.201 (a) through (d) of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart C-Supervision of Noncertified Applicators." Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, www.gpoaccess.gov/cfr/index.html.

(b) ~~All non-certified applicators applying any restricted use pesticide under the direct supervision of a certified applicator shall have available at the application site or at the loading and mixing site, if different from the application site, the following:~~

- (1) ~~written or printed directions for applying the restricted use pesticide, which may include pesticide product labeling;~~
- (2) ~~written or printed instructions describing procedures to be followed in order to prevent injury to the applicator, other persons and unreasonable adverse effects on the environment which may include pesticide product labeling; and~~
- (3) ~~instructions for direct communication with the certified applicator under whose supervision the non-certified applicator is working (i.e., name, location, telephone number, radio contact, etc.); Such instructions, when followed, shall be considered direct communication with the certified applicator.~~

(b) All certified applicators must adhere to the provisions of recordkeeping as outlined in the following chapter and subchapters of this section.

- (1) Before allowing a noncertified applicator to make a restricted use pesticide application under their direct supervision, the supervising certified applicator must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in 40 CFR 171.201(c). For each noncertified applicator, the records must contain the information appropriate to the method of qualification as follows. For each noncertified applicator, the records must contain the information appropriate to the method of qualification as provided in Parts (b)(1)(A) through (b)(1)(D) of this Rule.

(A) If the noncertified applicator was trained in accordance with 171.201(c)(1), the record must contain all of the following information: the noncertified applicator's printed name and signature; the date the training

requirement in 171.201(c) was met; the name of the person who provided the training; and the title or a description of the training provided.

- (B) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501 in accordance with 171.201(c)(2), the record must contain all of the information required in 40 CFR 170.501 (d)(1).
- (C) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, as described in 171.201(c)(3), the record must contain the information required by the certifying authority.
- (D) If the noncertified applicator is a certified applicator who is not certified to perform the type of application being conducted, or not certified in the jurisdiction where the use will take place, as described in 171.201(c)(4), the record must include all of the following information: the noncertified applicator's name; the noncertified applicator's certification number; the expiration date of the noncertified applicator's certification; and the certifying authority that issued the certification.

(2) The certified applicator must create or verify the existence of the record containing the information in Subparagraph (b)(1) of this Rule before allowing the noncertified applicator to use any restricted use pesticides under his or her direct supervision.

(3) The certified applicator supervising any noncertified applicator must have access to records documenting the information required in Subparagraph (b)(1) of this Rule for three years from the date the noncertified applicator use the pesticide.

(c) The certified applicator acting in a supervisory role shall be available to the non-certified applicator in the event he is needed. It shall be the responsibility of the certified applicator to keep the non-certified applicator fully aware of all directions for use and cautions necessary for safe use and application of any restricted use pesticide they may be directed to apply.

(d) All non-certified applicators applying any restricted use pesticide under the direct supervision of a certified applicator shall have available at the application site or at the loading and mixing site, if different from the application site, the following:

- (1) detailed written or printed directions for applying the restricted use pesticide (pesticide product label may suffice);
- (2) detailed written or printed instructions describing procedures to be followed in order to prevent injury to the applicator, other persons and/or unreasonable adverse effects on the

- environment (pesticide product label may suffice); and
- (3) detailed instructions for contacting the certified applicator under whose supervision the non-certified applicator is working (i.e., name, location, telephone number, radio contact, etc.), and such instructions, when followed, shall result in direct communication with the certified applicator.

Authority G.S. 143-440.

**02 NCAC 09L .1107 AGE LIMITATIONS**

Individuals who wish to be certified as private pesticide applicators shall be ~~16~~ at least 18 years old prior to participating in a certification option or being issued a single purchase permit under the emergency certification ~~procedure; however, in hardship cases individuals below the age of 16 may be licensed by the Board on an individual basis when they demonstrate to the Board by written, or written and oral examination their qualifications as a private pesticide applicator.~~ procedure.

Authority G.S. 143-440.

**02 NCAC 09L .1108 TERM OF CERTIFICATION; RECERTIFICATION**

- (a) The term of certification shall be for a period of three years.
- (b) In order to be recertified as a private pesticide applicator without a written examination, a person shall complete two hours of private pesticide applicator certification standards review, plus two continuing certification credit hours, as defined in Rule ~~1102(d)~~ .1102(5) of this Section.
- (c) A private pesticide applicator certified in the subclass of soil and growing media fumigation or agricultural commodity fumigation or aerial shall earn one hour of continuing certification credit specific to each applicable subclass to retain the subclass certification.

Authority G.S. 143-440; 143-453.

**02 NCAC 09L .1109 CERTIFICATION OF PRIVATE APPLICATORS**

The following subclassifications are established for the certification of private pesticide applicators:

- (1) "Soil and growing media fumigation" means private pesticide applicators utilizing ground equipment applying restricted use fumigants to property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (2) "Agricultural commodity fumigation" means private pesticide applicators applying restricted use fumigants to agricultural commodities on property they own or lease, their employer's property, or applied without compensation other than the trading of personal services

between producers of agricultural commodities on the property of another person.

- (3) "Aerial" means private pesticide applicators applying restricted use pesticides from an aircraft onto agricultural commodities on property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.

Authority G.S. 143-440.

**SECTION .1300 - AVAILABILITY OF RESTRICTED USE PESTICIDES**

**02 NCAC 09L .1303 EXEMPTIONS**

- (a) Restricted use pesticides may be made available to ~~an~~ a noncertified employee under the supervision of a certified private or licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee provided the noncertified employee is acting under the direction and supervision of said applicators or licensees and provided further that said noncertified employee is ~~16 years of age or older.~~ at least 18 years old.
- (b) This exemption applies to restricted use pesticides in channels of trade prior to making them available for end use.
- (c) Prior to making available restricted use pesticides to ~~an~~ a noncertified employee under the supervision of a certified private applicator, licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee, all persons shall require the noncertified employee to sign his or her name and list the certification number of employer under whose direction and supervision the noncertified employee is acting. Such information shall be available for routine inspection by the North Carolina Pesticide Board or its agent.

Authority G.S. 143-437; 143-440; 143-466.

**02 NCAC 09L .1305 RECORD KEEPING REQUIREMENTS**

All licensed pesticide dealers, as defined in G.S. 143-460, shall keep records of all sales of restricted use pesticides showing the following:

- (1) date of sale;
- (2) initials of sales clerk;
- (3) name of certified or licensed applicator as set out in Rule .1302 of this Section or noncertified employees as set out in Rule .1303 of this Section;
- (4) certification or license number of certified or licensed applicator as set out in Rule .1302 of this Section;
- (5) certification or license expiration date as shown on the certified or licensed applicator's certification card;
- ~~(6) product brand name;~~
- (6) categories held by certified or licensed applicator;

- (7) ~~EPA registration number;~~
- (7) product brand name;
- (8) ~~number of individual containers;~~
- (8) EPA registration number;
- (9) ~~size of individual containers; and~~
- (9) number of individual containers;
- (10) ~~total quantity sold.~~
- (10) size of individual containers; and
- (11) total quantity sold.

**Time:** 10:00 a.m.

**Location:** This public hearing will be held by teleconference at (919) 715-0769 (no access code required).

**Reason for Proposed Action:** The surveillance and control of communicable diseases and conditions is an important part of protecting the public's health. The proposed rule amends the communicable diseases and conditions reporting requirements to: (1) expand from reporting of carbapenem-resistant enterobacteriaceae (CRE) to the reporting of all carbapenemase-producing organisms (CPO); (2) add a reporting requirement for invasive Cronobacter infections in individuals less than 12 months of age; and (3) make other technical updates to rule language.

**Comments may be submitted to:** Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net)

**Comment period ends:** August 2, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

Authority G.S. 143-437; 143-440; 143-466.

**SECTION .1400 - GROUND APPLICATION OF PESTICIDES**

**02 NCAC 09L .1402 RECORD KEEPING REQUIREMENTS**

All pesticide applicators, as defined in G.S. 143-460 utilizing ground equipment shall keep for three years records created within 72 hours after each application of all applications of restricted use pesticides. The records shall show the following:

- (1) name of licensed pesticide applicator or licensed public operator;
- (2) name and address of the person for whom the pesticide was applied;
- (3) identification of farm or site(s) treated with pesticide(s);
- (4) name of crop, commodity, or object(s) that was treated with pesticide(s);
- (5) approximate acres, size, or number of other object(s) treated;
- (6) the year, month, date, and the specific time of day when each pesticide application was completed and each day of application shall be recorded as a separate record;
- (7) the brand name of the pesticide(s) and EPA registration number(s);
- (8) amount (volume or weight) of pesticide formulation(s) or active ingredient(s) applied per unit of measure; and
- (9) name(s) of person(s) applying pesticide(s).

Authority G.S. 143-458; 143-463; 143-466(a).

**TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rule cited as 10A NCAC 41A .0101.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://cph.dph.ncdhhs.gov/>

Proposed Effective Date: October 1, 2024

Public Hearing:  
Date: July 11, 2024

**CHAPTER 41 - EPIDEMIOLOGY HEALTH**

**SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL**

**SECTION .0100 - COMMUNICABLE DISEASE CONTROL**

**10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS**

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 24 hours;
- (2) acute flaccid myelitis – 7 days;
- (3) anaplasmosis – 7 days;
- (4) anthrax - immediately;
- (5) arboviral infection, neuroinvasive – 7 days;
- (6) babesiosis – 7 days;
- (7) botulism - immediately;
- (8) brucellosis - 7 days;
- (9) campylobacter infection - 24 hours;
- (10) *Candida auris* - 24 hours;
- (11) ~~Carbapenem Resistant~~ ~~Enterobacteriaceae~~ ~~(CRE)~~ Carbapenemase-producing organisms (CPO) – 24 hours;
- (12) chancroid - 24 hours;
- (13) chikungunya virus infection - 24 hours;
- (14) chlamydial infection (laboratory confirmed) - 7 days;
- (15) cholera - 24 hours;
- (16) Creutzfeldt-Jakob disease – 7 days;
- (17) cronobacter infection, invasive, in individuals less than twelve months of age – 24 hours;
- (18)(17) cryptosporidiosis – 24 hours;
- (19)(18) cyclosporiasis – 24 hours;
- (20)(19) dengue - 7 days;
- (21)(20) diphtheria - 24 hours;
- (22)(21) *Escherichia coli*, shiga toxin-producing infection - 24 hours;
- (23)(22) ehrlichiosis – 7 days;
- (24)(23) foodborne disease, including *Clostridium perfringens*, staphylococcal, *Bacillus cereus*, and other and unknown causes - 24 hours;
- (25)(24) gonorrhea - 24 hours;
- (26)(25) granuloma inguinale - 24 hours;
- (27)(26) *Haemophilus influenzae*, invasive disease - 24 hours;
- (28)(27) Hantavirus infection – 7 days;
- (29)(28) Hemolytic-uremic syndrome – 24 hours;
- (30)(29) Hemorrhagic fever virus infection – immediately;
- (31)(30) hepatitis A - 24 hours;
- (32)(31) hepatitis B - 24 hours;
- (33)(32) hepatitis B carriage - 7 days;
- (34)(33) hepatitis C, acute – 7 days;
- (35)(34) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
- (36)(35) influenza virus infection causing death – 24 hours;
- (37)(36) legionellosis - 7 days;
- (38)(37) leprosy – 7 days;

- (39)(38) leptospirosis - 7 days;
- (40)(39) listeriosis – 24 hours;
- (41)(40) Lyme disease - 7 days;
- (42)(41) Lymphogranuloma venereum - 7 days;
- (43)(42) malaria - 7 days;
- (44)(43) measles (rubeola) - immediately;
- (45)(44) meningitis, pneumococcal - 7 days;
- (46)(45) meningococcal disease - 24 hours;
- (47)(46) Middle East respiratory syndrome (MERS) - 24 hours;
- (48)(47) ~~monkeypox~~ mmpox – 24 hours;
- (49)(48) mumps - 7 days;
- (50)(49) nongonococcal urethritis - 7 days;
- (51)(50) novel coronavirus infection causing death – 24 hours;
- (52)(51) novel coronavirus infection – immediately;
- (53)(52) novel influenza virus infection – immediately;
- (54)(53) plague - immediately;
- (55)(54) paralytic poliomyelitis - 24 hours;
- (56)(55) pelvic inflammatory disease – 7 days;
- (57)(56) psittacosis - 7 days;
- (58)(57) Q fever - 7 days;
- (59)(58) rabies, human - 24 hours;
- (60)(59) rubella - 24 hours;
- (61)(60) rubella congenital syndrome - 7 days;
- (62)(61) salmonellosis - 24 hours;
- (63) salmonella typhi infection – 24 hours;
- (64) salmonella paratyphi infection – 24 hours;
- (65)(62) severe acute respiratory syndrome (SARS) – 24 hours;
- (66)(63) shigellosis - 24 hours;
- (67)(64) smallpox - immediately;
- (68)(65) spotted fever rickettsiosis – 7 days;
- (69)(66) *Staphylococcus aureus* with reduced susceptibility to vancomycin – 24 hours;
- (70)(67) streptococcal infection, Group A, invasive disease - 7 days;
- (71)(68) syphilis - 24 hours;
- (72)(69) tetanus - 7 days;
- (73)(70) toxic shock syndrome - 7 days;
- (74)(71) trichinosis - 7 days;
- (75)(72) tuberculosis - 24 hours;
- (76)(73) tularemia – immediately;
- (74) ~~typhoid~~ – 24 hours;
- (75) ~~typhoid carriage (*Salmonella typhi*)~~ – 7 days;
- (77)(76) typhus, epidemic (louse-borne) - 7 days;
- (78)(77) vaccinia – 24 hours;
- (79)(78) varicella – 24 hours;
- (80)(79) vibrio infection (other than cholera) – 24 hours;
- (81)(80) whooping cough – 24 hours;
- (82)(81) yellow fever – 7 days; and
- (83)(82) zika virus – 24 hours.

(b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus culture, repeatedly reactive EIA antibody test confirmed by

western blot or indirect immunofluorescent antibody test, positive nucleic acid detection (NAT) test, or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of Public Health Laboratories.

(c) In addition to the laboratory reports for *Mycobacterium tuberculosis*, *Neisseria gonorrhoeae*, and syphilis specified in G.S. 130A-139, laboratories shall report using electronic laboratory reporting (ELR), secure telecommunication, or paper reports.

(1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:

- (A) *Anaplasma* spp., the causes of anaplasmosis.
- (B) Any hantavirus.
- (C) Any hemorrhagic fever virus.
- (D) Arthropod-borne virus (any type).
- (E) *Babesia* spp., the cause of babesiosis.
- (F) *Bacillus anthracis*, the cause of anthrax.
- (G) *Bordetella pertussis*, the cause of whooping cough (pertussis).
- (H) *Borrelia burgdorferi*, the cause of Lyme disease (confirmed tests).
- (I) *Brucella* spp., the causes of brucellosis.
- (J) *Campylobacter* spp., the causes of campylobacteriosis.
- (K) *Candida auris*.
- (L) ~~Carbapenem-Resistant Enterobacteriaceae (CRE).~~  
Carbapenemase-producing organisms (CPO).
- (M) *Chlamydia trachomatis*, the cause of genital chlamydial infection, conjunctivitis (adult and newborn) and pneumonia of newborns.
- (N) *Clostridium botulinum*, a cause of botulism.
- (O) *Clostridium tetani*, the cause of tetanus.
- (P) Coronavirus, novel human strain.
- (Q) *Corynebacterium diphtheriae*, the cause of diphtheria.
- (R) *Coxiella burnetii*, the cause of Q fever.
- (S) *Cryptosporidium* spp., the cause of human cryptosporidiosis.
- (T) *Cyclospora cayentanensis*, the cause of cyclosporiasis.
- (U) Dengue virus.
- (V) *Ehrlichia* spp., the causes of ehrlichiosis.
- (W) Shiga toxin-producing *Escherichia coli*, a cause of hemorrhagic colitis,

hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.

- (X) *Francisella tularensis*, the cause of tularemia.
- (Y) Hepatitis A virus.
- (Z) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
- (AA) Human Immunodeficiency Virus, the cause of AIDS.
- (BB) *Legionella* spp., the causes of legionellosis.
- (CC) *Leptospira* spp., the causes of leptospirosis.
- (DD) *Listeria monocytogenes*, the cause of listeriosis.
- (EE) Measles virus.
- (FF) Middle East respiratory syndrome virus.
- (GG) ~~Monkeypox.~~ Mpox.
- (HH) Mumps virus.
- (II) *Mycobacterium leprae*, the cause of leprosy.
- (JJ) *Plasmodium falciparum*, *P. malariae*, *P. ovale*, and *P. vivax*, the causes of malaria in humans.
- (KK) Poliovirus (any), the cause of poliomyelitis.
- (LL) Rabies virus.
- (MM) *Rickettsia* spp., the cause of spotted fever rickettsiosis.
- (NN) Rubella virus.
- (OO) *Salmonella* spp., the causes of ~~salmonellosis.~~ salmonellosis, s. typhi infection, and s. paratyphi infection.
- (PP) *Shigella* spp., the causes of shigellosis.
- (QQ) Smallpox virus, the cause of smallpox.
- (RR) *Staphylococcus aureus* with reduced susceptibility to vancomycin.
- (SS) *Trichinella spiralis*, the cause of trichinosis.
- (TT) Vaccinia virus.
- (UU) Varicella virus.
- (VV) *Vibrio* spp., the causes of cholera and other vibrioses.
- (WW) Yellow fever virus.
- (XX) *Yersinia pestis*, the cause of plague.
- (YY) Zika virus.
- (2) Isolation or other specific identification of the following organisms from normally sterile human body sites:
  - (A) *Cronobacter* spp., if isolated or identified from individuals less than twelve months of age.
  - ~~(A)~~(B) Group A *Streptococcus pyogenes* (group A streptococci).
  - ~~(B)~~(C) *Haemophilus influenzae*, serotype b.

- (3) Positive serologic test results, as specified, for the following infections:
- (A) Fourfold or greater changes or equivalent changes in serum antibody titers to:
- (i) Any arthropod-borne virus associated with neuroinvasive disease.
  - (ii) *Anaplasma* spp., the cause of anaplasmosis.
  - (iii) Any hantavirus or hemorrhagic fever virus.
  - (iv) *Chlamydia psittaci*, the cause of psittacosis.
  - (v) Chikungunya virus.
  - (vi) *Coxiella burnetii*, the cause of Q fever.
  - (vii) Dengue virus.
  - (viii) *Ehrlichia* spp., the causes of ehrlichiosis.
  - (ix) Measles (rubeola) virus.
  - (x) Mumps virus.
  - (xi) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
  - (xii) Rubella virus.
  - (xiii) Varicella virus.
  - (xiv) Yellow fever virus.
- (B) The presence of IgM serum antibodies to:
- (i) Any arthropod-borne virus associated with neuroinvasive disease.
  - (ii) Chikungunya virus.
  - (iii) *Chlamydia psittaci*.
  - (iv) Dengue virus.
  - (v) Hepatitis A virus.
  - (vi) Hepatitis B virus core antigen.
  - (vii) Mumps virus.
  - (viii) Rubella virus.
  - (ix) Rubeola (measles) virus.
  - (x) Yellow fever virus.
- (4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4) subset of lymphocytes and all results from tests to determine HIV viral load.
- (5) Identification of ~~CRE~~ CPO from a clinical specimen associated with either infection or colonization, including all susceptibility results and all phenotypic or molecular test results.
- (d) Laboratories utilizing electronic laboratory reporting (ELR) shall report in addition to those listed under Paragraph (c) of this Rule:
- (1) All positive laboratory results from tests used to diagnosis chronic Hepatitis C Infection, including the following:

- (A) Hepatitis C virus antibody tests (including the test specific signal to cut-off (s/c) ratio);
  - (B) Hepatitis C nucleic acid tests;
  - (C) Hepatitis C antigen(s) tests; and
  - (D) Hepatitis C genotypic tests.
- (2) All HIV genotypic test results, including when available:
- (A) The entire nucleotide sequence; or
  - (B) The pol region sequence (including all regions: protease (PR)/reverse transcriptase (RT) and integrase (INI) genes, if available).
- (3) All test results for Interferon Gamma Release Assays.
- ~~(e) For the purposes of reporting, Carbapenem Resistant Enterobacteriaceae (CRE) are defined as:~~
- ~~(1) *Enterobacter* spp., *E.coli* or *Klebsiella* spp positive for a known carbapenemase resistance mechanism or positive on a phenotypic test for carbapenemase production; or~~
  - ~~(2) *Enterobacter* spp., *E.coli* or *Klebsiella* spp resistant to any carbapenem in the absence of carbapenemase resistance mechanism testing or phenotypic testing for carbapenemase production.~~

*Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141.*

**TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06C .0408.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.dpi.nc.gov/about-dpi/state-board-education/rules-apa>

**Proposed Effective Date:** *October 1, 2024*

**Public Hearing:**  
**Date:** *June 21, 2024*  
**Time:** *9:00 a.m.*

**Location:**  
<https://ncgov.webex.com/ncgov/j.php?MTID=m1e458fd841cb0f2f68e1a9e7af9aa4b0>

**Reason for Proposed Action:** *S.L. 2023-14, Part V—as amended by S.L. 2023-65, Part XIII-A, and S.L. 2023-134, Section 7.83—added G.S. 126-8.6 to the North Carolina General Statutes, which provides for paid parental leave for State employees and employees of other public entities, including the public school system. G.S. 126-8.6(c) directs the State Human Resources Commission (SHRC) to adopt rules and policies providing for State employees to receive paid parental leave of up to 8 weeks after giving birth to a child and up to 4 weeks after any other qualifying event (defined as becoming a parent to a child). G.S.*

126-8.6(e) directs the "appropriate governing board, officer, or entity" to adopt rules and policies awarding paid parental leave to other employees covered by the law that are "substantially equivalent" to those adopted by the SHRC. As the governing board for the North Carolina public school system, the State Board of Education (SBE) is charged with adopting paid parental leave rules for public school employees. The SHRC adopted its temporary rules, effective August 25, 2023, and published in the North Carolina Register at 38:06 NCR 354-57. The SBE adopted its temporary rule, effective October 27, 2023, and published in the Register at 38:10 NCR 639-41. The SHRC has proposed permanent rules to replace the temporary rules, published in the Register at 38:18 NCR 1204-08, which add additional substantive provisions not previously addressed by the temporary rules. The SBE has proposed its permanent rule, which is substantially equivalent to the proposed SHRC permanent rule.

Comments may be submitted to: Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email ryan.collins@dpi.nc.gov

Comment period ends: August 2, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06C - PERSONNEL

SECTION .0400 - ANNUITIES AND PENSIONS

16 NCAC 06C .0408 PARENTAL LEAVE

(a) For the purposes of this Rule, the following definitions shall apply:

- "Child" means a newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18 whose parent is an eligible employee.
"Continuous" leave means leave taken over a continuous period for the full amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule.
"Eligible employee" means a person employed to fill a permanent, probationary, or time-limited position in a public-school unit ("PSU") who meets the eligibility requirements set forth in Paragraph (b) of this Rule. "Eligible employee" shall not include temporary employees or independent contractors.
"Intermittent" leave means leave taken in separate periods for a single qualifying event that cumulatively equal the amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule. Intermittent leave may include periods of leave ranging from half of an employee's regularly scheduled workday to several consecutive workdays.
"Parent" means the legal guardian or custodian of a child through birth, adoption, foster care, or other legal placement.
"Public school unit" or "PSU" is defined in G.S. 115C-5(7a). This Rule shall only apply to a charter school if the board of directors for the charter school has opted to provide for paid parental leave in accordance with G.S. 115C-218.90(a)(6). The board shall notify the Division of Financial and Business Services at the Department of Public Instruction of its intent to offer paid parental leave no later than October 1 of the fiscal year for which it intends the leave to be available.
"Qualifying event" means when an eligible employee becomes a parent to a child.

(b) To be eligible for paid parental leave, a PSU employee shall, at the time of the qualifying event, have been in pay status, as defined in 25 NCAC 01D .0105, with a PSU, state agency, or other public entity providing paid parental leave under G.S. 126-8.6 for at least 1,040 hours without a break in service within the previous 12-month period. The employee may aggregate periods of employment with different employers to satisfy this requirement, except that any period of employment by a charter school shall not satisfy this requirement unless the governing board of the charter school has elected to provide paid parental leave in accordance with G.S. 115C-218.90(a)(6). For purposes of this Rule, a break in service is defined in 25 NCAC 01D .0144, provided it shall not include:

- Any period in the past 12 months during which the employee was receiving workers' compensation under G.S. 97-1 et seq. or on short-term disability under G.S. 135-105.
Any period in which the employee was on leave without pay.

- (3) Any period in which the employee was absent due to military service in the Armed Forces of the United States, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301-4333.
- (4) For a 10- or 11-month employee whose employment will continue for the following school year, the time between the conclusion of one employment period and the commencement of the following employment period.
- (5) For an employee who transitions from one employer offering paid parental leave under G.S. 126-8.6 to another employer providing paid parental leave under G.S. 126-8.6, any time between the date of separation from the first employer and the date of hire for the second employer, not to exceed 31 days.

(c) A full-time eligible employee who becomes a parent to a child shall be entitled to the following:

- (1) For a parent who gives birth to a child, up to eight weeks of paid parental leave consisting of:
  - (A) Four weeks for physical and mental recuperation; and
  - (B) Four weeks for bonding with the child.
- (2) For any other qualifying event, up to four weeks of paid parental leave for bonding with the child.

(d) A part-time eligible employee who becomes a parent to a child shall be entitled to a prorated share of paid parental leave based upon the hours in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position within the PSU, provided that the prorated share of leave shall not exceed the total number of weeks provided to a full-time employee under Paragraph (c) of this Rule.

(e) If an eligible employee gives birth to a child and places the child up for adoption or into foster care, or otherwise legally places the child with another person to serve as the child's parent, the employee shall be entitled to up to four weeks of leave for physical and mental recuperation from the time of the child's birth. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.

(f) If a fetus dies prior to a completed birth, or if a child dies after a completed birth, the following rules shall apply:

- (1) If the fetus dies before the conclusion of the 12th week of pregnancy, there is no qualifying event creating an entitlement to paid parental leave under this Rule.
- (2) If the fetus dies after the conclusion of the 12th week of pregnancy but prior to a completed birth, an otherwise eligible employee who carried the child shall be entitled to up to four weeks of leave for physical and mental recuperation. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.
- (3) If a child dies after a completed birth, an otherwise eligible employee shall be entitled to

the same amount of leave to which the employee would be entitled under Paragraphs (c) or (d) of this Rule.

(g) The paid parental leave provided by this Rule shall result in compensation at 100 percent of the eligible employee's regular, straight-time pay.

(h) The paid parental leave provided under this Rule is in addition to any other leave authorized by this Chapter, State or federal law, or policies established by the PSU, provided that the paid parental leave:

- (1) Shall not be counted against or deducted from an eligible employee's sick, vacation, bonus, or other accrued leave.
- (2) Shall be reported by the PSU separately from all other paid leave.
- (3) Shall not accrue and is not eligible for donation to another employee.
- (4) Shall not be used for calculating the employee's retirement benefits.
- (5) Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601-2654, provided the PSU has complied with the appropriate notice requirements in 29 C.F.R. 825.300.

(i) An eligible employee who requests paid parental leave shall do so in accordance with policies adopted by the employee's PSU, subject to the following:

- (1) The paid parental leave may be used any time during the 12 months following a qualifying event on either a continuous or intermittent basis. A PSU shall not deny or delay an employee's request to use paid parental leave, or otherwise require the employee to use the leave on a prescribed schedule, without the employee's consent.
- (2) The employee shall provide advanced notice to the PSU of the employee's intent to use paid parental leave in accordance with policies adopted by the PSU. When possible, the employee shall provide notice at least ten weeks in advance of a qualifying event, but under no circumstances shall a PSU require more than ten weeks' notice.
- (3) The paid parental leave provided by this Rule may be used only once for a qualifying event within a 12-month period. Multiple births, adoptions, or other legal placements within the same 12-month period shall not entitle an otherwise eligible employee to more than one award of paid parental leave.
- (4) If both parents of a child are employed by the same PSU, the PSU shall permit both parents to take paid parental leave simultaneously if they so request, subject to Subparagraphs (1) and (2) of this Paragraph.
- (5) An employee shall forfeit any unused paid parental leave 12 months after the date of the qualifying event.

(j) This paid parental leave provided by this Rule applies only to requests for paid parental leave related to qualifying events occurring on or after July 1, 2023. Nothing in this Rule shall prohibit an employer, if authorized, from providing paid parental leave in amounts greater than what is required by this Rule.

Authority G.S. 115C-12(5); 115C-12(8); 115C-12(16); 115C-272; 115C-285; 115C-302.1; 115C-315; 126-8.6.

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Board of Education intends to adopt the rule cited as 16 NCAC 06G .0317, readopt with substantive changes the rules cited as 16 NCAC 06G .0304, .0308, .0309 and readopt without substantive changes the rule cited as 16 NCAC 06G .0307.*

*Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.dpi.nc.gov/about-dpi/state-board-education/rules-apa>

**Proposed Effective Date:** October 1, 2024

**Public Hearing:**

**Date:** June 21, 2024

**Time:** 10:00 a.m.

**Location:**

<https://ncgov.webex.com/ncgov/j.php?MTID=m0a8f1ac0fd5a1dc833ef37345220a47f>

**Reason for Proposed Action:**

**16 NCAC 06G .0304 SCHOOL IMPROVEMENT PLAN DISPUTE RESOLUTION PROCESS**

*G.S. 115C-12(9)c4 and 115C-105.20(b)(5) give the SBE authority to adopt this rule. The amendments to 16 NCAC 06G. 0304 change the purpose of appeals of disputes over school improvement plans from a mediation procedure to a dispute resolution hearing. The amendments are necessary to satisfy the SBE’s obligation under G.S. 115C-105-20(b)(5), which states the SBE shall:*

*Establish a process to resolve disputes between local boards and schools in the development and implementation of school improvement plans under G.S. 115C-105.27. This process shall provide for final resolution of the disputes.*

*The amendments establish procedures for a school or a local school board to appeal a dispute over a school improvement plan to a decisionmaker appointed by the Superintendent of Public Instruction. The decisionmaker will supervise an evidentiary hearing and, absent a timely settlement between the parties, create a school improvement plan that is binding on the school and the local school board. Other amendments delete directives to the Department of Public Instruction which are not properly included in rules. G.S. 150B-2(8a)a.*

**16 NCAC 06G .0307 LOCAL BOARD COOPERATION WITH ASSISTANCE TEAMS**

*G.S. 115C-12(9)c4 gives the SBE authority to adopt this rule. The amendments to 16 NCAC 06G .0307 are technical, not substantive.*

*G.S. 115C-105.38 (b)(1) gives assistance teams the power to “[r]eview and investigate all facets of school operations.” The amendments to 16 NCAC 06G .0307(a) clarify that local boards of education obligation to cooperate include the specific obligation to comply with the assistance teams requests for and access to “information, documents, students, personnel and meetings.”*

*The amendments to paragraphs (c), (d), (e), and (f) delete directives related to the internal management of DPI because internal agency directives are not properly included in rules. G.S.150B-2(8a)a.*

**16 NCAC 06G .0308 DUE PROCESS PROTECTIONS FOR EMPLOYEES OF LOW PERFORMING SCHOOLS**

*G.S. 115C-12(9)c4.; 115C 325(q); 115C-325.11; 115C-105.39(b); and 115C-105.39(c) give the SBE authority to adopt this rule. The amendments to 16 NCAC 06G .0308(g) state that before the SBE revokes a superintendent's license or terminates a superintendent’s contract the SBE shall give the superintendent notice of how the superintendent has failed to cooperate with the assistance team or has otherwise hindered the school’s ability to improve. The superintendent shall have ten days to deliver a written response to the charges.*

*The other amendments to 16 NCAC 06G .0308 are technical changes to assure that assistance team or SBE decisions to demote or dismiss employees in low performing schools are made in accordance with the due process rights of the employees. To assure an orderly and uniform decision-making process, the amendments also specify the procedures applicable to employee appeals.*

**16 NCAC 06G .0309 SUSPENSION OF POWERS AND DUTIES OF SCHOOL BOARDS**

*G.S. 115C-105.39A(d) gives the SBE the authority to suspend any of the powers or duties of a local board of education if the SBE determines that the board has failed to cooperate with the SBE’s appointed interim superintendent or has otherwise hindered the improvement of student performance in the district. The amendments to 16 NCAC 06G .0309 remove the SBE’s obligation to give local boards of education a 60-day grace period to remedy the deficiencies before taking action. Other amendments are technical changes to update the statutory authority for the rule and to simplify and clarify the procedures for suspending the powers or duties of a local school board.*

**16 NCAC 06G .0317 SCHOOL REFORM MODELS**

*G.S. 115C-105.37B(b) gives the SBE authority to adopt this rule. 16 NCAC 06G .0317 codifies existing State Board of Education policies governing implementation of the school reform models available under G.S. 115C-105.37B. The rule governs the content of an LSAU’s request for authorization to adopt a school reform model, the SBE’s initial authorization, continuation, or removal of authority to implement that school reform model, and LSAU reporting requirements while operating under the approved school reform model. If the school is not realizing the desired results, the SBE can remove the LSAU’s authority to operate the school under the school reform model and require the LSAU to*

return to "normal" school operations. If a LSAU has improved student performance in a school operating under a restart model and requests to continue operating the school under the restart model, the SBE may continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the restart model is likely to result in lower indication of growth or achievement scores.

Comments may be submitted to: Thomas Ziko, 6301 Mail Service Center, Raleigh, NC 27699-6301; phone (984) 236-2257; email thomas.ziko@dpi.nc.gov

Comment period ends: August 2, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

SECTION .0300 - SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM

16 NCAC 06G .0304 SCHOOL IMPROVEMENT PLAN DISPUTE RESOLUTION PROCESS

(a) In the event a local board of education (board) does not accept a school's improvement plan within 60 days after the school principal initially submitted the plan to the board, the local board or the school (hereinafter collectively "the parties") may request the SBE to mediate the disagreement. shall have 30 days to file a request with the SBE to resolve any disagreement over the plan. The request shall be signed by either the board chair or the principal. The principal shall represent the position of the

school improvement team. The request shall include the school's proposed improvement plan, the board's proposed changes to that plan, and a summary of the disputed issues.

(b) Either the principal of the school or the local board of education may submit a request for mediation to the Department, office of instructional and accountability services.

(c) The request shall summarize the dispute issues. Both the principal of the school and the chair of the local board of education shall sign the request.

(d) The office of instructional and accountability services shall review the request and shall inform the principal of the school and the chair of the local board of education of the time and place for the mediation.

(e) The office of instructional and accountability services shall assign a mediator from persons who have been selected as assistance team members pursuant to G.S. 115C-105.31.

(f) The mediator shall assist the parties to identify options for solving the disagreement.

(g) If the mediator determines that the parties can reach an agreement, the mediator shall suggest language and shall write the agreement. Each party involved shall agree on each part.

(h) Each party shall sign the agreement. The agreement shall become a part of the school's improvement plan. The school shall then submit the improvement plan to the local board of education for its approval.

The Superintendent of Public Instruction or the Superintendent's delegatee shall appoint a decisionmaker to conduct and control all the proceedings related to the dispute and resolve the dispute.

(c) The decisionmaker shall give the parties the opportunity to submit evidence, state their arguments, and respond to the other party's evidence and arguments.

(d) If the parties reach a voluntary resolution of the dispute before the decisionmaker serves a signed school improvement plan on the parties under Paragraph (e) of this Rule, they shall serve a school improvement plan signed by all the parties on the decisionmaker. The served plan shall become the school improvement plan.

(e) After the decisionmaker has given the parties the opportunity to submit evidence and arguments, the decisionmaker shall create a school improvement plan that consists of those components on which the parties agree and those components from either the school improvement team's proposed plan or the board's proposed plan that the decisionmaker determines are most likely improve student performance.

(f) Once the decisionmaker has signed the plan and served it on the parties, the decisionmaker's plan shall become the school improvement plan and shall constitute a final resolution of the dispute under G.S. 115C-105.20(b)(5).

(g) Any requests, notices, or correspondence from the decisionmaker or any party required or permitted under this Rule shall be served on the other party and the decisionmaker in the manner prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of Civil Procedure.

Authority G.S. 115C-12(9)c4; 115C-105.20(b)(5).

16 NCAC 06G .0307 ASSISTANCE TEAMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

**16 NCAC 06G .0308 DUE PROCESS PROTECTIONS FOR EMPLOYEES OF LOW PERFORMING SCHOOLS**

(a) At any hearing conducted by a panel of the SBE State Board of Education (SBE) pursuant to the provisions of ~~G.S. 115C-325(q)(1), (q)(2), or (q)(2a)~~, G.S. 115C-325(q) and G.S. 115C-325.11, the panel shall sit as an impartial tribunal to receive evidence and to decide ~~on the basis of that evidence~~ based on a preponderance of that evidence whether the principal, assistant principal, teacher, supervisor, ~~or~~ director, ~~or~~ superintendent ~~hereafter (hereinafter referred to as "the employee," employee")~~ shall be reinstated, demoted, or dismissed. The assistance team assigned to the school or district where the employee was assigned shall present the case against the ~~employee~~ employee with the assistance of any staff or legal counsel appointed by the SBE.

(b) Both the employee and the assistance team shall have the right:

- (1) to be represented by counsel at the hearing;
- (2) to subpoena witnesses and documents;
- (3) to examine and cross-examine witnesses under oath; and
- (4) to present relevant evidence using witnesses and documents.

(c) The panel of the SBE which conducts the hearing shall:

- (1) give written notice to the parties of the time and place of the hearing;
- (2) make a complete record of the evidence received during the hearing; and
- (3) issue subpoenas for witnesses and documents on behalf of any party to the proceedings; and
- (4) make any procedural decisions.

(d) In any hearing pursuant to the provisions of ~~G.S. 115C-325(q)(2), or (q)(2a)~~, G.S. 115C-325(q) and 115C-325.11, the assistance team shall have the burden of ~~proof~~, proof but, in accordance with G.S. 115C-325(q) or 115C-325.11, the findings and recommendations of the assistance team shall be substantial evidence of the inadequate performance of the employee.

(e) The panel's decision shall contain:

- (1) findings of fact;
- (2) conclusions of law;
- (3) a description of any disciplinary actions to be imposed on the employee; and
- (4) a statement that the employee may file a notice of appeal to the full SBE within 10 days of receipt of decision by mailing the notice to the State Board of Education's Office of General Counsel, 6301 Mail Service Center, Raleigh, NC 27699-6301, and emailing a copy of the notice of appeal to Office of General for the State Board of Education.

~~(e)(f) Either the employee or the assistance team may within 10 days of notification of the panel's decision give notice of appeal to the full SBE. The An appeal from the SBE panel's decision to the full SBE shall be on the record record, with no arguments by counsel except in the form of In accordance with a schedule set by the SBE, the employee may submit a written briefs brief of no more than 25 pages, 8,750 words. The assistance team may file a response of no more than 8,750 words within seven business days after service of the employee's brief. Word counts shall conform to Rule 28(j) of the North Carolina Rules of Appellate Procedure~~

and parties shall certify their word counts on the last page of any brief. The SBE shall consider the appeal at its next regularly-scheduled meeting that is at least 20 days following after receipt of notice of the appeal and shall render a decision within 30 days after that meeting is adjourned, unless the SBE determines that good cause, as defined by 26 NCAC 03 .0118, exists to extend the period those periods or the SBE and all the parties agree to extend the any period. The members of the panel which sat and that decided the case shall not be excluded from the full SBE hearing, may fully participate in the appeal. The full SBE shall decide the appeal based upon a preponderance of the evidence in the record. The SBE's decision shall include findings of fact, conclusions of law, and a description of any disciplinary actions to be imposed on the employee. Appeal from the SBE decision shall be in accordance with G.S. 150B. Chapter 150B of the General Statutes.

~~(f)(g) If Before the SBE appoints an interim superintendent, revokes the a superintendent's license, license or dismisses terminates the contract of the a superintendent pursuant to G.S. 115C-105.39(e), 115C-105.39(c)(2), the SBE shall provide the superintendent with notice of how the superintendent has failed to cooperate with the assistance team or has otherwise hindered the school's ability to improve. The superintendent shall have ten days to deliver a written response to the charges, the superintendent shall not have the right to a hearing under this Rule but shall have the right to file a contested case petition pursuant to the provisions of G.S. 150B. If the SBE decides to revoke the superintendent's license or terminate the superintendent's contract, The the SBE shall make written findings to support those actions, any of these actions taken pursuant to the provisions of G.S. 115C-105.39(e). The SBE's decision shall constitute a final agency action subject to review under Chapter 150B of the General Statutes.~~

~~(g)(h) If the SBE revokes or refuses to renew a teacher's license pursuant to G.S. 115C-296(d), the procedures set forth in 46 NCAC 6C .0312 shall apply. Subchapter 06C, Section .0600 shall apply.~~

(i) Any requests, notices, or correspondence from the SBE or parties required or permitted under this Rule shall be served on the SBE and any other party in the manner prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of Civil Procedure.

*Authority G.S. 115C-12(9)c4; 115C-105.39(b); 115C-105.39(c); 115C 325(q); 115C-325.11.*

**16 NCAC 06G .0309 SUSPENSION OF POWERS AND DUTIES OF SCHOOL BOARDS**

~~Before When~~ When the SBE suspends any of the powers and or duties of a local board of education pursuant to the provisions of G.S. 115C- 105.38(b1) and 115C-105.39(d), G.S. 115C39(b) and 115C-105.39(e), the SBE shall provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the SBE within 60 days after receiving written notice, the SBE shall enter an order that incorporates of those powers or duties it is suspending, the reasons for suspending the powers or duties, the efforts that the local board has made to remedy those reasons, and the period of time during which those powers and or duties shall be suspended. Within the first 45 days following the SBE's notification to the local board, the SBE shall

provide the local board an opportunity to present a response to the SBE's decision and propose any action to remedy its prior deficiencies, in an attempt to reach agreement.

Authority G.S. 115C-12(9)c4; 115C-105.38(b1); 115C-105.39(d).

16 NCAC 06G .0317 SCHOOL REFORM MODELS

(a) Definitions.

- (1) "Academic Gain" means a school has achieved at least two of these benchmarks: (A) the SBE has designated that the school meets or exceeds expected growth under G.S. 115C-83.15(f); (B) fifty percent of the subgroups for which the SBE reports growth scores under G.S. 115C-83.15(d2) have a status of meets or exceeds expected growth; or (C) the school has realized a net increase in its achievement score during any five-year cycle under the restart model. (2) "Achievement Score" means the overall achievement score as defined in G.S. 115C-83.15(b). (3) "Application" means a written request signed by the chair and superintendent of the local school administrative unit (LSAU) to implement a SRM that includes the name of the school to be operated under the SRM, the year in which the LSAU intends to implement the SRM, and a commitment to faithfully implement the Reform Implementation Plan (RIP) proposed for the school. (4) "Continually Low Performing School" (CLPS) is defined in G.S. 115C-105.37A(a). (5) "Education Management Organization" (EMO) is defined in 16 NCAC 06G .0523. (6) "Indication of Growth" means the designation of growth as defined in G.S. 115C-83.15(f). (7) "Low Performing School" is defined in G.S. 115C-105.37(a). (8) "Restart Model" is defined in G.S. 115C-105.37B(a)(2). (9) "School Reform Model" (SRM) means a "transformation model," "restart model," or "turnaround model" (10) "Transformation Model" is defined in G.S. 115C-105.37B(a)(1). (11) "Turnaround Model" is defined in G.S. 115C-105.37B(a)(3).

(b) A LSAU that wants to implement a transformation model in a CLPS shall submit to the State Board of Education (SBE) an application and an RIP that:

- (1) describes how the LSAU will implement improvements in the four areas critical to transforming a CLPS listed in G.S. 115C-105.37B(a)(1);

- (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school; (3) includes a proposed budget detailing the revenues and expenditures necessary to implement the RIP; and (4) includes a timeline for implementing the RIP.

(c) A LSAU that wants to implement a restart model in a CLPS shall submit to the SBE an application and an RIP that:

- (1) describes how the LSAU will support the school in providing each student with the opportunity for a sound basic education; (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school; (3) describes how the LSAU will utilize operational flexibilities to increase academic achievement in the school; (4) identifies the administrative barriers, such as teacher turnover, it believes contributed to the school's identification as a CLPS, and sets standards for measuring progress in reducing those barriers; (5) states whether the LSAU will contract with an educational management organization ("EMO") to implement the restart model and provide: (A) the name, address, email, and telephone number for the EMO; (B) the website for the EMO; (C) an explanation of how the services of the EMO will contribute to improved growth scores and achievement scores at the school; (6) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP; (7) includes a timeline for implementing the RIP; and (8) includes a written commitment to implement the restart model for the duration of the five-year monitoring cycle described in Paragraph (g) of this Rule.

(d) An LSAU that wants to implement a turnaround model in a CLPS shall submit to the SBE an application and an RIP that:

- (1) describes the new governance structure to be implemented in the school; (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school; (3) describes the procedures that LSAU will use when removing staff, including due process protections where required by law; (4) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP; and (5) includes a timeline for implementing the RIP.

(e) If an LSAU determines that no SRM has been or would be effective in removing the CLPS designation or otherwise

concludes that closure of the CLPS is appropriate, it may close the school in accordance with G.S. 115C-72.

(f) The SBE shall authorize the LSAU to implement the requested SRM if the SBE determines that the LSAU has the ability to faithfully implement the RIP and the LSAU is likely to operate the school in an educationally and economically sound manner to improve student learning. The LSAU shall operate the school under the authorized SRM until the SBE refuses to continue or removes the authorization.

(g) An LSAU that has been authorized to implement a transformation or turnaround model shall submit an annual report to DPI by December 1 of each year describing and documenting changes in the school's growth score and achievement score within the preceding school year.

(h) An LSAU that has been authorized to implement restart model shall:

- (1) include the operational flexibilities described in the RIP and any revisions to the RIP as action steps in the School Improvement Plan, specifying the school year(s) in which the operational flexibilities are to be utilized, and submit the School Improvement Plan to the SBE for review and approval in accordance with G.S. 115C-105.37A(a);
- (2) by December 1<sup>st</sup> of the second year and every year after, submit an annual report that shall include descriptions and documentation of how the school utilized the operational flexibilities authorized in the restart model in the past year and how it intends to utilize authorized operational flexibilities in the future; and
- (3) by January 31st of year five of any five-year restart model cycle submit a report describing and documenting:
  - (A) all policies, guidelines, or directives it adopted to implement the restart model;
  - (B) all changes in growth scores and achievement scores along with the LSAU's explanation for those changes; and
  - (C) all efforts to reduce administrative barriers identified in the RIP and all measurable changes to those barriers attributable to those efforts.

(i) Upon the LSAU's request, the SBE may reduce the reporting requirements in Paragraph (h) of this Rule, if the SBE determines that the reduced reporting requirements would not compromise the SBE's ability to make decisions regarding the implementation of the restart model in the school. The SBE retains the authority to require LSAU's to report any information relevant to SBE decisions regarding the implementation of the restart model in the school.

(j) If an LSAU desires to continue to operate a school that has an indication of growth of not met and a net negative achievement score from Year 1 to Year 4 of any five-year cycle under the restart model, the LSAU shall submit an application for continued authorization by February 28th along with a revised RIP that addresses the perceived causes of the decline in the school's

growth score and achievement score. The application shall include a commitment to cooperate with oversight and support from DPI during the term of the restart model. The SBE may approve the application and continue the authorization for a period up to five-years if the SBE determines the school is more likely to achieve progress under the revised RIP than it is if the application for reauthorization is denied.

(k) If, at the end of Year 5, a school has realized academic gain, the LSAU may submit an application by February 28th to continue operating the school under the restart model with the same RIP or a revised RIP. The SBE may approve the application and continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the restart model is likely to result in a lower indication of growth or achievement scores.

(l) If, at the end of Year 5, a school is no longer a CLPS and the SBE has determined that the school has met or exceeded growth under 115C-83.15(f), the LSAU may submit an application by February 28th to continue operating the school under the approved restart model the same RIP or a revised RIP. The SBE may approve the application and continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the SRM is likely to result in lower indication of growth or achievement scores.

(m) The SBE may refuse to continue or remove authorization to operate a school under a SRM whenever it determines that:

- (1) the school has failed to realize the academic goals in the RIP and the failure to reduce administrative barriers that contributed to the school's identification as a CLPS means the school is unlikely to realize those goals within the next two years;
- (2) the LSAU has failed to comply with applicable state or federal laws, has failed to provide the SBE with required reports, or failed to submit the School Improvement Plan for SBE approval as required in Subparagraph (h)(1) of this Rule;
- (3) a school operating under the restart model has failed to meet expected growth under G.S. 115C-83.15(f) and the school has demonstrated a net negative change in its achievement score after Year 4 of any five-year cycle and is unlikely to realize academic gain within the next two years;
- (4) the LSAU requests removal of the authorization and the SBE determines that the school is more likely to realize greater growth scores or achievement scores without the authority to operate under the approved SRM; or
- (5) if the LSAU continues to operate the school under the approved SRM, the school is likely to fail to meet expected growth under G.S. 115C-83.15(f) and realize lower achievement scores in the next two years.

*Authority G.S. 115C-105.37B(b).*

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TITLE 20 – DEPARTMENT OF STATE TREASURER

Notice is hereby given in accordance with G.S. 150B-21.2 that the Teachers' and State Employees' Retirement System Board of Trustees intends to adopt the rule cited as 20 NCAC 02B .0216 and amend the rule cited as 20 NCAC 02B .0401.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.nctreasurer.com/about/transparency/commitment-transparency/nc-administrative-code-rules

Proposed Effective Date: January 1, 2025

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Submit a written request for public hearing within 15 days after publication of the Notice of Text to: Dept of State Treasurer, Attn: Rulemaking Coordinator, 3200 Atlantic Avenue, Raleigh, NC 27604 or DST.NCAC@nctreasurer.com

Reason for Proposed Action: 20 NCAC 02B .0401 - The Teachers' and State Employees' Retirement System (TSERS) is a governmental pension plan under Section 414(d) of the Internal Revenue Code. G.S. 135-1(11) defines the employing units participating in TSERS. Participating employing units make contributions to TSERS each month associated with regular payroll, and also may be required to make additional contributions to TSERS for various reasons under law. This rule proposed amendment seeks to clarify that if TSERS must repay or reimburse an employing unit for any reason, the refund will occur in the form of a credit to be applied against the employing unit's future contribution requirements to TSERS.

20 NCAC 02B .0216 - The proposed rule describes what information is required to be submitted by an employing unit that will constitute "clear and convincing evidence" of the employing unit's intention to hire an employee in a membership-eligible position, in order to extend the employing unit's inactive status within the Teachers' and State Employees' Retirement System.

Comments may be submitted to: Elizabeth Hawley, 3200 Atlantic Avenue, Raleigh, NC 27604; email DST.NCAC@nctreasurer.com

Comment period ends: August 2, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 02 - RETIREMENT SYSTEMS

SUBCHAPTER 02B - TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

SECTION .0200 - ADMINISTRATION

20 NCAC 02B .0216 INACTIVE EMPLOYER EXTENSION REQUEST

"Clear and Convincing Evidence" means all of the following:

- (1) Job Description(s) of vacant position(s) requiring membership in the Teachers' and State Employees' Retirement System.
(2) The date the position is expected to be filled or status of recruitment.
(3) Confirmation that the position(s) are funded in the Employer's most recent budget.
(4) Statement that the Employer will continue to issue financial statements recognizing its share of the Teachers' and State Employees' Retirement System costs, if any, under governmental accounting standards.

Authority G.S. 135-5.5(d); 135-6(f).

SECTION .0400 - EMPLOYER CONTRIBUTIONS

20 NCAC 02B .0401 REFUNDS

- (a) The Retirement System will make no refunds of employer contributions paid into the pension accumulation fund by the employer in the amount equal to a percentage of the actual compensation of each member in cases of erroneous employee deductions except those which are corrected by the employing unit on a subsequent payroll within the calendar year in which the errors occur.
(b) Notwithstanding Paragraph (a) of this Rule, an error occurring in December may be corrected, and the associated employer contribution be refunded in the form of a credit toward future required employer contributions, by the employer's submission of a revised payroll report for the correct amount before January 31 of the following year.
(c) If an employer makes an additional contribution to the pension accumulation fund as a result of the contribution-based benefit cap and the Retirement System receives information which alters the calculation of the retirement benefit used to determine the contribution under the provisions of G.S. 135-8(f)(2)f., any

contribution not required based on the new information will be refunded to the employer in the form of a credit toward future required employer contributions.

(d) If an employer makes a contribution to the pension accumulation fund that was not required or the Retirement System must repay or reimburse an employer for any reason, then the funds shall be refunded or paid in the form of a credit to be used toward future required employer contributions.

Authority G.S. 135-2; 135-6(f); 135-8(f).

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Local Governmental Employees' Retirement System Board of Trustees intends to adopt the rules cited as 20 NCAC 02C .0213, .0505 and amend the rule cited as 20 NCAC 02C .0403.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.nctreasurer.com/about/transparency/commitment-transparency/nc-administrative-code-rules>

Proposed Effective Date: January 1, 2025

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Submit a written request for public hearing within 15 days after publication of the Notice of Text to: Dept of State Treasurer, Attn: Rulemaking Coordinator, 3200 Atlantic Avenue, Raleigh, NC 27604 or DST.NCAC@nctreasurer.com

Reason for Proposed Action: 20 NCAC 02C .0213 - The proposed rule describes what information is required to be submitted by an employing unit that will constitute "clear and convincing evidence" of the employing unit's intention to hire an employee in a membership-eligible position, in order to extend the employing unit's inactive status within the Local Governmental Employees' Retirement System.

20 NCAC 02C .0403 - The Local Governmental Employees' Retirement System (LGERS) is a governmental pension plan under Section 414(d) of the Internal Revenue Code. G.S. 128-21(11) defines the employing units potentially eligible to participate in LGERS. Participating employing units make contributions to LGERS each month associated with regular payroll, and also may be required to make additional contributions to LGERS for various reasons under law. This proposed amendment seeks to clarify that if LGERS must repay or reimburse an employing unit for any reason, the refund will occur in the form of a credit to be applied against the employing unit's future contribution requirements to LGERS.

20 NCAC 02C .0505 - This proposed rule seeks to clarify the Local Governmental Employees' Retirement System (LGERS) Board of Trustees' discretionary ability under G.S. 128-27. Under G.S. 128-27 the LGERS Board may require any disability beneficiary under the age of 60 to undergo a medical examination once each year during the first five years of the disability allowance, and once every three years thereafter. Pursuant to the proposed rule, and within the Board's discretion, the LGERS

Board will not require such medical re-examinations of disability retirees who have provided the Retirement System Division with documentation of their approval for primary federal Social Security disability benefits.

Comments may be submitted to: Elizabeth Hawley, 3200 Atlantic Avenue, Raleigh, NC 27604; email DST.NCAC@nctreasurer.com

Comment period ends: August 2, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 02 - RETIREMENT SYSTEMS

SUBCHAPTER 02C - LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

SECTION .0200 - ADMINISTRATION

20 NCAC 02C .0213 INACTIVE EMPLOYER EXTENSION REQUEST

"Clear and Convincing Evidence" means all of the following:

- (1) Job Description(s) of vacant position(s) requiring membership in the Local Governmental Employees' Retirement System.
(2) The date the position is expected to be filled or status of recruitment.
(3) Confirmation that the position(s) are funded in the Employer's most recent budget.
(4) Statement that the Employer will continue to issue financial statements recognizing its share of the Local Governmental Employees' Retirement System costs, if any, under governmental accounting standards.

Authority G.S. 128-23.1(d); 128-28(g).

SECTION .0400 - CONTRIBUTIONS

20 NCAC 02C .0403 REFUNDS

(a) The Retirement System will make no refunds of employer contributions, paid into the Pension Accumulation Fund by the employer in the amount equal to a percentage of the actual compensation of each member, in cases of erroneous employee deductions except those which are corrected by the employing unit on a subsequent payroll within the calendar year in which the errors occur.

(b) Notwithstanding Paragraph (a) of this Rule, an error occurring in December may be corrected, and the associated employer contribution be refunded in the form of a credit toward future required employer contributions, by the employer's submission of a revised payroll report for the correct amount before January 31 of the following year.

(c) If an employer makes an additional contribution to the pension accumulation fund as a result of the contribution-based benefit cap and the Retirement System receives information which alters the calculation of the retirement benefit used to determine the contribution under the provisions of G.S. 128-30(g)(2)b., any contribution not required based on the new information will be refunded to the employer in the form of a credit toward future required employer contributions.

(d) If an Employer makes a contribution to the pension accumulation fund that was not required or the Retirement Systems Division must repay or reimburse an employer for any reason, then the funds shall be refunded or paid in the form of a credit to be used toward future required employer contributions.

Authority G.S. 128-22; 128-28(g); 128-30(g).

SECTION .0500 - DISABILITY RETIREMENT

20 NCAC 02C .0505 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM DISABILITY RETIREMENT REEXAMINATION

(a) A beneficiary in receipt of disability retirement benefits under G.S. 128-27(c), who has submitted to the Retirement System a letter from the Social Security Administration confirming eligibility for primary Social Security disability benefits, shall not be subject to medical reexamination set forth in G.S. 128-27(e).

Authority G.S. 128-27(e); 128-28(g).

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Rules Review Commission intends to amend the rules cited as 26 NCAC 05 .0107, .0108 and .0115.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.oah.nc.gov/rules-division/rules-review-commission>

Proposed Effective Date: September 1, 2024

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any person requesting a public hearing may send a written request within 15 days of publication of the N.C. Register to Brian Liebman at brian.liebman@oah.nc.gov

Reason for Proposed Action: Following changes to the Commission's 2024 meeting schedule to maximize the time for review of rules by the agency, staff, and the Commissioners, the Commission is amending 26 NCAC 05 .0107 and 26 NCAC 05 .0108 to clarify timelines. Additionally, the Commission is amending 26 NCAC 05 .0115 to clarify the criteria the Commission will use when granting an extension and to clarify when responses to requests for changes are due in the wake of an extension.

Comments may be submitted to: Brian Liebman, 1711 New Hope Church Rd, Raleigh, NC 27609; phone (984) 236-1948; email brian.liebman@oah.nc.gov

Comment period ends: August 2, 2024

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 05 - RULES REVIEW COMMISSION

SECTION .0100 - GENERAL

26 NCAC 05 .0107 WITHDRAWAL OR AMENDMENT OF RULES AFTER FILING WITH RRC

(a) An agency shall not withdraw a rule after filing with the RRC and before review by the RRC when:

- the rule is a readoption; or
the staff recommendation to object to the rule applies to existing language.

(b) An agency shall make no changes to any rule after filing with the RRC and before review by the RRC except:

- in response to a request for technical changes from the RRC or from the RRC staff; or
after notifying RRC staff of the changes in writing, identifying each change, and providing an explanation for each change.

(c) Following the posting of a staff recommendation to object to a rule on the OAH website, the agency shall submit no further changes to the rule before review by the RRC, except where:

- where staff has not recommended objection pursuant to G.S. 150B-21.9(a)(1) or G.S. 150B-21.9(a)(4);
the agency's rulemaking coordinator makes a written representation to RRC staff that any changes made are intended to remedy identified ambiguities or eliminate language that repeats

the content of a law, another rule, or a federal regulation; and

- (3) the agency submits the changes no later than 5:00 p.m. Eastern Time on the Monday fifth business day immediately preceding the RRC meeting at which the rules subject to the staff recommendation are to be reviewed.

Authority G.S. 143B-30.1.

**26 NCAC 05 .0108 SUBMISSION OF REWRITTEN RULES OR RULES WITH TECHNICAL CHANGES**

- (a) The RRC shall not review rules rewritten in response to an objection until the next regular meeting following the objection.
- (b) All rules containing technical changes made in response to a request by the RRC staff shall be submitted to the RRC staff by the earlier of:
  - (1) 5:00 p.m. Eastern Time 10 business days after the Requests for Technical Change are submitted to the agency rulemaking coordinator; or
  - (2) 5:00 p.m. Eastern Time of the second Friday before the RRC meeting. If that Friday is a holiday, then the rules shall be submitted on the last business day before the holiday.
- (c) All rewritten rules shall be submitted to the RRC staff by 5:00 p.m. Eastern Time of the second Friday before the RRC meeting. If that Friday is a holiday, then the rewritten rules shall be submitted on the last business day before the holiday.
- (d) These deadlines may be waived by the RRC staff when an agency that is a board or commission does not meet until the day of the deadline or later or when the original submission is deficient and requires further changes.

Authority G.S. 143B-30.1; 150B-21.10.

**26 NCAC 05 .0115 EXTENSIONS OF THE PERIOD FOR REVIEW**

- (a) An agency may submit a request for an extension pursuant to G.S. 150B-21.10(3) to respond to Requests for Technical Changes

and make rule revisions in response thereto or to rebut RRC staff opinions, at or before the RRC meeting at which the agency's rules are reviewed.

(b) In exercising its discretion to grant the extension and the length of the extension, the RRC shall consider the complexity of Request for Technical Changes or staff recommendations for objection, the complexity of the rules, the RRC's current and projected agenda, the circumstances proffered by the agency as to the necessity for an extension, RRC staff availability and counsel, and public comment in its determination whether to grant the request. Any rule subject to an extension shall be reviewed at the second regularly scheduled meeting following the extension unless:

- ~~(1) the agency provides written notice to RRC staff of the agency's intent that the rule be reviewed at the first regularly scheduled meeting following the extension; and~~
- ~~(2) the agency submits to RRC staff written responses to all Requests for Technical Changes no later than 10 business days prior to the first regularly scheduled RRC meeting following the extension.~~

(c) For rules subject to an extension, the agency shall submit to RRC staff all written responses to Requests for Technical Changes and RRC staff opinions, or revised rules no later than the second Friday prior to the RRC meeting to which the review is extended. Submission of written notice pursuant to Subparagraph (b)(1) of this Rule shall not prevent an agency from subsequently informing RRC staff in writing of the agency's intention to have its rules reviewed at the second regularly scheduled meeting following the extension.

~~(d) An agency shall submit responses to all of RRC staff's Requests for Technical Changes no later than 10 business days prior to the second regularly scheduled meeting following the extension.~~

Authority G.S. 143B-30.1.

**Note from the Codifier:** The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60<sup>th</sup> day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

**TITLE 12 – DEPARTMENT OF JUSTICE**

**Rule-making Agency:** Criminal Justice Education and Training Standards Commission

**Rule Citation:** 12 NCAC 09C .0401

**Effective Date:** May 21, 2024

**Findings Reviewed and Approved by the Codifier:** May 9, 2024

**Reason for Action:** The Commission has encountered a situation where a school has held courses resulting in serious injuries to students. The conduct involved acts and omissions of the school throughout its chain of command, from the instructor to the school executive level. This type of systemic failure to adhere to the Rules resulting in repeated and multiple serious injuries was not foreseen. The Commission has rules that allow the summary suspension of criminal justice officers and instructors on an individual basis, when the public health, safety, or welfare require. However, this authority does not currently exist for schools. The emergency rule allows for the summary suspension of the accreditation of a school if the public health, safety, or welfare requires action. The Commission faces such a situation at present. Without emergency authority, the school can continue to offer courses in a way that risks the health, safety and welfare of the students and public. Creating this authority is within the statutory authority of the Commission, and will provide a necessary tool for extreme cases. As in other cases, when this authority is utilized, the effected entity will have a prompt hearing afterwards, but during the time and course of proceedings the Commission can protect public health, safety and welfare. If the normal notice and hearing requirements are followed, the Commission would be unable to timely act against the threat to public health, safety and welfare. In this case, following normal notice would allow the school to continue to offer courses that risk the health, safety and welfare of students and public.

**CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

**SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

**SECTION .0400 - ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS AND TRAINING COURSES**

**12 NCAC 09C .0401 ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS**

(a) Any school requesting accreditation, pursuant to the Commission's authority to certify criminal justice training schools

in G.S. 17C-6, as meeting the requirements contained in 12 NCAC 09B .0200 must submit a completed Form F-10(SA) Request for School Accreditation. The Form F-10(SA) is available on the agency's website: [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). Upon receipt of a completed Request for School Accreditation application:

- (1) The Standards Division staff reviews the application and conducts a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
- (2) The Standards Division Staff contacts the applying institution or agency concerning deficiencies and provides assistance on correcting problem areas;
- (3) The Standards Division staff recommends to the Education and Training Committee when the accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
- (4) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

(b) Accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200, Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

(c) The identity of those schools accredited under this Rule are published and distributed by the Standards Division, via the agency's website: <http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-d95a36807bb9> and the schedule of criminal justice training courses planned for delivery during the succeeding year.

(d) A school may request reaccreditation from the Commission by submitting a completed Form F-10(SA) Request for School Accreditation form, located on the agency's website: [http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The Form F-10(SA) shall contain information on changes in facilities, equipment, and staffing. Upon receipt of a completed application:

- (1) The Standards Division staff reviews the request for reaccreditation, conducts a site visit to tour facilities, confirms information on the application, determines if and where deficiencies exist, and attaches copies of the reports of site visits to the application;

- (2) The Standards Division staff submits the application and staff reports to the Education and Training Committee for review; and
- (3) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation of the applicant institution or agency.

(e) In instances where certified schools have been found to be in compliance with 12 NCAC 09B .0200 through favorable site visit reports, Standards Division staff shall reaccredit on behalf of the Commission. Such action shall be reported to the Education and Training Committee at its next scheduled meeting.

(f) In instances where the Education and Training Committee determines the school seeking accreditation or reaccreditation is not in compliance with 12 NCAC 09B .0200, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.

(g) The Commission may suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation. The Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.

- (1) For the purpose of considering a summary suspension of accreditation, the Probable Cause Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting;
- (2) A summary suspension shall be effective on the date specified in the order of the summary suspension or upon service of the certified copy of the order at the last known address of the school, whichever is later. The summary suspension shall remain effective during the proceedings for suspension and revocation;
- (3) Upon oral notification to the executive officer or officers of the institution or agency sponsoring any criminal justice training program or course of instruction by the Director that the accreditation of a school is being summarily suspended by written order, the

school shall not perform any duties or conduct any courses requiring accreditation by the Commission;

- (4) The Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(h) The Accreditation of a school whose accreditation is scheduled to expire in calendar year 2015 and who has submitted a request for recertification shall be extended for a maximum of two years under the following conditions:

- (1) accreditation has not expired;
- (2) the school has submitted a request for reaccreditation along with the required documentation by December 31, 2015.
- (3) the Standards Division staff was unable to complete the recertification process by December 31, 2014; and
- (4) the school is not denied reaccreditation prior to the expiration of the current accreditation. Accreditation or accreditation extension according to this Paragraph expires when reaccreditation is denied or revoked or the Standards Division staff is able to complete the reaccreditation process and it is determined that the school is in compliance with the Rules for Reaccreditation. If the school reaccreditation is denied or revoked, the school shall not deliver Commission accredited criminal justice courses until such reaccreditation has been granted or reinstated by the Commission.

*History Note: Authority G.S. 17C-6; 17C-11; Eff. January 1, 1981; Amended Eff. August 1, 2004, January 1, 1996; Temporary Amendment Eff. January 1, 2007; Temporary Amendment Expired October 13, 2007; Amended Eff. February 1, 2016; April 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Emergency Amendment Eff. May 21, 2024.*

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**APPROVED RULES**

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*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on April 30, 2024.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**RADIATION PROTECTION COMMISSION**

<u>General Rules Applicable to the Specific Licensing of Byp...</u>	10A NCAC	15	.0301*	38:08 NCR
<u>General Domestic Licenses for Byproduct Material</u>	10A NCAC	15	.0302*	38:08 NCR
<u>Exempt Concentrations: Other than Source Material</u>	10A NCAC	15	.0303	38:08 NCR
<u>Specific Licenses: Manufacture or Transfer Certain Items ...</u>	10A NCAC	15	.0304*	38:08 NCR
<u>Specific Domestic Licenses of Broad Scope for Byproduct M...</u>	10A NCAC	15	.0305*	38:08 NCR
<u>Medical Use of Byproduct Material in Humans</u>	10A NCAC	15	.0307*	38:08 NCR
<u>Licenses and Radiation Safety Requirements for Irradiators</u>	10A NCAC	15	.0308*	38:08 NCR
<u>Domestic Licensing of Source Material</u>	10A NCAC	15	.0309*	38:08 NCR
<u>Domestic Licensing of Special Nuclear Material</u>	10A NCAC	15	.0310*	38:08 NCR
<u>General Licenses: Calibration and Reference</u>	10A NCAC	15	.0312	38:08 NCR
<u>General Licenses: In Vitro Clinical or Laboratory Testing</u>	10A NCAC	15	.0314	38:08 NCR
<u>General Licenses: Ice Detection Devices</u>	10A NCAC	15	.0315	38:08 NCR
<u>Specific Licenses: Filing Application and General Require...</u>	10A NCAC	15	.0317	38:08 NCR
<u>Specific Licenses: General Requirements for Human Use</u>	10A NCAC	15	.0318	38:08 NCR
<u>Specific Licenses: Human Use in Hospitals</u>	10A NCAC	15	.0319	38:08 NCR
<u>Specific Licenses: Human Use by Individual Physicians</u>	10A NCAC	15	.0320	38:08 NCR
<u>Specific Licenses: General Requirements for Human Use of ...</u>	10A NCAC	15	.0321	38:08 NCR
<u>Specific Licenses: Human Use of Sealed Sources</u>	10A NCAC	15	.0322	38:08 NCR
<u>Specific Licenses: Broad Scope</u>	10A NCAC	15	.0324	38:08 NCR
<u>Specific Licenses: Exempt Gas and Aerosol Detectors</u>	10A NCAC	15	.0327	38:08 NCR
<u>Specific Licenses: Manufacture Devices to Persons Licensed</u>	10A NCAC	15	.0328	38:08 NCR
<u>Specific Licenses: Luminous Safety Devices in Aircraft</u>	10A NCAC	15	.0329	38:08 NCR
<u>Specific Licenses: Manufacture of Calibration Sources</u>	10A NCAC	15	.0330	38:08 NCR
<u>Specific Licenses - Manufacture of In Vitro Test Kits</u>	10A NCAC	15	.0331	38:08 NCR
<u>Specific Licenses: Manufacture of Ice Detection Devices</u>	10A NCAC	15	.0332	38:08 NCR
<u>Specific Licenses: Manufacture of Radiopharmaceuticals</u>	10A NCAC	15	.0333	38:08 NCR
<u>Specific Licenses: Generators and Reagent Kits</u>	10A NCAC	15	.0334	38:08 NCR
<u>Specific Licenses: Products Containing Depleted Uranium</u>	10A NCAC	15	.0335	38:08 NCR
<u>Issuance of Specific Licenses and Sealed Source and Devic...</u>	10A NCAC	15	.0337	38:08 NCR
<u>Specific Terms and Conditions of Licenses</u>	10A NCAC	15	.0338	38:08 NCR
<u>Expiration and Termination of Licenses and Decommissioning</u>	10A NCAC	15	.0339	38:08 NCR
<u>Renewal of Licenses</u>	10A NCAC	15	.0340	38:08 NCR
<u>Amendment of Licenses at Request of Licensee</u>	10A NCAC	15	.0341	38:08 NCR
<u>Agency Action on Applications to Renew or Amend</u>	10A NCAC	15	.0342	38:08 NCR
<u>Transfer of Material</u>	10A NCAC	15	.0343	38:08 NCR
<u>Modification: Revocation: and Termination of Licenses and...</u>	10A NCAC	15	.0344	38:08 NCR
<u>Specific Licenses: Certain Incinerator Facilities</u>	10A NCAC	15	.0348	38:08 NCR
<u>Specific Licenses: Mobile Nuclear Medicine Services</u>	10A NCAC	15	.0351	38:08 NCR
<u>Emergency Plans</u>	10A NCAC	15	.0352	38:08 NCR

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<u>Financial Assurance and Record-Keeping for Decommissioning</u>	10A NCAC	15	.0353	38:08 NCR
<u>Methods of Financial Assurance for Decommissioning</u>	10A NCAC	15	.0354	38:08 NCR
<u>Financial Tests: Self- and Parent Co. Guarantees: Decommi...</u>	10A NCAC	15	.0355	38:08 NCR
<u>Procedures for Administrations Requiring a Written Directive</u>	10A NCAC	15	.0356	38:08 NCR
<u>Reporting Requirements</u>	10A NCAC	15	.0357	38:08 NCR
<u>Release of Patients Containing Radiopharmaceuticals or Pe...</u>	10A NCAC	15	.0358	38:08 NCR
<u>Measurements/Dosages of Unsealed Radioactive Material for...</u>	10A NCAC	15	.0359	38:08 NCR
<u>Surveys of Radiopharmaceutical Areas for Radiation Exposu...</u>	10A NCAC	15	.0360	38:08 NCR
<u>Medical Use of Unsealed Radioactive Material</u>	10A NCAC	15	.0361	38:08 NCR
<u>Decay-In-Storage</u>	10A NCAC	15	.0362	38:08 NCR
<u>Provisions for the Protection of Human Research Subjects</u>	10A NCAC	15	.0363	38:08 NCR
<u>Medical Events</u>	10A NCAC	15	.0364	38:08 NCR
<u>Report and Notification of a Dose to an Embryo/Fetus or a...</u>	10A NCAC	15	.0365	38:08 NCR
<u>Industrial Radiographic Operations of Electronic Radiatio...</u>	10A NCAC	15	.0501	38:05 NCR
<u>Definitions</u>	10A NCAC	15	.0502	38:05 NCR
<u>Equipment Radiation Level Limits</u>	10A NCAC	15	.0503	38:05 NCR
<u>Radiographic Exposure Devices and Storage Containers</u>	10A NCAC	15	.0504	38:05 NCR
<u>Storage, Labels and Transportation Precautions</u>	10A NCAC	15	.0505	38:05 NCR
<u>Survey Instruments</u>	10A NCAC	15	.0506	38:05 NCR
<u>Leak Testing and Replacement of Sealed Sources</u>	10A NCAC	15	.0507	38:05 NCR
<u>Quarterly Inventory</u>	10A NCAC	15	.0508	38:05 NCR
<u>Utilization Logs</u>	10A NCAC	15	.0509	38:05 NCR
<u>Limitations</u>	10A NCAC	15	.0510	38:05 NCR
<u>Inspection and Maintenance</u>	10A NCAC	15	.0511	38:05 NCR
<u>Personnel Monitoring</u>	10A NCAC	15	.0512	38:05 NCR
<u>Operating and Emergency Procedures</u>	10A NCAC	15	.0513	38:05 NCR
<u>Security</u>	10A NCAC	15	.0514	38:05 NCR
<u>Radiation Surveys and Survey Records</u>	10A NCAC	15	.0515	38:05 NCR
<u>Posting</u>	10A NCAC	15	.0516	38:05 NCR
<u>Supervision of Radiographers' Assistants</u>	10A NCAC	15	.0517	38:05 NCR
<u>Subjects to be Covered During Instruction of Radiographers</u>	10A NCAC	15	.0519	38:05 NCR
<u>Permanent Radiographic Installations</u>	10A NCAC	15	.0520	38:05 NCR
<u>Performance Requirements for Radiography Equipment</u>	10A NCAC	15	.0521	38:05 NCR
<u>Reporting Requirements</u>	10A NCAC	15	.0522	38:05 NCR
<u>Records of Industrial Radiography</u>	10A NCAC	15	.0523	38:05 NCR
<u>Specific License for Industrial Radiography</u>	10A NCAC	15	.0524	38:05 NCR
<u>Radiographer Certification</u>	10A NCAC	15	.0525	38:05 NCR
<u>Scope</u>	10A NCAC	15	.0701	38:08 NCR
<u>Manual Brachytherapy</u>	10A NCAC	15	.0702	38:08 NCR

**HHS - MENTAL HEALTH/DD/SAS, DIVISION OF/COMMISSION FOR MENTAL HEALTH/DD/SAS**

<u>Appeals Regarding Utilization Review Decisions for Non-Me...</u>	10A NCAC	27G	.7004*	38:12 NCR
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**MENTAL HEALTH/DD/SAS, COMMISSION FOR**

<u>Scope</u>	10A NCAC	27I	.0601*	38:12 NCR
<u>Definitions</u>	10A NCAC	27I	.0602*	38:12 NCR
<u>Division's Initial Response to a Non-Medicaid Appeal</u>	10A NCAC	27I	.0605*	38:12 NCR
<u>Hearing Schedule and Composition of the Panel</u>	10A NCAC	27I	.0606*	38:12 NCR

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*APPROVED RULES*

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<u>Panel Hearing Procedures</u>	10A NCAC	27I	.0607*	38:12 NCR
<u>Panel Decision Findings</u>	10A NCAC	27I	.0608*	38:12 NCR
<u>Final Written Decision</u>	10A NCAC	27I	.0609	38:12 NCR
<u>Regions for Division Institutional Admissions</u>	10A NCAC	28F	.0101	38:12 NCR

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Agency Retention of Records of Certification</u>	12 NCAC	09C	.0307*	38:12 NCR
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**LABOR, DEPARTMENT OF**

<u>Amusement Device Inspection Fee Schedule</u>	13 NCAC	15	.0703	38:14 NCR
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**WILDLIFE RESOURCES COMMISSION**

<u>When Issued</u>	15A NCAC	10A	.0501*	38:11 NCR
<u>When Not Issued</u>	15A NCAC	10A	.0502*	38:11 NCR
<u>Procedure</u>	15A NCAC	10A	.0503	38:11 NCR
<u>Funding Sources</u>	15A NCAC	10A	.1301	38:11 NCR
<u>Offenses and Reward Amounts</u>	15A NCAC	10A	.1302*	38:11 NCR
<u>Eligibility</u>	15A NCAC	10A	.1303*	38:11 NCR
<u>Dog Training and Field Trials</u>	15A NCAC	10B	.0114	38:11 NCR
<u>Deer (White Tailed)</u>	15A NCAC	10B	.0203*	38:11 NCR
<u>Ring-Necked Pheasant</u>	15A NCAC	10B	.0211	38:11 NCR
<u>Feral Swine</u>	15A NCAC	10B	.0223	38:11 NCR
<u>Public Mountain Trout Waters</u>	15A NCAC	10C	.0205*	38:11 NCR
<u>Spawning Areas</u>	15A NCAC	10C	.0208	38:11 NCR
<u>Largemouth Bass</u>	15A NCAC	10C	.0305	38:11 NCR
<u>Crappie</u>	15A NCAC	10C	.0306	38:11 NCR
<u>Flounder</u>	15A NCAC	10C	.0307	38:11 NCR
<u>American Shad and Hickory Shad</u>	15A NCAC	10C	.0313*	38:11 NCR
<u>Striped Bass</u>	15A NCAC	10C	.0314*	38:11 NCR
<u>Mountain Trout</u>	15A NCAC	10C	.0316*	38:11 NCR
<u>General Regulations Regarding Hunting on Game Lands</u>	15A NCAC	10D	.0103*	38:11 NCR
<u>Wayne Bailey-Caswell Game Land in Caswell County</u>	15A NCAC	10D	.0215	38:11 NCR
<u>Chatham Game Land in Chatham County</u>	15A NCAC	10D	.0216	38:11 NCR
<u>Dover Bay Game Land in Craven County</u>	15A NCAC	10D	.0225	38:11 NCR
<u>Harris Game Land in Chatham, Harnett, and Wake Counties</u>	15A NCAC	10D	.0233	38:11 NCR
<u>Lee Game Land in Lee County</u>	15A NCAC	10D	.0245	38:11 NCR
<u>Nantahala Game Land in Cherokee, Clay, Graham, Jackson, M...</u>	15A NCAC	10D	.0251	38:11 NCR
<u>North River Game Land in Camden and Currituck Counties</u>	15A NCAC	10D	.0256*	38:11 NCR
<u>Thurmond Chatham Game Land in Alleghany and Wilkes ...</u>	15A NCAC	10D	.0283*	38:11 NCR
<u>Yadkin River Game Land in Davidson, Davie, Montgomery, Ro...</u>	15A NCAC	10D	.0293	38:11 NCR
<u>North Bend Game Land in Burke County</u>	15A NCAC	10D	.0294*	38:11 NCR
<u>Definition</u>	15A NCAC	10E	.0101	38:11 NCR
<u>Regulations Posted</u>	15A NCAC	10E	.0102	38:11 NCR
<u>Signs and Markers</u>	15A NCAC	10E	.0103	38:11 NCR
<u>Use of Areas Regulated</u>	15A NCAC	10E	.0104	38:11 NCR
<u>General Requirements</u>	15A NCAC	10H	.0101*	38:12 NCR
<u>Establishment and Operation</u>	15A NCAC	10H	.0102	38:11 NCR
<u>Records and Reporting Requirements</u>	15A NCAC	10H	.0105	38:11 NCR

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**APPROVED RULES**

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<u>Quail Call-Pen Traps</u>	15A NCAC	10H .0109	38:11 NCR
<u>Game Bird Propagation License</u>	15A NCAC	10H .0901	38:11 NCR
<u>Disposition of Game Birds or Game Birds Eggs</u>	15A NCAC	10H .0904	38:11 NCR
<u>Transportation</u>	15A NCAC	10H .0905	38:11 NCR
<u>Records</u>	15A NCAC	10H .0906	38:11 NCR
<u>Wildlife Control Agent License Renewal and Revocation</u>	15A NCAC	10H .1505	38:11 NCR
<u>Wildlife Control Technician Certification and Eligibility...</u>	15A NCAC	10H .1510	38:11 NCR
<u>Field Trials</u>	15A NCAC	10H .1701	38:11 NCR
<u>Dog Training</u>	15A NCAC	10H .1702	38:11 NCR

**PHARMACY, BOARD OF**

<u>Extension of Period for Certain Members of the Armed Forces</u>	21 NCAC	46 .1613	38:12 NCR
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**ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR**

<u>Application Procedure: Individual</u>	21 NCAC	56 .0502*	38:08 NCR
<u>Rules of Professional Conduct</u>	21 NCAC	56 .0701*	38:08 NCR

*The following rules are subject to Legislative Review*

**WILDLIFE RESOURCES COMMISSION**

<u>Bear</u>	15A NCAC	10B .0202	38:11 NCR
<u>Inland Game Fishes Designated in Joint Fishing Waters</u>	15A NCAC	10C .0801*	38:11 NCR
<u>Taking and Possession of Other Fishes by Hook and Line in...</u>	15A NCAC	10C .0802*	38:11 NCR

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**TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**10A NCAC 15 .0301 GENERAL RULES APPLICABLE TO THE SPECIFIC LICENSING OF BYPRODUCT MATERIAL**

(a) All persons using byproduct material shall comply with the provisions of 10 CFR 30, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 30.1, "Scope;"
- (2) 10 CFR 30.2, "Resolution of conflict;"
- (3) 10 CFR 30.3(a), (c), and (d), "Activities requiring license," except that references to 10 CFR 30.3(b)(1), (b)(2), and (b)(3) shall not apply;
- (4) 10 CFR 30.4, "Definitions," except that references in the definitions to common defense and security shall not apply. The term "temporary jobsite" shall mean a location where byproduct materials are used and stored other than those location(s) of use authorized on the license;
- (5) 10 CFR 30.6, "Communications," except that notices and reports required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission (NRC);

- (6) 10 CFR 30.9, "Completeness and accuracy of information;"
- (7) 10 CFR 30.10, "Deliberate misconduct;"
- (8) 10 CFR 30.11, "Specific exemptions;"
- (9) 10 CFR 30.12, "Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts;"
- (10) 10 CFR 30.13, "Carriers;"
- (11) 10 CFR 30.14, "Exempt concentration;"
- (12) 10 CFR 30.15, "Certain items containing byproduct material;"
- (13) 10 CFR 30.18, "Exempt quantities;"
- (14) 10 CFR 30.19, "Self-luminous products containing tritium, krypton-85, or promethium-147;"
- (15) 10 CFR 30.20, "Gas and aerosol detectors containing byproduct material;"
- (16) 10 CFR 30.21(a), (b), and (d), "Radioactive drug: Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans;"
- (17) 10 CFR 30.22, "Certain industrial devices;"
- (18) 10 CFR 30.31, "Types of licenses;"
- (19) 10 CFR 30.32(a) – (d) and (f) – (j), "Application for specific licenses," except that the requirements of Paragraph (b) of this Rule shall be met.
- (20) 10 CFR 30.33, "General requirements for issuance of specific licenses," except the

- agency shall issue a "Radioactive Materials License." In the event an "environmental document," as defined by G.S. 113A-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;
- (21) 10 CFR 30.34(a) – (c), (e)(2), (e)(4), (f) – (k), "Terms and conditions of licenses;"
  - (22) 10 CFR 30.35, "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"
  - (23) 10 CFR 30.36, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas;"
  - (24) 10 CFR 30.37, "Application for renewal of licenses;"
  - (25) 10 CFR 30.38, "Application for amendment of licenses and registration certificates." Licensees shall submit an application for amendment to the agency to add temporary jobsites to the license as authorized places of use if the duration of use or storage at the temporary jobsite exceeds 180 days in any calendar year;
  - (26) 10 CFR 30.39, "Commission action on applications to renew or amend;"
  - (27) 10 CFR 30.41(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of byproduct material;"
  - (28) 10 CFR 30.50, "Reporting requirements;"
  - (29) 10 CFR 30.51, "Records;"
  - (30) 10 CFR 30.52, "Inspections;"
  - (31) 10 CFR 30.53, "Tests;"
  - (32) 10 CFR 30.61, "Modification and revocation of licenses and registration certificates;"
  - (33) 10 CFR 30.62, "Right to cause the withholding or recall of byproduct material;"
  - (34) 10 CFR 30.70, "Schedule A – Exempt concentrations;"
  - (35) 10 CFR 30.71, "Schedule B." This schedule shall also be known as the "exempt quantity table;"
  - (36) 10 CFR 30.72, "Schedule C – Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release;"
  - (37) Appendix A to Part 30, "Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning;"
  - (38) Appendix B to Part 30, "Quantities of Licensed Material Requiring Labeling;"
  - (39) Appendix C to Part 30, "Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning;"
  - (40) Appendix D to Part 30 "Criteria Relating To Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That Have no Outstanding Rated Bonds;" and Appendix E to Part 30, "Criteria Relating to Use of Financial Tests and Self-Guarantee For Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges, Universities, and Hospitals."
- (b) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:
- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
    - (A) legal business name and mailing address;
    - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
    - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
    - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
    - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
    - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
    - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
    - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
  - (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
    - (A) the license number;

- (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm)

(c) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part030/>.

*History Note: Authority G.S. 104E-7; 104E-9(8); 104E-10(b); Eff. February 1, 1980; Amended Eff. October 1, 2013; August 1, 1998; January 1, 1994; May 1, 1992; June 1, 1989; July 1, 1982; Transferred and Recodified from 15A NCAC 11 .0301 Eff. February 1, 2015; Readopted Eff. May 1, 2024.*

**10A NCAC 15 .0302 GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL**

(a) Persons possessing generally licensed items, manufactured or initially transferred pursuant to Subpart B of 10 CFR 32, shall comply with the provisions of 10 CFR 31, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) Reports, notifications, and responses to agency requests for information required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency;

- (2) 10 CFR 31.1, "Purpose and scope;"
  - (3) 10 CFR 31.2, "Terms and conditions;"
  - (4) 10 CFR 31.5, "Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere," except that the fee required by 10 CFR 170.31 shall not apply. Persons using devices described in 31.5(a) shall be registered with the agency. Device registration shall be made in accordance with Paragraph (b) of this Rule and shall contain the information required by 31.5(c)(13)(iii);
  - (5) 10 CFR 31.6, "General license to install devices generally licensed in 10 CFR 31.5;"
  - (6) 10 CFR 31.7, "Luminous safety devices in aircraft;"
  - (7) 10 CFR 31.8, "Americium-241 and radium-226 in the form of calibration or reference sources;"
  - (8) 10 CFR 31.9, "General license to own byproduct material;"
  - (9) 10 CFR 31.10, "General license for strontium 90 in ice detection devices;"
  - (10) 10 CFR 31.11, "General license for use of byproduct material for certain in vitro clinical or laboratory testing," except that persons required by 31.11(b) to register devices with the agency shall comply with the provisions of Paragraph (b) of this Rule;
  - (11) 10 CFR 31.12, "General license for certain items and self-luminous products containing radium-226;" and
  - (12) 10 CFR 31.21, "Maintenance of records;"
- (b) Persons registering devices shall use General License Application for Registration forms provided by the agency. These forms are available free of charge at: <https://radiation.ncdhhs.gov/rms/rmsgenlicforms.htm>. Applications and supporting material shall be submitted to the agency by e-mail at [Licensing.ram@dhhs.nc.gov](mailto:Licensing.ram@dhhs.nc.gov), or at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission. The following information shall appear on the application:
- (1) facility name, mailing address, physical address if different from the mailing address, and the name of the county where the facility is located;
  - (2) type of device;
  - (3) device manufacturer;
  - (4) device model numbers and serial numbers;
  - (5) number of devices being registered, isotopes, and activity;
  - (6) indicate if the devices have been leak tested by checking the corresponding check box;
  - (7) if the devices have been leak tested, write down the frequency that leak tests are required;
  - (8) the name of the person or company performing the leak test;
  - (9) describe the method of device disposal; and
  - (10) the signature, printed name, title, date the form is signed and telephone number of the contact person.

(c) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part031/>.

*History Note:* Authority G.S. 104E-7; 104E-10(b);  
 Eff. February 1, 1980;  
 Amended Eff. June 1, 1989; October 1, 1984; October 1, 1980;  
 Transferred and Recodified from 15A NCAC 11 .0302 Eff.  
 February 1, 2015;  
 Amended Eff. March 1, 2017;  
 Readopted Eff. May 1, 2024.

**10A NCAC 15 .0303 EXEMPT CONCENTRATIONS:  
 OTHER THAN SOURCE MATERIAL**

*History Note:* Authority G.S. 104E-7; 104E-10; 104E-20; 10  
 C.F.R. 30.70;  
 Eff. February 1, 1980;  
 Amended Eff. October 1, 2013; May 1, 1993; June 1, 1989;  
 Transferred and Recodified from 15A NCAC 11 .0303 Eff.  
 February 1, 2015;  
 Repealed Eff. May 1, 2024.

**10A NCAC 15 .0304 SPECIFIC LICENSES:  
 MANUFACTURE OR TRANSFER CERTAIN ITEMS  
 CONTAINING BYPRODUCT MATERIAL**

(a) All persons manufacturing or initially transferring items or devices containing exempt quantities or exempt concentrations of byproduct material, as described in Rule .0301(a)(11) and .0301(a)(13) of this Chapter, generally licensed and specifically licensed items or devices containing byproduct material, items or devices containing byproduct material for medical use in humans, and persons requesting safety evaluations of sealed sources or devices for registration with the national Sealed Source and Device Registry shall comply with the following requirements of 10 CFR 32:

- (1) 10 CFR 32.1(a), (b), and (c)(2), "Purpose and scope;"
- (2) 10 CFR 32.2, "Definitions," the term "initially transfer" shall mean the "initial commercial transfer of items and devices to an end user or a commercial or retail reseller;"
- (3) 10 CFR 32.3, "Maintenance of records."

(b) All Persons manufacturing or initially transferring items or devices containing exempt quantities of byproduct material shall comply with the following requirements of Subpart A – Exempt Concentrations and Items:

- (1) 10 CFR 32.13, "Same: Prohibition of introduction;"
- (2) 10 CFR 32.24, "Same: Table of organ doses;" and
- (3) applications to manufacture, process, produce, prepare, package, re-package, or initially transfer items or devices for commercial distribution containing exempt concentrations or exempt quantities of byproduct material shall be made to the United States Nuclear Regulatory Commission (NRC) in lieu of the agency.

(c) All persons manufacturing or initially transferring generally licensed devices containing byproduct material shall comply with Paragraph (g) of this Rule and the following requirements of Subpart B – Generally Licensed Items:

- (1) 10 CFR 32.51, "Byproduct material contained in devices for use under 10 CFR 31.5; requirements for license to manufacture, or initially transfer;"
- (2) 10 CFR 32.51a, "Same: Conditions of licenses;"
- (3) 10 CFR 32.52, "Same: Material transfer reports and records;"
- (4) 10 CFR 32.53, "Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer;"
- (5) 10 CFR 32.54, "Same: Labeling of devices;"
- (6) 10 CFR 32.55, "Same: Quality assurance; prohibition of transfer;"
- (7) 10 CFR 32.56, "Same: Material transfer reports;"
- (8) 10 CFR 32.57, "Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer;"
- (9) 10 CFR 32.58, "Same: Labeling of devices;"
- (10) 10 CFR 32.59, "Same: Leak testing of each source;"
- (11) 10 CFR 32.61, "Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer;"
- (12) 10 CFR 32.62, "Same: Quality assurance; prohibition of transfer;" and
- (13) 10 CFR 32.71, "Manufacture and distribution of byproduct material in certain in vitro clinical or laboratory testing under general license."

(d) All persons manufacturing or initially transferring items or devices containing byproduct material for medical use in humans shall comply with Paragraph (g) of this Rule and the following requirements of Subpart C – Specifically Licensed Items:

- (1) 10 CFR 32.72, "Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35;" and
- (2) 10 CFR 32.74, "Manufacture and distribution of sources or devices containing byproduct material for medical use."

(e) All persons manufacturing sealed sources containing byproduct material in quantities equal to or greater than the quantities listed in Appendix E of 10 CFR 20 shall comply with Paragraph (g) of this Rule and the requirements of 10 CFR 32.201.

(f) All persons manufacturing or initially transferring sealed sources or devices containing byproduct material under this Rule for commercial distribution and persons requesting safety evaluations of sealed sources or devices for registration with the national Sealed Source and Device Registry shall comply with the following requirements of Subpart D – Sealed Source and Device Registration:

- (1) 10 CFR 32.210, "Registration of product information;"
- (2) 10 CFR 32.211, "Inactivation of certificates of registration of sealed sources and devices;" and
- (3) requests for safety evaluations and registration of product information under this Paragraph and inactivation of certificates of registration of sealed sources and devices issued by the agency shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC.

(g) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (2) Persons applying for an amendment to an existing license shall submit an Application for

Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

- (A) the license number;
- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

(h) The regulations cited in this Rule from 10 CFR Part 32 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part032/>.

*History Note: Authority G.S. 104E-7; 104E-10(b); 104E-20; 10 CFR 30.71; Eff. February 1, 1980; Amended Eff. October 1, 2013; May 1, 1993; Transferred and Recodified from 15A NCAC 11 .0304 Eff. February 1, 2015; Amended Eff. March 1, 2017; Readopted Eff. May 1, 2024.*

**10A NCAC 15 .0305 SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL**

(a) Persons who have established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management

review that are necessary to assure safe operations in compliance with the rules of this Chapter shall comply with the provisions of 10 CFR 33, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 33.1, "Purpose and scope;"
- (2) 10 CFR 33.11(a), "Types of specific licenses of broad scope;"
- (3) 10 CFR 33.12, "Applications for specific licenses of broad scope," except that the requirements of Paragraph (b) of this Rule shall be met;
- (4) 10 CFR 33.13, "Requirements for the issuance of a Type A specific license of broad scope;"
- (5) 10 CFR 33.16, "Application for other specific licenses;" and
- (6) 10 CFR 33.17(a), (b), "Conditions of specific licenses of broad scope."

(b) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:

- (A) the license number;
- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

(c) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part033/>.

*History Note: Authority G.S. 104E-7; 104E-10(b); 104E-20; Eff. February 1, 1980; Amended Eff. October 1, 2013; April 1, 1999; June 1, 1993; October 1, 1982; September 1, 1981;*

*Transferred and Recodified from 15A NCAC 11 .0305 Eff. February 1, 2015;  
Amended Eff. March 1, 2017;  
Readopted Eff. May 1, 2024.*

**10A NCAC 15 .0307 MEDICAL USE OF BYPRODUCT MATERIAL IN HUMANS**

(a) All persons using radioactive materials for medical use in humans shall comply with the general information requirements of Subpart A to 10 CFR 35, as follows:

- (1) 10 CFR 35.1, "Purpose and scope;"
- (2) 10 CFR 35.2, "Definitions;"
- (3) 10 CFR 35.5, "Maintenance of records;"
- (4) 10 CFR 35.6, "Provisions for the protection of human research subjects;"
- (5) 10 CFR 35.7, "FDA, other Federal, and State requirements;"
- (6) 10 CFR 35.10, "Implementation;"
- (7) 10 CFR 35.11, "License required," except that 35.11(c)(1) shall not apply;
- (8) 10 CFR 35.12, "Application for license, amendment, or renewal," except that the requirements in Paragraph (m) of this Rule shall be met;
- (9) 10 CFR 35.13, "License amendments," except that 35.13(a)(1) shall not apply;
- (10) 10 CFR 35.14, "Notifications," except that notifications required by this rule shall be submitted to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency;
- (11) 10 CFR 35.15, "Exemptions regarding Type A specific licenses of broad scope;"
- (12) 10 CFR 35.18, "License issuance," except 35.18(a)(2) shall not apply; and
- (13) 10 CFR 35.19, "Specific exemptions."

(b) All persons using radioactive materials for medical use in humans shall comply with the general administrative requirements of Subpart B to 10 CFR 35, as follows:

- (1) 10 CFR 35.24, "Authority and responsibilities for the radiation safety program;"
- (2) 10 CFR 35.26, "Radiation protection program changes;"
- (3) 10 CFR 35.27, "Supervision." Persons using instrumentation for the collection of data to be used by a physician shall hold active nuclear medicine technology (N) certification issued by the American Registry of Radiographic Technologists (ARRT) or hold active certification issued by the Nuclear Medicine Technologist Certification Board (NMTCB) within three (3) years of the effective date of this readopted Rule, or shall be in training and under the supervision of an individual holding active ARRT(N) or NMTCB certification or an authorized user;
- (4) 10 CFR 35.40, "Written Directives;"
- (5) 10 CFR 35.41, "Procedures for administrations requiring a written directive;"

- (6) 10 CFR 35.49, "Suppliers for sealed source and devices for medical use;"
- (7) 10 CFR 35.50, "Training for Radiation Safety Officer and Associate Radiation Safety Officer;"
- (8) 10 CFR 35.51, "Training for an authorized medical physicist;"
- (9) 10 CFR 35.55, "Training for an authorized nuclear pharmacist;"
- (10) 10 CFR 35.57, "Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist;"
- (11) 10 CFR 35.59, "Recentness of training;" and
- (12) licensees administering radioactive materials to patients shall have a physician, a nurse practitioner, or a physicians' assistant available to provide emergency life-saving assistance in the event of a medical emergency. These individuals are not required to be users of radioactive materials.

(c) All persons administering radioactive materials to humans not requiring a written directive shall develop, document, maintain, and require the use of, a clinical procedures manual. A copy of this manual shall be provided to the agency with each application for a new license or each application for renewal of an existing license. This manual shall be approved in writing by an authorized user, and shall include, for each nuclear medicine procedure not requiring a written directive performed at the facility:

- (1) the range of radiopharmaceutical dosages;
- (2) the method used to determine the dosage;
- (3) the route of administration;
- (4) provision of job-specific training and assistance to medical personnel in the administration of radioactive material for purposes including, but not limited to, the evaluation of cardiac ischemia in the emergent setting and localization of seizure foci as an adjunct to epilepsy monitoring; and
- (5) any other information the licensee determines to be useful for patient care, and to prevent the occurrence of medical events.

(d) All persons using radioactive materials for medical use in humans shall comply with the general technical requirements of Subpart C to 10 CFR 35, as follows:

- (1) 10 CFR 35.60, "Possession, use, and calibration of instruments used to measure the activity of byproduct material;"
- (2) 10 CFR 35.61, "Calibration of survey instruments;"
- (3) 10 CFR 35.63, "Determination of dosages of unsealed byproduct material for medical use," except that the determination of dosages of unsealed photon emitting byproduct material shall be made only by direct measurement of radioactivity. If direct measurement of the dosage is not feasible because of the nature of the radiopharmaceutical, the manufacturer's

recommendations for determining the dosage shall be used;

- (4) 10 CFR 35.65, "Authorization for calibration, transmission, and reference sources;"
- (5) 10 CFR 35.67, "Requirements for possession of sealed sources and brachytherapy sources," except that sealed sources and brachytherapy sources placed in storage may be decayed-in-storage as permitted by Subparagraph (d)(10) of this Paragraph. Brachytherapy sources placed into decay-in-storage shall be exempt from leak testing and the semi-annual inventory requirements of this Subparagraph;
- (6) 10 CFR 35.69, "Labeling of vials and syringes," except that syringe shields and dose carriers used to shield or transport syringes labeled in accordance with this Rule shall not be required to be labeled when under the continuous direct control of the individual measuring the dose in accordance with Subparagraph (d)(3) of this Rule and administering the dose to the patient;
- (7) 10 CFR 35.70, "Surveys of ambient radiation exposure rate;"
- (8) 10 CFR 35.75, "Release of individuals containing unsealed byproduct material or implants containing byproduct material;"
- (9) 10 CFR 35.80, "Provision of mobile medical service;" and
- (10) 10 CFR 35.92, "Decay-in-storage," except that licensees may hold byproduct material with a half-life of less than or equal to 275 days for decay-in-storage.

(e) Persons using unsealed radioactive material for medical use not requiring a written directive shall comply with the requirements of Subpart D to 10 CFR 35, as follows:

- (1) 10 CFR 35.100, "Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required;"
- (2) 10 CFR 35.190, "Training for uptake, dilution, and excretion studies;"
- (3) 10 CFR 35.200, "Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required;"
- (4) 10 CFR 35.204, "Permissible molybdenum-99, strontium-82, and strontium-85 concentrations;" and
- (5) 10 CFR 35.290, "Training for imaging and localization studies."

(f) Persons using unsealed radioactive material for medical use requiring a written directive shall comply with the requirements of Subpart E to 10 CFR 35, as follows:

- (1) 10 CFR 35.300, "Use of unsealed byproduct material for which a written directive is required;"
- (2) 10 CFR 35.310, "Safety instruction;"
- (3) 10 CFR 35.315, "Safety precautions;" except that patient's or human research subject's personal items that cannot be effectively

decontaminated to a level indistinguishable from the natural background may be released to them upon discharge, provided that the patient or human research subject is instructed not to share such items with others;

- (4) 10 CFR 35.390, "Training for use of unsealed byproduct material for which a written directive is required;"
- (5) 10 CFR 35.392, "Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries);" 10 CFR 35.394, "Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries);" and
- (7) 10 CFR 35.396, "Training for the parenteral administration of unsealed byproduct material requiring a written directive."

(g) Persons using sealed source radioactive material for medical use in manual brachytherapy shall comply with the requirements of Subpart F to 10 CFR 35, as follows:

- (1) 10 CFR 35.400, "Use of sources for manual brachytherapy;"
- (2) 10 CFR 35.404, "Surveys after source implant and removal;"
- (3) 10 CFR 35.406, "Brachytherapy sources accountability;"
- (4) 10 CFR 35.410, "Safety instructions;"
- (5) 10 CFR 35.415, "Safety precautions;"
- (6) 10 CFR 35.432, "Calibration measurements of brachytherapy sources;"
- (7) 10 CFR 35.433, "Strontium-90 sources for ophthalmic treatments;"
- (8) 10 CFR 35.457, "Therapy-related computer systems;"
- (9) 10 CFR 35.490, "Training for use of manual brachytherapy sources;"
- (10) 10 CFR 35.491, "Training for ophthalmic use of strontium-90;" and
- (11) activities listed in Subparagraphs (g)(6) and (g)(7) of this Rule shall be approved by an Authorized Medical Physicist.

(h) Persons using sealed source radioactive material for medical diagnosis shall comply with the requirements of Subpart G to 10 CFR 35, as follows:

- (1) 10 CFR 35.500, "Use of sealed sources and medical devices for diagnosis;" and
- (2) 10 CFR 35.590, "Training for use of sealed sources and medical devices for diagnosis."

(i) Persons using sealed source radioactive material for medical use in remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units shall comply with the requirements of Subpart H to 10 CFR 35, as follows:

- (1) 10 CFR 35.600, "Use of a sealed source in a remote afterloading unit, teletherapy unit, or gamma stereotactic radiosurgery unit;"

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| <p>(2) 10 CFR 35.604, "Surveys of patients and human research subjects treated with a remote afterloader unit;"</p> <p>(3) 10 CFR 35.605, "Installation, maintenance, and repair;"</p> <p>(4) 10 CFR 35.610, "Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"</p> <p>(5) 10 CFR 35.615, "Safety precautions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"</p> <p>(6) 10 CFR 35.630, "Dosimetry equipment;"</p> <p>(7) 10 CFR 35.632, "Full calibration measurements on teletherapy units;"</p> <p>(8) 10 CFR 35.635, "Full calibration measurements on remote afterloader units;"</p> <p>(9) 10 CFR 35.635, "Full calibration measurements on stereotactic radiosurgery units;"</p> <p>(10) 10 CFR 35.642, "Periodic spot-checks for teletherapy units;"</p> <p>(11) 10 CFR 35.643, "Periodic spot-checks for remote afterloader units;"</p> <p>(12) 10 CFR 35.645, "Periodic spot-checks for on stereotactic radiosurgery units;"</p> <p>(13) 10 CFR 35.647, "Additional technical requirements for mobile remote afterloader units;"</p> <p>(14) 10 CFR 35.652, "Radiation surveys;"</p> <p>(15) 10 CFR 35.655, "Full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units;"</p> <p>(16) 10 CFR 35.657, "Therapy-related computer systems;" and</p> <p>(17) 10 CFR 35.690, "Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units."</p> | <p>(7) 10 CFR 35.2063, "Records of dosages of unsealed byproduct material for medical use;"</p> <p>(8) 10 CFR 35.2067, "Records of leak tests of sealed sources and brachytherapy sources;"</p> <p>(9) 10 CFR 35.2070, "Records of surveys for ambient radiation exposure rate;"</p> <p>(10) 10 CFR 35.2075, "Records of the release of individuals containing unsealed byproduct material or implants containing byproduct material;"</p> <p>(11) 10 CFR 35.2080, "Records of mobile medical services;"</p> <p>(12) 10 CFR 35.2092, "Records of decay-in-storage;"</p> <p>(13) 10 CFR 35.2204, "Records of molybdenum-99, strontium-82, and strontium-85 concentrations;"</p> <p>(14) 10 CFR 35.2310, "Records of safety instruction;"</p> <p>(15) 10 CFR 35.2404, "Records of surveys after source implant and removal;"</p> <p>(16) 10 CFR 35.2406, "Records of brachytherapy source accountability;"</p> <p>(17) 10 CFR 35.2432, "Records of calibration measurements of brachytherapy sources;"</p> <p>(18) 10 CFR 35.2433, "Records of decay of strontium-90 sources for ophthalmic treatments;"</p> <p>(19) 10 CFR 35.2605, "Records of installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"</p> <p>(20) 10 CFR 35.2610, "Records of safety procedures;"</p> <p>(21) 10 CFR 35.2630, "Records of dosimetry equipment used with remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"</p> <p>(22) 10 CFR 35.2632, "Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations;"</p> <p>(23) 10 CFR 35.2642, "Records of periodic spot-checks for teletherapy units;"</p> <p>(24) 10 CFR 35.2643, "Records of periodic spot-checks for remote afterloader units;"</p> <p>(25) 10 CFR 35.2645, "Records of periodic spot-checks for gamma stereotactic radiosurgery units;"</p> <p>(26) 10 CFR 35.2647, "Records of additional technical requirements for mobile remote afterloader units;"</p> <p>(27) 10 CFR 35.2652, "Records of surveys of therapeutic treatment units;" and</p> <p>(28) 10 CFR 35.2655, "Records of full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units."</p> |
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- (j) Persons using radioactive material for medical use, or radiation from radioactive material for medical use, that are not specifically addressed in Paragraphs (e) through (i) of this Rule shall comply with requirements of Subpart K to 10 CFR 35.
- (k) All persons licensed by the agency for the medical use of radioactive material shall maintain records required by Subpart L to 10 CFR 35, as follows:
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| <p>(1) 10 CFR 35.2024, "Records of authority and responsibilities for radiation protection programs;"</p> <p>(2) 10 CFR 35.2026, "Records of radiation protection program changes;"</p> <p>(3) 10 CFR 35.2040, "Records of written directives;"</p> <p>(4) 10 CFR 35.2041, "Records of procedures for administrations requiring a written directive;"</p> <p>(5) 10 CFR 35.2060, "Records of calibrations of instruments used to measure the activity of unsealed byproduct materials;"</p> <p>(6) 10 CFR 35.2061, "Records of radiation survey instrument calibrations;"</p> | <p>(l) All persons licensed by the agency for the medical use of radioactive material shall make, or cause to be made, the reports required by Subpart M to 10 CFR Part 35. Notifications made by</p> |
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telephone shall be made to the agency in lieu of the United States Nuclear Regulatory Commission (NRC) Operations Center. Written reports and correspondence required by this Rule shall be submitted to the agency at the address shown in Rule .0111 of this Chapter unless otherwise directed by the agency, in lieu of the NRC Regional Office:

- (1) 10 CFR 35.3045, "Report and notification of a medical event;"
- (2) 10 CFR 35.3047, "Report and notification of a dose to an embryo/fetus or a nursing child;"
- (3) 10 CFR 35.3067, "Report of a leaking source;" and
- (4) 10 CFR 35.3204, "Report and notification for an eluate exceeding permissible molybdenum-99, strontium-82, and strontium-85 concentrations."

(m) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license or for the renewal of an existing license by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the

licensee to sign license applications on behalf of the business or licensee.

- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
  - (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available free of charge at: [https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

(n) The regulations cited in this Rule from 10 CFR 35 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part035/>.

*History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. January 1, 1994; May 1, 1992; Transferred and Recodified from 15A NCAC 11 .0307 Eff. February 1, 2015; Amended Eff. March 1, 2017; Readopted Eff. May 1, 2024.*

**10A NCAC 15 .0308 LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS**

(a) Persons irradiating objects or materials using sealed sources containing radioactive materials shall comply with the provisions

of 10 CFR 36, which are hereby incorporated by reference including subsequent amendments and editions, except that the requirements of 10 CFR 170 shall not apply, as follows:

- (1) 10 CFR 36.1, "Purpose and scope;"
- (2) 10 CFR 36.2, "Definitions," except that references to common defense and security shall not apply;
- (3) 10 CFR 36.11, "Application for a specific license," except that the requirements of Paragraph (b) of this Rule shall be met;
- (4) 10 CFR 36.13, "Specific licenses for irradiators;"
- (5) 10 CFR 36.15, "Commencement of construction;"
- (6) 10 CFR 36.17, "Applications for exemptions;"
- (7) 10 CFR 36.19, "Requests for written statements;"
- (8) 10 CFR 36.21, "Performance criteria for sealed sources;"
- (9) 10 CFR 36.23, "Access control;"
- (10) 10 CFR 36.25, "Shielding;"
- (11) 10 CFR 36.27, "Fire protection;"
- (12) 10 CFR 36.29, "Radiation monitors;"
- (13) 10 CFR 36.31, "Control of source movement;"
- (14) 10 CFR 36.33, "Irradiator pools;"
- (15) 10 CFR 36.35, "Source rack protection;"
- (16) 10 CFR 36.37, "Power failures;"
- (17) 10 CFR 36.39, "Design requirements;"
- (18) 10 CFR 36.41, "Construction monitoring and acceptance testing;"
- (19) 10 CFR 36.51, "Training;"
- (20) 10 CFR 36.53, "Operating and emergency procedures;"
- (21) 10 CFR 36.55, "Personnel monitoring;"
- (22) 10 CFR 36.57, "Radiation surveys;"
- (23) 10 CFR 36.59, "Detection of leaking sources;"
- (24) 10 CFR 36.61, "Inspection and maintenance;"
- (25) 10 CFR 36.63, "Pool water quality;"
- (26) 10 CFR 36.65, "Attendance during operations;"
- (27) 10 CFR 36.67, "Entering and leaving the radiation room;"
- (28) 10 CFR 36.69, "Irradiation of explosive or flammable materials;"
- (29) 10 CFR 36.81, "Records and retention periods;" and
- (30) 10 CFR 36.83, "Reports," except that reports required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency, in lieu of the United States Nuclear Regulatory Commission (NRC).

(b) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an

Application for Radioactive Materials License. The following information shall appear on the application:

- (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the

- corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

(c) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part036/>.

*History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. January 1, 2005; January 1, 1994; Transferred and Recodified from 15A NCAC 11 .0308 Eff. February 1, 2015; Amended Eff. March 1, 2017; Readopted Eff. May 1, 2024.*

**10A NCAC 15 .0309 DOMESTIC LICENSING OF SOURCE MATERIAL**

(a) Persons using source material and byproduct material as defined in this Rule shall comply with the provisions of 10 CFR 40, which are hereby incorporated by reference including subsequent amendments and editions, except that references to importation and exportation of radioactive material and references to and requirements of 10 CFR 70.22(b), (c), (f) – (n), and 10 CFR 110 shall not apply, as follows:

- (1) 10 CFR 40.1, "Purpose;"
- (2) 10 CFR 40.2, "Scope;"
- (3) 10 CFR 40.2a, "Coverage of inactive tailings sites;"
- (4) 10 CFR 40.3, "Licensing requirements;"
- (5) 10 CFR 40.4, "Definitions," except that the definition of "foreign obligations," "reconciliation," and references in the definitions to common defense and security shall not apply;
- (6) 10 CFR 40.5, "Communications," except that notices and reports shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency or specified otherwise in this Rule, in lieu of the United States Nuclear Regulatory Commission (NRC);
- (7) 10 CFR 40.9, "Completeness and accuracy of information;"
- (8) 10 CFR 40.10, "Deliberate misconduct;"

- (9) 10 CFR 40.11, "Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts;"
- (10) 10 CFR 40.12(a), "Carriers;"
- (11) 10 CFR 40.13, "Unimportant quantities of source material," except 10 CFR 40.13(c)(5)(iv);
- (12) 10 CFR 40.14, "Specific Exemptions;"
- (13) 10 CFR 40.20, "Types of licenses;"
- (14) 10 CFR 40.21, "General license to receive title to source or byproduct material;"
- (15) 10 CFR 40.22, "Small quantities of source material;"
- (16) 10 CFR 40.25, "General license for use of certain industrial products or devices;"
- (17) 10 CFR 40.26, "General license for possession and storage of byproduct material as defined in this part;"
- (18) 10 CFR 40.31(a), (b), (d), (f) – (i), "Application for specific licenses," except that the requirements of Paragraph (b) of this Rule shall be met, and reports required by 10 CFR 40.31(g) shall be submitted to the NRC in lieu of the agency. In the event an "environmental document," as defined by G.S. 113-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;
- (19) 10 CFR 40.32, "General requirements for issuance of specific licenses," except that 10 CFR 40.32(d), (g), and references to and requirements for uranium enrichment and uranium hexafluoride facilities shall not apply. In the event an "environmental document," as defined by G.S. 113A-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;
- (20) 10 CFR 40.34, "Special requirements for issuance of specific licenses;"
- (21) 10 CFR 40.35, "Conditions of specific licenses issued pursuant to 10 CFR 40.34;"
- (22) 10 CFR 40.36, "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"
- (23) 10 CFR 40.41(a) – (c), (e)(2), (e)(4), (f), "Terms and conditions of licenses;"
- (24) 10 CFR 40.42, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas;"
- (25) 10 CFR 40.43, "Renewal of licenses;"
- (26) 10 CFR 40.44, "Amendment of licenses at request of licensee;"
- (27) 10 CFR 40.45, "Commission action on application to renew or amend;"

- (28) 10 CFR 40.46, "Inalienability of licenses;"
- (29) 10 CFR 40.51(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of source or byproduct material;"
- (30) 10 CFR 40.54, "Requirements for license to initially transfer source material for use under the 'small quantities of source material' general license;"
- (31) 10 CFR 40.55, "Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports;"
- (32) 10 CFR 40.60, "Reporting requirements;"
- (33) 10 CFR 40.61, "Records;"
- (34) 10 CFR 40.62, "Inspections;"
- (35) 10 CFR 40.63, "Tests;"
- (36) 10 CFR 40.65, "Effluent monitoring reporting requirements;"
- (37) 10 CFR 40.71, "Modification and revocation of licenses," and
- (38) Appendix A to Part 40, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," except Criterion 11A - F and 12 shall not apply.

(b) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

- (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
- (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
- (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:

- (A) the license number;
- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

(c) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part040/>.

*History Note: Authority G.S. 104E-7; 104E-10(b);*

*Eff. February 1, 1980;*  
*Amended Eff. October 1, 2013; January 1, 2005; January 1, 1994;*  
*June 1, 1989;*  
*Transferred and Recodified from 15A NCAC 11 .0309 Eff.*  
*February 1, 2015;*  
*Amended Eff. March 1, 2017;*  
*Readopted Eff. May 1, 2024.*

**10A NCAC 15 .0310 DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL**

(a) Persons using special nuclear material as defined in this Rule shall comply with the provisions of 10 CFR 70, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 70.1(a) and (b), "Purpose;"
- (2) 10 CFR 70.2, "Scope;"
- (3) 10 CFR 70.3, "License requirements;"
- (4) 10 CFR 70.4, "Definitions," except that references in the definitions to common defense and security shall not apply;
- (5) 10 CFR 70.5, "Communications," except that notices and reports shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission (NRC) unless otherwise specified by the agency;
- (6) 10 CFR 70.9, "Completeness and accuracy of information;"
- (7) 10 CFR 70.10, "Deliberate misconduct;"
- (8) 10 CFR 70.11, "Persons using special nuclear material under certain DOE and NRC contracts;"
- (9) 10 CFR 70.12, "Carriers;"
- (10) 10 CFR 70.17, "Specific exemption;"
- (11) 10 CFR 70.18, "Types of licenses;"
- (12) 10 CFR 70.19, "General license for calibration and reference sources;"
- (13) 10 CFR 70.20, "General license to own special nuclear material;"
- (14) 10 CFR 70.21(a)(2), (a)(3), (b), "Filing," except that the requirements of Paragraph (b) of this Rule shall be met;
- (15) 10 CFR 70.22(a), (d), and (e), "Contents of application;"
- (16) 10 CFR 70.23(a)(1) – (5), "Requirements for the approval of applications;"
- (17) 10 CFR 70.25(a)(2), (b) – (h), "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"
- (18) 10 CFR 70.31(a) and (b), "Issuance of license;"
- (19) 10 CFR 70.32(a)(2), (a)(3), (a)(8), (a)(9), (b)(2), and (b)(5), "Conditions of licenses;"
- (20) 10 CFR 70.33, "Applications for renewal of licenses;"
- (21) 10 CFR 70.34, "Amendment of licenses;"
- (22) 10 CFR 70.35, "Commission action on applications to renew or amend;"
- (23) 10 CFR 70.36, "Inalienability of licenses;"

- (24) 10 CFR 70.38, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor structures;"
- (25) 10 CFR 70.39, "Specific licenses for the manufacture or initial transfer of calibration sources;"
- (26) 10 CFR 70.41, "Authorized use of special nuclear material;"
- (27) 10 CFR 70.42(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of special nuclear material;"
- (28) 10 CFR 70.50, "Reporting requirements;"
- (29) 10 CFR 70.51, "Records requirements;"
- (30) 10 CFR 70.55(a) and (b), "Inspections;"
- (31) 10 CFR 70.56, "Tests;" and
- (32) 10 CFR 70.81, "Modification and revocation of licenses."

(b) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the

- licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

*Amended Eff. January 1, 1994;*  
*Transferred and Recodified from 15A NCAC 11 .0312 Eff. February 1, 2015;*  
*Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0314 GENERAL LICENSES: IN VITRO CLINICAL OR LABORATORY TESTING**  
**10A NCAC 15 .0315 GENERAL LICENSES: ICE DETECTION DEVICES**

*History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980;*  
*Amended Eff. January 1, 1994;*  
*Transferred and Recodified from 15A NCAC 11 .0314 - .0315 Eff. February 1, 2015;*  
*Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0317 SPECIFIC LICENSES: FILING APPLICATION AND GENERAL REQUIREMENT**  
**10A NCAC 15 .0318 SPECIFIC LICENSES: GENERAL REQUIREMENTS FOR HUMAN USE**  
**10A NCAC 15 .0319 SPECIFIC LICENSES: HUMAN USE IN HOSPITALS**  
**10A NCAC 15 .0320 SPECIFIC LICENSES: HUMAN USE BY INDIVIDUAL PHYSICIANS**  
**10A NCAC 15 .0321 SPECIFIC LICENSES: GENERAL REQUIREMENTS FOR HUMAN USE OF UNSEALED RADIOACTIVE MATERIALS**  
**10A NCAC 15 .0322 SPECIFIC LICENSES: HUMAN USE OF SEALED SOURCES**

*History Note: Authority G.S. 104E-7; 104E-7(2); 104E-10(b); 10 CFR 35.2;*  
*Eff. February 1, 1980;*  
*Amended Eff. October 1, 2013; November 1, 2007; August 1, 2002; April 1, 1999; May 1, 1993; May 1, 1992; November 1, 1989; October 1, 1984;*  
*Transferred and Recodified from 15A NCAC 11 .0317 - .0322 Eff. February 1, 2015;*  
*Amended Eff. March 1, 2017;*  
*Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0324 SPECIFIC LICENSES: BROAD SCOPE**

*History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980;*  
*Amended Eff. June 1, 1993;*  
*Transferred and Recodified from 15A NCAC 11 .0324 Eff. February 1, 2015;*  
*Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0327 SPECIFIC LICENSES: EXEMPT GAS AND AEROSOL DETECTORS**  
**10A NCAC 15 .0328 SPECIFIC LICENSES: MANUFACTURE DEVICES TO PERSONS LICENSED**

**10A NCAC 15 .0312 GENERAL LICENSES: CALIBRATION AND REFERENCE**

*History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980;*

**10A NCAC 15 .0329 SPECIFIC LICENSES:  
LUMINOUS SAFETY DEVICES IN AIRCRAFT**  
**10A NCAC 15 .0330 SPECIFIC LICENSES:  
MANUFACTURE OF CALIBRATION SOURCES**  
**10A NCAC 15 .0331 SPECIFIC  
LICENSES-MANUFACTURE OF IN VITRO TEST KITS**  
**10A NCAC 15 .0332 SPECIFIC LICENSES:  
MANUFACTURE OF ICE DETECTION DEVICES**  
**10A NCAC 15 .0333 SPECIFIC LICENSES:  
MANUFACTURE OF RADIOPHARMACEUTICALS**  
**10A NCAC 15 .0334 SPECIFIC LICENSES:  
GENERATORS AND REAGENT KITS**  
**10A NCAC 15 .0335 SPECIFIC LICENSES:  
PRODUCTS CONTAINING DEPLETED URANIUM**

*History Note: Authority G.S. 104E-7; 104E-10(b);  
Eff. February 1, 1980;  
Amended Eff. October 1, 2013; November 1, 2007; January 1,  
1994;  
Transferred and Recodified from 15A NCAC 11 .0327 - .0335 Eff.  
February 1, 2015;  
Amended Eff. March 1, 2017;  
Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0337 ISSUANCE OF SPECIFIC  
LICENSES AND SEALED SOURCE AND DEVICE  
REGISTRATION CERTIFICATES**  
**10A NCAC 15 .0338 SPECIFIC TERMS AND  
CONDITIONS OF LICENSES**  
**10A NCAC 15 .0339 EXPIRATION AND  
TERMINATION OF LICENSES AND  
DECOMMISSIONING**  
**10A NCAC 15 .0340 RENEWAL OF LICENSES**  
**10A NCAC 15 .0341 AMENDMENT OF LICENSES AT  
REQUEST OF LICENSEE**  
**10A NCAC 15 .0342 AGENCY ACTION ON  
APPLICATIONS TO RENEW OR AMEND**  
**10A NCAC 15 .0343 TRANSFER OF MATERIAL**  
**10A NCAC 15 .0344 MODIFICATION:  
REVOCATION: AND TERMINATION OF LICENSES  
AND SEALED SOURCE AND DEVICE REGISTRATION  
CERTIFICATES**

*History Note: Authority G.S. 104E-7; 104E-10(b); 104E-13;  
104E-18;  
Eff. February 1, 1980;  
Amended Eff. June 1, 1993; May 1, 1993; May 1, 1992; June 1,  
1989;  
Temporary Amendment Eff. August 20, 1994 for a period of 180  
days or until the permanent rule becomes effective, whichever is  
sooner;  
Amended Eff. October 1, 2013; April 1, 1999; August 1, 1998;  
May 1, 1995;  
Transferred and Recodified from 15A NCAC 11 .0337 - .0344 Eff.  
February 1, 2015;  
Amended Eff. March 1, 2017;  
Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0348 SPECIFIC LICENSES: CERTAIN  
INCINERATOR FACILITIES**

*History Note: Authority G.S. 104E-7(2); 104E-7(a)(8);  
104E-10(b);  
Eff. October 1, 1984;  
Amended Eff. January 1, 1994;  
Transferred and Recodified from 15A NCAC 11 .0348 Eff.  
February 1, 2015;  
Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0351 SPECIFIC LICENSES: MOBILE  
NUCLEAR MEDICINE SERVICES**

*History Note: Authority G.S. 104E-7(a)(2); 104E-10(b);  
Eff. June 1, 1989;  
Filed as a Temporary Amendment Eff. August 20, 1994 for a  
period of 180 days or until the permanent rule becomes effective,  
whichever is sooner;  
Amended Eff. May 1, 1995;  
Transferred and Recodified from 15A NCAC 11 .0351 Eff.  
February 1, 2015;  
Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0352 EMERGENCY PLANS**  
**10A NCAC 15 .0353 FINANCIAL ASSURANCE AND  
RECORD-KEEPING FOR DECOMMISSIONING**  
**10A NCAC 15 .0354 METHODS OF FINANCIAL  
ASSURANCE FOR DECOMMISSIONING**  
**10A NCAC 15 .0355 FINANCIAL TESTS: SELF- AND  
PARENT CO. GUARANTEES: DECOMMISSIONING  
FUNDING**

*History Note: Authority G.S. 104E-7; 104E-18; 10 CFR  
30.72;  
Eff. May 1, 1992;  
Amended Eff. October 1, 2013; May 1, 2006; April 1, 1999;  
August 1, 1998; January 1, 1994;  
May 1, 1993; October 1, 1992;  
Transferred and Recodified from 15A NCAC 11 .0352 - .0355 Eff.  
February 1, 2015;  
Amended Eff. March 1, 2017;  
Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0356 PROCEDURES FOR  
ADMINISTRATIONS REQUIRING A WRITTEN  
DIRECTIVE**  
**10A NCAC 15 .0357 REPORTING REQUIREMENTS**

*History Note: Authority G.S. 104E-7; 104E-7(a)(2); 104E-  
10(b);  
Temporary Adoption Eff. August 20, 1994 for a period of 180 days  
or until the permanent rule becomes effective, whichever is  
sooner;  
Eff. May 1, 1995;  
Amended Eff. November 1, 2007;  
Transferred and Recodified from 15A NCAC 11 .0356 - .0357 Eff.  
February 1, 2015;  
Amended Eff. March 1, 2017;*

*Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0358 RELEASE OF PATIENTS CONTAINING RADIOPHARMACEUTICALS OR PERMANENT IMPLANTS**

*History Note: Authority G.S. 104E-7(a)(8); 104E-12; Eff. August 1, 1998; Amended Eff. October 1, 2013; Transferred and Recodified from 15A NCAC 11 .0358 Eff. February 1, 2015; Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0359 MEASUREMENTS/DOSAGES OF UNSEALED RADIOACTIVE MATERIAL FOR MEDICAL USE**

**10A NCAC 15 .0360 SURVEYS OF RADIOPHARMACEUTICAL AREAS FOR RADIATION EXPOSURE RATE**

**10A NCAC 15 .0361 MEDICAL USE OF UNSEALED RADIOACTIVE MATERIAL**

**10A NCAC 15 .0362 DECAY-IN-STORAGE**

*History Note: Authority G.S. 104E-7; 104E-7(a)(2); 104E-10(b); 104E-12; Eff. April 1, 1999; Amended Eff. October 1, 2013; November 1, 2007; Transferred and Recodified from 15A NCAC 11 .0359 - .0362 Eff. February 1, 2015; Amended Eff. March 1, 2017; Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0363 PROVISIONS FOR THE PROTECTION OF HUMAN RESEARCH SUBJECTS**

**10A NCAC 15 .0364 MEDICAL EVENTS**

**10A NCAC 15 .0365 REPORT AND NOTIFICATION OF A DOSE TO AN EMBRYO/FETUS OR A NURSING CHILD**

*History Note: Authority G.S. 104E-7; 104E-7(a)(2); 104E-10(b); 104E-12; Eff. November 1, 2007; Transferred and Recodified from 15A NCAC 11 .0363 - .0365 Eff. February 1, 2015; Repealed Eff. May 1, 2024.*

**10A NCAC 15 .0501 INDUSTRIAL RADIOGRAPHIC OPERATIONS OF ELECTRONIC RADIATION MACHINES FOR NON-HUMAN USE**

(a) Persons conducting industrial radiographic operations using radiation machines shall comply with the following provisions of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except references to and the requirements of 10 CFR 30, 37, 71, 150 and 171 contained therein shall not apply:

- (1) 10 CFR 34.1, "Purpose and Scope;"
- (2) 10 CFR 34.3, "Definitions;" except that the definition of becquerel, control (drive) cable, control drive mechanism, control tube,

exposure head, field station, guide tube (projection sheath), S-tube, source assembly, source changer, and storage container, shall not apply. Prior to using industrial radiography all persons shall be registered in accordance with rules in Section .0200 of this Chapter. The following terms apply:

- (A) "agreement state" shall have the same meaning as "agency" as defined in G.S. 104E-5(2);
  - (B) "license" shall have the same meaning as "registration" as defined in Rule .0104(131) of this Chapter;
  - (C) "licensed" shall have the same meaning as "registered" pursuant to the rules in Section .0200 of this Chapter;
  - (D) "licensee" shall have the same meaning as "registrant" as defined in Rule.0104(130) of this Chapter;
  - (E) "radiation source" shall have the same meaning as "radiation machine" in G.S. 104E-5(13);
  - (F) "radiographic exposure device" shall have the same meaning as "radiation machine" in G.S 104E-5(13); and
  - (G) "sealed source" shall have the same meaning as "radiation machine" in G.S 104E-5(13).
- (3) 10 CFR 34.25, "Radiation survey instruments." The term "radioactive material" used in 10 CFR 34.25 shall have the same meaning as "radiation machine" in G.S. 104E-5(13);
  - (4) 10 CFR 34.31(a), (b)(1), and (c), "Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments;"
  - (5) 10 CFR 34.33, "Permanent radiographic installations." The term "radioactive source" used in 10 CFR 34.33 shall have the same meaning as "radiation machine" in G.S. 104E-5(13);
  - (6) 10 CFR 34.35(c), "Labeling, storage, and transportation;"
  - (7) 10 CFR 34.41, "Conducting industrial radiographic operations;"
  - (8) 10 CFR 34.42, "Radiation Safety Officer for industrial radiograph;"
  - (9) 10 CFR 34.43, "Training;"
  - (10) 10 CFR 34.45(a)(1) through (a)(3), (a)(5), (a)(7) through (a)(11), (a)(13), and (b), "Operating and emergency procedure;"
  - (11) 10 CFR 34.46, "Supervision of radiographers' assistants;"
  - (12) 10 CFR 34.47, "Personnel monitoring;"
  - (13) 10 CFR 34.49, "Radiation surveys;"
  - (14) 10 CFR 34.51, "Surveillance;"
  - (15) 10 CFR 34.53, "Posting;"

- (16) 10 CFR 34.61, "Records of the specific license for industrial radiography;"
- (17) 10 CFR 34.65, "Records of radiation survey instrument;"
- (18) 10 CFR 34.71, "Utilization logs;"
- (19) 10 CFR 34.73, "Records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments;"
- (20) 10 CFR 34.75, "Record of alarm system and entrance control checks at permanent radiographic installations;"
- (21) 10 CFR 34.79, "Records of training and certification;"
- (22) 10 CFR 34.81, "Copies of operating and emergency procedures;"
- (23) 10 CFR 34.83, "Records of personnel monitoring procedures;"
- (24) 10 CFR 34.85, "Records of radiation surveys;"
- (25) 10 CFR 34.87, "Form of records;"
- (26) 10 CFR 34.89(a), (b)(1 through 10), "Location of documents and records;" and
- (27) Appendix A to 10 CFR 34-Radiographer Certification.

(b) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part034/index.html>.

*History Note:* Authority G.S. 104E-7; Eff. February 1, 1980; Amended Eff. May 1, 1993; Transferred and Recodified from 15A NCAC 11 .0501 Eff. February 1, 2015; Pursuant to G.S.150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. May 1, 2024.

- 10A NCAC 15 .0502 DEFINITIONS**
- 10A NCAC 15 .0503 EQUIPMENT RADIATION LEVEL LIMITS**
- 10A NCAC 15 .0504 RADIOGRAPHIC EXPOSURE DEVICES AND STORAGE CONTAINERS**
- 10A NCAC 15 .0505 STORAGE, LABELS AND TRANSPORTATION PRECAUTIONS**
- 10A NCAC 15 .0506 SURVEY INSTRUMENTS**
- 10A NCAC 15 .0507 LEAK TESTING AND REPLACEMENT OF SEALED SOURCES**
- 10A NCAC 15 .0508 QUARTERLY INVENTORY**

*History Note:* Authority G.S. 104E-7; 104E-12(a)(1); 10 CFR 34.3; Eff. February 1, 1980; Amended Eff. January 1, 1994; June 1, 1993; May 1, 1992; June 1, 1989; Temporary Amendment Eff. August 20, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. April 1, 1999; May 1, 1995;

*Transferred and Recodified from 15A NCAC 11 .0502 - .0508 Eff. February 1, 2015;*  
*Amended Eff. October 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019;*  
*Repealed Eff. May 1, 2024.*

- 10A NCAC 15 .0509 UTILIZATION LOGS**
- 10A NCAC 15 .0510 LIMITATIONS**
- 10A NCAC 15 .0511 INSPECTION AND MAINTENANCE**
- 10A NCAC 15 .0512 PERSONNEL MONITORING**
- 10A NCAC 15 .0513 OPERATING AND EMERGENCY PROCEDURES**
- 10A NCAC 15 .0514 SECURITY**
- 10A NCAC 15 .0515 RADIATION SURVEYS AND SURVEY RECORDS**
- 10A NCAC 15 .0516 POSTING**
- 10A NCAC 15 .0517 SUPERVISION OF RADIOGRAPHERS' ASSISTANTS**

*History Note:* Authority G.S. 104E-7;104E 12(a)(1); 104E-12(a)(2); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540; 10 C.F.R. 34.43; 10 C.F.R. Appendix A; Eff. February 1, 1980; Amended Eff. January 1, 1994; June 1, 1993; June 1, 1989; October 1, 1980; Temporary Amendment Eff. August 20, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. January 1, 2005; April 1, 1999; May 1, 1995; Transferred and Recodified from 15A NCAC 11 .0509 - .0517 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. May 1, 2024.

- 10A NCAC 15 .0519 SUBJECTS TO BE COVERED DURING INSTRUCTION OF RADIOGRAPHERS**

*History Note:* Authority G.S. 104E-7; Eff. February 1, 1980; Temporary Amendment Eff. August 20, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. May 1, 1995; Transferred and Recodified from 15A NCAC 11 .0519 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. May 1, 2024.

- 10A NCAC 15 .0520 PERMANENT RADIOGRAPHIC INSTALLATIONS**

*History Note:* Authority G.S. 104E-7; 104E-12(a)(1); Eff. October 1, 1980; Amended Eff. January 1, 1994;

Temporary Amendment Eff. August 20, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. April 1, 1999; May 1, 1995; Transferred and Recodified from 15A NCAC 11 .0520 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. May 1, 2024.

**10A NCAC 15 .0521 PERFORMANCE REQUIREMENTS FOR RADIOGRAPHY EQUIPMENT**

History Note: Authority G.S. 104E-7; Temporary Adoption Eff. August 20, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. May 1, 1995; Amended Eff. April 1, 1999; Transferred and Recodified from 15A NCAC 11 .0521 Eff. February 1, 2015; Amended Eff. March 1, 2017; Repealed Eff. May 1, 2024.

**10A NCAC 15 .0522 REPORTING REQUIREMENTS  
10A NCAC 15 .0523 RECORDS OF INDUSTRIAL RADIOGRAPHY**

History Note: Authority G.S. 104E-7; Temporary Adoption Eff. August 20, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. May 1, 1995; Amended Eff. January 1, 2005; April 1, 1999; Transferred and Recodified from 15A NCAC 11 .0522 - .0523 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. May 1, 2024.

**10A NCAC 15 .0524 SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY  
10A NCAC 15 .0525 RADIOGRAPHER CERTIFICATION**

History Note: Authority G.S. 104E-7; 104E-10(b); 10 C.F.R. 34, Appendix A; 10 C.F.R. 34.43; Eff. April 1, 1999; Transferred and Recodified from 15A NCAC 11 .0524, .0525 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. May 1, 2024.

**10A NCAC 15 .0525 RADIOGRAPHER CERTIFICATION**

History Note: Authority G.S. 104E-7; 104E-10(b); 10 C.F.R. 34.43; 10 C.F.R. 34, Appendix A; Eff. April 1, 1999;

Transferred and Recodified from 15A NCAC 11 .0525 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. May 1, 2024.

**10A NCAC 15 .0701 SCOPE  
10A NCAC 15 .0702 MANUAL BRACHYTHERAPY**

History Note: Authority G.S. 104E-7; 104E-12(a); Eff. February 1, 1980; Amended Eff. November 1, 2007; January 1, 2005; April 1, 1999; January 1, 1994; May 1, 1993; October 1, 1980; Transferred and Recodified from 15A NCAC 11 .0701 - .0702 Eff. February 1, 2015; Repealed Eff. May 1, 2024.

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**10A NCAC 27G .7004 APPEALS REGARDING UTILIZATION REVIEW DECISIONS FOR NON-MEDICAID SERVICES**

(a) This Rule governs appeals by a client, or the client's legally responsible person, to the Local Management Entity-Managed Care Organization (LME-MCO), area authority or county program Director of Utilization Review (UR) decisions made by the agency to deny, reduce, suspend or terminate a client's non-Medicaid funded services.

- (b) The LME-MCO, area authority or county program shall:
- (1) send to the client, or the client's legally responsible person, notification letters regarding utilization review decisions for non-Medicaid funded services.
  - (2) date and mail the notification letter no later than the next business day following the UR decision to deny, reduce, suspend, or terminate a non-Medicaid state funded service.
  - (3) separately notify the provider regarding the service authorization.

(c) The letter shall include information regarding the reason for the UR decision and any available service options while the appeal is under review.

(d) Only the client, or the client's legally responsible person, may file an appeal of the non-Medicaid UR decision. The appeal must be in writing and received by the LME-MCO, area authority or county program within 15 business days of the date of the notification letter. The LME-MCO, area authority or county program shall provide help to a client who requests assistance in filing the appeal.

(e) The LME-MCO, area authority or county program shall acknowledge receipt of the appeal in writing in a letter to the client, or the client's legally responsible person, dated the next business day after receipt of the appeal.

(f) The LME-MCO, area authority or county program may authorize interim services until the final review decision, as set forth in 10A NCAC 27I .0609, is reached. The decision to authorize interim services shall be based upon medical necessity criteria as set forth in State-funded Service Definitions. State-funded service definitions are available via this link:

<https://www.ncdhhs.gov/providers/provider-information/mental-health-development-disabilities-and-substance-use-services/service-definitions>. The decision shall also be in compliance with G.S. 122C-2.

(g) The LME-MCO, area authority or county program Director shall assign staff to conduct a clinical review of the UR decision.

(h) The clinical review shall be conducted by an employee(s) or contractor(s) of the LME-MCO, area authority or county program not involved in the UR decision that is the subject of the appeal. The clinical reviewer(s) clinical credentials shall be at least comparable to those of the person who rendered the initial UR decision.

(i) The clinical reviewer(s) shall issue a written decision to uphold or overturn the original UR decision.

(j) The LME-MCO, area authority or county program shall notify the client, or the client's legally responsible person, of the clinical review decision in a letter dated and mailed within seven business days from receipt of the appeal request and shall separately notify the provider regarding the service authorization.

(k) If the clinical review overturns the initial UR decision, the decision letter shall state the date on which the denied service shall be authorized or the date on which the suspended, reduced or terminated service shall be reinstated.

(l) In cases in which the clinical review decision upholds the original UR decision, the LME-MCO, area authority or county program shall inform the client, or the client's legally responsible person, in writing of the opportunity to appeal the clinical review decision to the Division of Mental Health, Developmental Disabilities and Substance Use Services pursuant to Rules 10A NCAC 27I .0601-.0609.

*History Note: Authority G.S. 122C-112.1(a)(29); 143B-147; Eff. July 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0601 SCOPE**

(a) The rules of this Section shall govern appeals made to the Division of decisions made by an area authority or county program affecting a non-Medicaid eligible client.

(b) A non-Medicaid eligible client, or the client's legally responsible person, may appeal to the Division Director the clinical review decision of an LME-MCO, area authority or county program to deny, reduce, suspend, or terminate a non-Medicaid state funded service.

(c) Nothing in these Rules shall be interpreted as granting a non-Medicaid eligible client the right to appeal decisions of third party payers to the Division.

(d) Non-Medicaid services shall be provided in accordance with G.S. 122C-2. As set forth in G.S. 143B-147(a)(9), nothing in these Rules shall be interpreted as granting a non-Medicaid eligible client the right to appeal the findings of the Division by requesting a contested case hearing pursuant to G.S. 150B.

(e) There shall be no reprisal or retaliation to anyone who is a party to an appeal.

(f) The LME-MCO, area authority or county program may authorize interim services until the final written decision as set forth in Rule .0609 of this Section is reached.

*History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0602 DEFINITIONS**

As used in the rules in this Section, the following terms shall have the meanings specified:

- (1) "Director" means the Director of the Division of Mental Health, Developmental Disabilities and Substance Use Services.
- (2) "Division" means the Division of Mental Health, Developmental Disabilities and Substance Use Services.
- (3) "Legally Responsible Person" means the same as defined in G.S. 122C-3.
- (4) "Within Available Resources" means the same as defined in G.S. 122C-2.

*History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0605 DIVISION'S INITIAL RESPONSE TO A NON-MEDICAID APPEAL**

(a) The Director shall screen the request for appeal to the Division to determine:

- (1) if the appeal was reviewed by the LME-MCO, area authority or county program according to the area authority or county program policy and procedures;
- (2) if the appeal includes the denial, reduction, suspension or termination of a non-Medicaid state funded service;
- (3) if the appeal falls within the scope of Rule .0601 of this Section; and
- (4) if the appeal was filed in accordance with the requirements of Rule .0603 of this Section.

(b) The Director shall send an acknowledgement letter to the client, or the client's legally responsible person, and the LME-MCO, area authority or county program within 5 business days of receipt of the request for appeal to the Division.

(c) The acknowledgement letter shall specify whether the appeal has been accepted or not. The Division shall accept an appeal if it meets the standards as set forth in Paragraph (a) of this Rule.

(d) The Director shall notify the LME-MCO, area authority or county program and the client, or the client's legally responsible person, whose appeal is accepted for review, to submit all documentation considered during the LME-MCO, area authority or county program review to the Division no later than 10 calendar days from the date of the acknowledgement letter. Documentation shall be submitted to the DMHDDSUS Hearing Office, 3001 Mail Service Center, Raleigh, NC 27699-3001 or via fax at (984) 777-9264. The acknowledgment letter shall advise the parties that a Hearing Officer will conduct a hearing.

(e) An appeal that does not meet the criteria as set forth in Paragraph (a) of this Rule shall be returned to the client as denied with an explanation of the basis for denial.

(f) If the appeal is denied on the basis of Subparagraph (a)(1) of this Rule, the LME-MCO, area authority or county program shall review the appeal in accordance with the requirements of Rule 10A NCAC 27G .7004.

(g) The client, or the client's legally responsible person, shall have 11 calendar days from the date of the LME-MCO, area authority or county program clinical review decision to resubmit the appeal to the Division.

*History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0606 HEARING SCHEDULE**

(a) The Director shall ensure the Hearing Officer conducts an appeal that is accepted in accordance with the requirements of Rule .0605 of this Section.

(b) The Hearing Officer shall be an employee of the Division.

(c) The Director shall forward the record on appeal and all supplemental documentation to the Hearing Officer within five calendar days of receipt thereof.

(d) The Director shall provide a copy of applicable law and rules to the Hearing Officer.

(e) The Hearing Officer shall schedule a hearing including designation of a time and place.

(f) The Hearing Officer shall notify the client, or the client's legally responsible person, and the area authority or county program of the time and place no less than 15 calendar days prior to the date of the hearing.

(g) The hearing may be conducted in person or virtually taking into account reasonable accommodations, including but not limited to, the following:

- (1) compliance with HIPAA requirements;
- (2) accommodation needs of the client; and
- (3) State mandated travel restrictions.

*History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0607 HEARING PROCEDURES**

(a) The Hearing Officer:

- (1) shall convene the hearing at the prearranged time and place;
- (2) may afford the opportunity for rebuttal and summary comments to either of the presenting parties; and
- (3) shall conduct proceedings in an orderly manner.

(b) The Hearing Officer:

- (1) may limit the total number of persons presenting for the client and area authority or county program; and

(2) may impose time limits for presentations.

(c) Either party may be represented by a person or attorney of their choice.

(d) Prior to the hearing, the client, or the client's legally responsible person, and the area authority or county program shall:

- (1) specify by name and position all individuals who will be present for the hearing;
- (2) provide the Hearing Officer with requested information; and
- (3) when applicable, ensure that representatives of the parties shall be present at the hearing.

(e) The Hearing Officer may address questions to either party.

(f) The Hearing Officer may obtain any form of technical assistance or consultation relevant to the appeal.

(g) No transcript shall be made and no party shall be allowed to record the proceeding. The Hearing Officer may choose to record the proceeding for his or her own use. A tape so made shall be destroyed after the Hearing Officer issues the Hearing decision.

(h) Witnesses shall not be sworn before testifying.

*History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0608 HEARING OFFICER FINDINGS AND DECISION**

(a) The Hearing Officer's findings and decisions are based on the record and any new evidence that would be material to the issues on appeal.

(b) The standard of review for the Hearing Officer is whether the decision of the LME-MCO, area authority or county program is supported by the evidence presented.

(c) The Hearing Officer shall consider all issues under appeal.

(d) Any decision may be rescheduled for a subsequent meeting if the Hearing Officer determines that he or she lacks sufficient information to render a decision at the initial hearing.

(e) The Hearing Officer's findings and decisions shall be reached and sent in writing to the client, or the client's legally responsible person, and to the LME-MCO, area authority or county program Director within 60 calendar days of the written request for an appeal.

*History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.*

**10A NCAC 27I .0609 FINAL WRITTEN DECISION**

(a) Upon receipt of the Hearing Officer's findings and decisions, the LME-MCO, area authority or county program shall issue a final decision based on those findings within 10 business days of receipt of the Hearing Officer's findings and decisions.

(b) Neither the Hearing Officer's findings and decisions nor the LME-MCO, area authority or county program final decision shall be interpreted as an agency decision granting a non-Medicaid

eligible client the right to appeal by requesting a contested case hearing pursuant to G.S. 150B.

(c) The Division shall report annually to the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services the number of appeals filed and conducted.

History Note: Authority G.S. 143B-147; Eff. October 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017; Amended Eff. May 1, 2024.

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10A NCAC 28F .0101 REGIONS FOR DIVISION INSTITUTIONAL ADMISSIONS

(a) Except as otherwise provided in rules codified in this Chapter and Chapters 26 through 29 of this Title and except for State-wide programs and cross-regional admissions approved by the Division Director based upon the clinical need of the individual or for the purpose of accessing available beds or services, a person seeking admission to a regional institution of the Division shall be admitted only to the institution which serves the region of the state which includes the person's "county of residence" as defined in G.S. 122C-3.

(b) For state operated hospitals and developmental centers, the regions of the state and the counties which constitute the regions are as follows:

- (1) Western Region: Broughton Hospital, and J. Iverson Riddle Developmental Center shall serve Alleghany, Alexander, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey County;
(2) Central Region: Central Regional Hospital, Murdoch Developmental Center, Whitaker Psychiatric Residential Treatment Program (PRTF), and Wright School shall serve Alamance, Anson, Caswell, Chatham, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Halifax, Harnett, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Stokes, Vance, Wake, and Warren County; and
(3) Eastern Region: Cherry Hospital and, Caswell Developmental Center shall serve Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson,

Scotland, Tyrrell, Washington, Wayne, and Wilson County.

(c) For state-operated Alcohol and Drug Abuse Treatment Centers (ADATCs) the regions of the state and the counties which constitute the regions are as follows:

- (1) Western Region: Julian F. Keith ADATC shall serve Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Polk, Randolph, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey County;
(2) Eastern Region: Walter B. Jones ADATC shall serve Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Richmond, Robeson, Rockingham, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson County.

History Note: Authority G.S. 122C-3; 143B-147; S.L. 2023-3; Eff. February 1, 1976; Amended Eff. June 1, 2009; April 1, 1990; July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019; Amended Eff. May 1, 2024.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination in five days by representatives of the Commission for verifying compliance with these Rules.

- (1) Criminal Justice Officer with probationary certification:
(A) the officer's Personal History Statement (Form F-3), pursuant to 12 NCAC 09C .0201;
(B) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;

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| <p>(C) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;</p> <p>(D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator, (Form F-8), pursuant to 12 NCAC 09B .0102;</p> <p>(E) a summary of the officer's Qualifications Appraisal Interview, (Form F-4), prepared by the agency's interviewers, pursuant to 12 NCAC 09C .0204. The Form F-4 identifies the officer candidate interviewed, the position interviewed for, and the interviewer(s)' comments regarding the applicant's appearance, manner, and bearing, ability to present ideas, social adaptability, alertness and judgment, and interviewer(s) recommendation for employment;</p> <p>(F) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;</p> <p>(G) course listing(s) and completion date(s) of all criminal justice training completed by the officer;</p> <p>(H) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;</p> <p>(I) a written summary of the officer's psychological examination results, pursuant to 12 NCAC 09B .0101(7);</p> <p>(J) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;</p> <p>(K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;</p> <p>(L) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;</p> <p>(M) oath of office, pursuant to 12 NCAC 09C .0303;</p> <p>(N) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;</p> <p>(O) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and</p> <p>(P) a copy of the electronic response for the AOC-CR-280, Law Enforcement</p> | <p>(2) Criminal Justice Officer with general certification:</p> <p>(A) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;</p> <p>(B) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;</p> <p>(C) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;</p> <p>(D) course listing(s) and completion date(s) of all criminal justice training completed by the officer;</p> <p>(E) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;</p> <p>(F) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;</p> <p>(G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;</p> <p>(H) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;</p> <p>(I) oath of office, pursuant to 12 NCAC 09C .0303;</p> <p>(J) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;</p> <p>(K) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and</p> <p>(L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.</p> |
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- (b) These records shall be maintained by the criminal justice agency in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.
- History Note: Authority G.S. 17C-2; 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2024; August 1, 2019.*

**TITLE 13 - DEPARTMENT OF LABOR**

**13 NCAC 15 .0703 AMUSEMENT DEVICE INSPECTION FEE SCHEDULE**

Inspection fees for amusement devices shall be as follows:

	Equipment	Unit Fee	Inspection Required
(1)	Rock Walls, portable	\$100.00	Annually
(2)	Kiddie Rides (48 inch maximum height restriction)	\$100.00	Every setup, except in permanent parks, which shall be inspected annually
(3)	Go Karts	\$50.00	Every setup, except in permanent parks, which shall be inspected annually
(4)	Go Kart Tracks	\$100.00	Every setup, except in permanent parks, which shall be inspected annually
(5)	Major Rides (any ride not otherwise listed herein)	\$100.00	Every setup, Except in permanent parks, which shall be inspected annually
(6)	Roller Coasters	\$250.00	Annually
(7)	Simulators, portable	\$100.00	Every setup
(8)	Simulators, stationary	\$100.00	Annually
(9)	Amusement Trains on fixed guidance systems, excluding steam engine locomotives	\$100.00	Annually
(10)	Waterslides	\$150.00	Annually

*History Note: Authority G.S. 95-107; 95-111.4(19);  
 Temporary Adoption Eff. October 17, 2001;  
 Eff. July 1, 2003;  
 Amended Eff. April 1, 2007;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;  
 Amended Eff. May 1, 2024; January 1, 2021.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

affected thereby, subject only to reversal or modification by a court on direct judicial review as provided by law.

**15A NCAC 10A .0501 WHEN ISSUED**

In accordance with G.S. 150B-4 and the procedures set forth in Rule .0503 of this Section, the Wildlife Resources Commission shall issue a declaratory ruling when a written request signed and verified under oath by or on behalf of a person or group of persons aggrieved, shows on its face:

- (1) that there is a controversy as to the validity of a rule; or that there is a controversy as to the applicability of a rule of the Commission, or of a specific statute administered or enforced by the Commission, to an existing factual situation; or that there is a conflict or inconsistency regarding the interpretation of a specific law or rule adopted by the Commission;
- (2) that the relevant facts and circumstances necessary to the ruling are definitively stated and are conceded by all parties to be a true and existing fact or circumstance for all purposes;
- (3) that the parties who will be directly or indirectly affected by the ruling, other than the Commission and its agents and employees, have joined in the request and in the verification of the facts therein set forth; and
- (4) that the ruling will be final and determinative of the controversy and binding on the parties

*History Note: Authority G.S. 150B-4;  
 Eff. February 1 1976;  
 Readopted Eff. May 1, 2024.*

**15A NCAC 10A .0502 WHEN NOT ISSUED**

The Wildlife Resources Commission shall not issue a declaratory ruling upon a request which does not comply with the requirements of Rules .0501 and .0503 of this Section, or that is the request of a person or group not aggrieved, or when it is or becomes apparent from a source:

- (1) that no controversy exists, either among the respective parties or between the parties and the Commission, as to the applicability of a specific rule of the Commission, or of a specific statute administered or enforced by the Commission, to an existing factual situation;
- (2) that the question to be ruled upon is academic, hypothetical, moot, speculative, or lacking in specificity;
- (3) that a relevant fact or circumstance necessary to the ruling is controverted, unverified, indefinite as to time or place, or omitted from the request for ruling;

- (4) that the proposed ruling will substantially affect a person, other than an agent or employee of the Commission, who is not a party to the request;
- (5) that a case or proceeding involving the substance of the requested ruling is pending before a court or another agency;
- (6) that the requested ruling would not be final and binding on the parties affected thereby, subject only to direct judicial review as provided by law;
- (7) that the request for ruling challenges the validity of a statute administered or enforced by the Commission;
- (8) that the requested ruling would require an interpretation of a statute not administered or enforced by the Commission or of a rule, order, or ordinance of some other governmental agency;
- (9) that the Commission is without power or authority to issue the requested ruling; or
- (10) that the request is not made in good faith.

(d) The Commission's response to a request for a declaratory ruling is a written communication, addressed to the persons requesting the ruling or to the person or persons authorized in the request to receive the ruling or communications relative thereto, containing the following:

- (1) reference to the request for declaratory ruling;
- (2) reference to authority for the ruling;
- (3) names and addresses of the persons affected by the ruling, unless it is general in effect and is so indicated;
- (4) recital of the material facts on which the ruling is based, or reference to the facts as stated in the request;
- (5) the ruling;
- (6) date of issue; and
- (7) signature of Executive Director.

(e) A declaratory ruling issued by the Commission or the Executive Director and the communication denying such a ruling shall be sent by registered mail, return receipt requested, to the persons requesting the ruling, or to persons designated in the request to receive the ruling or communications relative thereto.

*History Note: Authority G.S. 150B-4; Eff. February 1 1976; Readopted Eff. May 1, 2024.*

*History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Amended Eff. April 15, 1979; Readopted Eff. May 1, 2024.*

**15A NCAC 10A .0503 PROCEDURE**

(a) A request for a declaratory ruling shall be in writing and sent to the Executive Director of the Wildlife Resources Commission at 1701 Mail Service Center, Raleigh, NC 27699-1700 for U.S. Postal Service delivery, or 1751 Varsity Drive, Raleigh, NC 27606-2576 for other delivery services or in person. The request shall contain:

- (1) names and addresses of persons requesting the ruling;
- (2) designation of the person or persons authorized to receive the ruling or communication relative thereto, if different from those requesting;
- (3) statement of the material facts and circumstances sufficient to show the existence and nature of the controversy and the relation of the parties with respect thereto;
- (4) identification of the specific rule or statute involved;
- (5) the specific question to be ruled upon;
- (6) a statement that the substance of the request is not pending for decision before a court or another agency of government;
- (7) signature of the persons making the request or of one or more authorized representatives of such persons, indicating the capacity of such representation; and
- (8) verification by, or on behalf of, the persons making the request.

(b) The verification of a request for a declaratory ruling shall be executed before an official authorized to administer oaths.

(c) The request for a declaratory ruling shall be marked or stamped with the date of receipt, and the Commission shall respond to the request as required by G.S. 150B-4(a1).

**15A NCAC 10A .1301 FUNDING SOURCES**

*History Note: Authority G.S. 15A-1343; 113-134; 113-294; Eff. May 1, 2014; Repealed Eff. May 1, 2024.*

**15A NCAC 10A .1302 OFFENSES AND REWARD AMOUNTS**

(a) Rewards shall be paid for conviction of persons who have committed Class 1 or Class 2 misdemeanors specified in G.S. 113-262, G.S. 113-294 and G.S. 113-337, Class 1 misdemeanors involving wildlife resources specified in G.S. 113-264(b), and Class 3 misdemeanors involving fisheries resources specified in Rules 15A NCAC 10C .0302(a), .0304, .0401, .0402, and .0409 of this Chapter.

(b) The reward amount shall be equivalent to the amount of the fine, replacement costs, or restitution assessed by the court, whichever is greatest, not to exceed one thousand dollars (\$1,000). If no fine, replacement cost, or restitution is assessed, including in cases that result in a prayer for judgment, the reward shall be one hundred dollars (\$100.00).

*History Note: Authority G.S. 113-134; 113-264; 113-294; 113-294.1; 113-337; Eff. May 1, 2014; Readopted Eff. May 1, 2024.*

**15A NCAC 10A .1303 ELIGIBILITY**

(a) Rewards shall be paid to individuals who provide information resulting in the arrest and conviction of persons who commit the offenses specified in Rule .1302(a) of this Section. If more than one individual provides information resulting in the arrest of a

person for the same offense, the Commission shall pay the individuals equal amounts not to exceed the amount specified in Rule .1302(b) of this Section.

(b) Rewards shall be paid after the final disposition of a case resulting in a conviction, as defined in G.S. 113-171(a), or a prayer for judgment.

(c) The following individuals are not eligible to receive reward money:

- (1) a current Wildlife Resources Commission employee or members of his or her immediate family;
- (2) current Wildlife Resources Commissioners;
- (3) a sworn law enforcement officer;
- (4) the perpetrator of the crime for which the information has been given and an accomplice or accessory to that crime; and
- (5) an individual who refuses to provide the Commission with his or her name and contact information.

*History Note: Authority G.S. 113-134; 113-171; 113-294.1; Eff. May 1, 2014; Readopted Eff. May 1, 2024.*

**15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS**

*History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 CFR 21.45; Eff. February 1, 1976; Amended Eff. May 1, 2015; January 1, 2013; January 1, 2012; May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1, 1990; Readopted Eff. October 1, 2020; Amended Eff. February 1 2023; Repealed Eff. August 1, 2024.*

**15A NCAC 10B .0202 BEAR**

(a) Open Seasons for hunting bear shall be from the:

- (1) Saturday on or immediately prior to October 9 through the Saturday before Thanksgiving and the third Saturday after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford, Jones, Martin, and Washington counties;
- (4) second Saturday in November through the third Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after

Thanksgiving in Dare, Hyde, and Tyrrell counties;

- (5) second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans counties;
- (6) second Sunday in November through the following Sunday, when November 1 falls on a Sunday the season shall be from the third Sunday in November through the following Sunday, and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and Pasquotank counties;
- (7) third Saturday in November though the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- (8) concurrent with the open season for All Lawful Weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means a natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
- (2) Bears shall not be taken with the use or aid of:
  - (A) processed food product as defined in G.S. 113-294(r), an animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
  - (B) extracts of substances identified in Part (A) of this Subparagraph;
  - (C) substances modified by substances identified in Part (A) of this Subparagraph, including extracts of those substances; or
  - (D) bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
- (3) Bears may be taken with the aid of bait during the open season in the counties identified in Paragraph (a) of this Rule.
- (4) Bears shall not be taken while in the act of consuming bait as specified in G.S. 113-291.1(b)(2).

- (5) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Highway 742, Cabarrus, Chatham, Davie, Davidson, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Highway 98. In other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.

(c) No Open Season. It shall be unlawful to take bear on posted designated bear management areas except when authorized by permit issued by the Commission. See 15A NCAC 10D .0106 for posted designated bear management areas.

(d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

*History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305; Eff. February 1, 1976; Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2002; Amendment Eff. August 1, 2002; Temporary Amendment Eff. September 1, 2003; Temporary Amendment Expired Eff. December 27, 2003; Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Temporary Amendment Eff. May 31, 2016; Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; Temporary Amendment Eff. August 1, 2018; Amended Eff. August 1, 2019; Temporary Amendment Eff. September 1, 2020; Amended Eff. June 1, 2021; Readopted Eff. February 1, 2022; Amended Eff. Pending Legislative Review.*

**15A NCAC 10B .0203 WHITE-TAILED DEER**

(a) Open All Lawful Weapons Seasons for hunting deer:

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick, Carteret, Columbus, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful to

hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.

- (B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.
- (C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.
- (D) Saturday after Thanksgiving Day through January 1 in Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.
- (E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.
- (F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National Wildlife Refuge.

- (2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during the open seasons and in the counties and portions of counties listed in Parts (A) through (G) of this Subparagraph. Antlered or antlerless deer may be taken the fourth Saturday in September in all counties and on Thanksgiving

Day and the Friday following in those counties listed in Parts (a)(1)(D) of this Rule by persons under the age of 18.

- (A) The open antlered or antlerless deer hunting dates established by the U.S. Fish and Wildlife Service from the Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open antlered or antlerless deer hunting dates established by the military commands at the military installations listed in this Paragraph, from Saturday on or nearest October 15 through January 1 in the part of Brunswick County known as the Sunny Point Military Ocean Terminal, in the part of Craven County known and marked as Cherry Point Marine Base, in the part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Liberty Military Reservation, and on Camp Mackall Military Reservation.
- (C) The first open Saturday of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule in Cherokee, Clay, Haywood, Jackson, Macon, Swain, and Transylvania counties.
- (D) The first open day of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in Buncombe, Henderson, Madison, and McDowell counties, except in the areas described in Subparts (a)(2)(G)(i) and (ii) of this Rule.
- (E) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the second Saturday thereafter in Avery, Burke, Caldwell, Mitchell, and Yancey counties.
- (F) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule

through the fourth Saturday thereafter in Cleveland, Polk, and Rutherford counties.

- (G) Open days of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties:
  - (i) The part of Buncombe County east of N.C. 191, south of the French Broad and Swannanoa Rivers, west of U.S. 25, and north of N.C. 280; and
  - (ii) The part of Henderson County east of N.C. 191 and north and west of N.C. 280.
- (b) Open Archery Seasons for hunting deer:
  - (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment from Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(1) of this Rule, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
  - (2) Restrictions
    - (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the Archery Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
    - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the Archery Season.
    - (C) Antlered or antlerless deer may be taken during Archery Season specified by Part (b)(1)(A) of this Rule.
- (c) Open Blackpowder Firearms Seasons for hunting deer:
  - (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment from two Saturdays preceding the first day of the open season for Deer with Visible Antlers described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the second Friday thereafter including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
  - (2) Restrictions

- (A) Antlered or antlerless deer may be taken during Blackpowder Firearms Season in a county or county part set forth in Part (a)(2)(D), (E), (F), or (G) of this Rule that has one or more open days within the All Lawful Weapons Season to legally harvest antlerless deer.
- (B) Antlered or antlerless deer may be taken during the second open Saturday of the Blackpowder Firearms Season thru the first Friday thereafter in any county or county part set forth in Part (a)(2)(C) of this Rule.
- (C) Antlered or antlerless deer may be taken on the second open Saturday of the Blackpowder Firearms Season in any county or county part not set forth in Subparagraph (a)(2) of this Rule.
- (D) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Blackpowder Firearms Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

(3) As used in this Rule, "blackpowder firearms" means any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899, that cannot use fixed ammunition; any replica of this type of firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed ammunition.

(d) Open Urban Season for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, antlered or antlerless deer may be taken with archery equipment in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on game lands within a city boundary.
- (2) Participation. Cities that intend to participate in the Urban Season shall send a letter to that effect no later than April 1 of the year prior to the start of the Urban Season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall

also submit a map of the city's boundaries within which the Urban Season shall apply.

(3) Restrictions:

- (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Urban Season except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the Urban Season.

(e) Bag limits. The possession and season limit is six deer, two that may be deer with visible antlers and four that may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. A hunter may obtain multiple Bonus Antlerless Deer Harvest Report Cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit.

(f) Deer Management Assistance Program. The bag limits described in Paragraph (e) of this Rule do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2002; July 1, 2001; Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);*

*Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2022; Amended Eff. August 1, 2024; August 1, 2023.*

**15A NCAC 10B .0211 RING-NECKED PHEASANT**

- (a) On the barrier islands of Carteret, Dare, and Hyde counties east of Core Sound and Pamlico Sound, the open season for taking ring-necked pheasant is the Saturday before Thanksgiving Day through the last day of February on male pheasant only.
- (b) In areas of the state not specified in Paragraph (a) of this Rule, the open season for taking male and female ring-necked pheasant is the earlier of the first Saturday in September or Labor Day, through the last day of February.
- (c) In the areas of the state specified in Paragraph (a) of this Rule, the daily bag limit for ring-necked pheasants is three, the possession limit is six, and the season limit is 30.
- (d) In areas of the state not specified in Paragraph (a) of this Rule, there is no daily bag limit, no season limit, and no possession limit.

*History Note: Authority G.S. 113-134; 113-291.2; Eff. February 1, 1976; Amended Eff. August 1, 2018; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984; Readopted Eff. February 1 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10B .0223 FERAL SWINE**

- (a) There is no closed season for taking feral swine on private lands anytime during the day or night.
- (b) Feral swine may be taken on game lands from the hours of one-half hour before sunrise until one-half hour after sunset during an open season for game animals or game birds using the legal manners of take allowed during those season, except that dogs may not be used to hunt feral swine on game lands that do not allow the use of dogs for hunting white-tailed deer or black bear. Where lawful, the hunting of feral swine with dogs is allowed during the applicable deer or bear season unless otherwise specified in the Rules of 15A NCAC 10D .0200.
- (c) Feral swine may be taken on game lands from one-half hour after sunset to one-half hour before sunrise by permit only. Individuals may apply for permits on or after July 1 online at ncwildlife.org, by phone, or in person at a wildlife service agent location. The number of permits issued annually will be based on achieving population management objectives of the Commission. The Commission shall issue available feral swine permits to applicants selected at random by computer. Permits shall be non-transferrable. All applicable laws and rules regarding the taking of feral swine shall apply.
- (d) There are no bag limits on feral swine.
- (e) Hunters may use artificial lights and electronic calls.

*History Note: Authority G.S. 113-129; 113-134; 113-264; 113-291; 113-291.1; 113-291.2; Temporary Adoption Eff. October 1, 2011;*

*Eff. February 1, 2012; Temporary Amendment Eff. August 1, 2012; Amended Eff. August 1, 2015; March 21, 2013; Readopted Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

- (a) For purposes of this Rule, the following definitions apply:
  - (1) "Natural bait" means a living or dead plant or animal, or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
  - (2) "Single hook" means a fish hook with only one point.
  - (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by a substance that attracts fish by the sense of taste or smell.
  - (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or a similar material to which no additional hook, spinner, spoon, or similar device is added.
  - (5) "Youth anglers" are individuals under 18 years of age.
- (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:
  - (1) "Public Mountain Trout Waters" are the waters included in this Rule and those designated in 15A NCAC 10D .0104.
  - (2) "Catch and Release Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial flies and lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters with this designation include tributaries unless otherwise noted.
  - (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. until noon on the first Saturday in June, only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1, anglers may fish these waters with no bait or lure restrictions. Waters with this designation do not include tributaries unless otherwise noted.
  - (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters with this designation do not include tributaries unless otherwise noted.
  - (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters with this

designation do not include tributaries unless otherwise noted.

- (6) "Wild Trout Waters" are Public Mountain Trout Waters identified in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters with this designation do not include tributaries unless otherwise noted.
- (7) "Undesignated Waters" are the other waters in the State. These waters have no bait or lure restrictions.

(c) Seasons, creel, and size limits. Seasons, creel, and size limits for trout are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. The other waters are classified as Undesignated Waters.

- (1) Alleghany
  - (A) Hatchery Supported Trout Waters are as follows:  
 Big Pine Creek  
 Bledsoe Creek  
 Brush Creek from the N.C. 21 bridge to the confluence with the Little River, except where posted against trespassing  
 Cranberry Creek  
 Glade Creek  
 Little River from 400 yards upstream of the S.R. 1128 bridge, marked by a sign on each bank, to McCann Dam  
 Meadow Fork  
 Pine Swamp Creek  
 Piney Fork  
 Prathers Creek
  - (B) Wild Trout Waters are as follows:  
 The waters located on Stone Mountain State Park
- (2) Ashe County
  - (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 Big Horse Creek from the Virginia state line to Mud Creek at S.R. 1363, excluding tributaries
  - (B) Delayed Harvest Trout Waters are as follows:  
 Big Horse Creek from the S.R. 1324 bridge to the North Fork New River  
 Helton Creek from 900 yards upstream of the S.R. 1372 bridge, marked by a sign on both banks to a point adjacent to intersection of N.C. 16 and S.R. 1536  
 South Fork New River from the upstream end of Todd Island to the S.R. 1351 bridge

- (C) Trout Lake  
 Hatchery Supported Trout Waters are as follows:  
 Beaver Creek from N.C. 221 to the confluence of Beaver Creek and South Beaver Creek  
 Big Horse Creek from Mud Creek at S.R. 1363 to the S.R. 1324 bridge  
 Big Laurel Creek from the S.R. 1315 bridge to the confluence with the North Fork New River  
 Buffalo Creek from the S.R. 1133 bridge to the N.C. 194-88 bridge  
 Cranberry Creek from the Alleghany Co. line to the South Fork New River  
 Nathans Creek  
 North Fork New River from the Watauga Co. line to Sharp Dam  
 Old Fields Creek from N.C. 221 to the South Fork New River  
 Peak Creek from the upper boundary of the NCDA-NCSU Upper Mountain Research Station to Trout Lake  
 Roan Creek  
 Three Top Creek

- (3) Avery County
  - (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 Elk River, the portion on Lees-McRae College property, excluding the millpond  
 Lost Cove Creek, the game land portion, excluding Gragg Prong and Rockhouse Creek  
 Wilson Creek, the game land portion
  - (B) Hatchery Supported Trout Waters are as follows:  
 Boyde Coffey Lake  
 Elk River from the S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line  
 Linville River from S.R. 1504 to the Blue Ridge Parkway boundary line, except where posted against trespassing  
 Milltimber Creek  
 North Toe River from Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing  
 North Toe River from S.R. 1164 to Mitchell Co. line, except where posted against trespassing  
 Squirrel Creek  
 Wildcat Lake
  - (C) Wild Trout Waters are as follows:  
 Birchfield Creek  
 Cow Camp Creek

- Cranberry Creek from the headwaters to the U.S. 19E, N.C. 194, bridge  
 Gragg Prong  
 Horse Creek  
 Kentucky Creek  
 North Harper Creek  
 Plumtree Creek  
 Roaring Creek  
 Rockhouse Creek  
 Shawneehaw Creek, the portion adjacent to Banner Elk Greenway  
 South Harper Creek  
 Webb Prong
- (4) Buncombe County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 Carter Creek, the game land portion
- (B) Hatchery Supported Trout Waters are as follows:  
 Bent Creek from the headwaters to the N.C. Arboretum boundary line  
 Cane Creek from the headwaters to the S.R. 3138 bridge  
 Corner Rock Creek from Little Andy Creek to the confluence with Walker Branch  
 Dillingham Creek from Corner Rock Creek to Ivy Creek  
 Ivy Creek from Dillingham Creek to the U.S. 19-23 bridge  
 Lake Powhatan  
 Reems Creek from Sugar Camp Fork to the U.S. 19-23 bridge, except where posted against trespassing  
 Rich Branch from downstream of the confluence with Rocky Branch  
 Stony Creek  
 Swannanoa from the S.R. 2702 bridge near Ridgecrest to the Wood Avenue bridge, at the intersection of N.C. 81 and U.S. 74A in Asheville, except where posted against trespassing
- (5) Burke County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 Henry Fork, the portion on South Mountains State Park
- (B) Delayed Harvest Trout Waters are as follows:  
 Jacob Fork from Shinnycreek to the lower South Mountains State Park boundary
- (C) Hatchery Supported Trout Waters are as follows:  
 Carroll Creek, the game land portion above S.R. 1405
- Henry Fork from the lower South Mountains State Park line to S.R. 1919 at Ivy Creek  
 Linville River, the portion within Linville Gorge Wilderness area and the portion below Lake James powerhouse from the upstream bridge on S.R. 1223 to Muddy Creek
- (D) Special Regulation Trout Waters are as follows:  
 Catawba River from Muddy Creek to the City of Morganton water intake dam
- (E) Wild Trout Waters are as follows:  
 The waters located on South Mountains State Park, except those waters identified in Parts (A) and (B) of this Subparagraph
- (6) Caldwell County
- (A) Delayed Harvest Trout Waters are as follows:  
 Wilson Creek, the game land portion below Lost Cove Creek to Philips Branch
- (B) Hatchery Supported Trout Waters are as follows:  
 Boone Fork Pond  
 Buffalo Creek from the mouth of Joes Creek to McCloud Branch  
 Joes Creek from the first falls upstream of S.R. 1574 to the confluence with Buffalo Creek  
 Wilson Creek from Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing  
 Yadkin River from the Happy Valley Ruritan Community Park to S.R. 1515
- (C) Wild Trout Waters are as follows:  
 Buffalo Creek from the Watauga Co. line to Long Ridge Branch including game land tributaries  
 Joes Creek from the Watauga Co. line to the first falls upstream of the end of S.R. 1574  
 Rockhouse Creek
- (7) Cherokee County
- (A) Hatchery Supported Trout Waters are as follows:  
 Davis Creek from the confluence of Bald Creek and Dockery Creek to Hanging Dog Creek  
 Hyatt Creek from Big Dam Branch to the Valley River  
 Junaluska Creek from Ashturn Creek to the Valley River  
 Shuler Creek from the Joe Brown Hwy, S.R. 1325 bridge, to the Tennessee state line

- (B) Valley River from S.R. 1359 to the U.S. 19 Business bridge in Murphy  
Special Regulation Trout Waters are as follows:  
Apalachia Reservoir
- (8) Clay County
  - (A) Delayed Harvest Trout Waters are as follows:  
Fires Creek from Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area
  - (B) Hatchery Supported Trout Waters are as follows:  
Buck Creek, the game land portion downstream of the U.S. 64 bridge  
Fires Creek from the foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300  
Tusquitee Creek from Compass Creek to the lower S.R. 1300 bridge
- (9) Graham County
  - (A) Delayed Harvest Trout Waters are as follows:  
Snowbird Creek from the USFS footbridge at the old railroad junction to USFS Rd. 2579
  - (B) Hatchery Supported Trout Waters are as follows:  
Calderwood Reservoir from Cheoah Dam to the Tennessee state line  
Cheoah Reservoir  
Panther Creek from the confluence of Stand Creek and Rock Creek to Lake Fontana  
Santeetlah Creek from Johns Branch to Lake Santeetlah  
Snowbird Creek from USFS Rd. 2579 to the S.R. 1127 bridge  
Stecoah Creek from the upper game land boundary to Lake Fontana  
Tulula Creek from S.R. 1201 to the lower bridge on S.R. 1275  
West Buffalo Creek  
Yellow Creek from Lake Santeetlah hydropower pipeline to the Cheoah River
  - (C) Wild Trout Waters are as follows:  
Little Buffalo Creek  
South Fork Squally Creek  
Squally Creek
- (10) Haywood County
  - (A) Delayed Harvest Trout Waters are as follows:  
West Fork Pigeon River from Queen Creek to the first game land boundary upstream of Lake Logan
  - (B) Hatchery Supported Trout Waters are as follows:
- (11) Henderson County
  - (A) Delayed Harvest Trout Waters are as follows:  
North Fork Mills River, the game land portion below the Hendersonville watershed dam
  - (B) Hatchery Supported Trout Waters are as follows:  
Broad River from the end of S.R. 1611 to the Rutherford Co. line  
Cane Creek from the railroad bridge upstream of the S.R. 1551 bridge to the U.S. 25 bridge  
Clear Creek from Laurel Fork to S.R. 1582  
Green River from the Lake Summit powerhouse to the game land boundary  
Hungry River from S.R. 1885 to the Green River
- (12) Jackson County
  - (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Flat Creek  
Tuckasegee River, the game land portion upstream of Tanasee Creek Lake, including the Duke Energy powerline corridor  
Tuckasegee River the portion upstream from the Clark property
  - (B) Delayed Harvest Trout Waters are as follows:  
Tuckasegee River from downstream of the N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge, marked by a sign on both banks
  - (C) Hatchery Supported Trout Waters are as follows:  
Balsam Lake  
Bear Creek Lake  
Cedar Cliff Lake  
Cullowhee Creek from Tilley Creek to the Tuckasegee River
- Cold Springs Creek from Fall Branch to the Pigeon River  
Jonathan Creek from upstream of the S.R. 1302 bridge to the Pigeon River, except where posted against trespassing  
Pigeon River from Stamey Cove Branch to the upstream U.S. 19-23 bridge  
Richland Creek from the Russ Avenue, U.S. 276, bridge to the U.S. 19 bridge  
West Fork Pigeon River from Tom Creek to Queen Creek

- Dark Ridge Creek from Jones Creek to Scott Creek  
 Greens Creek from Greens Creek Baptist Church on S.R. 1370 to Savannah Creek  
 Savannah Creek from Shell Branch to Cagle Branch  
 Scott Creek from Dark Ridge Creek to the Tuckasegee River, except where posted against trespassing  
 Tanasee Creek Lake  
 Tuckasegee River from John Brown Branch to the downstream N.C. 107 bridge  
 Tuckasegee River from the falls located 275 yards upstream of the U.S. 23-441 bridge, marked by a sign on both banks, to the S.R. 1534 bridge at Wilmont  
 Wolf Creek Lake
- (D) Wild Trout Waters are as follows:  
 Gage Creek  
 North Fork Scott Creek  
 Tanasee Creek  
 Whitewater River from Silver Run Creek to the South Carolina state line  
 Wolf Creek except Balsam Lake and Wolf Creek Lake
- (13) Macon County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Nantahala River from Whiteoak Creek to the Nantahala hydropower discharge canal  
 (B) Hatchery Supported Trout Waters are as follows:  
 Burningtown Creek from Left Prong to the Little Tennessee River  
 Cartoogechaye Creek from downstream of the U.S. 64 bridge to the Little Tennessee River  
 Cliffside Lake  
 Cullasaja River from Sequoyah Dam to the U.S. 64 bridge near the junction of S.R. 1672  
 Nantahala River from Dicks Creek to Whiteoak Creek  
 Nantahala River from the Nantahala hydropower discharge canal to the Swain Co. line  
 Queens Creek Lake
- (14) Madison County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Big Laurel Creek from the N.C. 208 bridge to the U.S. 25-70 bridge  
 Shelton Laurel Creek from the N.C. 208 bridge at Belva to the confluence with Big Laurel Creek
- (B) Spring Creek from the N.C. 209 bridge at the Hot Springs city limits to the iron bridge at end of Andrews Ave.  
 Hatchery Supported Trout Waters are as follows:  
 Big Laurel Creek from Puncheon Fork to the S.R. 1318, Big Laurel Rd., bridge downstream of Bearpen Branch  
 Big Pine Creek from the S.R. 1151 bridge to the French Broad River  
 Little Ivy Creek from the confluence of Middle Fork and Paint Fork at Beech Glen to the confluence with Ivy Creek at Forks of Ivy  
 Max Patch Pond  
 Meadow Fork Creek from Meadow Fork Campground to Spring Creek  
 Puncheon Fork from Wolf Laurel Branch to Big Laurel Creek  
 Roaring Fork from Fall Branch to Meadow Fork  
 Shelton Laurel Creek from the confluence of Big Creek and Mill Creek to the N.C. 208 bridge at Belva  
 Shut-in Creek  
 Spillcorn Creek  
 Spring Creek from the junction of N.C. 209 and N.C. 63 to the confluence with Meadow Fork  
 West Fork Shut-in Creek from the lower game land boundary to the confluence with East Fork Shut-in Creek
- (15) McDowell County  
 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 Newberry Creek, the game land portion  
 (B) Delayed Harvest Trout Waters are as follows:  
 Catawba River, the portion adjacent to the Marion Greenway  
 Curtis Creek, the game land portion downstream of the USFS boundary at Deep Branch  
 Mill Creek from the U.S. 70 bridge to the I-40 bridge  
 (C) Hatchery Supported Trout Waters are as follows:  
 Armstrong Creek from the Cato Holler line downstream to the upper Greenlee line  
 Catawba River from the Catawba Falls Campground to the Old Fort Recreation Park  
 Little Buck Creek, the game land portion

- North Fork Catawba River from the headwaters to North Cove School at the S.R. 1569 bridge
- (16) Mitchell County
- (A) Delayed Harvest Trout Waters are as follows:  
Cane Creek from the N.C. 226 bridge to the S.R. 1189 bridge  
North Toe River from the U.S. 19E bridge to the N.C. 226 bridge
- (B) Hatchery Supported Trout Waters are as follows:  
Big Rock Creek from the headwaters to the N.C. 226 bridge at the S.R. 1307 intersection  
Cane Creek from S.R. 1219 to the N.C. 226 bridge  
East Fork Grassy Creek  
Grassy Creek from East Fork Grassy Creek to the mouth  
Little Rock Creek from the Green Creek bridge to Big Rock Creek, except where posted against trespassing  
North Toe River from the Avery Co. line to the S.R. 1121 bridge
- (C) Wild Trout Waters are as follows:  
Green Creek from the headwaters to the Green Creek bridge, except where posted against trespassing  
Little Rock Creek the portion upstream of the Green Creek bridge, including the tributaries, except where posted against trespassing  
Wiles Creek from the game land boundary to the mouth
- (17) Polk County
- (A) Delayed Harvest Trout Waters are as follows:  
Green River from the Fishtop Falls Access Area to the confluence with Cove Creek
- (B) Hatchery Supported Trout Waters are as follows:  
Green River from the mouth of Cove Creek to the natural gas pipeline crossing  
North Pacolet River from Joels Creek to the N.C. 108 bridge
- (18) Rutherford County
- (A) Hatchery Supported Trout Waters are as follows:  
Broad River from the Henderson Co. line to the U.S. 64/74 bridge, except where posted against trespassing
- (19) Stokes County
- (A) Hatchery Supported Trout Waters are as follows:
- Dan River from the Virginia state line downstream to a point 200 yards below the end of S.R. 1421
- (20) Surry County
- (A) Delayed Harvest Trout Waters are as follows:  
Ararat River, the portion adjacent to the Ararat River Greenway  
Mitchell River from 0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R. 1330
- (B) Hatchery Supported Trout Waters are as follows:  
Ararat River from the S.R. 1727 bridge to the N.C. 103 bridge  
Big Elkin Creek from the dam 440 yards upstream of the N.C. 268 bridge to a point 265 yards downstream of N.C. 268, marked by a sign on both banks  
Fisher River from the Virginia state line to the I-77 bridge  
Little Fisher River from the Virginia state line to the N.C. 89 bridge  
Lovills Creek from the U.S. 52 Business bridge to the Ararat River  
Pauls Creek from the Virginia state line to 0.3 miles below the S.R. 1625 bridge
- (21) Swain County
- (A) Delayed Harvest Waters Trout Waters are as follows:  
Tuckasegee River from the U.S. 19 bridge to the Slope Street bridge
- (B) Hatchery Supported Trout Waters are as follows:  
Alarka Creek from the game land boundary to Fontana Reservoir  
Calderwood Reservoir from Cheoah Dam to the Tennessee state line  
Cheoah Reservoir  
Connelly Creek from Camp Branch to the Tuckasegee River  
Deep Creek from the Great Smoky Mountains National Park Boundary line to the Tuckasegee River  
Nantahala River from the Macon Co. line to the existing Fontana Lake water level
- (22) Transylvania County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Davidson River from the headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek, Grogan Creek, Cedar Rock Creek and John Rock Branch

- (B) Delayed Harvest Trout Waters are as follows:  
 East Fork French Broad River from East Fork Baptist Church to the downstream S.R. 107 bridge  
 Little River from the confluence of Lake Dense to 100 yards downstream of Hooker Falls
- (C) Hatchery Supported Trout Waters are as follows:  
 Davidson River from Avery Creek to the lower USFS boundary  
 French Broad River from the confluence of the North Fork French Broad River and west Fork French Broad River to the Island Ford Rd., S.R. 1110, Access Area  
 Middle Fork French Broad River from upstream of the U.S. 178 bridge to the French Broad River  
 West Fork French Broad River from S.R. 1312 to confluence with North Fork French Broad River
- (D) Wild Trout Waters are as follows:  
 The waters located on Gorges State Park  
 Whitewater River from Silver Run Creek to the South Carolina state line
- (23) Watauga County
  - (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 Laurel Creek from the confluence of North Fork Laurel Creek and South Fork Laurel Creek to Elk Creek, excluding tributaries  
 Pond Creek from the headwaters to the Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake
  - (B) Delayed Harvest Trout Waters are as follows:  
 Lake Coffey  
 Watauga River from the S.R. 1114 bridge to the Valle Crucis Community Park lower boundary  
 Watauga River from the S.R. 1103 bridge to the confluence with Laurel Creek
  - (C) Hatchery Supported Trout Waters are as follows:  
 Beaverdam Creek from the confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203  
 Beech Creek  
 Buckeye Creek from Buckeye Creek Reservoir dam to Grassy Gap Creek
- (D) Wild Trout Waters are as follows:  
 Dutch Creek from the headwaters to the second S.R. 1136 bridge  
 Howard Creek  
 Maine Branch from the headwaters to the North Fork New River  
 North Fork New River from the confluence with Maine Branch and Mine Branch to the Ashe Co. line  
 Winkler Creek from the lower bridge on S.R. 1549 to the confluence with the South Fork New River
- (24) Wilkes County
  - (A) Delayed Harvest Trout Waters are as follows:  
 East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower boundary  
 Elk Creek from the Watauga Co. line to the lower boundary of the Blue Ridge Mountain Club  
 Elk Creek, the portion on Leatherwood Mountains development  
 Reddies River from the Town of North Wilkesboro water intake dam to the confluence with the Yadkin River  
 Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the East Prong Roaring River and Bullhead Creek
  - (B) Hatchery Supported Trout Waters are as follows:  
 Buckeye Creek Reservoir  
 Cove Creek from the S.R. 1233 bridge at Zionville to the S.R. 1214 bridge at Sherwood  
 Dutch Creek from the second S.R. 1136 bridge to the mouth  
 Elk Creek from the S.R. 1510 bridge at Triplett to the Wilkes Co. line, except where posted against trespassing  
 Laurel Creek from the S.R. 1123 bridge at the S.R. 1157 intersection to the Watauga River  
 Meat Camp Creek from the S.R. 1340 bridge at the S.R. 1384 intersection to N.C. 194  
 Middle Fork New River from adjacent to the intersection of S.R. 1539 and U.S. 321 to the South Fork New River  
 Norris Fork Creek  
 South Fork New River from the canoe launch 70 yards upstream of U.S. 421 bridge to the lower boundary of Brookshire Park  
 Stony Fork from the S.R. 1500 bridge at the S.R. 1505 intersection to the Wilkes Co. line

- Basin Creek from the S.R. 1730 bridge to the confluence with Lovelace Creek
- Bell Branch Pond
- Boundary Line Pond
- Cub Creek from 0.5 miles upstream of the S.R. 2460 bridge to the S.R. 1001 bridge
- Darnell Creek from the downstream ford on S.R. 1569 to the confluence with the North
- Fork Reddies River
- East Prong Roaring River from the Stone Mountain State Park lower boundary to the Low Meadows Lane bridge
- Fall Creek from the S.R. 1300 bridge to the confluence with South Prong Lewis Fork, except where posted against trespassing
- Middle Fork Reddies River from the headwaters to the bridge on S.R. 1580
- Middle Prong Roaring River from the headwaters to the second bridge on S.R. 1736
- North Fork Reddies River from the headwaters to the Union School bridge on S.R. 1559
- Pike Creek
- Pike Creek Pond
- South Fork Reddies River from the S.R. 1355 bridge to the confluence with the Middle Fork Reddies River
- South Prong Lewis Fork from Fall Creek to the U.S. 421 bridge adjacent to the S.R. 1155 intersection
- (C) Wild Trout Waters are as follows:  
The waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (25) Yancey County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
South Toe River from the headwaters to Upper Creek
- Upper Creek
- (B) Delayed Harvest Trout Waters are as follows:

- Cane River from Blackberry Ridge Rd. to the downstream boundary of Cane River County Park
- (C) Hatchery Supported Trout Waters are as follows:  
Bald Mountain Creek, except where posted against trespassing
- Cane River from Bee Branch, S.R. 1110, to Bowlens Creek
- Price Creek from the junction of S.R. 1120 and S.R. 1121 to Indian Creek
- South Toe River from Clear Creek to the lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing
- (D) Wild Trout Waters are as follows:  
Cattail Creek from the bridge at Mountain Farm Community Rd. to the N.C. 197 bridge
- Licksillet Creek
- Middle Creek from the game land boundary to the mouth

*History Note: Authority G.S. 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. July 1, 2002; Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2024; August 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020.*

**15A NCAC 10C .0208 SPAWNING AREAS**

- (a) No person shall fish from March 1 to May 31 in the following restored floodplain sloughs connected to the French Broad River and Mud Creek in Henderson County:
- (1) Slough 1 at 35.403687 N, 82.531970 W connected to the French Broad River, located 0.25 miles upstream of Butler Bridge Rd. (S.R. 1345).
  - (2) Slough 2 at 35.398380 N, 82.528750 W connected to the French Broad River, located 1.0 miles upstream of Butler Bridge Rd.
  - (3) Slough 3 at 35.396449 N, 82.525462 W connected to Mud Creek, located 0.1 miles upstream from confluence with the French Broad River.

- (4) Pleasant Grove slough at 35.298384 N, 82.584716 W connected to the French Broad River, located 0.25 miles upstream from S.R. 1205, Etowah School Road.

(b) Each slough shall be marked with signs on both banks.

*History Note: Authority G.S. 113-134; 113-292; Eff. February 1, 1976; Amended Eff. May 1, 2009; August 1, 2004; July 1, 1993; July 1, 1989; July 1, 1985; July 1, 1984; Readopted Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10C .0305 LARGEMOUTH BASS**

(a) The daily creel limit for Largemouth Bass is five fish, except in waters identified in Paragraphs (d), (e), (f), (l), (m), and (n) of this Rule.

(b) There is no minimum size limit for Largemouth Bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (d) through (n) of this Rule.

(c) There is no closed season, except in waters identified in Paragraph (n) of this Rule.

(d) In Lake Cammack in Alamance County, and Lake Holt in Granville County, the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(e) In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish in aggregate.

(f) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate. The minimum size limit for Largemouth Bass is 12 inches.

(g) The minimum size limit for Largemouth Bass is 14 inches in the following waters:

- (1) Lake Raleigh in Wake County;
- (2) Lake Sutton in New Hanover County;
- (3) Pungo Lake in Washington and Hyde counties;
- (4) New Lake in Hyde County; and
- (5) Currituck, Roanoke, Croatan, Albemarle sounds, and their tributaries, including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River, Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the N.C. Hwy 264/45 bridge, and the other associated tributaries and canals in these river systems.

(h) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.

(i) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit for Largemouth Bass is 14 inches, and no fish between 16 and 20 inches may be possessed.

(j) In Lake Hampton in Yadkin County, there is no minimum size limit for Largemouth Bass. No more than two Largemouth Bass

less than 14 inches and no Largemouth Bass between 16 and 20 inches may be possessed.

(k) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Largemouth Bass is 18 inches.

(l) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth Bass, Smallmouth Bass, and Spotted Bass is five fish in aggregate. There is no minimum size limit for Largemouth Bass, but no fish between 14 and 22 inches in length may be possessed and one Largemouth Bass, Smallmouth Bass, or Spotted Bass greater than 22 inches may be possessed.

(m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and one Largemouth Bass greater than 20 inches may be possessed.

(n) In Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds associated with Martin Marietta Park in Craven County, no Largemouth Bass may be possessed.

*History Note: Authority G.S. 113-134; 113-292; Eff. February 1, 1976; Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990; Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990; Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991; Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; Temporary Amendment Eff. November 1, 1998; Amended Eff. April 1, 1999; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent amendment effective July 1, 2002 and approved by RRC in May 2001]; Amended Eff. August 1, 2002 (approved by RRC in April 2002); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; November 1, 2013; August 1, 2012; March 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; July 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2024; March 15, 2023; August 1, 2021; August 1, 2020.*

**15A NCAC 10C .0306 CRAPPIE**

(a) There is no daily creel limit for Crappie, except in waters identified in Paragraphs (d) through (h) of this Rule.

(b) There is no minimum size limit except in waters identified in Paragraphs (f) through (h) of this Rule.

(c) There is no closed season.

(d) In Buckhorn Reservoir in Wilson and Nash counties, the daily creel limit is 20 fish.

(e) In Lake Chatuge in Clay County, the daily creel limit is 30 fish.

(f) In the following waters, the daily creel limit is 20 fish and the minimum size limit is 10 inches:

- (1) Roanoke River and its tributaries downstream of Roanoke Rapids dam;
- (2) Cashie River and its tributaries;
- (3) Middle River and its tributaries;
- (4) Eastmost River and its tributaries; and
- (5) Lake Mattamuskeet in Hyde County.

(g) In the following waters, the daily creel limit is 20 fish and the minimum size limit is eight inches:

- (1) Lake Norman;
- (2) Lake Hyco;
- (3) Cane Creek Lake in Union County;
- (4) Lake Hampton in Yadkin County;
- (5) Tar River downstream of Tar River Reservoir Dam including tributaries;
- (6) Neuse River downstream of Falls Lake Dam including tributaries;
- (7) Haw River downstream of B. Everett Jordan Reservoir Dam including tributaries;
- (8) Deep River downstream of Lockville Dam including tributaries;
- (9) Cape Fear River including tributaries;
- (10) Waccamaw River downstream of Lake Waccamaw Dam including tributaries;
- (11) Lumber River including Drowning Creek including tributaries;
- (12) public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and waters listed in Paragraph (f) of this Rule;
- (13) public waters west of Interstate 77, except Lake Chatuge; and
- (14) B. Everett Jordan Reservoir.

(h) In John H. Kerr Reservoir, the daily creel limit is 25 fish and the minimum size limit is nine inches.

*History Note: Authority G.S. 113-134; 113-292; Eff. November 1, 2013; Amended Eff. August 1, 2017; August 1, 2016; August 1, 2015; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2024; August 1, 2023; March 15, 2023; August 1, 2020.*

**15A NCAC 10C .0307 FLOUNDER**

- (a) The daily creel limit for flounder is one fish.
- (b) The minimum size limit is 15 inches.
- (c) The season for taking and possessing flounder is September 1 through September 14.

*History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305; Eff. November 1, 2013; Readopted Eff. October 1, 2021; Temporary Amendment Eff. September 1, 2022;*

*Amended Eff. August 1, 2024; March 15, 2023.*

**15A NCAC 10C .0313 AMERICAN SHAD AND HICKORY SHAD**

(a) The daily creel limit for American and Hickory Shad in aggregate is 10 fish, only one of which may be an American Shad, except for waters identified in Paragraphs (d) through (f) of this Rule.

(b) There is no minimum size limit.

(c) There is no closed season, except for waters identified in Paragraph (f) of this Rule.

(d) In the inland waters of the Tar-Pamlico River, Pungo River, Pee Dee River, and their tributaries, the daily creel limit for American and Hickory Shad is 10 in aggregate.

(e) In the inland waters of the Cape Fear River and its tributaries, the daily creel limit for American and Hickory Shad is 10 in aggregate, only five of which may be American Shad.

(f) In public waters of the Roanoke River upstream of Roanoke Rapids Dam, including Roanoke Rapids Reservoir, Lake Gaston, John H. Kerr Reservoir, and their tributaries, and in public waters of the Yadkin-Pee Dee River upstream of Blewett Falls Dam, including Blewett Falls Reservoir, and its tributaries, no American Shad may be possessed.

(g) American and Hickory Shad may be taken with dip nets and bow nets as allowed in Rule .0407 of this Subchapter from March 1 through April 30.

*History Note: Authority G.S. 113-134; 113-292; Eff. November 1, 2013; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2024; March 15, 2023.*

**15A NCAC 10C .0314 STRIPED BASS**

(a) The daily creel limit for striped bass and its hybrids is four fish in e aggregate, except in waters identified in Paragraphs (d) and (g) through (l) of this Rule.

(b) The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs (d) through (l) of this Rule.

(c) There is no closed season, except for waters identified in Paragraphs (i) through (l) of this Rule.

(d) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on striped bass and its hybrids is two in aggregate and the minimum size limit is 20 inches. No fish greater than 26 inches may be possessed from October 1 through May 31. From June 1 through September 30, the daily creel limit for striped bass and its hybrids is four in aggregate with no minimum size limit.

(e) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for striped bass and its hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(f) In Farmer Lake, Hyco Lake, Moss Lake, Oak Hollow Lake, Lake Townsend, and Salem Lake the minimum size limit for striped bass and its hybrids is 16 inches.

(g) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, and two may be greater than 22 inches.

(h) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the South Carolina state line, the daily creel limit for striped bass and its hybrids is three fish in aggregate, and the minimum size limit is 18 inches.

(i) In the inland fishing waters of the Tar, Pungo, Neuse, and Cape Fear rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, in other inland fishing waters east of Interstate 95 not specified in Paragraphs (h), (j), and (k) of this Rule, and in the ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing striped bass is closed year-round.

(j) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A NCAC 03R .0201 and identified in 15A NCAC 10C .0110 which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake Dam. During the open season, the daily creel limit for striped bass and its hybrids is one fish in aggregate, and the minimum size limit is 18 inches. No fish over 22 inches in length shall be possessed.

(k) In designated inland and joint fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries, excluding the Roanoke River and Cashie River and their tributaries, the striped bass fishing season, size limits, and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent coastal fishing waters.

(l) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of a proclamation issued pursuant to this authority.

*History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

*Eff. November 1, 2013;*

*Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*

*Readopted Eff. August 1, 2019;*

*Amended Eff. August 1, 2021; August 1, 2020;*

*Temporary Amendment Eff. November 30, 2021;*

*Amended Eff. August 1, 2022;*

*Temporary Amendment Eff. September 1, 2022;*

*Amended Eff. August 1, 2024; August 1, 2023; March 15, 2023.*

**15A NCAC 10C .0316 MOUNTAIN TROUT**

(a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraph (g) of this Rule.

(b) The daily creel limit for trout in Wild Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.

(c) No trout may be harvested from Catch and Release/Artificial Flies and Lures Only Trout Waters. Trout shall not be possessed while fishing these waters.

(d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6:00 a.m. on the first Saturday in June until 12 p.m. that same day. During this season individuals under the age of 18 may fish. From 12:00 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

(e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows:

- (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum size limit, but only one may be greater than 14 inches. There is no closed season.
- (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

(f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.

(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of the following power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.

- (1) Bear Creek Lake;
- (2) Buckeye Creek Reservoir;
- (3) Calderwood Reservoir;
- (4) Cedar Cliff Lake;
- (5) Cheoah Reservoir;
- (6) Cliffside Lake;
- (7) Tanassee Creek Lake;
- (8) Queens Creek Lake; and
- (9) Wolf Lake.

(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.

(i) Trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

*History Note: Authority G.S. 113-134; 113-292;*

*Eff. November 1, 2013;*

*Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;*

*Readopted Eff. August 1, 2019;*

*Amended Eff. August 1, 2024; August 1, 2021; August 1, 2020.*

**SECTION .0800 JOINT FISHING WATERS**

**15A NCAC 10C .0801 INLAND GAME FISHES DESIGNATED IN JOINT FISHING WATERS**

(a) For the purposes of this Rule, the following fishes are classified and designated as inland game fishes in joint fishing waters:

- (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
- (2) black crappie and white crappie;
- (3) chain pickerel (jack), muskellunge, and redbfin pickerel;
- (4) kokanee salmon;
- (5) mountain trout, including but not limited to brook trout, brown trout, and rainbow trout;
- (6) Roanoke bass and rock bass (redeye);
- (7) sauger and walleye; and
- (8) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker), warmouth, and the other species of the sunfish family (Centrarchidae) not specifically listed in this Rule.

(b) Inland game fishes shall not be taken by methods other than with hook and line, except that landing nets may be used to land fishes caught on hook and line.

(c) Size, creel limits, and seasons for inland game fishes in joint fishing waters shall be the same as those designated in Section .0300 of this Subchapter for inland fishing waters.

(d) Inland game fishes taken incidental to commercial fishing operations shall be immediately returned to the water unharmed.

(e) Inland game fishes taken from joint fishing waters shall not be sold.

(f) Individuals may take up to the daily creel limit of those species of inland game fish having a specified creel limit.

(g) On the waters being fished, individuals may possess:

- (1) the specified daily creel limit for the species; and
- (2) fish conforming to the size limit for the species.

(h) Individuals may possess the daily creel limit while fishing or afield and up to three days creel limit at any other place.

(i) No person, while fishing or afield, shall:

- (1) unnecessarily destroy any inland game fish taken from public fishing waters;
- (2) remove the head or tail or otherwise change the appearance of a game fish having a size limit to render it impracticable to measure its total original length; or
- (3) change the appearance of a game fish having a daily creel limit to obscure its identification or render it impracticable to count the number of fish in possession.

*History Note:* Authority G.S. 113-134; 113-135; 113-135.1; 113-292;

*Eff. Pending Legislative Review.*

**15A NCAC 10C .0802 TAKING AND POSSESSION OF OTHER FISHES BY HOOK AND LINE IN JOINT FISHING WATERS**

(a) This Rule applies to fish taken by hook and line in joint fishing waters, excluding the species listed in 15A NCAC 10C .0801.

(b) Landing nets may be used to land fishes caught on hook and line.

(c) Set hooks, jug hooks, and trotlines may be used as designated in 15A NCAC 10C .0206 to take fishes in joint fishing waters.

(d) Size, creel limits, and seasons for fishes taken by hook and line in joint fishing waters shall be the same as those designated in Sections .0300 and .0400 of this Subchapter for inland fishing waters with the following exceptions:

- (1) In the joint fishing waters of the Tar-Pamlico River, Pungo River, and their tributaries, the daily creel limit for American and Hickory Shad is 10 in aggregate.
- (2) In the joint fishing waters of the Cape Fear River and its tributaries, the daily creel limit for American and Hickory Shad is 10 in aggregate, five of which may be American Shad.
- (3) In the joint fishing waters of the Central/Southern Management Area, as identified in 15A NCAC 03R .0201, size, creel limits, and seasons for striped bass and its hybrids are listed in 15A NCAC 10C .0107.
- (4) In the joint fishing waters of the Roanoke River Striped Bass Management Area, as identified in 15A NCAC 10C .0110(a)(2), which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season, the daily creel limit for Striped Bass and its hybrids is one fish in aggregate, and the minimum size limit is 18 inches. No fish over 22 inches in length shall be possessed in the daily creel limit.
- (5) In designated inland and joint fishing waters of the Albemarle Sound Management Area, as identified in 15A NCAC 10C .0110(a)(1), the Striped Bass fishing season, size limits, and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent coastal fishing waters.

(e) Fishes taken by hook and line in joint fishing waters may be sold except those fishes for which the sale is prohibited in Sections .0300 and .0400 of this Subchapter for inland fishing waters.

(f) For fishes taken by hook and line in joint fishing waters, individuals may take up to the daily creel limit of fish having a specified creel limit.

(g) On the waters being fished, individuals may possess:

- (1) the specified daily creel limit for the species; and
- (2) fish conforming to the size limit for the species.

(h) Individuals may possess the daily creel limit while fishing or afield and up to three days creel limit at any other place.

(i) No person, while fishing or afield, shall:

- (1) remove the head or tail or change the appearance of a fish taken by hook and line specified in Sections .0300 or .0400 of this

Subchapter as having a size limit, to render it impractical to measure its total original length, except for American Eel as provided in 15A NCAC 10C .0410.

- (2) change the appearance of a fish taken by hook and line that has a species-specific daily creel limit in Sections .0300 or .0400 of this Subchapter, to obscure its identification or render it impractical to count the number of fish in possession, except for American Eel as provided in 15A NCAC 10C .0410.

*History Note: Authority G.S. 113-134; 113-135; 113-292; Eff. Pending Legislative Review.*

**15A NCAC 10D .0103 GENERAL REGULATIONS REGARDING HUNTING ON GAME LANDS**

(a) The following shall be prohibited on game lands:

- (1) hunting on a designated game land while under the influence of an impairing substance, as defined by G.S. 20-4.01(48b);
- (2) failing to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands;
- (3) parking a vehicle on game lands in a manner that blocks traffic or gates, or prevents vehicles from using a roadway; and
- (4) erecting or occupying a tree stand or platform attached by nails, screws, bolts, or to a tree on a game land to hunt. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(b) Unless allowed by permit, hunting on game lands shall be during the open season for game animals and game birds.

(c) Individual game lands or parts of game lands may be closed to hunting or limited to specific dates by this Subchapter.

(d) Persons shall hunt with weapons lawful for the open game animal or game bird seasons.

(e) On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on the permitted hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. daily; and
- (5) not operate a vessel or vehicle powered by an internal combustion engine.

(f) On Sundays, the following shall be prohibited:

- (1) hunting with a firearm between 9:30 a.m. and 12:30 p.m.;
- (2) the use of a firearm to take deer that are run or chased by dogs;
- (3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or an accessory structure thereof; and
- (4) hunting migratory game birds.

(g) On designated Youth Waterfowl Days, the following shall apply:

- (1) hunting on managed waterfowl impoundments shall be from one-half hour before sunrise to sunset;
- (2) Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule; and
- (3) youth may hunt on a game land and on an impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (a) of this Rule.

(h) On designated Veterans and Military Waterfowl Days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas from one-half hour before sunrise to sunset. Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule shall apply.

(i) On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone."

(j) Definitions:

- (1) For purposes of this Subchapter, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Subchapter, "Three Days per Week Area" refers to a Game Land on which game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, Veterans Day, Martin Luther King, Jr. Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Hunting is not allowed on Christmas Day, Veterans Day, and New Year's Day when these holidays fall on Sunday. Falconry may also be practiced on Sundays. These "open days" also apply to antlerless deer hunting seasons listed for each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (3) For purposes of this Subchapter, "Six Days per Week Area" refers to a Game Land on which game may be taken on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday during the open seasons. Falconry may be practiced on Sundays.
- (4) For purposes of this Subchapter, "Seven Days per Week Area" refers to a Game Land on which game may be taken during the open

season on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays.

- (5) For purposes of this Subchapter, "Four Days per Week Area" refers to a Game Land on which game may be taken during the open seasons and hunting is limited to Tuesdays, Thursdays, Saturdays, Sundays, Labor Day, Veterans Day, Christmas Day, New Year's Day, and Martin Luther King, Jr. Day. Raccoon and opossum hunting may continue until 7:00 a.m. on Wednesdays, 7:00 a.m. on Fridays, and 7:00 a.m. on Mondays.
- (6) For purposes of this Subchapter, "Permit" means a written authorization from the Commission required for take or other activities listed on the permit during open seasons, if applicable, in a specified area and subject to annual limitations imposed by the Commission to meet wildlife, hunter, or land management objectives, unless otherwise specified. Individuals may apply for available permits online at [ncwildlife.org](http://ncwildlife.org), by phone, or in person at a wildlife service agent location. The Commission shall issue permits to applicants selected at random by computer in accordance with G.S. 113-264. Permits shall be non-transferrable. The laws and rules regarding the species or activity shall apply.
- (7) For the purposes of this Subchapter, "Either-Sex" means antlered or antlerless.

(k) Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(l) On permit hunts, antlered or antlerless deer may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperater agent or by phone.

(m) The following game lands and refuges are closed to hunting except to individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

- (1) Bertie, Halifax, and Martin counties—Roanoke River Wetlands;
- (2) Bertie County—Roanoke River National Wildlife Refuge;
- (3) Bladen County—Suggs Mill Pond Game Lands;
- (4) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- (5) Dare County—Roanoke Sound Marshes Game Lands; and
- (6) Henderson and Transylvania counties—DuPont State Forest Game Lands.

(n) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted when entry onto the

Waterfowl Refuge shall not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

(o) The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on the permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on the permit.

(p) As used in the rules of this Subchapter, horseback riding includes all equine species.

(q) When waterfowl hunting is authorized on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

*Eff. February 1, 1976;*

*Temporary Amendment Eff. October 3, 1991;*

*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September*

*1, 1994; July 1, 1994;*

*Temporary Amendment Eff. October 1, 1999; July 1, 1999;*

*Amended Eff. July 1, 2000;*

*Temporary Amendment Eff. July 1, 2002; July 1, 2001;*

*Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*

*Temporary Amendment Eff. June 1, 2003;*

*Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*

*Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016;*

*May 1, 2015; August 1, 2014; January 1, 2013; August 1, 2012;*

*August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*

*1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February*

*1, 2006; June 1, 2005; October 1, 2004;*

*Temporary Amendment Eff. August 1, 2018;*

*Amended Eff. August 1, 2020; August 1, 2019;*

*Temporary Amendment Eff. September 25, 2020;*

*Temporary Amendment Eff. August 1, 2021;*

*Amended Eff. November 1, 2022; October 1, 2022; August 23, 2022;*

*Readopted Eff. August 1, 2023;*

*Amended Eff. August 1, 2024.*

**15A NCAC 10D .0215 R. WAYNE BAILEY-CASWELL GAME LAND IN CASWELL COUNTY**

(a) R. Wayne Bailey-Caswell is a Three Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken from the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Wednesday thereafter.
- (2) Horseback riding, including all equine species, is allowed seven days per week from May 16 through August 31, and on Sundays only,

September 1 through May 15. Horseback riding is allowed on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older horseback riding on this game land shall possess a Game Lands license as required by G.S. 270.3(b)(3).

- (3) On the posted waterfowl impoundment, waterfowl hunting is by permit after November 1.
- (4) Camping is restricted to September 1 through the last day of February and March 31 through May 14.
- (5) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.

(b) Hunting shall be by permit for the following species in the area posted as the Caswell Small Game Focal Area:

- (1) quail and woodcock; and
- (2) rabbit and squirrel on days outside of the three days per week framework.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024; August 1, 2023.*

**15A NCAC 10D .0216 CHATHAM GAME LAND IN CHATHAM COUNTY**

Chatham game land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Horseback riding, including all equine species, is allowed seven days per week from May 16 through August 31, and on Sundays only September 1 through May 15.
- (3) The use of bicycles is restricted, except for hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals.
- (4) Target shooting is prohibited.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0225 DOVER BAY GAME LAND IN CRAVEN COUNTY**

- (a) Dover Bay game land is a Six Days per Week Area.
- (b) On this game land antlered or antlerless deer may be taken on the days of the applicable Deer With Visible Antlers Season.
- (c) Target shooting is prohibited.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. November 1 2022;*

*Amended Eff. August 1, 2024.*

**15A NCAC 10D .0233 HARRIS GAME LAND IN CHATHAM, HARNETT, AND WAKE COUNTIES**

Harris game land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Waterfowl on posted waterfowl impoundments may be taken on the following days:
  - (a) the opening and closing days of the applicable waterfowl seasons;
  - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
  - (c) Tuesdays and Saturdays of the applicable waterfowl season.
- (3) The use or construction of permanent hunting blinds shall be prohibited.
- (4) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- (5) The use of bicycles is restricted, except for hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals.
- (6) Horseback riding is prohibited.
- (7) Target shooting is prohibited.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0245 LEE GAME LAND IN LEE COUNTY**

Lee game land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) The use of bicycles is restricted, except for hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals.
- (3) Target shooting is prohibited.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0251 NANTAHALA GAME LAND IN CHEROKEE, CLAY, GRAHAM, JACKSON, MACON, SWAIN, AND TRANSYLVANIA COUNTIES**

- (a) Nantahala game land is a Seven Days per Week Area.

(b) In this game land Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.

(c) Dogs may be used to hunt feral swine during the open bear season established in 15A NCAC 10B .0202 and from January 1 through January 31.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0256 NORTH RIVER GAME LAND IN CAMDEN AND CURRITUCK COUNTIES**

North River game land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (3) Hunting on the posted waterfowl impoundment is by permit.
- (4) All activities on the North River Game Land Waterfowl Impoundments except waterfowl hunting and trapping during the trapping season are restricted to the posted Scouting-only Zone from November 1 through March 15.
- (5) Bear shall not be harvested on Sunday.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0283 THURMOND CHATHAM GAME LAND IN ALLEGHANY AND WILKES COUNTIES**

Thurmond Chatham game land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15. People age 16 or older horseback riding on this game land shall possess a Game Lands license as required by G.S. 270.3(b)(3).
- (3) Camping is restricted to September 1 through the last day of February and March 31 through May 14.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0293 YADKIN RIVER GAME LAND IN DAVIDSON, DAVIE, MONTGOMERY, ROWAN, AND STANLY COUNTIES**

Yadkin River game land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken on the open days of the applicable Deer With Visible Antlers Season.
- (2) On the Lick Creek Tract, deer and bear hunting is archery only.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**15A NCAC 10D .0294 NORTH BEND GAME LAND IN BURKE COUNTY**

North Bend game land is hunting by permit only. The following shall apply:

- (1) The use of bicycles is restricted to designated trails, except for hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals.
- (2) Camping is restricted to September 1 through the last day of February and March 31 through May 14.
- (3) Horseback riding is prohibited.
- (4) Target shooting is prohibited.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. August 1, 2024.*

**15A NCAC 10E .0101 DEFINITION**

For the purpose of this Subchapter, the following definitions shall apply:

- (1) "Boating Access Area" means property which is owned, leased, cooperatively managed, or controlled by the Commission, and developed and maintained for the purpose of providing the following types of vessels ingress to and egress from public waters:
  - (a) motorboats, as defined in G.S. 75A-2(1e); and
  - (b) non-motorized vessels that use an electric motor or manual means as the principal source of propulsion.
- (2) "Public Fishing Area" means property which is owned, leased, cooperatively managed, or controlled by the Commission, and developed and maintained to provide public fishing opportunities. These areas include Community Fishing Program waters.

*History Note: Authority G.S. 113-134; 113-264; 113-305; Eff. February 1, 1976; Amended Eff. August 1, 2010; Readopted Eff. May 1, 2024.*

**15A NCAC 10E .0102 REGULATIONS POSTED**

**15A NCAC 10E .0103 SIGNS AND MARKERS**

*History Note: Authority G.S. 113-134; 113-264;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2010; April 15, 1979;  
Repealed Eff. May 1, 2024.*

**15A NCAC 10E .0104 USE OF PUBLIC FISHING AND BOATING ACCESS AREAS**

(a) Individuals using public fishing areas and boating access areas shall adhere to posted signs and markings regulating use of the area.

(b) Except where facilities are provided or where otherwise posted, use of public fishing areas for purposes other than fishing is prohibited.

(c) Except where facilities are provided or permits are issued, use of boating access areas for purposes other than launching and retrieving vessels and parking vehicles with vessel trailers is prohibited.

(d) Operating concessions is prohibited on public fishing areas and boating access areas.

(e) Organized activities and events on boating access areas require a permit from the Commission. Individuals may apply for a permit at [www.ncwildlife.org](http://www.ncwildlife.org) by providing the following information:

- (1) organization name, if applicable;
- (2) contact name, address, phone number, and email;
- (3) public fishing area or boating access area name and body of water;
- (4) description of activity or event;
- (5) dates and time of activity or event; and
- (6) number of individuals and or boats expected.

Permits shall be available for inspection by wildlife enforcement officers when the activity is taking place.

(f) Vehicles, boat trailers, and other objects that obstruct, prevent, or impede use of ramps or facilities constructed for the purpose of launching or landing boats, or fishing, shall not be left in a location, position or condition, on any public fishing area or boating access area that prevents or impedes the use by others.

(g) Vehicles, boats, boat trailers, and other objects shall be parked in designated parking zones. When designated parking zones are at capacity, individuals may still enter and use the areas or facilities.

(h) No person shall operate a vehicle at a public fishing area or boating access area in a manner that endangers life, limb, or property.

(i) No person shall possess a loaded firearm on a public fishing area or boating access area, except that individuals with a valid concealed handgun permit may possess a handgun where allowed. Individuals carrying a handgun shall adhere to the requirements of G.S. 14-415.11. Individuals shall not carry a handgun on public fishing and boating access areas at the following game lands:

- (1) Bladen Lakes State Forest
- (2) Buckhorn
- (3) Butner-Falls of Neuse
- (4) Chatham
- (5) DuPont State Forest

- (6) Harris
- (7) Hyco
- (8) Jordan
- (9) Kerr Scott
- (10) Lee
- (11) Mayo
- (12) Pee Dee River north of U.S 74
- (13) Sutton Lake
- (14) Vance
- (15) the portion of R. Wayne Bailey-Caswell located north of U.S. 158 and east of N.C. 119

(j) No person, shall deposit debris or refuse on the grounds of a public fishing area or boating access area.

(k) No person shall operate a vessel within 50 yards of a Commission-owned or managed boating access area at greater than "no wake speed", as defined in 15A NCAC 10F .0301 unless otherwise posted.

(l) It is unlawful to feed or release wild, domesticated, or feral animals or birds on public fishing areas or boating access areas without prior written authorization from the Commission. Authorization may be granted to individuals acting on behalf of the Commission, those conducting scientific investigations or surveys, or for release of rehabilitated wildlife. As applied in this Paragraph, "domesticated animals" does not include pets under the control of the owner and raptors or hunting dogs where otherwise permitted for hunting or training purposes.

*History Note: Authority G.S. 113-134; 113-264;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2022; August 1, 2019; August 1, 2012;  
August 1, 2010; May 1, 2009; July 1, 1995; February 1, 1994;  
September 1, 1992; July 1, 1991;  
Readopted Eff. May 1, 2024.*

**15A NCAC 10H .0101 GENERAL REQUIREMENTS**

(a) It shall be unlawful to operate a controlled hunting preserve without first obtaining a controlled hunting operator's license from the Commission.

(b) A licensed controlled hunting preserve operator may purchase, possess, propagate, sell, transport, and release domestically raised waterfowl and game birds, as defined in G.S. 113-129(5b), and their eggs, subject to limitations in Section .0900 of this Subchapter.

(c) The following conditions shall apply to the take of domestically raised waterfowl and game birds on a controlled hunting preserve:

- (1) take shall be by shooting, which may include the use of dogs;
- (2) there shall be no bag limits or sex restrictions;
- (3) take shall be authorized from October 1 through March 31, except that no domestically raised mallard ducks shall be taken on Sundays; and
- (4) domestically raised mallard ducks shall be marked by one of the methods provided in 50 CFR 21.45.

(d) Application for a controlled hunting preserve operator license shall be made online at [www.gooutdoorsnorthcarolina.com](http://www.gooutdoorsnorthcarolina.com) or at the Commission headquarters located at 1751 Varsity Drive,

Raleigh, NC 27606-2576. The application shall include the following information:

- (1) the preserve name and address;
- (2) GPS coordinates of preserve entrance;
- (3) a property map;
- (4) the total preserve acres owned or leased;
- (5) The type of preserve;
- (6) The species of domestically raised waterfowl and game birds to be offered for hunting; and
- (7) proof of ownership or lease of the land for the license period.

(e) Representatives of the Commission shall be permitted to enter the premises upon request or during business hours for inspection, enforcement, or scientific purposes.

*History Note: Authority G.S. 113-134; 113-273; Eff. February 1, 1976; Amended Eff. August 1, 2010; May 1, 2008; July 1, 1994; November 1, 1990; July 1, 1988; July 1, 1987; Readopted Eff. April 1, 2020; Amended Eff. August 1, 2024; February 1, 2023.*

**15A NCAC 10H .0102 ESTABLISHMENT AND OPERATION**

- (a) Controlled hunting preserves shall be at least 50 acres and shall be one contiguous block of land.
- (b) The boundary of each controlled hunting preserve shall be posted with printed signs that face both outward and inward from the preserve boundary.

*History Note: Authority G.S. 113-134; 113-273; Eff. February 1, 1976; Amended Eff. June 1, 2009; January 1, 1992; November 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. August 1, 2024; April 1, 2020.*

**15A NCAC 10H .0105 RECORDS AND REPORTING REQUIREMENTS**

- (a) The controlled hunting preserve operator shall maintain a written record of each hunter using the controlled hunting preserve. This record shall contain the following information:
  - (1) name, address, and license number of the preserve;
  - (2) the name, address, and state hunting license number of each hunter using the preserve;
  - (3) the date(s) of the hunt;
  - (4) the number and species of each bird harvested by the hunter on the preserve; and
  - (5) the signature of the operator.

This record shall be executed in duplicate. The original record shall be given to the hunter to serve as a receipt for birds harvested on the preserve as required in Rule .0103 of this Section. The duplicate record shall be retained by the operator for 12 months after the date(s) of the hunt. It shall be unlawful for a person to possess game birds harvested on controlled hunting preserves without a receipt as described in this Rule.

(b) The operator shall maintain a written record of each bird species released on the preserve. This record shall include the

number and species of each bird released and the date of the release.

(c) The records required by this Rule shall be available for inspection at the request of the Commission.

(d) Licensed operators that release birds shall report the number released, the species of the birds released, and the county where the release occurred to renew their operator's license. This reporting requirement shall be limited to those birds released during the time period of the operator's current valid license or last valid license and shall be reported on the Controlled Hunting Preserve Game Birds Report Form found online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. February 1, 1976; Amended Eff. November 1, 1990; April 15, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. August 1, 2024; April 1, 2020.*

**15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS**

Licensed controlled hunting preserve operators that release pen-raised quail for hunting or dog training shall be authorized to use quail call-pen traps, between September 1 and April 30, to recover released domestically raised quail, subject to the following requirements:

- (1) traps shall have a weather-resistant permanent tag attached with the operator's name and address written legibly; and
- (2) traps shall not be located within 100 yards of any boundary of the hunting preserve.

*History Note: Authority G.S. 113-134; 113-291.1; Eff. September 1, 1980; Amended Eff. May 1, 2009; December 1, 1993; November 1, 1990; July 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. August 1, 2024; April 1, 2020.*

**15A NCAC 10H .0901 GAME BIRD PROPAGATION LICENSE**

(a) The game bird propagation license is required for the propagation and sale, of domestically raised waterfowl and game birds and their eggs, subject to the following limitations and conditions:

- (1) the sale of dead pen-raised quail for food is governed by the regulations of the North Carolina Department of Agriculture and Consumer Services; and
- (2) the purchase, possession, sale, transportation, and transfer of migratory game birds and their eggs is subject to additional requirements in 50 CFR 21, which is hereby incorporated by reference, including subsequent amendments and editions. 50 CFR 21 may be found free of charge at: [www.ecfr.gov](http://www.ecfr.gov).

(b) Individuals may obtain a game bird propagation license at [www.gooutdoorsnorthcarolina.com](http://www.gooutdoorsnorthcarolina.com) or at the Commission

headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576.

(c) The game bird propagation license shall be posted and displayed at the propagation facility so that it is visible to visitors and patrons.

*History Note: Authority G.S. 106-549.94; 113-134; 113-273; 50 C.F.R., Part 21; Eff. January 1, 1981; Amended Eff. July 1, 1988; July 1, 1987; Temporary Amendment Eff. July 1, 2001; Amended Eff. June 1, 2005; July 18, 2002; Readopted Eff. November 1 2019; Amended Eff. August 1, 2024.*

**15A NCAC 10H .0904 DISPOSITION OF GAME BIRDS OR GAME BIRD EGGS**

(a) It shall be unlawful for a game bird propagation license holder to knowingly sell or transfer possession of a live game bird that shows evidence of a communicable disease, except for transfers to a veterinarian or pathologist for examination and diagnostic purposes. Disposition of any game bird with a communicable disease not likely to infect wild game bird populations shall be the responsibility of the license holder.

(b) Subject to the limitations set forth in Rule .0901 of this Section, game birds that are authorized to be propagated under this Section, or their eggs, may be sold or transferred alive by a licensed game bird propagator to another licensed game bird propagator or licensed controlled hunting preserve operator or to a person that holds a valid license or permit that authorizes possession.

(c) Upon sale or transfer, a written receipt of the transaction shall be prepared in duplicate showing the date, the names and license or permit numbers of both parties, and the species and quantity of the game birds or game bird eggs transferred. A copy of the receipt shall be retained by the parties as provided by Rule .0906 of this Section.

(d) Live migratory waterfowl sold or transferred to a person for use in training retrievers or conducting retriever trials shall be marked by one of the methods provided by 50 CFR 21.45, which is hereby incorporated by reference, including subsequent amendments and editions. This document may be found free of charge at [www.ecfr.gov](http://www.ecfr.gov).

(e) Subject to Rule .0901 of this Section and to applicable laws and regulations relating to pure foods, public health, and advertising, domestically raised waterfowl and game birds produced by licensed game bird propagators shall not be killed by shooting during the closed season. Dead game birds, except for dead pen-raised quail, and game bird eggs may be sold for food purposes as follows:

- (1) Sale Direct to Consumer. Unprocessed dead domestically raised waterfowl and game birds may be sold directly to a consumer when accompanied by a receipt showing the name of the consumer, the name and license number of the propagator, and the quantity and species of the birds sold. A copy of the receipt shall be retained by the propagator for one year after the transaction. It shall be unlawful for the

- consumer to resell unprocessed dead domestically raised waterfowl and game birds.
- (2) Sale to or Through a Processor.
  - (A) Unprocessed dead domestically raised waterfowl and game birds may be sold to a commercial food processor that holds a permit to possess them or transferred to a commercial food processor for processing and packaging prior to sale. Sale or transfer shall be evidenced by written receipt retained by each party for a year after the sale or transfer, that includes the following information:
    - (i) the processor's name and permit number;
    - (ii) the propagator's name and license number; and
    - (iii) the number and species of birds sold or transferred.
  - (B) Domestically raised waterfowl and game bird carcasses processed by a commercial food processor for wholesale or retail sale shall be enclosed in a wrapper or container marked with the following:
    - (i) the number and species of birds contained;
    - (ii) the license number of the propagator; and
    - (iii) the words "domestically raised."
- (3) Domestically raised waterfowl and game bird eggs shall not be sold for food.

*History Note: Authority G.S. 113-134; 113-273; 50 CFR 21.45; Eff. January 1, 1981; Amended Eff. August 1, 2010; May 1, 2008; June 1, 2005; Readopted Eff. November 1, 2019; Amended Eff. August 1, 2024; February 1, 2023.*

**15A NCAC 10H .0905 TRANSPORTATION**

- (a) Live Domestically Raised Waterfowl and Game Birds or Eggs
  - (1) Private Carriers. Live domestically raised waterfowl and game birds or eggs may be transported by private carrier when accompanied by a copy of the receipt specified in Rules .0903 or .0904 of this Section.
  - (2) Common Carriers. When live domestically raised waterfowl and game birds or eggs are transported by common carrier, each separate container shall be tagged or labeled with the following information:
    - (A) the name, address, and license number of the shipping propagator;
    - (B) the name, address, and license or permit number of the consignee; and

(C) the number and species of domestically raised waterfowl or game birds or eggs contained therein.

**(b) Dead Domestically Raised Waterfowl and Game Birds**

- (1) Private Consumers. Unprocessed dead domestically raised waterfowl and game birds may be transported by consumers or hunters when accompanied by a receipt from a licensed game bird propagator required by Rule .0904(e)(1) of this Section or by a copy of the receipt from a controlled hunting preserve operator as required by 15A NCAC 10H .0105.
- (2) Processed Domestically Raised Waterfowl and Game Birds. The carcasses of processed domestically raised game birds other than quail may be transported in any manner when packaged in a wrapper or container marked as required by Rule .0904(e)(2) of this Section.

*History Note: Authority G.S. 113-134; 113-273; Eff. January 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. August 1, 2024; November 1, 2019.*

**15A NCAC 10H .0906 RECORDS**

(a) Licensed game bird propagators that sell domestically raised waterfowl and game birds shall maintain a file of receipts by calendar year with the following information:

- (1) the dates and sources of acquisition of domestically raised waterfowl and game birds and eggs;
- (2) the species and quantities of the domestically raised waterfowl and game birds and eggs, as required by Rule .0903 of this Section; and
- (3) receipts showing transfers of domestically raised waterfowl and game birds, except dead quail sold for food purposes, and eggs as required by Rule .0904 of this Section.

(b) Records shall be made available for inspection at the request of the Commission.

(c) Records shall be retained for at least one year following the license year to which they pertain.

*History Note: Authority G.S. 113-134; 113-273; Eff. January 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. August 1, 2024; November 1, 2019.*

**15A NCAC 10H .1505 WILDLIFE CONTROL AGENT LICENSE RENEWAL AND REVOCATION**

(a) A WCA may renew his or her WCA license by completing at least one Commission-approved continuing education course within the previous year. A list of Commission-approved continuing education courses may be found at [www.ncwildlife.org/wca](http://www.ncwildlife.org/wca).

(b) WCAs that do not renew their license for two consecutive calendar years shall be ineligible for renewal and shall be required

to repeat the requirements specified in 15A NCAC 10H .1501, prior to obtaining a new WCA license.

(c) The Executive Director or his or her designee may warn, cite, or revoke a WCA's license, if the WCA violates any provision of G.S. 14, Article 47; G.S. 113, Subchapter IV; any rules promulgated by the Commission; conditions of the WCA license; or standards taught in a Commission-approved WCA training course. The determination whether to warn, cite, or revoke a WCA's wildlife control agent license shall be based upon the seriousness of the violation.

(d) An individual whose WCA license is suspended or revoked shall not be eligible for the Wildlife Control Technician certification.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1 2021; Amended Eff. August 1, 2024.*

**15A NCAC 10H .1510 WILDLIFE CONTROL TECHNICIAN CERTIFICATION ELIGIBILITY AND REQUIREMENTS**

(a) The following definitions shall apply in this Section:

- (1) "Wildlife Control Technician" or "WCT" means an individual that holds a current and valid "Wildlife Control Technician" certification issued by the Commission.
- (2) "Wildlife Control Technician certification" or "WCT certification" means a certification issued by the Commission that authorizes an individual to engage in wildlife control or wildlife removal activities, for compensation, including reimbursement for the cost of materials, under the supervision of a licensed wildlife control agent.
- (3) "Direct supervision" means to physically be within one's presence while maintaining visual and verbal contact.
- (4) "Wildlife damage control" and "wildlife removal activities" means and includes:
  - (A) bat eviction and alligator damage control or removal activities;
  - (B) setting and moving traps;
  - (C) euthanasia; and
  - (D) issuing depredation permits in accordance with the applicable provision and requirements of 15A NCAC 10H .1502.

(b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, without first obtaining a WCT certification from the Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCT certification.

(c) Wildlife Control Technicians may perform the following wildlife control or removal activities under direct supervision of a licensed WCA, or certified Alligator Control Agent if applicable:

- (1) placement of traps;
- (2) euthanasia of wildlife;

- (3) bat evictions; and
- (4) alligator removal or relocation.
- (d) Wildlife Control Technicians shall not issue depredation permits.
- (e) Individuals shall complete a Commission-approved, WCT training course, that reviews wildlife laws and rules, including methods for trapping, capture, and safe and humane wildlife handling to qualify for a WCT certification.
- (f) Individuals may register for a Commission-approved training course at [www.ncwildlife.org/wca](http://www.ncwildlife.org/wca). Required information shall include the following:
  - (1) the applicant's name, mailing address, email address, residence address, telephone number, driver's license number, and date of birth; and
  - (2) organizational affiliation, if applicable.
- (g) A WCT certification shall not be transferable between individuals.
- (h) An individual whose WCA license is suspended or revoked shall not be eligible for a WCT certification.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. October 1, 2022; Amended Eff. August 1, 2024.*

**SECTION .1700 - FIELD TRAILS AND DOG TRAINING**

**15A NCAC 10H .1701 FIELD TRIALS**

- (a) The following definitions shall apply to the rules in Subchapters 10H and 10D of this Chapter:
  - (1) "Commission-sanctioned field trial" means a field trial that has been authorized by the Wildlife Resources Commission and for which a Field Trial Permit has been issued.
  - (2) "Active participant" means an individual participating in a field trial who handles dogs or uses a firearm.
  - (3) "Field Trial Permit" means the permit issued by the Wildlife Resources Commission that authorizes an individual to hold a commission-sanctioned field trial for dogs.
- (b) Individuals may apply for a Field Trial Permit from the Commission at [www.gooutdoorsnorthcarolina.com](http://www.gooutdoorsnorthcarolina.com) or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606 by submitting the following information:
  - (1) field trial dates;
  - (2) business affiliation;
  - (3) species of animal or game bird;
  - (4) fox preserve permit number, if applicable;
  - (5) county, if species is an animal; and
  - (6) address, if species is a gamebird.
- (c) An individual serving as a judge of a commission-sanctioned field trial shall be exempt from license requirements. An individual who is serving as a judge of a non-sanctioned field trial using wildlife shall possess a North Carolina hunting license.
- (d) The following license requirements shall apply to active participants in field trials:
  - (1) North Carolina residents participating in a field trial that uses wildlife shall have a North Carolina hunting license;

- (2) non-residents participating in a commission-sanctioned field trial that uses wildlife shall possess a North Carolina hunting license or a hunting license from his or her state of residence; and
- (3) non-residents participating in other types of field trials that use wildlife shall possess a North Carolina hunting license.
- (e) Notwithstanding Paragraph (d) of this Rule, an individual without a license may participate in commission-sanctioned field trials for beagles conducted without firearms on private field trial areas that meet the fencing requirements specified in G.S. 113-276(k).
- (f) Individuals shall not carry axes, saws, or climbing irons while training or running dogs during closed seasons for game animals.
- (g) The following conditions shall apply to commission-sanctioned field trials for retrievers or bird dogs:
  - (1) shotguns containing live ammunition or firearms using only blank ammunition shall be prohibited unless specifically authorized by a Field Trial Permit;
  - (2) wild waterfowl, wild quail, or wild pheasant shall not be used in field trials when shotguns with live ammunition are permitted;
  - (3) domestically raised waterfowl and game birds, lawfully obtained from a licensed game bird propagator may be used in field trials where shotguns with live ammunition are permitted;
  - (4) waterfowl obtained from licensed game bird propagators for use in field trials when shotguns with live ammunition are authorized shall be marked by one of the methods specified in 50 CFR 21.45, including subsequent amendments and editions, found free of charge at [www.ecfr.gov](http://www.ecfr.gov); and
  - (5) when domestically raised game birds are obtained from licensed game bird propagators for use in field trials where shotguns with live ammunition are authorized, the purchaser of the birds shall obtain a copy of the receipt from the propagator showing the date, number of birds purchased, propagator license number, and species of birds purchased. A copy of the receipt shall be available for inspection by representatives of the Commission during the time and at the place where the trial is being held.

*History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 CFR 21.45; Eff. August 1, 2024.*

**15A NCAC 10H .1702 DOG TRAINING**

- (a) Individuals using wildlife to train or run dogs shall possess a valid North Carolina hunting license.
- (b) The following conditions shall apply during the closed season for waterfowl and game birds when training dogs with domestically raised waterfowl and game birds:

- (1) shotguns with number four size shot or smaller shall be used;
- (2) nontoxic shot shall be used when training dogs with domestically raised waterfowl;
- (3) domestically raised waterfowl shall be marked by one of the methods specified in 50 CFR 21.45, including subsequent amendments and editions, found free of charge at [www.ecfr.gov](http://www.ecfr.gov);
- (4) when obtained from a licensed game bird propagator for use in dog training, the purchaser of the birds shall obtain a copy of the receipt from the propagator showing the date, number of birds purchased, propagator license number, and species of birds purchased. A copy of the receipt shall be available for inspection by representatives of the Commission; and
- (5) individuals may release no more than 6 domestically raised game birds daily.

*History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 CFR 21.45; Eff. August 1, 2024.*

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 46 – BOARD OF PHARMACY**

**21 NCAC 46 .1613 EXTENSION PERIOD FOR CERTAIN MEMBERS OF THE ARMED FORCES**

(a) Definitions:

- (1) "Eligible licensee" means a pharmacist who holds a license in good standing from the Board of Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension of time in which to file a tax return pursuant to G.S. 105-249.2. "Eligible licensee" includes a pharmacist who holds a Clinical Pharmacist Practitioner credential or who is an immunizing pharmacist.
- (2) "Eligible registrant" means a pharmacy intern, pharmacy technician, dispensing physician, dispensing optometrist, dispensing nurse practitioner or dispensing physician assistant who holds a registration in good standing from the Board of Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension of time in which to file a tax return pursuant to G.S. 105-249.2.
- (3) "Extension period" means the time period specified in 26 U.S.C. 7508.
- (4) "Good standing" means a license or registration that is not suspended, revoked, or subject to a current disciplinary order.

(b) Extension of time to pay license or registration renewal fees and waiver of continuing education requirements:

- (1) An eligible licensee or registrant shall notify the Board of eligibility for the extension period

before his or her current license or registration expires. Upon such notification, the Board shall maintain the license or registration in active status through the extension period.

- (2) If an eligible licensee or registrant fails to notify the Board of eligibility for the extension period before his or her current license or registration expires, upon receipt and acceptance of a renewal application within the extension period and presentation of proof that the licensee or registrant was an eligible licensee or registrant on the date that is the deadline for renewal, the expired license or registration shall be deemed retroactively to have not expired.
- (3) Notwithstanding 21 NCAC 46 .1612(a) and .3301(a), an eligible licensee or registrant who submits a renewal application and pays the renewal fee required by the Board within the extension period shall not be deemed to hold a lapsed license or registration subject to reinstatement fees.
- (4) Notwithstanding 21 NCAC 46 .2201, .3101(d) and .2507(c)(8), an eligible licensee may renew his or her license within the extension period despite failing to complete the specified continuing education requirements.
- (5) A licensee or registrant shall provide proof of eligibility for the extension period when the licensee or registrant submits the renewal application.

*History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85.15A; 90-85.15B; 90-85.17; 90-85.21(b); 90-85.24; 90-85.26A; 90-85.26B; 93B-15; Eff. April 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. May 1, 2024; May 1, 2022.*

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**CHAPTER 56 – BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS**

**21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL**

(a) General. A person desiring to become licensed as a Professional Engineer must submit an application to the Board on a form prescribed and furnished by the Board.

(b) Request. A request for an appropriate application form may be made to the Board office or obtained from the website. Applicants may obtain Engineer Intern certification forms at <https://www.ncbels.org/application/engineer-intern-certification/>. Applicants may obtain Professional Engineer licensure forms at <https://www.ncbels.org/applications/professional-engineers/>.

(c) Applicable Forms:

- (1) Engineer Intern Certification Form. After passing the Fundamentals of Engineering

Examination, an applicant may submit an application to the Board to become certified as an "Engineer Intern." This form requires the applicant to set forth their personal history, educational background, engineering experience, and character references. A passport-type photographic quality portrait that is adequate for current identification purposes is also required.

(2) Professional Engineer Form:

(A) All persons, including comity applicants and certified Engineer Interns, shall apply for licensure using the Professional Engineer Form. The submission of this form shall signify that the applicant has passed the Fundamentals of Engineering Examination, and seeks licensure as a Professional Engineer, when the applicant has met the requirements as set out in Rule .0501 of this Section. The Professional Engineering Form requires the applicant to set forth their personal and educational background, engineering experience and character references. A passport-type photographic quality portrait that is adequate for current identification purposes is required.

(B) Persons who previously passed the Fundamentals of Engineering Examination by use of the Engineering Intern Certification Form shall submit the Professional Engineer Application Form to request licensure as a Professional Engineer when the applicant has met the requirements as set out in Rule .0501 of this Section.

(3) Supplemental Form. Persons who initially applied for the Fundamentals of Engineering Exam using the Professional Engineer Form shall supplement the initial application with this Form upon applying for the Principles and Practice of Engineering Exam. The Supplemental Form requires that all engineering experience from the date of the initial application until the date of the supplemental application be listed. Five references shall be submitted that are current to within one year of the examination date.

(4) Reference Forms:

(A) Persons applying for certification as an Engineer Intern shall submit to the Board the names of three individuals, one of whom is a professional engineer, who are familiar with the applicant's work, character and reputation. Persons applying to take the Principles and Practice of

Engineering Examination shall submit to the Board the names of five individuals who are familiar with the applicant's work, character and reputation. Three of these individuals shall be Professional Engineers.

(B) In addition to the applicant submitting names to the Board of individuals familiar with the applicant's work, character and reputation, those individuals listed shall submit to the Board their evaluations of the applicant on forms supplied to them by the applicant.

(C) The reference form requires the individual evaluating the applicant to state the evaluating individual's profession, knowledge of the applicant and information concerning the applicant's engineering experience, character and reputation.

(D) The Board shall provide the reference forms to the applicant with the application. The reference forms shall then be distributed by the applicant to the persons listed on the application as references. The applicant shall ensure that the individuals listed as references return the completed reference forms to the Board prior to the filing deadline for the examination.

(d) Fees:

- (1) Engineer Intern Certification Form. No application fee is required to become certified as an "Engineer Intern."
- (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with the filing of the application.
- (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the application.
- (4) Examination. The examination fee for any applicant is payable to the National Council of Examiners for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance with G.S. 89C-14.

(e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and Surveying (NCEES) as evidence of licensure in another state. For comity licensure, the NCEES record shall be accepted in lieu of completing the experience, education and references sections of the application. A comity application, with or without a NCEES record, shall be administratively approved by the Executive Director without waiting for the next regular meeting of the Board. The Executive Director's approval shall be based upon evidence of current licensure in another jurisdiction with comparable qualifications, the required references, and the comity applicant's disciplinary record in other jurisdictions. Each administrative approval shall

be reported to the Board at its next regular meeting for final approval.

(f) Model Law Engineer. The term "Model Law Engineer" refers to a person who meets the requirements of this Section by meeting the requirements of NCEES, has a current NCEES record on file, and is designated as a "Model Law Engineer." A "Model Law Engineer" application shall be administratively approved by the Executive Director based upon the designation, without waiting for the next regular meeting of the Board, at which time the action shall be reported to the Board for final approval.

(g) Personal interview. During the application process, the applicant may be interviewed by the Board members if the members have questions regarding the applicant's education, experience or character, based upon the information submitted in the application.

*History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;*

*RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;*

*Amended Eff. August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1995;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;*

*Amended Eff. May 1, 2024.*

**21 NCAC 56 .0701 RULES OF PROFESSIONAL CONDUCT**

(a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the Rules of Professional Conduct in this Rule are adopted in accordance with G.S. 89C-20 and are binding upon every person holding a certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities authorized to offer or perform engineering or land surveying services in this state. All persons licensed under the provisions of Chapter 89C of the General Statutes are charged with having knowledge of the Board Rules, including the Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them.

(b) A licensee's practice shall not violate the rules of this Chapter or G.S. 89C and shall be conducted in a manner to protect the public health, safety, and welfare. The licensee shall at all times recognize the primary obligation to protect the public in the performance of their professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the employer, the client, the contractor, other affected parties and any appropriate regulatory agency of the possible consequences of the situation.

(c) A licensee shall perform services only in areas of the licensee's competence and:

- (1) Shall undertake to perform engineering and land surveying assignments only when

qualified by education or experience in the specific technical field of professional engineering or land surveying involved;

- (2) May accept an assignment or project requiring education or experience outside of the licensee's own areas of competence, but only to the extent that the services are restricted to those portions or disciplines of the assignment in which the licensee is qualified. All other portions or disciplines of such assignment shall be performed by associates, consultants, or employees who are licensed and competent in those portions or disciplines.

(d) A licensee shall not affix his or her signature or seal to any engineering or land surveying plan or document for which the licensee was not in responsible charge of the work through direct control and personal supervision. In order to exercise responsible charge of engineering or surveying work, either when delegating tasks to others, in circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard design plan under Rule 21 NCAC 56 .1106), the licensee must possess full professional knowledge of and control over the work and shall:

- (1) Have and exercise the authority to review and to change, reject or approve both the work in progress and the final work product, through examination, evaluation, communication and direction throughout the development of the work;
- (2) Be personally aware of the scope of the work, its needs, parameters, limitations and special requirements;
- (3) Be capable of answering questions relevant to the surveying or engineering decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of the proficiency in the work; and
- (4) Accept full responsibility for the work.
  - (A) The burden for demonstrating responsible charge lies with the licensee, including maintaining records, calculations, drawings, surveys, specifications, and other documents associated with the work.
  - (B) A licensee may affix his or her seal and signature to drawings and documents depicting the work of two or more professionals, provided it is designated by a note under the seal stating the specific subject matter for which each is responsible.

(e) A licensee shall issue public statements only in an objective and truthful manner and:

- (1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony;

- (2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony;
  - (3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the matters; and
  - (4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause, that are not objective and truthful, or that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Examiners in the form of a complaint.
- (f) A licensee shall avoid conflicts of interest and:
- (1) Shall inform the employer or client, and any reviewing agency, of any business association, interests, or circumstances which could influence judgment or the quality of services;
  - (2) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are disclosed to, and agreed to, in writing, by all interested parties;
  - (3) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;
  - (4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible;
  - (5) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's firm in private engineering and land surveying practices;
- (6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the licensee's firm serves as a member; and
- (7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.
- (g) A licensee shall solicit or accept work only on the basis of qualifications and:
- (1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;
  - (2) Shall compete for employment on the basis of professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;
  - (3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.); and
  - (4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is stated that no degree or certificate was awarded. The licensee shall not misrepresent degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.
- (h) A licensee shall perform services in an ethical manner, as required by the Rules of Professional Conduct (21 NCAC 56 .0701), and in a lawful manner and:
- (1) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed; and

(2) If the licensee has knowledge or reason to believe that another person or firm may be in violation of the Board Rules (21 NCAC 56) or of the North Carolina Engineering and Land Surveying Act (G.S. 89C), shall present such information to the Board in writing in the form of a complaint and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board. The licensee shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee from the Board. Timely is defined as within the time specified in the correspondence, or if no time is specified, within 30 days of receipt. Certified mail is timely claimed if prior to being returned by the Post Office to the Board office.

(i) A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose professional license is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board if the licensee's action constitutes a violation of G.S. 89C or the rules adopted by the Board.

*History Note: Authority G.S. 89C-17; 89C-20;*

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. September 1, 2011; May 1, 2009; August 1, 2002;*

*August 1, 2000; August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982; March 1, 1979;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;*

*Amended Eff. May 1, 2024.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission June 26, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Jeanette Doran (Chair)  
Jay R. Hemphill  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Barbara A. Jackson (1<sup>st</sup> Vice-Chair)  
Randy Overton (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Jake Parker  
Paul Powell

**COMMISSION COUNSEL**

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

**RULES REVIEW COMMISSION MEETING DATES**

June 26, 2024	August 28, 2024
July 31, 2024	September 25, 2024

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**AGENDA**

**RULES REVIEW COMMISSION**

**Wednesday, June 26, 2024, 10:00 A.M.**

**1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  1. Board of Nursing – 21 NCAC 36 .0807 (Peaslee)
  2. Board of Examiners in Optometry - 21 NCAC 42D .0102 (Peaslee)
  3. Building Code Council - 2024 North Carolina Energy Conservation Code Section R402, Appendix R1.2.1 (Liebman)
  4. Building Code Council - 2024 NC Building Code (Liebman)
  5. Building Code Council - 2024 NC Existing Building Code (Liebman)
  6. Building Code Council - 2024 NC Fire Code (Liebman)
- IV. Review of Log of Filings (Permanent Rules) for rules filed April 21, 2024 through May 20, 2024
  1. Medical Care Commission (Wiggs)
  2. Criminal Justice Education and Training Standards Commission (Peaslee)
  3. Environmental Management Commission (Ascher)
  4. Department of the Secretary of State (Ascher)
  5. TSERS and LGERS Employee Retirement System Board of Trustees (Wiggs)
  6. Medical Board 21 NCAC 32M (Peaslee)
  7. Medical Board 21 NCAC 32R, S (Ascher)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
- VII. Commission Business
  - Closed session, to consult with attorneys regarding CRC v. RRC
  - Next meeting: Wednesday, July 31, 2024

**Commission Review  
Log of Permanent Rule Filings  
April 21, 2024 through May 20, 2024**

**MEDICAL CARE COMMISSION**

The rules in Subchapter 13F concern licensing of homes for the aged and infirm and include definitions (.0100); licensing (.0200); physical plant (.0300); staff qualification (.0400); staff orientation training, competency and continuing education (.0500); staffing (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medication (.1000); Resident's funds and refunds (.1100); policies; records and reports (.1200); special care units for alzheimer and related disorders (.1300); special care units for mental health disorders (.1400); use of physical restraints and alternatives (.1500); rated certificates (.1600); administrator certification and renewal (.1700); and infection prevention and control (.1800).

<u>List of Definitions</u> Adopt*	10A NCAC 13F .0102
<u>Qualifications of Manager</u> Readopt with Changes*	10A NCAC 13F .0402
<u>Qualifications of Activity Director</u> Amend*	10A NCAC 13F .0404
<u>Qualifications of Personal Care Aide Supervisor</u> Adopt*	10A NCAC 13F .0408
<u>Management of Facilities - General Administrator and Mana...</u> Readopt with Changes*	10A NCAC 13F .0601
<u>Management of Facilities with a Capacity or Census of Sev...</u> Readopt with Changes*	10A NCAC 13F .0602
<u>Management of Facilities with a Census of 31 to 81</u> Readopt with Changes*	10A NCAC 13F .0603
<u>Management of Facilities with a Census of 81 or More Resi...</u> Readopt with Changes*	10A NCAC 13F .0604
<u>General Staffing Requirements for Adult Care Homes</u> Readopt with Changes*	10A NCAC 13F .0605
<u>Staffing for Facilities with a Census of Seven to Twelve ...</u> Readopt with Changes*	10A NCAC 13F .0606
<u>Staffing for Facilities with a Census of 13 to 20 Residents</u> Adopt*	10A NCAC 13F .0607
<u>Staffing for Facilities with a Census of 21 or More Resid...</u> Adopt*	10A NCAC 13F .0608
<u>Personal Care Aide Supervisors</u> Adopt*	10A NCAC 13F .0609

The rules in Subchapter 13G concern licensing of family care homes including definitions (.0100); licensing (.0200); the building (.0300); staff qualifications (.0400); staffing orientation, training, competency and continuing education (.0500); staffing of the facility (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medications (.1000); management and resident's funds and refunds (.1100); policies, records and reports (.1200); use of physical restraints and alternatives (.1300); rated certificates (.1600); and infection prevention and control (.1700)..

<u>List of Definitions</u> Adopt*	10A NCAC 13G .0102
<u>Qualifications of Activity Coordinator</u> Amend*	10A NCAC 13G .0404
<u>Management and Other Staff</u> Readopt with Changes*	10A NCAC 13G .0601

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

Department Head Responsibilities: Critical Incident Repor... 12 NCAC 09C .0104  
 Adopt\*

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

Citizenship 12 NCAC 09G .0202  
 Repeal\*

Minimum Standards for Correctional Officers 12 NCAC 09G .0208  
 Amend\*

**ENVIRONMENTAL MANAGEMENT COMMISSION**

The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).

Gasoline Service Stations and Dispensing Facilities 15A NCAC 02Q .0802  
 Amend\*

**SECRETARY OF STATE, DEPARTMENT OF THE**

The rules in Chapter 7 are from the Notary Public Division. The rules in Subchapter 7B are general requirements and include general provisions (.0100); fees paid to the division (.0200); initial appointment (.0300); forms (.0400); criminal records (.0500); denials, discipline, and enforcement (.0600); and reporting professional licenses, public offices, and notary commissions (.0700).

Electronic Notary Public Registration Form 18 NCAC 07B .0404  
 Amend\*

Form Notifying Department of Selection of Technology Prov... 18 NCAC 07B .0405  
 Amend\*

Notice to Department of Change by Electronic Notary in Te... 18 NCAC 07B .0406  
 Amend\*

The rules in subchapter 7F concern electronic notary public requirements including general provisions (.0100); qualifications to be electronic notary (.0200); education of electronic notaries public (.0300); application for registration as electronic notary public (.0400); registration and oath (.0500); selection and use of technology provider to perform electronic notarial acts (.0600); electronic notary signature (.0700); electronic notary seal (.0800); reregistration as electronic notary (.0900); confidentiality, security, and records retention (.1000); and continuing obligations of electronic notaries (.1100).

Electronic Notary Course 18 NCAC 07F .0303  
 Amend\*

<u>Submission</u>	18	NCAC 07F .0401
Amend*		
<u>Notice of Department's Actions for Qualified Electronic N...</u>	18	NCAC 07F .0503
Amend*		
<u>Oaths Timing</u>	18	NCAC 07F .0505
Amend*		
<u>Evidence of Identity</u>	18	NCAC 07F .0506
Amend*		
<u>Certificate Delivery</u>	18	NCAC 07F .0507
Amend*		
<u>Registration Effective Date</u>	18	NCAC 07F .0508
Amend*		
<u>Registration Effective Date</u>	18	NCAC 07F .0509
Amend*		
<u>Confirmation of Electronic Notary Status</u>	18	NCAC 07F .0512
Amend*		
<u>Performing Electronic and Remote Electronic Notarial Acts</u>	18	NCAC 07F .0513
Amend*		
<u>Notice to Department of Technology Provider</u>	18	NCAC 07F .0601
Amend*		
<u>Perimeter</u>	18	NCAC 07F .0806
Amend*		
<u>Contents of Electronic Notary Seal</u>	18	NCAC 07F .0807
Amend*		
<u>Form</u>	18	NCAC 07F .0903
Amend*		
<u>Registration</u>	18	NCAC 07F .0906
Amend*		
<u>Presence Requirement for Remote Electronic Notarization</u>	18	NCAC 07F .1102
Amend*		
<u>Notice of Changes</u>	18	NCAC 07F .1106
Amend*		
<u>Ceasing to Use a Technology Provider</u>	18	NCAC 07F .1109
Amend*		
<u>Notice of Cancellation by Provider</u>	18	NCAC 07F .1110
Amend*		
<u>Content of Notice</u>	18	NCAC 07F .1111
Amend*		
<p>The rules in Subchapter 71 concern journal requirements including general rules (.0100); journal basics (.0200); general journal contents (.0300); and electronic journal requirements (.0400).</p>		
<u>Additional Journal Contents for Remote Electronic Notariz...</u>	18	NCAC 07I .0303
Amend*		
<u>Party Request for Inclusion of Additional Information in ...</u>	18	NCAC 07I .0305
Amend*		
<u>Pre-Populated Data to be Confirmed by Notary Public</u>	18	NCAC 07I .0406
Amend*		

**TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

The rules in Chapter 2 concern the retirement System. The rules in Subchapter 2B concern the teachers' and state employees' retirement system including general provisions (.0100); administration (.0200); beneficiaries (.0300)

employer contributions (.0400); types of retirement (.0500); leaves of absence (.0700); military service (inchoate rights only) (.0800); out-of-state service (inchoate rights only) (.0900) prior service (.1000); voluntary withdrawn contributions (.1100); and delayed purchase of service credits (.1200).

Teachers' and State Employees' Retirement System Overpaym... 20 NCAC 02B .0215  
Adopt\*

### **LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

The rules in Subchapter 2C concern the local government employees' retirement system including general provisions (.0100); administration (.0200); beneficiaries (.0300); contributions (.0400); disability retirement (.0500); leaves of absence (.0700); military service (inchoate rights only) (.0900); out-of-state service (inchoate rights only) (.1000); retirement allowances (.1200); voluntary withdrawn contributions (.1300); and delayed purchase of service credits (.1500).

Local Government Employees' Retirement System Overpayment... 20 NCAC 02C .0212  
Adopt\*

### **TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

The rules in Subchapter 2O concern the disability income plan of North Carolina.

Short-Term Disability and Extended Short-Term Disability ... 20 NCAC 02O .0104  
Adopt\*

Short-Term Disability Notification Date 20 NCAC 02O .0105  
Adopt\*

Extended Short-Term Disability Application Date 20 NCAC 02O .0106  
Adopt\*

### **MEDICAL BOARD**

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

Continuing Education (CE) 21 NCAC 32M .0107  
Amend\*

The rules in Subchapter 32R concern Continuing Medical Education (CME) Requirements.

Continuing Medical Education (CME) Required 21 NCAC 32R .0101  
Amend\*

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

Continuing Medical Education 21 NCAC 32S .0216  
Amend\*