

# ***NORTH CAROLINA REGISTER***

**VOLUME 39 • ISSUE 14 • Pages 905 – 956**

**January 15, 2025**

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**PUBLISHED BY**

*The Office of Administrative Hearings*

*Rules Division*

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*Dana McGhee, Publications Coordinator*

## 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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Rules Division

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984-236-1929

984-236-1940

### **Fiscal Notes & Economic Analysis**

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116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

osbmruleanalysis@osbm.nc.gov

984-236-0694

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215 North Dawson Street

Raleigh, North Carolina 27603

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919-715-2893

amy.bason@ncacc.org

NC League of Municipalities

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Baxter Wells

919-715-2925

bwells@nclm.org

### **Legislative Process Concerning Rulemaking**

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

919-733-2578

919-715-5460 FAX

Jason Moran-Bates, Staff Attorney

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Aaron McGlothlin, Staff Attorney

**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2025 – December 2025

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
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	*01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	*01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	*02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	*02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	*03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	*03/26/2026	04/01/26	09/11/26

\*Dates not approved by RRC

## 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 Human Resources 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: Brinkley RV LLC

Applicant's Address: 1655 Brinkley Way East, Goshen IN 46528

Application Date: 11/1/2024

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

Ryan D Thwaites Co-Owner

Micah Daniel Staley Co-Owner

Nathan Goldenberg Co-Owner

Ronald Joseph Fenech Co-Owner

William Charles Fenech Co-Owner

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: CHAMPION HOME BUILDERS INC

Applicant's Address: 5800 CRESTLINE RD

Application Date: 12/16/2024

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

MARK J YOST – CEO & PRESIDENT

LAURIE M HOUGH - CFO TREASURER

LAUREL E KRUEGAR – SECRETARY

CHAMPION HOMES INC

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: Segway Powersports Inc

Applicant's Address: 415A Interchange St, Mckinney TX 75071

Application Date: 10/30/2024

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

Wei Zhao President, Secretary, and Treasurer

Jason Walling VP of Sales and Marketing

Shijie Zhang Director of Product and GTM

Yunfeng Tao Director



**NORTH CAROLINA**  
**STATE BOARD OF ELECTIONS**

*Mailing Address:*  
P.O. Box 27255,  
Raleigh, NC 27611  
(919) 814-0700 or  
(866) 522-4723  
*Fax:* (919) 715-0135

**LIMITATION ON CONTRIBUTIONS**

Pursuant to N.C.G.S. § 163-278.13(b), this serves as notice that the contribution limit for North Carolina candidates and political committees found in N.C.G.S. §§ 163-278.13(a), (c), and (d) increased from six thousand four hundred dollars (\$6,400) to six thousand eight hundred dollars (\$6,800) effective January 1, 2025. This change is based on the 6.1645% increase in the Consumer Price Index (all items – U.S. city average) from July 1, 2022 to July 1, 2024.

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 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to adopt the rule cited as 12 NCAC 10B .0411, and amend the rules cited as 12 NCAC 10B .0406, and .0505.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/

Proposed Effective Date: May 1, 2025

Public Hearing:

Date: February 11, 2025

Time: 9:00 a.m.

Location: 1700 Tryon Park Dr., Raleigh NC 27610

Reason for Proposed Action:

12 NCAC 10B .0406 - The creation of new rule 12 NCAC 10B .0411 and pending changes to rule 12 NCAC 10B .0408 required some amendments to this rule.

12 NCAC 10B .0411 - This new rule allows for a lateral transfer option for law enforcement officers to transfer their certification from one law enforcement agency to another.

12 NCAC 10B .0505 - The lateral transfer option in 12 NCAC 10B .0411 and changes to the NC Basic Law Enforcement Training Course required amendments to this Rule.

Comments may be submitted to: Melissa Bowman, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email mbowman@ncdoj.gov

Comment period ends: March 17, 2025

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 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0406 LATERAL TRANSFER/REINSTATEMENTS LATERAL TRANSFERS AND REINSTATEMENTS

(a) The General general certification, pursuant to Rule .0404 of this Section, or Grandfather Certification grandfather certification, as defined in G.S. 17E-7(a), of an officer a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, meeting the requirements of 12 NCAC 10B .0103(16) may be laterally transfer transferred to an agency and be certified upon compliance with this Rule, without having to repeat the requirements set out in 12 NCAC 10B .0303. Paragraphs (b) and (c) of this Rule.

(b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the application for certification as a justice officer. as a lateral transfer.

(c) In order for an a detention officer or telecommunicator to be certified pursuant to Paragraph (a) of this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents required in 12 NCAC 10B .0408. Rule .0408 of this Section.

(d) A A justice officer whose certification has been suspended pursuant to 12 NCAC 10B .0204(b)(4) Rule .0204(b)(1) of this Subchapter may have that certification reinstated provided that:

- (1) the period of suspension has been six months or less; and
(2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in 12 NCAC 10B .0305. Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a); and
(3) the officer has successfully completed the basic training requirements as prescribed in 12

~~NCAC 10B .0500 or .0600 or .1300. Sections .0500, .0600, or .1300 of this Subchapter.~~

~~(e) An A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, may be reinstated provided that:~~

- ~~(1) the period of separation has been six-months or less; and~~
- ~~(2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305. Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a).~~~~

~~(f) Requirements of Paragraph (e) of this Rule are waived for officers whose certifications are reinstated pursuant to Paragraphs (d) and (e) of this Rule.~~

~~(g) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.~~

*Authority G.S. 17E-4; 17E-7.*

**12 NCAC 10B .0411 IN-STATE LATERAL TRANSFER OF A DEPUTY SHERIFF**

(a) A North Carolina law enforcement officer is eligible to transfer their certification from one law enforcement agency to another law enforcement agency and be certified as a deputy sheriff if the officer:

- (1) has completed basic law enforcement training and holds general or probationary certification from the Commission or the Criminal Justice Education and Training Standards Commission; and
- (2) has not had more than a 12-month consecutive break in service immediately preceding the current application.

(b) Prior to certification being transferred per this rule, the sheriff's office considering the applicant for employment as a deputy sheriff shall submit a Lateral Report of Appointment, Form F-4A, to the Division reporting that the employing agency has done the following and provided the requested documents:

- (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in Rule .0303 of this Subchapter, reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;
- (2) completed the AOC-CR-280 Law Enforcement Application for Verification of Expunction form and provided the results to the Division;
- (3) submit to the Division a certified copy of the applicant's oath of office;
- (4) obtained a signed and notarized Authorization for Release of Information from the applicant, pursuant to Rule .0305 of this Subchapter, forwarded the Authorization for Release of Information to the Division, and reviewed the following documents of the applicant

maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five year period preceding the current application:

- (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S. 160A-168, and G.S. 126-24;
- (B) Report of Separation, Form F-5, if the applicant has separated;
- (C) Background Investigation, Form F-8; and
- (D) any internal investigations.

(5) verified that the applicant:

- (A) has not had more than a 12-month consecutive break in service immediately preceding the current application;
- (B) has completed all mandatory in-service training for the preceding calendar year;
- (C) has not been charged with or been convicted of criminal offenses that would prohibit certification pursuant to the rule of this Subchapter;
- (D) has not been the subject of any internal investigation within the last 18 months that contains allegations of a potential violation of the rules of this Subchapter; and
- (E) has qualified with the assigned duty weapon which has been recorded on the Firearm Qualification Record, Form F-9A, and satisfactorily completed the sheriff's office's in-service firearms training program, as prescribed in Rules .2103 and .2104 of this Subchapter. The Firearm Qualification Record shall be submitted to the Division with the Lateral Report of Appointment.

(c) Form F-4A, Lateral Report of Appointment, is completed by the employing agency and contains a list of tasks to be completed by the agency and documents to include with the form including identifying information about the applicant, certification status, fingerprint response from the North Carolina State Bureau of Investigation, AOC-CR-280 form, Authorization for Release of Information, applicant's personnel file review confirmation, mandatory in-service training confirmation, and Firearm Qualification Record.

*Authority G.S. 17E-4; 17E-7.*

**SECTION .0500 - MINIMUM STANDARDS OF TRAINING FOR DEPUTY SHERIFFS**

**12 NCAC 10B .0505 EVALUATION FOR TRAINING WAIVER**

This Rule shall be used by Division staff in evaluating an applicant's training and experience to determine eligibility for a waiver of training as set forth in ~~12 NCAC 10B .0504(a)~~. Rule .0504(a) of this Section.

- (1) Persons who separated from a sworn law enforcement position during their probationary period after having completed a ~~commission-certified~~ Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 and who have been separated from a sworn law enforcement position for one year or less shall serve the remainder of the initial certification probationary period in accordance with G.S. 17E-7(b), but ~~need~~ shall not be required to complete an additional training program.
- (2) Persons who separated from a sworn law enforcement position during their probationary period without having completed Basic Law Enforcement Training, or whose certification was suspended pursuant to ~~12 NCAC 10B .0204(b)(1)~~, Rule .0204(b)(1) of this Subchapter, and who have remained separated or suspended for over one year shall:
  - (a) complete a ~~commission-certified~~ Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety;
  - (b) pass the ~~State Comprehensive Examination~~; state comprehensive examination as set forth in 12 NCAC 09B .0406; and
  - (c) complete a 12 month certification probationary period ~~as prescribed in 12 NCAC 10B .0503(a)~~; period which begins on the date he or she takes the Oath of Office.
- (3) ~~Persons transferring to a Sheriff's Office from another law enforcement agency who held certification and who have previously completed a commission-certified Basic Law Enforcement Training Course beginning on or after October 1, 1984, and who have been separated from a sworn law enforcement position for no more than one year or who have had no break in service shall complete the following topics of a commission-certified Basic Law Enforcement Training Course:~~
  - (a) Civil Process 24 hours
  - (b) Sheriffs' Responsibilities: Detention Duties 4 hours
  - (c) Sheriffs' Responsibilities: Court Duties 6 hours

UNIT TOTAL 34 hours

Following completion of the required training topics, the applicant shall pass that portion of

~~the State Comprehensive Examination which deals with those subjects within 12 months of the date of appointment as defined in 12 NCAC 10B .0103(1).~~

- (4)(3) Unless a waiver has been granted pursuant to ~~12 NCAC 10B .1901~~, Rule .1901 of this Subchapter, persons who have training and experience as a military law enforcement officer and are appointed as a deputy sheriff in North Carolina shall, within ~~the 12 month probationary period set forth in 12 NCAC 10B .0503(a)~~, one year of the date of his or her Oath of Office complete:
  - (a) a ~~commission-certified~~ Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety regardless of previous military training and experience; and
  - (b) pass the ~~State Comprehensive Examination~~; state comprehensive examination as set forth in 12 NCAC 09B .0406.
- (5) ~~Persons transferring to a sheriff's office from another law enforcement agency who have previously completed a commission-certified Basic Law Enforcement Training Course beginning on or after January 1, 1996 through July 1, 1997, and who did not complete the Commission's Driver Training curriculum, and who have been separated from a sworn law enforcement position for no more than one year or who have had no break in service shall complete the following topic of a Commission-certified Basic Law Enforcement Training Course within 12 months of the date of appointment as defined in 12 NCAC 10B .0103(1): Law Enforcement Driver Training 40 hours.~~
- (6)(4) North Carolina applicants; ~~qualified~~ out-of-state transferees; and ~~qualified~~ federal transferees who meet the requirements set forth in Items (7), (8) and (9)(5),(6), and (7) of this Rule shall be allowed to select one of the following two options for gaining North Carolina certification as a deputy sheriff:
  - (a) ~~Undertake and successfully complete~~ Complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety during a one year certification probationary period and ~~successfully~~ pass the ~~State Comprehensive Examination~~; state comprehensive examination as set forth in 12 NCAC 09B .0406; or
  - (b) Pass Complete the following entry criteria:
    - (i) ~~Challenge~~ Pass the Basic Law Enforcement Training

~~Comprehensive State Examination state comprehensive examination as set forth in 12 NCAC 09B .0406 to be delivered at the end of an ongoing Basic Law Enforcement Training Course Course. and successfully pass each unit examination of the comprehensive examination with a minimum score of 70%. Any applicant failing to pass more than two unit examinations shall complete the Basic Law Enforcement Training Course in its entirety. Any applicant failing one or two unit examinations shall enroll in each topic area which comprises that unit taught in a subsequent BLET course and submit to the unit examination at the end of the course and pass that unit examination; If the applicant fails to pass the examination, he or she may attempt to pass the examination one additional time. If the applicant fails to pass the examination on the second attempt, the applicant shall be required to complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety and pass the state comprehensive examination as set forth in 12 NCAC 09B .0406 during their one year certification probationary period;~~

(ii) ~~Each applicant who is authorized to carry a firearm shall prior to appointment complete with passing scores the Commission's In-service Firearms Training and Qualification Program as prescribed in Rule .2104 of this Subchapter.~~

(iii) Each applicant shall demonstrate proficiency in the following skills related activities to the satisfaction of an instructor certified by the North Carolina Criminal

Justice Education and Training Standards Commission in the corresponding topical area. Successful completion of the skills related activities as set out in this ~~rule~~ Rule shall be documented by the certified instructor on the corresponding Commission approved form found in the "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy and provided by the Division. instructor and submitted to the Division.

- (A) First Responder;
- ~~(B)~~ (B) Firearms;
- ~~(C)~~ (B) Law Enforcement Driver Training;
- ~~(D)~~ (C) Physical Fitness; Officer Health and Wellness; and
- ~~(E)~~ (D) Subject Control Arrest Techniques. Compliance and Control Tactics.

(iii) ~~Any applicant failing to pass a unit examination after remediation as referenced in this Rule shall be required to complete Basic Law Enforcement Training in its entirety; and~~

(iv) All criteria referenced in this Rule ~~must~~ shall be successfully completed within the one-year certification probationary period. period as set forth in Rule .0504 of this Section.

~~(7)~~(5) North Carolina applicants referenced in Item (4) of this Rule shall:

- (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application;
- (b) have had a break in service exceeding one year;
- (c) have previously received ~~General~~ general or ~~Grandfather~~ grandfather, in accordance with G.S. 17C-10(a) or G.S. 17E-7(a), certification as a sworn law enforcement officer by either the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, and such certification has not been denied,

- ~~(8)(6)~~ ~~revoked~~ revoked, or suspended by either Commission; and
- (d) have held general powers of arrest.
- ~~(8)(6)~~ Out-of-state transferees referenced in Item (4) of this Rule shall:
  - (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their ~~application;~~ application. An applicant's attendance at his or her basic law enforcement training course shall not count towards the two years full-time sworn law enforcement experience;
  - (b) have held certification ~~in good standing~~ as a sworn law enforcement officer from the appropriate Peace Officer's Standards and Training entity in the transferee's respective ~~state;~~ state and such certification has not been denied, revoked, or suspended;
  - (c) have had general powers of arrest; and
  - (d) submit documentation verifying their qualified status.
- ~~(9)(7)~~ Federal Transferees referenced in Item (4) of this Rule shall:
  - (a) have a minimum of two years full-time sworn law enforcement experience;
  - (b) have held certification or commissioning as a sworn law enforcement officer from the appropriate federal entity authorized to issue such sworn law enforcement officers certification or ~~commission;~~ commission, and such certification or commission has not been denied, revoked, or suspended;
  - (c) have held general powers of arrest; and
  - (d) submit documentation verifying their qualified status.
- ~~(10)~~ ~~Persons transferring to a sheriff's office from another law enforcement agency who held certification, who have previously been granted a training waiver by the North Carolina Criminal Justice Commission and who have been separated from a sworn law enforcement position for no more than one year or who had no break in service shall not be required to complete the Basic Law Enforcement Training course, but shall have the waiver honored by this Commission.~~
- ~~(11)~~ ~~Persons previously holding Grandfather law enforcement certification in accordance with G.S. 17C 10(a) or G.S. 17E 7(a) who have been separated from a sworn law enforcement position for less than one year or have had no break in service shall not be required to~~

~~complete a commission certified Basic Law Enforcement Training Course.~~

Authority G.S. 17E-4; 17E-7.

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

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10B .0203; 10C .0316; and 10D .0102.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncwildlife.org/Proposed-Regulations>

**Proposed Effective Date:** May 1, 2025

**Public Hearing:**

**Date:** February 13, 2025

**Time:** 2:00 p.m.

**Location:**

*Zoom Meeting. Registration Required: [https://ncwildlife.org.zoomgov.com/webinar/register/WN\\_sTSKisbwTMGctSzM\\_j1ImQ](https://ncwildlife.org.zoomgov.com/webinar/register/WN_sTSKisbwTMGctSzM_j1ImQ), or Join by Phone: Toll Free (833) 568-8864, Webinar ID: 160 087 5670*

**Reason for Proposed Action:** *Proposed changes standardize the age of youth to individuals under the age of 16 throughout Rules in Subchapters 10B, 10C and 10D. Proposed changes to 10B .0203 create a two-day youth season for deer like exists for waterfowl and turkey, in response to hunter recommendations.*

**Comments may be submitted to:** *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org)*

**Comment period ends:** March 17, 2025

**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 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0200 - HUNTING

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)~~(f) 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)~~(f) 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) Open Youth Days for hunting deer. Antlered or antlerless deer may be taken with all lawful weapons by individuals under 16 years of age during the following days:

- (1) The fourth Saturday in September and the Sunday immediately thereafter in all counties; and
- (2) Thanksgiving Day and the Friday immediately thereafter in the counties listed in Part (a)(1)(D) of this Rule.

~~(e)~~(f) 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)~~(g) Deer Management Assistance Program. The bag limits described in Paragraph ~~(e)~~(f) 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.

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5.

**SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

**SECTION .0300 – GAME FISH IN INLAND FISHING WATERS**

**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 16 years of 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.

Authority G.S. 113-134; 113-292.

**SUBCHAPTER 10D - GAME LANDS REGULATIONS**

**SECTION .0100 - GAME LANDS REGULATIONS**

**15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

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

- (1) "Permanent Hunting Blind" means a structure that is used for hunter concealment, constructed from manmade or natural materials, and that is not disassembled and removed at the end of the day's hunt.
- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" means individuals under ~~18~~ 16 years of age.

(b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to archery equipment and falconry. During the open deer seasons for these areas, antlered and antlerless deer may be taken.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on a game land. Falconry is exempt from this provision.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to use by the public, and entry on these areas is prohibited without written approval from the Wildlife Resources Commission. The Commission may authorize entry when the primary purpose for the Restricted Zone shall not be compromised and the persons requesting entry demonstrate a valid need, or official business of the Commission is being conducted by a contractor or agent of the Commission. Valid needs may include access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to use by the public, and entry is prohibited without written approval from the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public.
- (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.
- (7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).
- (8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the public shall be prohibited from sunset to sunrise.
- (9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to use by the public during the dates specified on the sign, and entry is prohibited without written approval from the Wildlife Resources

Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit litter, trash, garbage, or other refuse on any game land except in receptacles provided for disposal of refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on a game land by a person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. No person shall discharge:

- (1) a weapon within 150 yards of a game land building or designated game land camping area, except where posted otherwise;
- (2) a weapon within 150 yards of a residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) a firearm within 150 yards of a residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

No person shall hunt with or have in possession a shotgun shell containing lead or toxic shot while hunting on a posted waterfowl impoundment on a game land, except shotgun shells containing lead buckshot may be used while deer hunting. Individuals carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at [www.ecfr.gov](http://www.ecfr.gov) at no cost. On Buckhorn, Chatham, Harris, Hyc0, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;
- (2) the firearm is cased or not immediately available for use;
- (3) the firearm is used by persons participating in field trials on field trial areas; or
- (4) the firearm is possessed in designated camping areas for defense of persons and property.

(e) Game Lands License: Hunting and Trapping

- (1) Except as provided in Subparagraph (4) of this Paragraph, a person entering a game land to hunt, trap, run dogs, or train dogs using wildlife

shall have in his or her possession a valid North Carolina hunting or trapping license.

(2) For Commission-sanctioned field trials, active participants, as defined in 15A NCAC 10B .0114, in a field trial using wildlife shall possess a North Carolina hunting license, except non-residents may substitute hunting licenses from their state(s) of residence.

(3) For other field trials using wildlife occurring on game lands, judges and active participants shall possess a North Carolina hunting license.

(4) Exceptions:

- (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
- (B) on the game lands described in Rule .0103 (j)(1) of this Section, the game lands license is required for hunting doves; other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. An individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file an application with the Commission to use the area with the facility use fee computed at the rate of three hundred dollars (\$300.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which trials are not run but the building or facilities are used or occupied. A fee of one hundred dollars (\$100.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or other entity shall enter or use the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without written approval from an authorized agent of the Wildlife Resources Commission, and no entry or use of a facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 20 days of field trials may be scheduled for occurrence on the Sandhills facilities during a calendar month, and no more than five days may be scheduled during a calendar week. A field trial requiring more than five days may be scheduled during one week with reduction of the maximum number of days allowable during some other week so that the monthly maximum of 20 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between the Wednesday on or nearest October 18 and the second Friday before Thanksgiving and between the first Monday following Thanksgiving and March 31 shall submit its proposed schedule of use to the Wildlife Resources Commission for consideration and approval. The use of the Sandhills Field Trial facilities by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on game lands located west of I-

95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on game lands located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when the field trial does not conflict with other planned activities on the game land or field trial facilities, and the applying organization demonstrates their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0300, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the open trapping seasons for those areas, established by rule. Foxes may be trapped on game lands from October 1 through the end of February in a county with an open fox trapping season that falls between October 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during a fox trapping season that occurs outside the dates of October 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

- (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- (2) in posted "safety zones" located on a game land;
- (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (4) on the DuPont State Forest Game Lands; and
- (5) from April 1 through September 31.

At a trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in G.S. 113-294(r), is less than 3 cubic inches and is covered to prevent it from being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on a game land except on roads constructed, maintained, and opened for vehicular travel and on trails posted for vehicular travel, unless the person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (l) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (l) of

this Rule and is abiding by the rules described in Paragraph (k).

(i) Camping.

- (1) No person shall camp on a game land except on an area posted by the landowner for camping.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at a designated camping area is 14 days within any 30-day period, unless otherwise specified in rules of this Subchapter. After 14 consecutive days of camping, personal belongings shall be removed from the game land.
- (3) A hunting, fishing, trapping or Game Lands License is required for individuals age 16 or older to camp on game lands in areas posted for camping except when camping within 100 yards of the Roanoke River on the state-owned portion of the Roanoke River Wetlands Game Land, within 100 yards of the Neuse River on that portion of the game land west of NC-43, and in posted areas along the Mountains-to-Sea Trail on Butner-Falls of Neuse Game Land.

(j) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without written authorization. It is unlawful to move wild fish from one stream to another on game lands without written authorization. Written authorization shall be given when release of animals is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and is in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on game lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (l) of this Rule and people who have obtained a Disabled Access Program permit are exempt from this restriction but shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other all-terrain wheelchairs on areas where foot travel is allowed. Off road vehicles including ATVs, UTVs, and ebikes are not permitted.

(l) Disabled Access Program. Disabled individuals who meet the requirements of G.S. 113-296 may obtain a Disabled Access Permit and Disabled Sportsman Hunt Certification online at [ncwildlife.org](http://ncwildlife.org). The Disabled Access Permit allows individuals to operate electric wheel chairs, all-terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to that use. Those game lands, or parts thereof, where this Paragraph applies are designated online, at [www.ncwildlife.org](http://www.ncwildlife.org). This Paragraph does

not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or cover. One companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is constantly in visual or verbal contact with the disabled person. The companion may participate in lawful activities while assisting a disabled person, provided license requirements are met. A vehicle used by a qualified disabled person for access to game lands under this provision shall have the Disabled Access Permit available for inspection by wildlife enforcement officers upon request. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land. It is unlawful for anyone other than disabled persons holding a Disabled Access Permit, during waterfowl season, to hunt within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind. The Disabled Sportsman Hunt Certification allows individuals to apply for available Disabled sportsman permit hunting opportunities as prescribed in G.S. 113-296.

(m) Public nudity. Public nudity, including nude sunbathing, is prohibited on game lands, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

(n) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for purposes other than for firearm or bow and arrow marksmanship, development of shooting skills, or for other safe uses of firearms and archery equipment. Other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, unless written authorization is obtained from the Commission. No person, when using any shooting range, shall deposit debris or refuse on the grounds of the range. This includes items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot items made of glass on the grounds of the range. No person may leave a vehicle or other obstruction in a location or position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall leave a vehicle or other object parked in a place on the shooting range other than the place or zone that is designated and posted or marked as an authorized parking zone. No person shall handle firearms or bow and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to a person. Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to

leave by Commission employees. No person shall handle firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at least one sign shall be posted at the entrance to each shooting range. No person, when using a shooting range, shall do an act that is prohibited or neglect to do an act that is required by signs or markings placed on the area under authority of this Rule for regulating the use of the area.

(o) Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads" are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. These roads shall be posted with the opening and closing times.

(p) No person shall attempt to obscure the sex or age of a bird or animal taken by severing the head or any other part thereof, or possess a bird or animal that has been so mutilated.

(q) Baiting. Except as provided in Paragraph (g) of this Rule, no person shall place, or cause to be placed on a game land, salt, grain, fruit, or other foods without written authorization from an agent of the Commission. Written authorization may be provided for Commission authorized projects or Commission contractors to meet specific objectives. Except as authorized by rule, no person shall take or attempt to take wild birds or wild animals attracted to these foods.

Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10.

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0347 and .0363.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: June 1, 2025

**Public Hearing:**

**Date:** February 12, 2025

**Time:** 2:00 pm

**Location:** Zoom meeting. Registration required: [https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_4xsyMfAKTt-M4xK23BpUqw](https://ncwildlife-org.zoomgov.com/webinar/register/WN_4xsyMfAKTt-M4xK23BpUqw) or Join by Phone: Toll Free (833)568-8864, Webinar ID: 161 410 7558

**Reason for Proposed Action:** Proposed amendments to 15A NCAC 10F .0347 establish a no-wake zone at Brice Creek in Craven County to mitigate hazards to boater safety near Merchant's Grocery, public boat ramp, fuel dock and docking facilities.

Proposed amendments to 15A NCAC 10F .0363 are technical corrections to assign responsibility for placement and maintenance of markers on Hyco Lake to the Boards of Commissioners of Caswell and Person counties.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701; email regulations@ncwildlife.org

Comment period ends: March 17, 2025

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 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0347 CRAVEN COUNTY

(a) Regulated Areas. This Rule shall apply applies to the following waters in Craven County:

- (1) the portion of Northwest Creek from the entrance buoys at Northwest Creek Marina north of a line from a point on the east shore at 35.06357 N, 76.96934 W to a point on the west shore at 35.06343 N, 76.97106 W, to south of a line from a point on the east shore of Northwest Creek at 35.06903 N, 76.97030 W to a point on the west shore at 35.06779 N, 76.97225 W, northeast to include all waters, shore to shore, of the bulkheaded area of Fairfield Harbour otherwise known as Spring Creek;
(2) Olde Towne Lake, shore to shore from its intersection with the Trent River west of a point at 35.08098 N, 77.05833 W;

- (3) the triangular area in the waters at the end of the Matthews Point Marina main pier located at the confluence of Clubfoot and Mitchell Creeks off of the Neuse River, between a point 300 feet east of the pier at 34.90619 N, 76.76490 W, and a point 300 feet west of the pier at 34.90610 N, 76.76262 W, and a point 150 feet south of the pier at 34.90571 N, 76.76377 W;
(4) the waters within 50 yards of the fuel dock at Eastern Carolina Yacht Club on the Trent River in Trent Woods; and
(5) the portion of Southwest Prong Sloeum Creek in the City of Havelock, shore to shore east of a line from a point on the north shore at 34.89122 N, 76.92302 W to a point on the south shore at 34.89102 N, 76.92304 W and extending northeast, shore to shore to a line from a point on the north shore at 34.89370 N, 76.92109 W to a point on the southeast shore at 34.89358 N, 76.92089 W.

(a) Regulated Areas. This Rule applies to the following waters in Craven County:

- (1) New Bern:
(A) the portion of Northwest Creek from the entrance buoys at Northwest Creek Marina, north of a line from a point on the east shore at 35.06357 N, 76.96934 W to a point on the west shore at 35.06343 N, 76.97106 W, to south of a line from a point on the east shore of Northwest Creek at 35.06903 N, 76.97030 W to a point on the west shore at 35.06779 N, 76.97225 W, northeast to include all waters, shore to shore, of the bulkheaded area of Fairfield Harbour otherwise known as Spring Creek;
(B) Olde Towne Lake, shore to shore from its intersection with the Trent River west of a point at 35.08098 N, 77.05833 W;
(C) within 50 yards of the Spring Garden Boating Access Area on Neuse River, 585 NW Craven Middle School Road, New Bern;
(D) within 50 yards of Cool Springs Boating Access Area on Swift Creek, 1065 Cool Springs Road, New Bern;
(E) within 50 yards of Brices Creek Boating Access Area on Brice Creek, 953 Perrytown Road, New Bern; and
(F) the portion of Brice Creek beginning 50 yards north of the Brices Creek Bridge shore to shore, south-southwest around Merchant's Grocery, docking facilities, fuel dock, and a public boat ramp, then southeastward, south of the peninsula and sharp curve on the east side of Brice Creek to a line

from a point on the west shore at 35.06587 N, 77.07078 W to a point on the east shore at 35.06638 N, 77.06893 W.

(2) Havelock:

(A) the triangular area in the waters at the end of the Bishops Marina main pier located at the confluence of Clubfoot and Mitchell Creeks off of Neuse River, between a point 300 feet east of the pier at 34.90619 N, 76.76490 W, and a point 300 feet west of the pier at 34.90610 N, 76.76262 W, and a point 150 feet south of the pier at 34.90571 N, 76.76377 W;

(B) the portion of Southwest Prong Slocum Creek, shore to shore east of a line from a point on the north shore at 34.89122 N 76.92302 W to a point on the south shore at 34.89102 N, 76.92304 W and extending northeast, shore to shore to a line from a point on the north shore at 34.89370 N, 76.92109 W to a point on the southeast shore at 34.89358 N, 76.92089 W;

(C) within 50 yards of the Slocum Creek Boating Access Area on Slocum Creek, 99 U.S. Highway 70 W, Havelock; and

(D) within 50 yards of the Hancock Creek Boating Access Area on Hancock Creek, 1100 Cahogue Creek Road, Havelock.

(3) Trent Woods. The waters within 50 yards of the fuel dock at Eastern Carolina Yacht Club on Trent River at 4005 Trent Pines Drive, Trent Woods.

(4) Bridgeton. The waters within 50 yards of the Bridgeton Boating Access Area on Neuse River, 880 Wildlife Road, Bridgeton.

(5) Grifton. The waters within 50 yards of the Maple Cypress Boating Access Area on Neuse River, 360 Maple Cypress Road, Grifton.

(6) Vanceboro. The waters within 50 yards of the Cow Pen Landing Boating Access Area on Neuse River, 1199 Cow Pen Landing Road, Vanceboro.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

~~(e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any swimming area described in Paragraph (a) of this Rule.~~

~~(d)(c) Placement of Markers. Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the following agencies shall be the designated agencies for placement of markers implementing this Rule: The following agencies shall place or place and maintain markers implementing~~

this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

(1) the Board of Commissioners of Craven County for placement in areas indicated in Subparagraphs (a)(1),(2), (3), and (4) of this Rule; Parts (a)(1)(A), (B), and (F), and Part (a)(2)(A) of this Rule;

(2) the City of Havelock for placement in the area indicated in ~~Subparagraph (a)(5)~~ Part (a)(2)(B) of this Rule. Rule; and

(3) the North Carolina Wildlife Resources Commission for placement and maintenance of markers in Parts (a)(1)(C), (D), and (E), (2)(C) and (D); and Subparagraphs (a)(4), (5), and (6) of this Rule.

Authority G.S. 75A-3; 75A-15.

**15A NCAC 10F .0363 CASWELL AND PERSON COUNTIES**

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the waters of Hyco Lake in Caswell and Person counties.

(b) Speed Limit Near Bridges. No person shall operate a vessel at greater than no-wake speed within 50 yards of any bridge that crosses the waters of Hyco Lake.

(c) Speed Limit in Canals. No person shall operate a vessel at greater than no-wake speed within any canals on Hyco Lake.

~~(d) Placement of Markers. Placement and Maintenance of Markers.~~ Placement and Maintenance of Markers. The Board of Commissioners of Caswell and Person Counties ~~shall be~~ are the designated agencies for placement and maintenance of the markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 16 – BOARD OF DENTAL EXAMINERS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to adopt the rule cited as 21 NCAC 16T .0104, and amend the rules cited as 21 NCAC 16B .1101; 16C .0601; 16H .0205; 16Q .0701; and 16W .0101.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** [www.ncdentalboard.org](http://www.ncdentalboard.org)

**Proposed Effective Date:** *May 1, 2025*

**Public Hearing:**

**Date:** *March 13, 2025*

**Time:** *6:30 pm*

**Location:** *2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

**Reason for Proposed Action:**

*21 NCAC 16B .1101, 21 NCAC 16C .0601, and 21 NCAC 16Q .0701 are proposed for amendment to add a default minimum time*

period for seeking reinstatement of a revoked license or permit, as well as for re-applying after denial of reinstatement.

21 NCAC 16H .0205 is proposed for amendment to clarify that dental assistants are not permitted to perform scaling for deposits either above or below the gum line.

21 NCAC 16T .0104 is proposed to address requirements of winding down a dental practice, including issues such as notification of patients of practice closure and license suspension or revocation, abandonment of records, and appointment of trustees.

21 NCAC 16W .0101 is proposed for amendment to incorporate a provision requiring the availability of a licensed dentist while the public health hygienist is performing procedures.

Comments may be submitted to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Comment period ends: March 17, 2025

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

SUBCHAPTER 16B - LICENSURE DENTISTS

SECTION .1100 - REINSTATEMENT

21 NCAC 16B .1101 APPLICATION FOR REINSTATEMENT AND PROOF OF COMPETENCY

(a) Any person desiring to practice dentistry in North Carolina whose North Carolina dental license has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for reinstatement of a dental license shall be submitted on forms furnished by the Board at www.ncdentalboard.org and shall include:

- (1) original dental license number and date of issuance;

- (2) full name;
(3) street address as of the date of the application;
(4) telephone number;
(5) email address;
(6) citizenship or immigration status, with verifying documentation;
(7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the applicant has ever:
(A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(E) been convicted or tried for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(F) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor; or
(G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(8) whether the applicant is under investigation as of the date of the application or has ever been investigated by the Board or any other licensing board;
(9) whether the applicant has ever had a civil lawsuit related to the practice of dentistry settled;
(10) all dental licenses from other jurisdictions ever held by the applicant, including dates of licensure;
(11) a statement disclosing all the applicant's dental practices from dental school graduation to the date of the application, including:
(A) the dates during which the applicant was engaged in practice as a dentist;
(B) the addresses of the offices or places at which the applicant was employed or practicing, and the names and addresses of all employers, partners, associates, or persons sharing office space;

- (C) whether the applicant was practicing general dentistry or a specialty; and
  - (D) the reason for the termination of each employment or period of private practice;
- (12) a statement disclosing and explaining any current condition or impairment, including a substance use disorder, abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way affects the ability to practice dentistry. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dentist as set out in G.S. 90-41(a)(2) and (7). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dentists or other impaired professionals program;
- (13) two letters of character reference from non-family members;
- (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within six months prior to the date the report is submitted to the Board;
- (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC 16R .0200, in amounts equal to the number of hours required for renewal of a dental license; and
- (16) a copy of an unexpired CPR certificate.
- (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set forth in 21 NCAC 16M .0101(a)(8) and the renewal fees set forth in 21 NCAC 16M .0101(a)(2) and (b).
- (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed in other states, the applicant shall request the dental regulatory authority or other occupational or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental license to send to the Board office, in ~~an unopened envelope sealed by the authority~~, a sealed envelope or via secure electronic transmission, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending.
- (d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing the Board to request a

fingerprint-based criminal history record check from the North Carolina State Bureau of Investigation.

(e) An applicant ~~for reinstatement~~ whose North Carolina dental license has been revoked, suspended, retired, or expired for two to five years shall ~~take~~ submit to the Board evidence of completion of refresher courses as specified by the Board if the Board determines that the applicant lacks skills or knowledge to practice dentistry. Refresher courses for an applicant whose license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for an applicant whose license has been retired or expired shall be specified by the Board taking into account the amount of time the license has been retired or expired and the applicant's level of experience.

(f) An applicant ~~for reinstatement~~ whose North Carolina dental license has been revoked, suspended, retired, or expired for more than five years shall pass the American Board of Dental Examiners dental licensure clinical examinations before applying for reinstatement.

(g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fees.

(h) Absent a Board order stating otherwise, an applicant whose North Carolina dental license has been revoked shall not be eligible to:

- (1) apply for reinstatement for a period of one year after the effective date of the revocation; or
- (2) re-apply for reinstatement for a period of one year after the Board's denial of the applicant's previous application for reinstatement.

(i) An application for reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (h) of this Rule shall be disregarded without a refund of the application fees.

~~(h)~~(j) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

~~(i)~~(k) Any license obtained through fraud or by any false representation shall be revoked.

Authority G.S. 90-30; 90-41; 90-42.

**SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS**

**SECTION .0600 – REINSTATEMENT OF DENTAL HYGIENE LICENSE**

**21 NCAC 16C .0601 APPLICATION FOR REINSTATEMENT AND PROOF OF COMPETENCY**

(a) Any person desiring to practice dental hygiene in North Carolina whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for reinstatement of a dental hygiene license shall be made on the forms furnished by the Board at www.ncdentalboard.org and shall include:

- (1) original dental hygiene license number and date of issuance;
  - (2) full name;
  - (3) street address as of the date of the application;
  - (4) telephone number;
  - (5) email address;
  - (6) citizenship or immigration status, with verifying documentation;
  - (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the applicant has ever:
    - (A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
    - (B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
    - (C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
    - (D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
    - (E) been convicted or tried for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
    - (F) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor; or
    - (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
  - (8) whether the applicant is under investigation as of the date of the application or has ever been investigated by the Board or any other licensing board;
  - (9) whether the applicant has ever had a civil lawsuit related to the practice of dental hygiene settled;
  - (10) all dental hygiene licenses from other jurisdictions ever held by the applicant, including dates of licensure;
  - (11) a statement disclosing all the applicant's dental hygiene practices, including:
    - (A) the dates during which the applicant was employed as a dental hygienist;
    - (B) the name and address of each employer; and
    - (C) the reason for the termination of each employment;
  - (12) a statement disclosing and explaining any current condition or impairment, including a substance ~~use disorder, abuse, alcohol abuse,~~ or a mental, emotional, or nervous disorder or condition, that in any way affects the ability to practice dental hygiene. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dental hygienist as set out in G.S. 90-229(a)(4) and (13). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program;
  - (13) two letters of character reference from non-family members;
  - (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within six months prior to the date the report is submitted to the Board;
  - (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC 16I, in amounts equal to the number of hours required for renewal of a dental hygiene license; and
  - (16) a copy of an unexpired CPR certificate.
- (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set forth in 21 NCAC 16M .0102(a)(3) and the renewal fees set forth in 21 NCAC 16M .0102(a)(2) and (b).
- (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed in other states, the applicant shall request the dental regulatory authority or other occupational or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental hygiene license to send to the Board office, in ~~an unopened envelope sealed by the authority,~~ a sealed envelope or via secure electronic transmission, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending.
- (d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history check from the North Carolina State Bureau of Investigation.
- (e) An applicant ~~for reinstatement~~ whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired for two to five years shall ~~take~~ submit to the Board evidence of completion of refresher courses as specified by the Board if the Board determines that the applicant lacks skills or knowledge to

practice dental hygiene. Refresher courses for an applicant whose license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for an applicant whose license has been retired or expired shall be specified by the Board taking into account the amount of time the license has been retired or expired and the applicant's level of experience.

(f) An applicant ~~for reinstatement~~ whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired for more than five years shall pass the American Board of Dental Examiners dental hygiene licensure clinical examinations before seeking reinstatement.

(g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fees.

(h) Absent a Board order stating otherwise, an applicant whose North Carolina dental license has been revoked shall not be eligible to:

- (1) apply for reinstatement for a period of one year after the effective date of the revocation; or
- (2) re-apply for reinstatement for a period of one year after the Board's denial of the applicant's previous application for reinstatement.

(i) An application for reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (h) of this Rule shall be disregarded without a refund of the application fees.

~~(h)~~(j) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

~~(i)~~(k) Any license obtained through fraud or by any false representation shall be revoked.

Authority G.S. 90-223; 90-224; 90-229.

**SUBCHAPTER 16H - DENTAL ASSISTANTS**

**SECTION .0200 – PERMITTED FUNCTIONS OF DENTAL ASSISTANT**

**21 NCAC 16H .0205 SPECIFIC PROHIBITED FUNCTIONS OF DENTAL ASSISTANTS I AND II**

~~Those~~ The specific functions that shall not be delegated to either a Dental Assistant I or a Dental Assistant II include ~~those~~ procedures prohibited in 21 NCAC 16G .0103 for ~~Dental Hygienists~~ dental hygienists. In addition, those procedures that require the professional education and skill of a ~~Dentist~~ dentist or ~~Dental Hygienist~~ dental hygienist and ~~may~~ shall not be delegated to a Dental Assistant I or Dental Assistant II ~~shall~~ include:

- (1) performing prophylaxis;
- (2) performing periodontal screening;
- (3) performing periodontal probing;
- (4) performing ~~subgingival~~ exploration for removal of hard or soft deposits, deposits, except as provided by Rule .0203 of this Section;
- (5) performing sulcular irrigation;

- (6) using ultrasonic ~~sealers for prophylaxis;~~ scalers;
- (7) applying antibiotic-coated materials;
- (8) applying resorbable antimicrobial agents;
- (9) performing root planing;
- (10) applying oral cancer screening products; or
- (11) using laser fluorescence detectors in preparation for the dentist's examination and diagnosis of ~~carities; or cavities.~~
- ~~(12) applying resin infiltration treatment for incipient smooth surface lesions, following the dentist's diagnosis that the lesion is non-penetrable.~~

Authority G.S. 90-29(c)(9); 90-48.

**SUBCHAPTER 16Q - GENERAL ANESTHESIA AND SEDATION**

**SECTION .0700 – COMPLIANCE AND REPORTING**

**21 NCAC 16Q .0701 FAILURE TO COMPLY**

(a) Failure to comply with the provisions of this Subchapter may result in suspension or revocation of the permit and/or and the dentist's license to practice dentistry in accordance with G.S. 90-41.

(b) Absent a Board order stating otherwise, a dentist whose permit has been revoked shall not be eligible to:

- (1) apply for reinstatement of the permit for a period of one year after the effective date of the revocation; or
- (2) re-apply for reinstatement of the permit for a period of one year after the Board's denial of the applicant's previous application for reinstatement.

(c) An application for permit reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (b) of this Rule shall be disregarded without a refund of the application fees.

Authority G.S. 90-28; 90-30.1; 90-41; 90-48.

**SUBCHAPTER 16T – PATIENT RECORDS**

**SECTION .0100 – PATIENT RECORDS**

**21 NCAC 16T. 0104 NOTICE AND TRANSFER OF RECORDS UPON CEASING PRACTICE**

(a) Patient Notification Upon Closure of Practice – A dentist who is a sole practitioner and closes a dental practice for reasons other than disciplinary action by the Board shall notify all patients with a pending treatment plan or a scheduled appointment of the closure and consult with the patients on options for continued care and transferring of the patient record to another provider or returning it to the patient. Nothing in this Rule shall alter the dentist's obligations under Rule .0101 of this Section to retain the patient record unless it is either transferred to another provider or returned to the patient. A dentist shall document the transfer or return of each patient record.

(b) Patient Notification Upon Revocation or Active Suspension of License- Unless an Order of the Board specifies otherwise, a dentist whose license is subject to active suspension for a period of 30 days or longer or is revoked by Order of the Board will notify all patients with a pending treatment plan or a scheduled appointment of the suspension or revocation in not more than 10 days after the effective date of the active suspension or revocation, the reasons for the suspension or revocation, and consequent inability of the licensee to continue treatment after the effective date of suspension or revocation. The dentist shall advise such patients that the patients may seek treatment from another licensed provider if further treatment is required during the period of active suspension or after the revocation. The dentist shall document the notice in the patient record.

(c) Transfer of Patient Records Upon Revocation or Active Suspension of License- A dentist shall not abandon patient records. Unless otherwise specified by Board Order, in not more than 30 days after the effective date of an active suspension or revocation of a license, the dentist shall deliver all patient records in his or her possession for each patient with an ongoing treatment plan or a scheduled appointment either to the patient or to another treatment provider as directed by the patient, or document good faith efforts to do so. A dentist shall not transfer patient records containing confidential information to another treatment provider in a different practice without prior consent from the patient. The dentist shall document the consent to transfer in the patient record and the transfer or return of each patient record.

(d) Transfer of Patient Records to Trustee - If the Board determines that patient records have been abandoned by a dentist, including upon the suspension or revocation of a license or the death or disability of a sole practitioner, the Board may seek a judicial order appointing a licensed dentist to act as trustee of the abandoned patient records. The trustee shall take steps to contact each patient for return or transfer of the patient record. The trustee shall not transfer patient records containing confidential information to another treatment provider without prior consent from the patient, documented in the record. Upon the death of a dentist who is not a sole practitioner, a dentist who is an owner or employed in the same practice as the deceased dentist shall take custody of the deceased dentist's patient records and notify the patients to arrange for continued care either within the practice or by transferring the patient record to another dentist.

(e) Proof of Compliance - A licensee whose license is subject to active suspension or revoked by Order of the Board shall keep and maintain records of the steps taken under Paragraphs (b) and (c) of this Rule so that, upon any subsequent proceeding, proof of compliance with this Rule and any Order of the Board shall be available for the Board to review. Proof of compliance with Paragraphs (b) and (c) shall be a condition precedent to consideration of any petition for reinstatement or stay of active suspension. If a trustee was appointed for custody of the licensee's patient records in accordance with Paragraph (d) of this Rule, the petitioner must demonstrate, as conditions precedent to consideration for any petition for reinstatement or stay of active suspension, that there was just cause for the abandonment of the patient records and that the petitioner has paid the trustee or Board for documented expenses incurred in connection with the custody of the abandoned patient records, even when just cause is demonstrated.

Authority G.S. 90-28; 90-41; 90-48; 90-48.1.

**SUBCHAPTER 16W – PUBLIC HEALTH HYGIENISTS**

**SECTION .0100 - PUBLIC HEALTH HYGIENISTS**

**21 NCAC 16W .0101 DIRECTION DEFINED**

(a) A public health hygienist may perform clinical procedures under the direction of a licensed dentist, as defined by 21 NCAC 16A .0101(9), and in accordance with G.S. ~~90-233(a)~~ 90-233(a), provided the dentist ordering the procedure, or another dentist designated by the ordering dentist, is accessible, either in person or via synchronous teledentistry, for consultation while the hygienist is performing clinical procedures, and to provide any follow-up care the dentist determines to be clinically necessary.

(b) The specific clinical procedures delegated to the hygienist shall be completed, in accordance with a written order from the dentist, within 270 days of the dentist's in-person evaluation of the patient.

(c) The dentist's evaluation of the patient shall include a comprehensive oral examination, medical and dental health history, and diagnosis of the patient's condition.

(d) A public health hygienist may provide educational information, such as instruction in brushing and flossing, without the direction of a licensed dentist.

Authority G.S. 90-223; 90-233(a).

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16I .0206; and 16R .0206.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** [www.ncdentalboard.org](http://www.ncdentalboard.org)

**Proposed Effective Date:** May 1, 2025

**Public Hearing:**

**Date:** March 13, 2025

**Time:** 6:30pm

**Location:** 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

**Reason for Proposed Action:** 21 NCAC 16I .0206 and 21 NCAC 16R .0206 are proposed for amendment to update the rules with the correct terminology for substance use disorders and to provide more flexibility on the type of classes that may satisfy the mental health education requirement.

**Comments may be submitted to:** Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

**Comment period ends:** March 17, 2025

**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

**SUBCHAPTER 16I - ANNUAL RENEWAL OF LICENSE AND CONTINUING EDUCATION REQUIREMENTS: DENTAL HYGIENIST**

**SECTION .0200 – CONTINUING EDUCATION**

**21 NCAC 16I .0206 CONTINUING EDUCATION ON ~~SUBSTANCE ABUSE AND MENTAL HEALTH~~**

(a) Every two calendar years, each dental hygienist shall complete one clock hour of continuing education on ~~substance abuse and~~ mental health. To count toward this requirement, the course shall be:

- (1) designed to address relevant mental health issues for dental professionals, including substance ~~abuse~~ use disorders, chemical dependency, impairment, ~~and~~ or mental health disorders; and
- (2) offered by a Board-approved sponsor as set out in Rule .0202(b) of this Section.

(b) The continuing education requirement set out in Paragraph (a) of this Rule may be completed through a self-study course that satisfies Subparagraphs (a)(1) and (2) of this Rule. The dental hygienist shall pass a test administered by the self-study course sponsor and obtain a certificate of completion from the sponsor.

(c) Every two calendar years, a dental hygienist may apply one clock hour of a course meeting the requirements of this Rule toward the total number of continuing education hours required pursuant to Rule .0201(a) of this Section.

*Authority G.S. 90-223; 90-225.1.*

**SUBCHAPTER 16R – ANNUAL RENEWAL OF LICENSE AND CONTINUING EDUCATION REQUIREMENTS: DENTIST**

**SECTION .0200 - CONTINUING EDUCATION**

**21 NCAC 16R .0206 CONTINUING EDUCATION ON ~~SUBSTANCE ABUSE AND MENTAL HEALTH~~**

(a) Every two calendar years, each dentist shall complete one clock hour of continuing education on ~~substance abuse and~~ mental health. To count toward this requirement, the course shall be:

- (1) designed to address relevant mental health issues for dental professionals, including substance ~~abuse~~ use disorders, chemical dependency, impairment, ~~and~~ or mental health disorders; and
- (2) offered by a Board-approved sponsor as set out in Rule .0202(b) of this Section.

(b) The continuing education requirement set out in Paragraph (a) of this Rule may be completed through a self-study course that satisfies Subparagraphs (a)(1) and (2) of this Rule. The dentist shall pass a test administered by the self-study course sponsor and obtain a certificate of completion from the sponsor.

(c) Every two calendar years, a dentist may apply one clock hour of a course meeting the requirements of this Rule toward the total number of continuing education hours required pursuant to Rule .0201(a) of this Section.

(d) The ~~substance abuse and~~ mental health continuing education requirement shall not replace or substitute for the controlled substance continuing education requirement set out in Rule .0201(b) of this Section.

*Authority G.S. 90-28; 90-31.1.*

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**CHAPTER 56 – BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Engineers and Surveyors intends to amend the rule cited as 21 NCAC 56 .0602.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncbels.org>

**Proposed Effective Date:** May 1, 2025

**Public Hearing:**

**Date:** February 26, 2025

**Time:** 9:00 am

**Location:** Via conference call at 919-791-2000, Ext. 500

**Reason for Proposed Action:** *The Board seeks to amend 21 NCAC 56 .0602 to make grammatical and organizational revisions to the rule and to reflect current practice that applicants for licensure no longer apply to the Board to sit for examinations administered by the National Conference of Examiners for Engineers and Surveyors.*

**Comments may be submitted to:** *S. Wesley Tripp III, 4600 Six Forks Rd, Ste. 310, Raleigh, NC 27609; phone (919) 791-2000; email wtripp@ncbels.org*

**Comment period ends:** March 17, 2025

**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

**SECTION .0600 - PROFESSIONAL LAND SURVEYOR**

**21 NCAC 56 .0602 APPLICATION PROCEDURE: INDIVIDUAL**

(a) General. A person desiring to become certified as a Surveyor Intern or licensed as a Professional Land Surveyor must ~~make application~~ apply to the Board on a form prescribed and furnished by the Board.

(b) Request. A request for the Application. The appropriate application form may be ~~made to the Board office or obtained from~~ accessed on the Board's website. Applicants may access the Surveyor Intern certification forms at https://www.ncbels.org/application/land-surveyor-intern-certification/. Applicants may access the Professional Land Surveyor licensure forms at https://www.ncbels.org/applications/professional-land-surveyor/.

(c) Application Forms:

- (1) Surveyor Intern Certification Form. After passing the ~~fundamentals of surveying examination~~ Fundamentals of Surveying examination, an applicant may ~~make application~~ apply to the Board to become certified as a " ~~Land~~ Surveyor Intern." This form requires the applicant to set forth their personal history, educational background, surveying experience, character ~~references and references,~~ and exhibit. The applicant must submit ~~A~~ a passport-type photographic quality portrait ~~that is adequate for current identification purposes is also required.~~ purposes.
- (2) ~~Professional Land Surveyor Form: Professional Land Surveyor Form.~~ All persons, including

comity applicants and certified Surveyor Interns, shall apply for licensure using the Professional Land Surveyor form. The submission of this form shall signify that the applicant seeks licensure as a professional land surveyor after the applicant has met the requirements set out in Rules .0601 and .0603 of this Section. This form requires the applicant to set forth their personal and educational background, surveying experience, character references, and exhibit. The applicant must submit a passport-type photographic quality portrait adequate for current identification purposes.

~~(A) All persons, including comity applicants and certified Land Surveyor Interns, shall apply for licensure using the Professional Land Surveyor form. The submission of this form shall signify that the applicant seeks licensure, and shall result in seating for the principles and practice of surveying examination, when the applicant has met the requirements as set out in Rule .0601 of this Section. This form requires the applicant to set forth personal and educational background, surveying experience, character references and exhibit. A passport type photographic quality portrait that is adequate for current identification purposes is also required.~~

~~(B) Persons who have previously completed the fundamentals examination by use of the Land Surveying Intern Application Form shall submit the Professional Land Surveyor Application Form to request licensure when qualified to take the examination.~~

(3) Supplemental Form. All persons applying for licensure as a Professional Land Surveyor shall submit the Supplemental Form, which requires the applicant to list all surveying experience.

(4) Reference Forms:

(A) Persons applying for certification as a Surveyor Intern shall submit to the Board the names of three individuals, one of whom is a professional land surveyor, who are familiar with the applicant's work, character, and reputation. Persons applying for licensure as a Professional Land Surveyor shall submit to the Board the names of five individuals, three of whom are professional land surveyors, who are familiar with the applicant's work, character, and reputation. All

references shall be current within one year of application.

(B) Applicants may access Surveyor Intern certification reference forms and Professional Land Surveyor licensure reference forms at the websites listed above in Paragraph (b) of this Rule. The applicant shall then distribute the reference forms to the persons listed on the application as references. After completing the reference forms, the persons listed as references shall submit the forms to the Board.

(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 surveying experience, character, and reputation.

~~(d) Supplemental Form. Persons who applied for licensure as a land surveyor, but were not eligible to be admitted to the examination for principles and practice of surveying shall supplement their initial applications upon applying for the examination. The applicant shall supplement the initial application by using the supplemental form, which requires the listing of land surveying experience from the date of the initial application to the date of the supplemental application. Five references shall be submitted that are current to within one year of the examination date.~~

~~(e) Reference Forms:~~

- ~~(1) Persons applying to be certified as a Surveyor Intern or to take the examination for principles and practice shall submit to the Board names of individuals who are familiar with the applicant's work, character and reputation. The names shall be submitted by the applicant on the application form.~~
- ~~(2) Persons applying for certification as a Surveyor Intern must submit three references, one of whom shall be a Professional Land Surveyor. Persons applying for the principles and practice examination shall submit five references, three of whom shall be Professional Land Surveyors.~~
- ~~(3) In addition to the applicant submitting names to the Board of such individuals, those individuals shall submit to the Board their evaluations of the applicant on reference forms supplied them by the applicant.~~
- ~~(4) 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 land surveying experience, character and reputation.~~
- ~~(5) The Board shall provide the reference forms to the applicant along with the application for licensure. 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 forms to the Board prior to the filing deadline for the examination applied for by the applicant.~~

~~(f)(d) Fees:~~

- ~~(1) Land Surveyor Intern Certification Form. Once the applicant passes the examination on the fundamentals of surveying and makes application to the Board to become certified as a "Land Surveyor Intern" the application fee of one hundred dollars (\$100.00) is payable. No application fee is required to become certified as a "Surveyor Intern."~~
- ~~(2) Professional Land Surveyor Form. The application fee of one hundred dollars (\$100.00) and examination fee for those applying for licensure based upon examination, experience, character and exhibit are is payable with the filing of the application.~~
- ~~(3) Comity. The licensure fee of one hundred dollars (\$100.00) and appropriate examination fee for those applying for licensure based upon comity are is payable with the filing of the application.~~
- ~~(4) Examination. The examination fee for any applicant shall be 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. The state-specific examination fee of two hundred seventy-five dollars (\$275.00) is payable with the filing of the application.~~

~~(g)(e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and Surveying (NCEES) as evidence of licensure, licensure in another state-jurisdiction. For comity licensure licensure, the Board shall accept the NCEES record shall be accepted in lieu of the applicant completing the experience, education education, and references sections of the application. A comity application, with or without a NCEES record, shall be administratively approved by the Executive Director based upon evidence of current licensure in another jurisdiction based on comparable qualifications, required references, and having passed the two hour North Carolina portion of the exam and no record of disciplinary action, 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, the comity applicant's disciplinary record in other jurisdictions, and whether the applicant passed the state-specific exam. At that time the action Each administrative approval shall be reported to the Board for at its next regular meeting for final approval.~~

~~(h)(f) Personal Interview. During the application process, Board members may interview the applicant may be interviewed by Board members if the members have questions regarding the applicant's education, experience experience, or character, based upon the information submitted in the application. character.~~

Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15.

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CHAPTER 58 - REAL ESTATE COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.2 that the Real Estate Commission intends to adopt the rule cited as 21 NCAC 58H .0416, amend the rules cited as 21 NCAC 58A .0106, .0302, .0502; 58H .0204, .0206, .0209, .0302, and repeal the rules cited as 21 NCAC 58A .1801-.1810.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rules is available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncrec.gov

Proposed Effective Date: July 1, 2025

Public Hearing:

Date: February 19, 2025

Time: 9:00 am

Location: Anne Kerr Walker Ballroom, Congdon School of Health Sciences Building, High Point University, One N University Pkwy, High Point, NC 27260. In addition, the public may participate remotely via Zoom using the meeting link: https://ncrec.zoom.us/j/89549601633?pwd=9yZmdvuw61Rlc61M6Hxz0AKJ25e9Q.ofg74jp54bvY9anV

Reason for Proposed Action:

21 NCAC 58A .0106 – DELIVERY OF INSTRUMENTS

Amend this Rule to require brokers to deliver copies of related transaction documents to their customer or client within three days of the receipt of the request.

21 NCAC 58A .0302 – LICENSE APPLICATION AND FEE

Amend this Rule to limit an applicant’s period of re-applying for licensure if: (1) the applicant withdraws their application after a Notice of Hearing has been issued or (2) licensure is denied following a hearing.

21 NCAC 58A .0502 – FIRM LICENSING

Amend this Rule to prohibit a firm from applying for licensure if a principal of the firm has a pending disciplinary case where probable cause was found. Amend this Rule to require a firm to disclose any pending or previous disciplinary action on its license application.

21 NCAC 58A .1801 - .1810 – LIMITED NONRESIDENT COMMERCIAL LICENSING

Repeal this Section to eliminate limited nonresident commercial licenses.

21 NCAC 58H .0204 – POLICIES AND PROCEDURES DISCLOSURE

Amend this Rule to require an education provider to publish the Policies and Procedures Disclosure on its website with a statement referring the student to the Commission’s website for the education provider’s pass rate.

21 NCAC 58H .0206 – ADVERTISING AND RECRUITMENT ACTIVITIES

Amend this Rule to require an education provider or instructor to publish the License Examination Performance Record, pass rate, and completion rate as published on the Commission’s website.

21 NCAC 58H .0209 – RENEWAL AND EXPIRATION OF EDUCATION PROVIDER CERTIFICATION

Amend this Rule to relocate course approval renewal fees to a new rule, 21 NCAC 58H .0416.

21 NCAC 58H .0302 – APPLICATION AND CRITERIA FOR INSTRUCTOR APPROVAL

Amend this Rule to require an instructor to pass an examination before registering for the New Instructor Seminar.

21 NCAC 58H .0416 – RENEWAL AND EXPIRATION OF COURSE APPROVAL

Adopt this Rule to limit the number of times a course can be renewed before an original course approval application is required. Adopt this Rule to also require an education provider to submit written permission to renew a course where the education provider is not the owner of the course. Course renewal fees were moved from 21 NCAC 58H .0209 to Paragraph (b) of this Rule.

Comments may be submitted to: Melissa Vuotto, PO Box 17100, Raleigh, NC 27619; email Public.Comment@ncrec.gov

Comment period ends: March 17, 2025

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

SUBCHAPTER 58A – REAL ESTATE BROKERS

SECTION .0100 - GENERAL BROKERAGE

**21 NCAC 58A .0106 DELIVERY OF INSTRUMENTS**

(a) Except as provided in Paragraph (b) of this Rule, every broker shall deliver a copy of any written agency agreement, contract, offer, lease, rental agreement, option, or other related transaction document to their customer or client within three days of the broker's receipt of the executed document. A broker shall also deliver a copy of said documents within three days of receipt of a request by the customer or client.

(b) A broker may be relieved of the duty to deliver copies of leases or rental agreements to a property owner pursuant to Paragraph (a) of this Rule if the broker:

- (1) obtains the prior written authority of the property owner to enter into and retain copies of leases or rental agreements on behalf of the property owner;
- (2) executes the lease or rental agreement on a pre-printed form, the material terms of which may not be changed by the broker without prior approval by the property owner, except as may be required by law; and
- (3) delivers to the property owner an accounting within 45 days following the date of execution of the lease or rental agreement that identifies:
  - (A) the leased property;
  - (B) the name, phone number, and home address of each tenant; and
  - (C) the rental rates and rents collected.

(c) Paragraph (b) of this Rule notwithstanding, upon the request of a property owner, a broker shall deliver a copy of any lease or rental agreement within five days.

*Authority G.S. 93A-3(c).*

**SECTION .0300 – APPLICATION FOR LICENSE**

**21 NCAC 58A .0302 LICENSE APPLICATION AND FEE**

(a) The fee for an original application of a broker or firm license shall be one hundred dollars (\$100.00).

(b) An applicant shall update information provided in connection with a license application in writing to the Commission or submit a new application form that includes the updated information without request by the Commission to ensure that the information provided in the application is current and accurate. Failure to submit updated information prior to the issuance of a license may result in disciplinary action against a broker or firm in accordance with G.S. 93A-6(b)(1). Upon the request of the Commission, an applicant shall submit updated information or provide additional information necessary to complete the application within 45 days of the request or the license application shall be canceled.

(c) The license application of an individual shall be canceled if the applicant fails to:

- (1) pass a scheduled license examination within 180 days of filing a complete application pursuant to Rule .0301 of this Section; or
- (2) appear for and take any scheduled examination without having the applicant's examination postponed or absence excused pursuant to Rule .0401 of this Subchapter.

(d) If an applicant withdraws their application for licensure after a Notice of Hearing is issued the Commission may prohibit the applicant from re-applying for licensure for a period of up to two years from the date of the application's withdrawal if the Commission determines that the applicant failed to show good cause for the application withdrawal.

(e) If an applicant is denied licensure following a hearing, the Commission may order that the applicant be prohibited from re-applying for licensure for a period of up to two years from the date of the application.

*Authority G.S. 93A-4; 93A-6(b)(1); 93A-9; 93B-8.1(b5).*

**SECTION .0500 - LICENSING**

**21 NCAC 58A .0502 FIRM LICENSING**

(a) Every business entity other than a sole proprietorship shall apply for and obtain from the Commission a firm license prior to engaging in business as a real estate broker. A business entity shall not be permitted to apply for or obtain a firm license when a principal of the firm has a pending disciplinary case where probable cause has been found by the Commission.

(b) An entity that changes its business form other than by conversion shall submit a new firm license application upon making the change and obtain a new firm license. An entity that converts to a different business entity in conformity with and pursuant to applicable North Carolina General Statutes shall not be required to apply for a new license. However, such converted entity shall provide the information required by this Rule in writing to the Commission within 10 days of the conversion and shall include the duplicate license fee pursuant to Rule .0101(c) of this Subchapter.

(c) Firm license application forms shall be available on the Commission's website or upon request to the Commission and shall require the applicant to set forth:

- (1) the legal name of the entity;
- (2) the name under which the entity will do business;
- (3) the type of business entity;
- (4) the address of its principal office;
- (5) the entity's NC Secretary of State Identification Number if it is required to be registered with the Office of the NC Secretary of State;
- (6) each federally insured depository institution lawfully doing business in this State where the entity's trust account(s) will be held, if applicable;
- (7) the name, real estate license number, and signature of the proposed qualifying broker for the firm;
- (8) the address of and name of the proposed broker-in-charge for each office as defined in Rule .0110(a) of this Subchapter, along with a completed broker-in-charge designation form described in Rule .0110(f) of this Subchapter for each proposed broker-in-charge;
- (9) any past criminal conviction of and any pending criminal charge against any principal in the company or any proposed broker-in-charge;

- (10) any past revocation, suspension, or denial of a business or professional license of any principal in the company or any proposed broker-in-charge;
- (11) any pending or previous professional license disciplinary action against the firm, its principals, or any proposed broker-in-charge;
- ~~(14)~~(12) if a general partnership, a description of the applicant entity, including a copy of its written partnership agreement or if no written agreement exists, a written description of the rights and duties of the partners, and the name of each partner. If a partner is an entity rather than a natural person, the name of each officer, partner, or manager of that entity, or any entity therein;
- ~~(13)~~(13) if a limited liability company, a description of the applicant entity, including a copy of its written operating agreement or if no written agreement exists, a written description of the rights and duties of the managers, and the name of each manager. If a manager is an entity rather than a natural person, the name of each officer, partner, or manager of that entity, or any entity therein;
- ~~(14)~~(14) if a business entity other than a corporation, limited liability company, or partnership, a description of the organization of the applicant entity, including a copy of its organizational documents evidencing its authority to engage in real estate brokerage;
- ~~(15)~~(15) if a foreign business entity, a Certificate of Authority to transact business in North Carolina issued by the NC Secretary of State and an executed consent to service of process and pleadings; and
- ~~(16)~~(16) any other information required by this Rule.

(d) When the authority of a business entity to engage in the real estate business is unclear in the application or in law, the Commission shall require the applicant to declare in the firm license application that the applicant's organizational documents authorize the firm to engage in the real estate business and to submit organizational documents, addresses of affiliated persons, and similar information. For purposes of this Rule, the term "principal," when it refers to a person or entity, means any person or entity owning 10 percent or more of the business entity, or who is an officer, director, manager, member, partner, or who holds any other comparable position.

- (e) After filing a firm license application with the Commission, the entity shall be licensed provided that it:
- (1) has one principal holding a broker license on active status in good standing who will serve as the qualifying broker; and
  - (2) employs and is directed by personnel licensed as a broker in accordance with this Chapter.

The qualifying broker of a partnership of any kind shall be a general partner of the partnership; the qualifying broker of a limited liability company shall be a manager of the company; and the qualifying broker of a corporation shall be an officer of the

corporation. A licensed business entity may serve as the qualifying broker of another licensed business entity if the qualifying broker-entity has as its qualifying broker a natural person who is licensed as a broker. The natural person who is qualifying broker shall assure to the Commission the performance of the qualifying broker's duties with regard to both entities. A provisional broker may not serve as a qualifying broker.

(f) The licensing of a business entity shall not be construed to extend to the licensing of its partners, managers, members, directors, officers, employees or other persons acting for the entity in their individual capacities regardless of whether they are engaged in furthering the business of the licensed entity.

(g) The qualifying broker of a business entity shall assume responsibility for:

- (1) designating and assuring that there is at all times a broker-in-charge for each office and branch office of the entity as "office" and "branch office" are defined in Rule .0110(a) of this Subchapter;
- (2) renewing the real estate broker license of the entity;
- (3) retaining the firm's current pocket card at the firm and producing it as proof of firm licensure upon request and maintaining a photocopy of the firm license certificate and pocket card at each branch office thereof;
- (4) notifying the Commission of any change of business address or legal or trade name of the entity and the registration of any assumed business name adopted by the entity for its use;
- (5) notifying the Commission in writing of any change of his or her status as qualifying broker within 10 days following the change;
- (6) securing and preserving the transaction and trust account records of the firm whenever there is a change of broker-in-charge at the firm or any office thereof and notifying the Commission if the trust account records are out of balance or have not been reconciled as required by Rule .0117 of this Subchapter;
- (7) retaining and preserving the transaction and trust account records of the firm upon termination of his or her status as qualifying broker until a new qualifying broker has been designated with the Commission or, if no new qualifying broker is designated, for the period of time records are required to be retained by Rule .0108 of this Subchapter;
- (8) notifying the Commission if, upon the termination of his or her status as qualifying broker, the firm's transaction and trust account records cannot be retained or preserved or if the trust account records are out of balance or have not been reconciled as required by Rule .0117 of this Subchapter; and
- (9) notifying the Commission regarding any revenue suspension, revocation of Certificate of Authority, or administrative dissolution of the entity by the NC Secretary of State within 10

days of the suspension, revocation, or dissolution.

(h) Every licensed business entity and every entity applying for licensure shall conform to all the requirements imposed upon it by the North Carolina General Statutes for its continued existence and authority to do business in North Carolina. Failure to conform to such requirements shall be grounds for disciplinary action or denial of the entity's application for licensure.

(i) Upon receipt of notice from an entity or agency of this State that a licensed entity has ceased to exist or that its authority to engage in business in this State has been terminated by operation of law, the Commission shall cancel the license of the entity.

Authority G.S. 55-11A-04; 93A-3(c); 93A-4.

SECTION .1800 - LIMITED NONRESIDENT COMMERCIAL LICENSING

21 NCAC 58A .1801 GENERAL PROVISIONS
21 NCAC 58A .1802 DEFINITIONS
21 NCAC 58A .1803 REQUIREMENTS FOR LICENSURE; APPLICATION AND FEE
21 NCAC 58A .1804 ACTIVE STATUS
21 NCAC 58A .1805 RENEWAL
21 NCAC 58A .1806 LIMITATIONS
21 NCAC 58A .1807 AFFILIATION WITH RESIDENT BROKER
21 NCAC 58A .1808 TRUST MONIES
21 NCAC 58A .1809 ADVERTISING
21 NCAC 58A .1810 PAYMENT OF FEES

Authority G.S. 93A-4; 93A-9.

SUBCHAPTER 58H - REAL ESTATE EDUCATION

SECTION .0200 - REAL ESTATE EDUCATION PROVIDERS

21 NCAC 58H .0204 POLICIES AND PROCEDURES DISCLOSURE

(a) An education provider shall publish to prospective students and provide to all students upon enrollment a Policies and Procedures Disclosure. Disclosure for prospective students.

(b) In addition to the information required by G.S. 93A-34(c)(5), an education provider's Policies and Procedures Disclosure shall include:

- (1) the name and address of the Commission, along with a statement that any complaints concerning the education provider or its instructors should be directed to the Commission;
(2) a statement that the education provider shall not discriminate in its admissions policy or practice against any person on the basis of age, sex, race, color, national origin, familial status, handicap status, or religion;
(3) the education provider's most recent annual License Examination Performance Record and

the Annual Summary Report data as published by the Commission;

(4) the all-inclusive tuition and fees for each particular course;

(5) a written course cancellation and refund policy;

(6) a list of all course and reference materials required;

(7) the course completion requirements pursuant to Rule .0207 of this Section and 21 NCAC 58A .1705; and

(8) a statement referring the student to the Commission's website for the education provider's pass rate; and

(8)(9) a signed certification acknowledging the student's receipt of the Policies and Procedures Disclosure prior to payment of any portion of tuition or registration fee without the right to a full refund.

(c) In addition to the information required in Paragraph (b) of this Rule and G.S. 93A-34(c)(5), an education provider offering distance education, synchronous distance learning, or blended learning courses shall include:

(1) a list of hardware and software or other equipment necessary to offer and complete the course;

(2) the contact information for technical support; and

(3) a description of how the end-of-course examination shall be administered to the student.

Authority G.S. 93A-4; 93A-33; 93A-34.

21 NCAC 58H .0206 ADVERTISING AND RECRUITMENT ACTIVITIES

(a) Any education provider utilizing its License Examination Performance Record or Annual Summary Report for advertising or promotional purposes shall only use the most recent annual License Examination Performance Record or Annual Summary Report as published on the Commission's website in a manner that is not misleading or false. An education provider or instructor shall not advertise or otherwise make available any License Examination Performance Record or license examination pass rates or completion rates, nor reference or publish the pass rates of other education providers or instructors except as published on the Commission's website or as provided by this Subchapter.

(b) Education providers shall not make or publish, by way of advertising or otherwise, any false or misleading statement regarding employment opportunities that may be available as a result of completion of a course offered by that education provider or acquisition of a real estate license.

(c) Education providers shall not use endorsements or recommendations of any person or organization for advertising or otherwise unless such person or organization has consented in writing to the use of the endorsement or recommendation. In no case shall any person or organization be compensated for an endorsement or recommendation.

(d) Education providers shall not offer Postlicensing courses only for brokers affiliated with a particular real estate broker, firm, franchise, or association.

(e) Education providers may offer and advertise courses in addition to those approved by the Commission pursuant to this Subchapter provided that references to such courses are not made or published in a manner that implies approval by the Commission.

(f) Instructional time and materials shall be utilized for instructional purposes only.

(g) All Continuing Education course advertisements and promotional materials shall specify the number of Continuing Education credit hours to be awarded by the Commission for the course.

(h) The education provider name shall be used in all publications and advertising.

Authority G.S. 93A-4; 93A-33.

**21 NCAC 58H .0209 EXPIRATION AND RENEWAL RENEWAL AND EXPIRATION OF EDUCATION PROVIDER CERTIFICATION**

(a) All education provider and public education provider certifications shall expire annually on June 30 following certification.

(b) An education provider or public education provider seeking renewal of its certification shall submit an electronic application which shall include the following information:

- (1) the education provider or public education provider's:
  - (A) name;
  - (B) education provider number;
  - (C) mailing address;
  - (D) telephone number; and
  - (E) website address, if applicable; and
- (2) the education director's name and signature;
- (3) all approved real estate courses offered;
- (4) a copy of the education provider's Policies and Procedures Disclosure, if applicable; and
- (5) a certification that ~~the course meets~~ all courses meet the requirements of this Subchapter.

(c) Public education providers shall not be charged any fees to renew the education provider certification or course renewal.

(d) The education provider certification renewal fee shall be one hundred dollars (\$100.00) for each education provider location.

~~(e) The renewal fee for an education provider to offer a Prelicensing or Postlicensing course at any of its locations during the licensed period shall be twenty five dollars (\$25.00) per Prelicensing or Postlicensing course.~~

~~(f) The renewal fee for an education provider to renew an approved continuing education elective course shall be fifty dollars (\$50.00) per elective course.~~

~~(g) The materials fee for an education provider to renew an Update course approval shall be one hundred dollars (\$100.00).~~

~~(h)~~(e) If an education provider or public education provider certification has expired, the education provider shall submit an application for original certification pursuant to Rule .0202 of this Subchapter.

~~(f)~~(f) Commission approval of all continuing education courses shall expire on June 30. In order to obtain approval for an expired continuing education course, an education provider shall submit an original application pursuant to Rule .0401 of this Subchapter.

~~(g)~~(g) If an education provider transfers an aggregate of 50 percent or more of the ownership interest, the education provider shall notify the Commission in writing within 10 days of the transfer.

~~(k) On or before July 1, 2021, all education providers shall modify approved courses to comply with this Subchapter.~~

Authority G.S. 93A-3(f); 93A-4; 93A-33; 93A-34(b); 93A-35(b); 93A-36; 93A-38.5(d).

**SECTION .0300 – APPROVED INSTRUCTORS**

**21 NCAC 58H .0302 APPLICATION AND CRITERIA FOR INSTRUCTOR APPROVAL**

(a) An individual seeking original instructor approval shall submit an application on a form available on the Commission's website that shall require the instructor applicant to indicate the course(s) for which approval is being sought and set forth the instructor applicant's:

- (1) legal name, address, email address, and telephone number;
- (2) real estate license number and instructor number, if any, assigned by Commission;
- (3) criminal and occupational licensing history, including any disciplinary actions;
- (4) education background, including specific real estate education;
- (5) experience in the real estate business;
- (6) real estate teaching experience, if any;
- (7) signed Consent to Service of Process and Pleadings for nonresident applicants; and
- (8) signature.

(b) An instructor applicant shall demonstrate that the instructor applicant possesses good reputation and character pursuant to G.S. 93A-34(c)(9) and has:

- (1) a North Carolina real estate broker license that is not on provisional status;
- (2) completed continuing education sufficient to activate a license under 21 NCAC 58A .1703;
- (3) completed 60 semester hours of college-level education at an institution accredited by any college accrediting body recognized by the U.S. Department of Education;
- (4) completed the New Instructor Seminar within the previous six months; and
- (5) within the previous seven years has either:
  - (A) two years full-time experience in real estate brokerage with at least one year in North Carolina;
  - (B) three years of instructor experience at a secondary or post-secondary level;
  - (C) real estate Prelicensing or Postlicensing instructor approval in another jurisdiction; or

- (D) qualifications found to be equivalent by the Commission, including a current North Carolina law license and three years' full time experience in commercial or residential real estate transactions or representation of real estate brokers or firms.

(6) pass an instructor approval examination created by the Commission and based on the North Carolina License Law and Commission Rules prior to registering for the New Instructor Seminar.

(c) In order to complete the New Instructor Seminar, a broker shall:

- (1) attend at least ninety percent of all scheduled hours; and
- (2) demonstrate the ability to teach a 15-minute block of a single Prelicensing topic in a manner consistent with the course materials.

(d) Prior to teaching any Update course, an approved instructor shall ~~take complete~~ the Commission's annual Update Instructor Seminar pursuant to Paragraph (c) of this Rule for the current license ~~period. period and attend at least 90 percent of all scheduled hours.~~ The Update Instructor Seminar shall not be used to meet the requirement in Rule .0306(b)(4) of this Section.

Authority G.S. 93A-3(f); 93A-4; 93A-10; 93A-33; 93A-34.

**SECTION .0400 - REAL ESTATE COURSES**

**21 NCAC 58H .0416 RENEWAL AND EXPIRATION OF COURSE APPROVAL**

(a) Approval of real estate education courses shall expire annually on June 30 following initial course approval.

(b) An education provider or public education provider seeking to renew a course approval shall certify that they are the owner of the course material or, if not the course owner, submit written permission to use the course materials. Written permission of the course owner shall be signed and dated by the course owner no earlier than six months prior to the submission of the course renewal.

(b) The fee for an education provider to renew a course approval shall be:

- (1) twenty-five dollars (\$25.00) per Prelicensing or Postlicensing Course;
- (2) fifty dollars (\$50.00) per continuing education elective course; and
- (3) one hundred dollars (\$100.00) materials fee to offer the Update Course.

(c) An education provider or public education provider shall submit an application for original course approval pursuant to Rule .0401 of this Subchapter if the course approval:

- (1) fails to renew pursuant to this Rule; or
- (2) has renewed twice since the initial course approval.

Authority G.S. 93A-3(f); 93A-4; 93A-33; 93A-35; 93A-38.5(d).

**TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to amend the rules cited as 26 NCAC 03 .0101, and .0102.*

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

**Proposed Effective Date:** *May 1, 2025*

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Please email Lisa Garner (lisa.garner@oah.nc.gov) to demand a public hearing.*

**Reason for Proposed Action:** *26 NCAC 03 .0101 is being amended to delete a provision that is no longer required.*

*26 NCAC 03 .0102 is being amended to add a definition. The change further ensures the specified agency can be served as required by G.S. 150B-23(a).*

**Comments may be submitted to:** *Lisa Garner, 1711 New Hope Church Road, Raleigh, NC 27609; email lisa.garner@oah.nc.gov*

**Comment period ends:** *March 17, 2025*

**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 03 - HEARINGS DIVISION**

**SECTION .0100 - HEARING PROCEDURES**

**26 NCAC 03 .0101 GENERAL**

(a) The Rules of Civil Procedure as contained in G.S. 1A-1 and the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes shall apply in contested cases in the Office of Administrative Hearings (OAH) unless another specific statute or rule of the Office of Administrative Hearings provides otherwise.

(b) The Office of Administrative Hearings shall permit the filing of contested case documents and other pleadings in the OAH electronic filing system (e-OAH), by facsimile (fax), or by electronic mail with an attached file either in PDF format or a document compatible with the most recent version of Microsoft Word. Faxed documents shall be sent to: (984) 236-1871. Electronic mail with attached file shall be sent by electronic transmission to: oah.clerks@oah.nc.gov. ~~The faxed documents or electronic mail with attached file shall be deemed a "filing" within the meaning of 26 NCAC 03 .0102(a)(2) provided the original signed filing and the appropriate filing fee (if a fee is required by G.S. 150B-23.2) are received by OAH within seven business days following the transmission of the faxed documents or electronic mail with attached file.~~ Electronic mail without an attached file as specified in this Paragraph shall not constitute a valid filing with the Office of Administrative Hearings.

(c) Every pleading and other documents filed with OAH shall be signed by the attorney, mediator, or other party who prepared the document, and shall contain the preparer's name, mailing address, electronic mail address, and telephone number. Documents prepared by an attorney shall have the attorney's North Carolina State Bar number.

(d) Except as otherwise provided by statutes or by rules adopted under G.S. 150B-38(h), the rules contained in this Chapter shall govern the conduct of contested case hearings under G.S. 150B-40 when an Administrative Law Judge has been assigned to preside in the contested case.

*Authority G.S. 7A-750; 7A-751(a); 150B-23.2; 150B-23.3; 150B-40(c).*

**26 NCAC 03 .0102 DEFINITIONS AND CONSTRUCTION**

(a) The definitions contained in G.S. 150B-2 are incorporated herein by reference. In addition, the following definitions apply:

- (1) "Chief Administrative Law Judge" means the person appointed according to G.S. 7A-752.
- (2) "File" or "Filing" means:
  - (A) to place the paper or item to be filed into the care and custody of the chief hearings clerk of the Office of Administrative Hearings, and acceptance thereof by the clerk, except that when a party submits a document for filing to the administrative law judge during the course of a contested case hearing and the filing is accepted by the administrative law judge, the judge shall note thereon the filing date. All documents filed with the Office of

Administrative Hearings, except exhibits, shall be in letter size 8 1/2" by 11"; or

- (B) electronic filing as defined in 26 NCAC 03 .0501(1).
- (3) "Service" or "Serve" means:
  - (A) delivery by electronic mail with an attached file in a format that is readily accessible to the recipient;
  - (B) delivery by facsimile (fax);
  - (C) personal delivery;
  - (D) delivery by first class United States Postal Service mail;
  - (E) delivery by overnight express mail service; or
  - (F) electronic service as defined in 26 NCAC 03 .0501(4).
- (4) "Document Constituting Agency Action" means the written notice described in G.S. 150B-23(f). When describing the "procedure" for filing a contested case, the agency shall include the name of the agency, and its authorized process agent to ensure the specified agency can be served as required by G.S. 150B-23(a).

(b) A Certificate of Service ~~by the person making the service~~ shall be appended to every document requiring service under these Rules.

(c) Service by mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in an official depository of the United States Postal Service.

(d) Service by overnight express mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in the custody of an overnight express mail service.

(e) Service by electronic mail or fax shall be deemed to occur one hour after it is sent, provided that:

- (1) documents sent after 5 pm are deemed sent at 8 am the following business day; and
- (2) documents sent by electronic mail or fax that are not readable by the recipient are not deemed served. Within five business days of receipt of an unreadable document, the receiving party shall notify the sending party of the unreadability of the document.

Service by electronic mail or fax is treated the same as service by mail for the purpose of adding three days to the prescribed period to respond under Rule 6(e) of the Rules of Civil Procedure as contained in G.S. 1A-1.

(f) The rules of statutory construction contained in Chapter 12 of the General Statutes shall be applied in the construction of these Rules.

*Authority G.S. 7A-752; 150B-23; 150B-23.3.*

**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 11 – DEPARTMENT OF INSURANCE**

**Rule-making Agency:** NC Building Code Council

**Rule Citation:** 11 NCAC 08 .0211

**Effective Date:** December 18, 2024

**Findings Reviewed and Approved by the Codifier:** December 10, 2024

**Reason for Action:** Pursuant to G.S. 143-138, the North Carolina Building Code Council (NCBCC) proposes to adopt 11 NCAC 08 .0211 under emergency procedures to assist private citizens' and local inspection departments' efforts to provide temporary housing buildings to North Carolinians in need for use as temporary shelter during the recovery from Hurricane Helene. Without this emergency rule, code-enforcement officials at local inspection departments will be required to inspect every temporary shelter constructed in Western North Carolina to determine whether it is compliant with the North Carolina State Building Code. This emergency rule provides a list of minimum requirements for temporary housing buildings to achieve compliance with the North Carolina State Building Code and allows the owners of real property upon which such temporary housing buildings are constructed to execute an affidavit affirming that the temporary housing buildings on their property were constructed in accordance with these minimum requirements. The affidavit process enacted by this rule provides clear guidance to property owners and code-enforcement officials for how to safely construct temporary housing buildings as shelter and eases the burden on local inspection departments so that they may continue their important work in helping their counties recover from the devastation caused by Hurricane Helene.

Adherence to notice and hearing requirements is contrary to the public interest because such adherence would take too long to address the immediate need for the construction of safe and warm shelter for the victims of Hurricane Helene in North Carolina. In the wake of such a destructive hurricane, many North Carolinians are without this safe and warm shelter as the Winter deepens and temperatures drop further. Simultaneously, local inspection departments are stretched thin performing necessary damage assessment work and inspecting and permitting construction to take the place of structures demolished by the hurricane. The wide variety of types of structures that charity groups and private individuals have the capacity to construct compounds this problem as local inspection departments are required to review plans and inspect these structures for compliance with the North Carolina State Building Code - a complex task even in normal circumstances without the pressing need to provide shelter to North Carolinians for the Winter. This situation necessitates

emergency action by the NCBCC to avoid the serious and unforeseen threat to the public health and safety of North Carolinians in the western part of the State.

**CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION**

**SECTION .0200 - NORTH CAROLINA STATE BUILDING CODE**

**11 NCAC 08 .0211 TEMPORARY HOUSING BUILDINGS DURING HURRICANE HELENE STATE OF EMERGENCY**

(a) Temporary housing buildings provided to those in need for use as a temporary shelter during the recovery from Hurricane Helene that do not contain electrical systems requiring the supply of electric current are exempt from permits and inspections from the local inspection department having jurisdiction for the duration of the state of emergency declared by the Governor, pursuant to G.S. 166A-19.20, on September 25, 2024 in Executive Order No. 315 and extended by the General Assembly in S.L. 2024-151 (the "State of Emergency"). Temporary housing buildings provided to those in need for use as a temporary housing shelter during the recovery from Hurricane Helene that contain electrical systems requiring the supply of electric current shall be inspected and approved by the appropriate electrical inspector prior to being energized, and upon said inspection and approval are exempt from all other permits and inspections from the local inspection department having jurisdiction for the duration of the State of Emergency. The owner of the real property upon which temporary housing buildings for use as temporary shelter during the recovery from Hurricane Helene are to be constructed (the "Owner") shall sign an affidavit attesting that the temporary housing buildings shall be constructed per the requirements provided in this rule. The affidavit shall be provided to the local inspection department within a reasonable time of its notarization. The affidavit limits the occupancy and use of temporary housing buildings to use as a temporary shelter for 180 days from the first day of occupancy. The Owner assumes all liability associated with the construction and use of the temporary housing buildings as a means of temporary shelter. Once the temporary shelter period of 180 days has expired, the temporary housing building shall cease use as a temporary shelter and any reuse of the building is subject to permits and inspections by the local inspection department having jurisdiction and the requirements of the North Carolina State Building Code, unless the proposed new use is currently exempted by law or the North Carolina State Building Code. An affidavit for a temporary housing building may be renewed by the Owner at the discretion of the local inspection department by the completion and submission by the Owner of a new affidavit to the local inspection department, provided that the State of Emergency and this rule remain in effect on the date such renewal is sought.

(b) If an Owner provides the Owner affidavit described in Paragraph (a) to the local inspection department, then the temporary housing buildings shall be constructed in accordance with the following minimum requirements:

- (1) The location of temporary housing buildings shall comply with local zoning laws.
- (2) Temporary housing buildings are limited to one-story above grade plane and a maximum of 400 square feet with a pitched roof.
- (3) Temporary housing buildings shall be located to avoid areas prone to flooding, landslides, steep slopes, or other natural hazards.
- (4) Essential services, such as water and sanitation, shall be provided on the Owner's property.
- (5) Not less than 10 feet minimum fire separation distance shall be provided between temporary housing buildings and property lines.
- (6) If partition walls are provided within the temporary housing building, a minimum of one window on an exterior wall in each space that is used as a sleeping room is required to be used as an emergency escape and rescue opening and shall have a minimum openable area of 4 square feet. The minimum net clear opening height shall be 22 inches. The minimum net opening width shall be 20 inches. The sill height shall be not more than 44 inches above the floor. If the temporary housing building is an open floor plan, the egress door can serve as the emergency escape and rescue opening.
- (7) Natural ventilation shall be provided by a minimum of one openable window and one egress door. If emergency escape and rescue openings are required, they can also be used to satisfy the natural ventilation requirements.
- (8) Heating facilities capable of maintaining a room temperature of not less than 68° F shall be provided within temporary housing buildings based on the local winter 99% design day outdoor air temperature.
- (9) Minimum ceiling height of not less than 6'-8" shall be provided in temporary housing buildings.
- (10) A minimum of one side-hinged egress door shall be provided at a clear width of not less than 32 inches and a clear height of not less than 78 inches in temporary housing buildings with a landing or stairs provided outdoors at the same clear width of the door and extending 36 inches in the direction of travel.
- (11) One battery-powered smoke alarm and one carbon monoxide alarm or one combination smoke and carbon monoxide alarm shall be provided and installed in each room per the manufacturer's installation instructions in temporary housing buildings.
- (12) A site address and the number of temporary housing units located at the site address shall be

provided to the fire code official to facilitate an emergency response.

- (13) Foundations: The owner shall make sure a stable soil condition and foundation is provided for temporary housing buildings to prevent shifting or collapse. Positive anchorage for the structure shall be provided. Temporary housing buildings shall be permitted to be supported on a wood foundation of minimum 4-inch by 4-inch or 6-inch by 6-inch mudsill or runner of approved wood in accordance with Section R317 of the 2018 North Carolina Residential Code ("NCRC"). Structural floor systems that include joists and subfloor material shall also comply with Section R317.1, Item 1 of the 2018 NCRC.
- (14) Allowable joist spans: Spans for floor joists of temporary housing buildings shall be in accordance with the following table. For other grades and species and for other loading conditions, refer to the 2018 NCRC.

Joists Spacing	Maximum Floor Joist Span (ft- in)		
	2 X 6	2 X 8	2 X 10
12	8-2	10-3	12-6
16	7-1	8-11	10-10
24	5-9	7-3	8-10

- (15) Lateral restraint at supports: Floor joists of temporary housing buildings shall be supported laterally at the ends by full-depth solid blocking not less than 2 inches nominal in thickness; or by attachment to a full depth header, band or rim joist, or to an adjoining stud or shall be otherwise provided with lateral support to prevent rotation.
- (16) Subfloor: Floor framing of temporary housing buildings shall be sheathed with minimum 3/4-inch thick wood structural sheathing and 8d common nails spaced at not more than 6 inches on center at all support edges and 12 inches on center at other intermediate supports.
- (17) Wall Framing: Bearing walls of temporary housing buildings shall be framed with minimum stud size of 2 X 4 at maximum 24 inches on center spacing and limited to a stud height of 10 feet.
- (18) Header Spans on exterior bearing walls of temporary housing buildings shall be in accordance with the following table:

Header Span (ft-in)*,**	
Size	Span
1-2 X 8	4-6
1-2 X 10	5-8

<u>2 - 2 X 4</u>	<u>3-6</u>
<u>2 - 2 X 6</u>	<u>5-5</u>
<u>2 - 2 X 8</u>	<u>6-10</u>

\* Minimum one jack stud on each end of the header  
 \*\*Up to 20 feet building width and 30 psf ground snow load)

- (19) Top plate: Wood stud walls in temporary housing buildings shall be capped with a double top plate installed to provide overlapping at corners.
- (20) Bottom (sole) plate: Studs in temporary housing buildings shall have full bearing on a nominal 2-by or larger plate or sill having a width not less than the width of the studs.
- (21) Wall Sheathing: Exterior walls of temporary housing buildings shall be continuously sheathed with minimum 3/8-inch thick wood structural panels.
- (22) Interior sheathing: The interior side of exterior walls in temporary housing buildings are permitted to remain open.
- (23) Braced Wall: All exterior walls in temporary housing buildings shall be braced with minimum 24-inch wood structural panels at each corner in both directions of the structure.
- (24) Roof framing details: Rafters in temporary housing buildings shall be framed to ridge board or to each other with a gusset plate as a tie. Ridge board shall be not less than 1-inch nominal thickness and not less in depth than the cut end of the rafter.
- (25) Ceiling joist and rafter connections: Ceiling joists and rafters for temporary housing buildings shall be nailed to each other in accordance with the following table:

<u>Rafter slope*</u>	<u>Rafter Spacing*</u>	<u>Number of 16d common nails required*</u>
<u>3:12</u>	<u>16</u>	<u>8</u>
	<u>24</u>	<u>11</u>
<u>5:12</u>	<u>16</u>	<u>5</u>
	<u>24</u>	<u>7</u>
<u>7:12</u>	<u>16</u>	<u>4</u>
	<u>24</u>	<u>5</u>

\*Up to 20 feet building width and 30 psf ground snow load

- (26) Rafters: Rafters in temporary housing buildings shall be toe-nailed to the top wall plate with three 8d common nails.
- (27) Allowable ceiling joist spans: Spans for ceiling joists in temporary housing buildings shall be in accordance with the following table. For other

wood grades and species and for other loading conditions, refer to the 2018 NCRC.

	<u>Maximum Ceiling Jost Span (ft- in)</u>		
<u>Joists Spacing</u>	<u>2 X 4</u>	<u>2 X 6</u>	<u>2 X 8</u>
<u>12</u>	<u>10-1</u>	<u>14-11</u>	<u>18-9</u>
<u>16</u>	<u>8-9</u>	<u>12-11</u>	<u>16-3</u>
<u>24</u>	<u>7-8</u>	<u>10-6</u>	<u>13-3</u>

- (28) Allowable ceiling joist spans: Spans for rafters for temporary housing buildings shall be in accordance with the following table. For other wood grades and species and for other loading conditions, refer to the 2018 NCRC.

	<u>Maximum Rafter Span (ft- in)</u>		
<u>Joists Spacing</u>	<u>2 X 4</u>	<u>2 X 6</u>	<u>2 X 8</u>
<u>12</u>	<u>6-7</u>	<u>9-9</u>	<u>12-4</u>
<u>16</u>	<u>5-9</u>	<u>8-6</u>	<u>10-8</u>
<u>24</u>	<u>4-8</u>	<u>6-11</u>	<u>8-9</u>

- (29) Roof Sheathing: The roof of temporary housing buildings shall be continuously sheathed with a minimum 7/16-inch thick wood structural panels.
- (30) Building thermal envelope insulation is not required for temporary housing buildings, but insulation is recommended to provide a greater level of temperature control and a lower risk of thermal overload of the electrical system.
- (31) Heating appliances shall be listed and labeled and shall be installed per the manufacturer's installation instructions within temporary housing buildings. Clearances to combustible materials in accordance with the heating appliance manufacturer's instructions shall be maintained within temporary housing buildings. Fuel-burning heaters shall be of the direct-vent type in temporary housing buildings. Unvented room heaters and portable space heaters are prohibited in temporary housing buildings. Heaters shall be rated at continuous duty, as well as the circuit and overcurrent protection serving any electric heating appliance.
- (32) If the temporary housing building incorporates an electrical system, Owner shall request that the system be inspected by the appropriate electrical inspector prior to being energized and that a licensed electrical contractor has certified that the electrical systems were installed pursuant to this rule and the applicable North Carolina Electrical Code.
- (33) Temporary housing buildings shall be considered "detached accessory buildings" for

applying the requirements of the North Carolina Electrical Code (NFPA 70 with North Carolina Amendments) for wiring, lighting and receptacles. Exposed cable assemblies within stud cavities, including NM Cable, shall be protected in an approved manner and shall not be required to be covered behind wall finishings within temporary housing buildings.

(34) Annular spaces around pipes, cables, conduits, or other openings in the walls shall be sealed closed in temporary housing buildings.

(c) The provisions of this rule only apply to temporary housing buildings located in the 25 counties in North Carolina that were

declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) on September 28, 2024: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey County and the Eastern Band of Cherokee Indians.

*History Note: Authority G.S. 143-138;  
Emergency Adoption Eff. December 18, 2024.*

**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day. This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

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

**Rule-making Agency:** Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services

**Rule Citation:** 10A NCAC 26E .0406

**Effective Date:** January 2, 2025

**Date Approved by the Rules Review Commission:** December 19, 2024

**Reason for Action:** A serious and unforeseen threat to the public health, safety, or welfare. On July 26, 2024, Stericycle, the owners of the only incinerator in North Carolina that is capable of destroying controlled substances to the point that they are non-retrievable, notified long-term care pharmacies in North Carolina that they will no longer accept bookings for witnessed destruction of controlled substances. Stericycle's business decision to no longer provide long-term care pharmacies the option of destruction of unused controlled substances from nursing homes by an incinerator within the State was not foreseen by the Department. Rule 10A NCAC 26E .0406 is proposed for emergency, and simultaneously, temporary procedures to provide immediate clarity regarding the use of federally recognized options for disposing of and destroying unused controlled substances from nursing homes, including outsourcing the destruction to reverse distributors, in order to help ensure safe, secure, and timely disposal and destruction of unused controlled substances in North Carolina. The proposed emergency and temporary rules are in the public's best interest to avoid the threat of unused controlled substances accumulating at nursing homes or long-term care pharmacies, and the related diversion risks.

**CHAPTER 26 - MENTAL HEALTH, GENERAL**

**SUBCHAPTER 26E - MANUFACTURERS: DISTRIBUTORS: DISPENSERS AND RESEARCHERS OF CONTROLLED SUBSTANCES**

**SECTION .0400 - MISCELLANEOUS**

**10A NCAC 26E .0406 DISPOSAL OF UNUSED CONTROLLED SUBSTANCES FROM NURSING HOME**  
Controlled substances dispensed for inpatient administration to individuals residing in a licensed nursing home home, which which, for any reason reason, are unused unused, shall be returned to the pharmacy from which they were received. The pharmacist pharmacy who that receives these controlled substances shall return them to his its stock or dispose of and destroy them in accordance with the procedure outlined by the director and 21

CFR 1317.05(a). The pharmacist pharmacy shall keep a record of this the disposal and destruction of unused controlled substances available for a minimum of two years. This record of disposal and destruction shall be kept on the Division of Mental Health, Developmental Disabilities, and Substance Use Services (Division) form entitled "Controlled "Record of Ultimate User" Controlled Substances Destroyed pursuant to Rule 10A NCAC 26E .0406". Destruction Record Nursing Homes." This form is available upon request at Drug Control Unit 3008 Mail Service Center Raleigh, NC 27699-3008 or nccsareg@dhs.nc.gov. Controlled substances returned to stock must be in a hermetically sealed container or in a an otherwise pure uncontaminated condition and be identifiable. A pharmacist pharmacy may outsource destruction of the unused controlled substances to a reverse distributor in accordance with 21 CFR 1317.05(a)(2), provided the pharmacist pharmacy must first verify the vendor reverse distributor is registered with the federal Drug Enforcement Agency (DEA) DEA as a reverse distributor and maintains compliance with all applicable federal and State laws and regulations governing reverse distributors and destruction of unused controlled substances per 21 CFR 1317.15. Compliance with this rule Rule is subject to audit by the Division Director or their designated representative.

*History Note:* Authority G.S. 90-100; ~~143B-210(9)~~; ~~143B-147~~; Eff. June 30, 1978; Amended Eff. September 15, 1980; May 15, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, ~~2016~~; 2016; Emergency Amendment Eff. September 25, 2024; Temporary Amendment Eff. January 2, 2025.

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**Rule-making Agency:** Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services

**Rule Citation:** 10A NCAC 27G .3605

**Effective Date:** January 2, 2025

**Date Approved by the Rules Review Commission:** December 19, 2024

**Reason for Action:** A serious and unforeseen threat to the public health, safety, or welfare. S.L. 2023-65 enacted G.S. 122C-35 which granted the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services authority to adopt emergency, temporary, and permanent rules for the licensure, inspection, and operation of opioid treatment program medication units and opioid treatment program mobile units,

including rules concerning any of the following: (1) Compliance with all applicable Substance Abuse and Mental Health Services Administration and federal Drug Enforcement Agency regulations governing opioid treatment program mobile units and opioid treatment program medication units. (2) Identification of the location of opioid treatment program medication units and opioid treatment program mobile units. (3) Schedules for the days and hours of operation to meet client needs. (4) Maintenance and location of records. (5) Requisite clinical staff and staffing ratios to meet immediate client needs at each opioid treatment program medication unit or opioid treatment program mobile unit, including client needs for nursing, counseling, and medical care. (6) Emergency staffing requirements to ensure service delivery. (7) Criteria for policies and procedures for a clinical and individualized assessment of individuals to receive services at an opioid treatment medication unit or opioid treatment mobile unit that consider medical and clinical appropriateness and accessibility to individuals served. (8) Number of clients allowed per opioid treatment program medication unit and opioid treatment program mobile unit, based on staffing ratios. (9) Criteria to ensure the opioid treatment program facility is providing the required counseling to individuals receiving services at an opioid treatment program medication unit or opioid treatment program mobile unit. (10) Criteria for the opioid treatment program facility to ensure that individuals receiving services at an opioid treatment program medication unit or opioid treatment program mobile unit receive medical interventions when necessary.

Adoption of this emergency, and now temporary, rule adhered to the mandate in S.L. 2023-65 and aligns North Carolina with the recently updated federal rules in 21 C.F.R., which allow OTPs to add and operate a mobile unit under their existing Drug Enforcement Agency (DEA) license. Without this change, the rules would direct OTPs to comply with an outdated version of federal regulations that did not include the ability to operate a mobile OTP component thereby creating a discrepancy between NC rules and federal regulation. Furthermore, this has become an emergent issue as a result of the ongoing opioid crisis in North Carolina. These efforts will increase access to treatment for individuals who suffer from opioid use disorder, while maintaining regulatory oversight to ensure client and public safety.

**CHAPTER 27 – MENTAL HEALTH: COMMUNITY FACILITIES AND SERVICES**

**SUBCHAPTER 27G - RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES**

**SECTION .3600 – OUTPATIENT OPIOID TREATMENT**

**10A NCAC 27G .3605 MEDICATION UNITS AND MOBILE UNITS**

**(a) Definitions**

- (1) "Opioid Treatment Program" (hereafter, OTP) means the same as defined in G.S. 122C-3(25a).
- (2) "OTP Facility" means the primary location on the facility license.

(3) "Opioid Treatment Program Medication Unit" (hereafter OTP Medication Unit) means the same as defined in G.S. 122C-3(25b).

(4) "Opioid Treatment Program Mobile Unit" (hereafter OTP Mobile Unit) means the same as defined in G.S. 122C-3(25c).

(b) The OTP Facility shall provide any medical, counseling, vocational, educational, and other assessment and treatment services not provided by the OTP Medication Unit or OTP Mobile Unit.

(c) The OTP shall determine the type of services to be provided at the OTP Medication Units and OTP Mobile Units. The OTP shall specify which services are offered at the OTP Medication Units and OTP Mobile Units. Any services not offered at the OTP Medication Unit or Mobile Unit shall be provided at the OTP facility.

(d) Location and Service Capacity.

(1) The OTP shall ensure that each OTP Medication Unit and OTP Mobile Unit complies with all applicable State and Federal laws and regulations, including without limitation, Substance Abuse and Mental Health Services Administration and Federal Drug Enforcement Agency regulations governing their operation.

(2) An OTP with geographically separate OTP Medication Units and OTP Mobile Units shall maintain and provide the location of each unit associated with the OTP.

(3) The OTP Medication Units and Mobile Units shall operate within a radius of 75 miles from the Opioid Treatment Program facility.

(4) The OTP shall maintain and provide schedules for the days and hours of operation to meet patient needs.

(5) The OTP shall establish and implement an operating protocol identifying the number of patients allowed per OTP Medication Unit and OTP Mobile Unit based on staffing ratios.

(6) The OTP shall establish and implement an operating protocol which includes predetermined location(s), hours of operations, and a daily departure guide and business record of each OTP Mobile Unit's location.

(e) Staffing Requirements. The OTP and any associated OTP Medication Units and OTP Mobile Units shall maintain standard operating and emergency staffing to ensure service delivery at the OTP and any associated OTP Medication Units and OTP Mobile Units. Staffing shall include, but not be limited to the following:

(1) The OTP and any associated OTP Medication Units and OTP Mobile Units shall have a 1.0 Full Time Employee (FTE) ~~FTE~~ Licensed Clinical Addiction Specialist (LCAS), or Licensed Clinical Addiction Specialist-Associate (LCAS-A) per 50 patients. This position can be filled by more than one LCAS or LCAS-A staff member (ratio 1:50); and

(2) The OTP and any associated OTP Medication Units and OTP Mobile Units shall have 1.0 FTE

LCAS, LCAS-A, Certified Alcohol and Drug Counselor (CADC), Certified Alcohol and Drug Counselor Intern (CADC-I), Licensed Clinical Social Worker (LCSW), Licensed Clinical Social Worker – Associate (LCSW-A), Licensed Clinical Mental Health Counselor (LCMHC), Licensed Clinical Mental Health Counselor – Associate (LCMHC-A), Licensed Marriage and Family Therapist (LMFT), Licensed Marriage and Family Therapist – Associate (LMFT-A), Licensed Psychological Associate (LPA), or Licensed Psychologist (LP) for each additional 50 patients in the program (ratio 1:50); and

(3) The OTP and any associated OTP Medication Units and OTP Mobile Units shall have a Medical Director who is a physician licensed to practice medicine in North Carolina and who meets the standards and requirements outlined in 42 CFR 8.2 and 42 CFR 8.12(b).

(A) The Medical Director is responsible for ensuring all medical, psychiatric, nursing, pharmacy, toxicology, and other services offered at the OTP and any associated OTP Medication Units and OTP Mobile Units are conducted in compliance with State and Federal laws and regulations, consistent with appropriate standards of care; and

(B) The Medical Director shall be physically present at the OTP a minimum of four hours per month to assure regulatory compliance and to carry out those duties assigned to the Medical Director in 42 CFR 8.2 and 42 CFR 8.12(b)(2).

(C) The Medical Director shall be responsible for supervision of any physician extender(s) and other medical staff.

(f) Each OTP shall develop and implement a policy regarding the maintenance, location, and retention of records for its OTP Medication Units and OTP Mobile Units, in accordance with State and Federal laws and regulations.

(g) Operations and Service Delivery.

(1) Each OTP Medication Unit and OTP Mobile Unit shall be deemed part of the OTP license and shall be subject to inspections the Department deems necessary to validate compliance with all applicable rules, and State and Federal laws and regulations.

(2) The OTP shall ensure that its OTP Medication Units and OTP Mobile Units adhere to all State and federal program requirements for Opioid Treatment Programs.

(3) Each OTP Medication Unit and OTP Mobile Unit shall establish and implement a written policy and procedure for operations that meets the needs of its patients.

(4) The OTP shall establish and implement policies and procedures for a clinical and individualized assessment of patients to receive services at an OTP Medication Unit or OTP Mobile Unit that considers medical and clinical appropriateness and accessibility to patients served.

(5) The OTP shall ensure that patients receiving services at an OTP Medication Unit or OTP Mobile Unit receive a minimum of two counseling sessions per month during the first year of continuous treatment and a minimum of one counseling session per month after the first year and in all subsequent years of continuous treatment.

(6) Counseling staff shall be available, either in person and on-site or by telehealth, a minimum of five days per week to offer and provide counseling in accordance with the patient's treatment plan or person-centered plan.

(7) The OTP shall establish and implement a policy and procedure to determine the appropriateness of telehealth services for a patient that takes into consideration the patient's choice along with the patient's behavior, physical, and cognitive abilities. The patient's verbal or written consent shall be documented when telehealth services are provided.

(8) The OTP shall ensure that patients receiving services at an OTP Medication Unit or OTP Mobile Unit receive medical interventions, including naloxone, when medically necessary and in compliance with the patient's treatment plan, person-centered plan, standing orders, or emergency intervention protocols.

(9) An OTP and its associated OTP Medication Units and OTP Mobile Units shall ensure that all dosing of medication to patients on the site of the OTP and any associated OTP Medication Units and OTP Mobile Units is directly observed by a Physician, Physician Assistant, Nurse Practitioner, Registered Nurse, or Licensed Practical Nurse, in accordance with applicable State and Federal Law and the OTP's Diversion Control Plan.

*History Note: Authority G.S. 122C-35; 42 C.F.R. 8.12; Emergency Adoption Eff. September 23, 2024; Temporary Adoption Eff. January 2, 2025.*

**TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION**

**Rule-making Agency:** *State Board of Education*

**Rule Citation:** *16 NCAC 06E .0201, .0208, and .0211*

**Effective Date:** *January 2, 2025*

**Date Approved by the Rules Review Commission:** *December 19, 2024*

**Reason for Action:** *A recent court order, Brandon v. State Board of Education, Order Granting Motion for Preliminary Injunction (24CV026975-910) (Wake County Superior Court). On October 3, 2023, the General Assembly enacted S.L. 2023-133, which required the State Board of Education to adopt new rules governing interscholastic athletics conducted by public school units. Among the rules the SBE was required to adopt were rules "related to the use of a student's name, image, and likeness," more commonly known as NIL. In compliance with that legislation, the SBE adopted a temporary rule, codified 16 NCAC 06E .0208(a), that prohibited students-athletes from entering NIL deals for the 2024-2025 school year. The Rules Review Commission approved the rule on March 27, 2024, and the rule took effect on July 1, 2024. On August 23, 2024, a complaint was filed in Wake County Superior Court seeking a declaratory ruling that the SBE had exceeded its authority in adopting the NIL prohibition as well as a preliminary injunction to prohibit the SBE from enforcing the temporary rule. On September 5, 2024, the SBE proposed a permanent rule that would allow student-athletes to enter NIL agreements, subject to certain restrictions and reporting requirements, beginning with the 2025-2026 school year. The SBE noticed the rule for public comment on October 1, 2024. On October 14, 2024, following a hearing held on October 1, 2024, Judge Graham Shirley entered an order granting the preliminary injunction. Judge Shirley's order directed the SBE not to enforce the temporary rule and instead to enforce the proposed permanent rule until such time as a new temporary or permanent rule could be adopted. In accordance with the authority granted by Judge Shirley's order, the SBE is proposing three temporary rules. Proposed Rule .0211 establishes the various restrictions and reporting requirements for NIL agreements, consistent with the permanent rule that was proposed on September 5, 2024. Proposed Rule .0201 will replace the existing temporary rule of the same citation; it is identical to the existing temporary rule but adds a definition for "immediate family member," which is used repeatedly in Proposed Rule .0211. Proposed Rule .0208 will replace the existing temporary rule of the same citation; it removes the language prohibiting NIL agreements but adds language stating that a student-athlete who enters an NIL deal will lose eligibility of the student-athlete fails to abide by Proposed Rule .0211*

**CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION**

**SUBCHAPTER 06E - STUDENTS**

**SECTION .0200 – INTERSCHOLASTIC ATHLETICS**

**16 NCAC 06E .0201 DEFINITIONS**

As used in this Section, the following definitions apply:

- (1) "Administering organization" is defined in G.S. 115C-407.50(1).
- (2) "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly and adversely affected by a final

- (3) decision of an administering organization that applies or enforces the rules established by this Section, including a determination of ineligibility under Rule .0207 of this Section, a penalty imposed under Rule .0209 of this Section, or a finding of undue influence or a recruiting violation under Rule .0210 of this Section. If a student is affected, the student's parent shall be allowed to appeal the final decision pursuant to Rule .0215 of this Section.
- (4) "Bona fide purpose" means for a purpose not primarily related to participation in interscholastic athletics.
- (5) "High school" means a public school offering education in Grades 9 through 12 or 10 through 12.
- (6) "Immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship whether by blood, adoption, or marriage.
- (7) "Initial entry" means:
  - (a) a student's first day of attendance at a participating school in which the student is enrolled as recorded by that school; or
  - (b) the first day on which a student practices or otherwise participates as a member of an interscholastic athletics team at a participating school.
- (8) "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic activity that:
  - (a) involves students in any Grades 6 through 12;
  - (b) is sponsored by an individual school, PSU, or administering organization; and
  - (c) includes students from more than one school or PSU.
- (9) "Junior high school" means a public school offering education in Grades 7 through 9.
- (10) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- (11) "Middle school" means a public school offering education in Grades 6 through 8.
- (12) "Parent" is defined in G.S. 115C-407.50(6).
- (13) "Participating school" means a middle school, junior high school, or high school that elects to participate in interscholastic athletic activities.
- (14) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the

highest decision-making authority at a school, if there is no principal.

- (14) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- (15) "Student" means a person enrolled in Grade 6 through 12 in any public school.

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b); Eff. July 1, 1986; Exp. Eff. June 1, 2022 pursuant to G.S. 150B-21.3A; Temporary Adoption Eff. July 1, 2024; Temporary Adoption Eff. January 2, 2025.*

**16 NCAC 06E .0208 AMATEUR RULES**

(a) A student shall not participate in interscholastic athletics after any of the following:

- (1) Graduation, except that the student may continue to participate in playoff and state championship contests in spring sports after graduation.
- (2) Signing a professional athletic contract, except that the student may continue to participate in any sport for which the student has not signed a professional contract.
- (3) Receiving remuneration as a participant in an athletic contest, except that the student may accept a gift, merchandise, or other thing of value, provided that:
  - (A) the value does not exceed two hundred-fifty dollars (\$250.00) per student per season;
  - (B) the item is totally consumable and nontransferable, or labeled in a permanent manner (e.g., an engraved or monogrammed item); and
  - (C) the item is approved by the principal of the student's school and the local superintendent.
- (4) Participating on an all-star team or in all-star game or bowl game that is not sanctioned by the administering organization of which the student's school is a member, provided that the student shall be ineligible only for that sport.
- (5) Entering into an NIL agreement, unless the student has complied with the requirements of Rule .0211 of this Section.

(b) A student shall not be deemed ineligible under this Rule for payment by an administering organization, PSU, or athletic booster club affiliated with the student's school or PSU for essential expenses arising from a specific interscholastic athletic contest in which the student participates. Essential expenses shall include the reasonable cost of meals, lodging, and transportation.

(c) A student shall not be deemed ineligible under this Rule for receipt of a nominal, standard fee or salary for instructing, supervising, or officiating an organized youth sports program, recreational activities, playground, or camp, whether or not affiliated with a PSU.

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b); Temporary Adoption Eff. July 1, 2024; Temporary Adoption Eff. January 2, 2025.*

**16 NCAC 06E .0211 NAME, IMAGE, AND LIKENESS**

(a) As used in this Section, the phrase "name, image, or likeness" or "NIL" shall refer to the use of a student's name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the student. Compensation is defined as anything of value to the student or an immediate family member of the student, including cash, in-kind gifts, discounts, and other tangible benefits.

(b) A student participating in interscholastic athletics may enter an agreement to use the student's name, image, or likeness (hereinafter "NIL agreement") subject to the following restrictions:

- (1) The NIL agreement shall not condition the receipt, type, or extent of any compensation on the extent or quality of the student's athletic performance.
- (2) If the student is under 18 years of age, the student's parent or legal guardian shall be a party to the NIL agreement.
- (3) The NIL agreement shall hold the following parties harmless from any liability related to, or arising from the NIL agreement:
  - (A) The governing body of the PSU in which the student is enrolled, as well as its officers and employees.
  - (B) Any administering organization with which the PSU is affiliated, as well as its officers and employees.
  - (C) The State Board of Education and the Department of Public Instruction, as well as their officers and employees.
- (4) The NIL agreement shall otherwise comply with state and federal law.

(c) Prior to a student's entry into an NIL agreement or an amendment to an existing NIL agreement:

- (1) The student shall provide a copy of the NIL agreement or amendment to the principal and athletic director of the student's school, the local superintendent, the chairperson of the PSU governing body, and the head coach of any sport in which the student participates during the terms of the NIL agreement.
- (2) The student shall complete the NIL education course offered by the NFHS. If the student is under 18 years of age, the student's parent or legal guardian shall also complete the course. Those persons required to complete the course shall provide the relevant administering organization with a certificate of completion from the NFHS.

(d) A student participating in interscholastic athletics may enter into an NIL agreement to use the student's name, image, or likeness in any of the following ways:

- (1) Public appearances or commercials.
- (2) Autograph signings.
- (3) Athletic camps and clinics.
- (4) Sale of non-fungible tokens ("NFTs").
- (5) Product or service endorsements.
- (6) Promotional activities, including in-person events and social media advertisements.
- (7) Any other commercial activities that are intended to promote a product or service offered by, increase the profits of, or otherwise generate financial benefits for a party to the NIL agreement from the use of the student's name, image, or likeness.

(e) No student engaged in an NIL agreement-related activity shall do any of the following:

- (1) Make any reference to a school, PSU, conference, or administering organization.
- (2) Receive compensation for the use of intellectual property of any school, PSU, conference, administering organization, or the NFHS. Intellectual property includes the name, uniform, mascot, mark, or logo of the entity that owns the intellectual property.
- (3) Appear in the uniform of the student's school or the school's sports team, or otherwise display the intellectual property of any school, PSU, conference, administering organization, or the NFHS.

(f) No student shall endorse or promote the goods or services of any third-party entity with which the student has entered an NIL agreement during interscholastic athletic competition or other school-based activities or events. This restriction applies to the wearing of apparel displaying the mark, logo, brand, or other identifying insignia of the third-party entity, unless it is part of the standard uniform for the school or sport.

(g) No student participating in interscholastic athletics shall enter into an NIL agreement or otherwise use the student's name, image, or likeness to promote any of the following:

- (1) An adult establishment, as defined in G.S. 14-202.10(2), or adult entertainment services.
- (2) Alcohol or alcoholic products.
- (3) Tobacco, vaping or other electronic smoking devices, or other nicotine products.
- (4) Cannabis or cannabis products.
- (5) Controlled substances, as defined in G.S. 90-87(5).
- (6) Opioids or prescription pharmaceuticals.
- (7) Weapons, firearms, or ammunition.
- (8) Casinos or gambling, including sports betting.
- (9) Activities that would disrupt the operations of a school or PSU.

(h) The school athletic director shall submit a current copy of any NIL agreement involving a student at the school to any administering organizations of which the student's school is a member within 30 days of the disclosure of the NIL agreement by the student or disclosure of any amendment to an existing NIL agreement. The administering organization shall maintain accurate records of all NIL agreements received and provide a

summary report of all NIL agreements to the State Board of Education no later than June 30 of each year.

(i) No athletic director, coach, other employee of a PSU, representative of an athletic booster club, or representative of an NIL collective shall use the promise of an NIL agreement to recruit a student to attend a specific participating school or participate in a specific sport. No athletic director, coach, other employee of a PSU, representative of an athletic booster club, or representative of an NIL collective shall act as a student's agent or marketing representative or otherwise facilitate an NIL agreement between a student and a third party. If the relevant administering organization finds a violation of this Paragraph by a preponderance of the evidence, the administering organization shall impose penalties consistent with its regulations and with Rule .0209 of this Section.

(j) This Rule shall apply to any NIL agreement that a student or the student's parent or legal guardian execute during the time the student is enrolled in a PSU, even if the benefits of said agreement do not accrue to the student or an immediate family member of the student until after the student has graduated.

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);  
Temporary Adoption Eff. January 2, 2025.*

**TITLE 25 – OFFICE OF STATE HUMAN RESOURCES**

**Rule-making Agency:** *State Human Resources Commission*

**Rule Citation:** *25 NCAC 011 .2103*

**Effective Date:** *January 2, 2025*

**Date Approved by the Rules Review Commission:** *December 19, 2024*

**Reason for Action:** *The effective date of a recent act of the General Assembly or of the U.S. Congress. Section 7 of Session Law 2024-23 instructed the State Human Resources Commission (SHRC) to adopt temporary rules, followed by permanent rules, concerning the hiring and compensation of trainees for local government positions that are subject to the State Human Resources Act and to submit those rules and notice of public hearing to the Codifier of Rules no later than 60 days from the effective date of this act. To fulfill the session law, SHRC staff developed the enclosed temporary rule, which amends 25 NCAC 011 .2103 to give local governments greater salary flexibility for trainees. The revised temporary rule and notice of public hearing was submitted to the Codifier of Rules pursuant to G.S. 150B-21.1(a3)(1) on August 21, 2024. This followed the temporary rule being submitted to the SHRC at a special meeting held under N.C.G.S. § 126-2(h) on August 15, 2024. The temporary rule was approved unanimously by the members of the SHRC on the same date and by the Governor's Office on August 20, 2024. After the public comment period and hearing resulted in no comments, the SHRC met on Oct. 17, 2024 to approve the rule being adopted and submitted to the Rules Review Commission. The Governor's*

Office approved this action under G.S. 126-4 on November 13, 2024, at which time the rule was adopted under G.S. 126-4 by the SHRC.

The session law requires temporary rules, followed by permanent rules on this subject, signaling a legislative intent to put in place a rule using the abbreviated notice-and-comment procedures for temporary rules, while still moving forward with full notice-and-hearing procedures under the permanent rulemaking process once the temporary rules are complete. In the temporary rulemaking process, no public comments were received, which also suggests that it is in the public interest to move forward with a temporary rule.

It is also in the public interest to move forward with the temporary rule because the subject matter of the rule is important. Rule 011 .2103 applies to local government employees who are subject to the State Human Resources Act. These are employees of local social services departments; county or district health departments; local emergency management agencies that receive federal grant-in-aid funds; and area mental health, developmental disabilities, and substance abuse authorities. The primary portion of the rule that is being changed, Paragraph .2103(e), will allow trainees to be paid up to the 25th percentile of the position's salary range, replacing language that limits trainee salaries to the minimum of the range. For executive branch slate agencies, the same flexibility has been important, allowing an 82% increase in the number of trainees hired on a year-to-year basis. In the current job environment, with a reduced number of applications for government jobs and persistently high vacancy rates, trainees are an important tool for recruitment.

Because the entire rule is reviewed when any portion is changed, the SHRC, based on the recommendations of staff, also made clarifying changes to other portions of Rule 011 .2103 in an effort to resolve any issues in advance where the rule could be deemed not to be "clear and unambiguous" under G.S. 150B-19.1(a). For example, the changes to Paragraph .2103(a) are meant to define the term "salary inequities," which was already present in the existing text of the rule.

**CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES**

**SUBCHAPTER 01I - SERVICE TO LOCAL GOVERNMENT**

**SECTION .2100 - COMPENSATION**

**25 NCAC 01I .2103 SALARY RATES**

(a) New Appointments. The entrance salary rate for an employee in a non-trainee appointment shall be at the minimum of the range or at a salary rate within the salary range assigned to the ~~class~~ class that is consistent with job-related education, job-related experience, and fiscal policy. The entrance salary rate for an employee class unless an employee is hired in a trainee appointment shall be set pursuant to Paragraph (e) of this Rule. ~~Discretion should be exercised by boards. Boards of county commissioners or their designees must perform an analysis should exercise judgment, when setting on new appointments~~ salaries above the minimum of the range, to avoid creating salary inequities within the jurisdiction. Analyzing "Salary—salary

inequities," for purposes of this Rule, means comparing the salaries of employees in the same job classification or in closely related job classifications at the same local government employer who have comparable levels of education and experience; duties and responsibilities; productivity; funding availability; and knowledge, skills, and abilities. Employees in trainee appointments are not comparable for purposes of this salary inequity analysis.

(b) Promotion. When a promotion occurs, the member of county management who has been delegated authority over personnel decisions shall increase the employee's salary shall be increased, if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum salary rate, ~~his~~ the employee's salary may be adjusted upward or left unchanged at the discretion of local management, consistent with job-related education, job-related experience, and fiscal policy, provided that the adjusted salary does not exceed the maximum of the assigned salary range. If the salary falls between steps in the salary range, it may be adjusted to the next higher step in the ~~range.~~ range, consistent with job-related education, job-related experience, and fiscal policy.

(c) Demotion. When an employee's current salary falls above the maximum of the range for the lower class, ~~his~~ the member of county management who has been delegated authority over personnel decisions may allow the employee's salary may to remain the same until general schedule adjustments or range revisions bring it back within the lower range or ~~may~~ the salary may be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. If the employee's current salary falls between steps in the lower range, it may be reduced to the next lower step. These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(d) Salary Adjustments; Salary Plan Revisions. When the salary rates in the salary plan are changed or a class is moved to a higher or lower salary grade, the following adjustments shall be made in incumbents' salary rates:

- (1) When it is an upward revision and the employee's current salary is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to at least the minimum of the range. If the employee's salary is already at or above the new minimum of the range, management may elect to increase the salary to another step within the range. An employee's salary may not, however, exceed the maximum of the range.
- (2) If there is a downward revision, management may elect to reduce each employee's salary rate by a corresponding amount or allow the salary rates to remain the same.

These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(e) Trainee Adjustments. During a trainee appointment appointment, an evaluation of the individual's performance and progress on the job is to be made by the direct supervisor at frequent intervals, intervals that are at most six months apart. As a general guide, salary increases are provided at specified

intervals. These increases are not automatic, and may be provided at any time. are not necessarily limited to the full elapse of specified intervals. Salary adjustments may be either advanced or delayed depending upon the progress of the employee. ~~In cases where salary adjustments have been advanced, the trainee's salary will not be adjusted to the minimum of the range for the regular classification until the employee meets all education and experience requirements for the appointment.~~ The salary rate for a trainee shall be no lower than 10 percent below the minimum of the position's salary range (for example, range. Note: as an example, the salary rate would be ninety thousand dollars (\$90,000) if the salary range is one hundred thousand dollars (\$100,000) to \$140,000; one hundred forty thousand dollars (\$140,000). The salary rate for a trainee shall be and no higher than the 25th percentile of the position's salary range range. Note: as an example, the salary rate would be (for example, one hundred ten thousand dollars (\$110,000) if the salary range is one hundred thousand dollars (\$100,000) to \$140,000; one hundred forty thousand dollars (\$140,000). Adjustments are to be given upon recommendations by the appointing authority and the supervisor that the employee has earned an ~~increase.~~ increase, based on successful performance and completed training milestones as specified by local policy. Trainee salary adjustments shall not be awarded if an employee has unsatisfactory job performance as defined in 25 NCAC 01I .2302(a). The trainee's salary must not

exceed that of any existing non-trainee employee in the same classification at the same local government, unless the employee possesses sufficient additional education or experience exceeding the minimum requirements for the position. to qualify for a higher rate. When the employee with a trainee appointment has successfully completed the training and experience requirements for the classification, ~~he~~ the employee must be given a ~~regular~~ permanent appointment to that ~~classification~~ classification, and ~~his~~ the employee's salary must be set pursuant to Paragraph (a) of ~~this Rule.~~ this Rule. Pursuant to Paragraph (a) of this Rule, the former trainee's salary must be set increased at least to the minimum of the salary range.

(f) An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the salary range assignment to ~~his~~ the employee's class.

*History Note: Authority G.S. ~~126-4; 126-4(2), (3), (6); S.L. 2024-23, s. 7;~~*

*Eff. August 3, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, ~~2016.~~ 2016;*

*Temporary Amendment Eff. January 2, 2025.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission January 30, 2025 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)  
John Hahn  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Jake Parker (1<sup>st</sup> Vice-Chair)  
Paul Powell (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Christopher Loutit  
Randy Overton

**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**

January 30, 2025	March 27, 2025
February 27, 2025	April 24, 2025

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**AGENDA**

**RULES REVIEW COMMISSION**

**Thursday, January 30, 2025, 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. Coastal Resources Commission - 15A NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .1403, .1405; 15A NCAC 07J .1501, .1502, .1503 (Liebman)
  2. Agricultural Finance Authority - 24 NCAC 02D .0101, .0102, .0103, .0104, .0105, .0106 (Peaslee)
- IV. Review of Log of Filings (Permanent Rules) for rules filed November 21, 2024 through December 20, 2024
  1. Structural Pest Control Committee (Wiggs)
  2. Medical Care Commission 10A NCAC 13F (Ascher)
  3. Medical Care Commission 10A NCAC 13G (Liebman)
  4. Code Officials Qualification Board (Wiggs)
  5. Sheriffs' Education and Training Standards Commission (Peaslee)
  6. Crime Victims Compensation Commission (Peaslee)
  7. Wildlife Resources Commission (Wiggs)
  8. Department of Revenue (Ascher)
  9. Interpreter and Transliterator Licensing Board (Peaslee)
  10. Board of Massage and Bodywork Therapy (Liebman)
  11. Board of Funeral Service (Peaslee)
  12. Building Code Council (Liebman)
- 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
  - Review of Reports
    1. 02 NCAC 09B, 09C, 09D, 09E, 09F, 09G, 09H, 09J, 09K, 09M, 09N, 09O, 38, 43F, 51, 52A, 52K – Board of Agriculture (Wiggs)
    2. 10A NCAC 13A, 13D - Medical Care Commission (Ascher)

3. 11 NCAC 01, 17 – Department of Insurance (Ascher)
  4. 18 NCAC 02, 08, 11, 12 - Department of the Secretary of State (Ascher)
  5. 21 NCAC 03 - Board of Athletic Trainer Examiners (Ascher)
- VII. Review of the 2025 State Medical Facilities Plan (Wiggs)
1. Readoption
  1. 04 NCAC 24 - Commerce - Division of Employment Security (Ascher)
- VIII. Commission Business
- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and ASHLEY SNYDER, in her official capacity as CODIFIER OF RULES
  - Next meeting: Thursday, February 27, 2025

**Commission Review  
Log of Permanent Rule Filings  
November 21, 2024 through December 20, 2024**

**STRUCTURAL PEST CONTROL COMMITTEE**

The rules in Chapter 34 are from the Structural Pest Control Committee and include introduction and definitions (.0100); the structural pest control committee (0200); licensing and certification (.0300); public safety (.0400); wood-destroying organisms (.0500); wood-destroying organisms agreements (.0600); household pesticides (.0700); fumigation (.0800); duties and responsibilities of licensee (.0900); time for filing complaints (.1000); inspection fees (.1100); and administrative hearings: contested cases (.1200).

<u>General Duties</u>	02	NCAC	34	.0101
Amend*				
<u>Application for Licenses and Cards: Examination</u>	02	NCAC	34	.0302
Amend*				
<u>Recertification</u>	02	NCAC	34	.0309
Amend*				
<u>Registered Technician's Identification Cards/Training Mat...</u>	02	NCAC	34	.0313
Amend*				
<u>Licenses and Cards not Issued to Person Under 18</u>	02	NCAC	34	.0327
Amend*				
<u>Wood-Destroying Organisms Record</u>	02	NCAC	34	.0604
Amend*				
<u>Written Records of Household Pest Control</u>	02	NCAC	34	.0703
Amend*				
<u>Written Records of Fumigation</u>	02	NCAC	34	.0803
Amend*				
<u>Financial Responsibility</u>	02	NCAC	34	.0902
Amend*				

**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); star rated certificates (.1600); administrator certification and renewal (.1700); and infection prevention and control (.1800).

<u>Capacity</u>	10A	NCAC	13F	.0206
Amend*				

<u>Application of Physical Plant Requirements</u> Readopt with Changes*	10A NCAC 13F .0301
<u>Design and Construction</u> Readopt with Changes*	10A NCAC 13F .0302
<u>Plans and Specifications</u> Readopt with Changes*	10A NCAC 13F .0304
<u>Physical Environment</u> Readopt with Changes*	10A NCAC 13F .0305
<u>Housekeeping and Furnishings</u> Readopt with Changes*	10A NCAC 13F .0306
<u>Fire Alarm System</u> Readopt with Changes*	10A NCAC 13F .0307
<u>Fire Safety and Emergency Preparedness Plan</u> Readopt with Changes*	10A NCAC 13F .0309
<u>Electrical Outlets</u> Repeal*	10A NCAC 13F .0310
<u>Other Requirements</u> Readopt with Changes*	10A NCAC 13F .0311
<u>Resident Assessment</u> Readopt with Changes*	10A NCAC 13F .0801
<u>Resident Care Plan</u> Readopt with Changes*	10A NCAC 13F .0802
<u>Special Care Unit Physical Environment Requirements</u> Readopt with Changes*	10A NCAC 13F .1304
<u>Use of Physical Restraints and Alternatives</u> Amend*	10A NCAC 13F .1501
<u>Definitions</u> Readopt with Changes*	10A NCAC 13F .1601
<u>Issuance of a Star Rating</u> Readopt with Changes*	10A NCAC 13F .1602
<u>Statutory and Rule Requirements Affecting Star Rated Cert...</u> Readopt with Changes*	10A NCAC 13F .1603
<u>Rating Calculation</u> Readopt with Changes*	10A NCAC 13F .1604
<u>Contents of Star Rated Certificate</u> Readopt without Changes*	10A NCAC 13F .1605

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); star rated certificates (.1600); and infection prevention and control (.1700)..

<u>Capacity</u> Readopt with Changes*	10A NCAC 13G .0206
<u>Application of Physical Plant Requirements</u> Readopt with Changes*	10A NCAC 13G .0301
<u>Design and Construction</u> Readopt with Changes*	10A NCAC 13G .0302
<u>Living Room</u> Amend*	10A NCAC 13G .0305
<u>Dining Room or Dining Area</u> Readopt with Changes*	10A NCAC 13G .0306

<u>Kitchen</u> Readopt with Changes*	10A NCAC 13G .0307
<u>Bedrooms</u> Amend*	10A NCAC 13G .0308
<u>Bathroom</u> Readopt with Changes*	10A NCAC 13G .0309
<u>Outside Entrance and Exits</u> Readopt with Changes*	10A NCAC 13G .0312
<u>Laundry Room</u> Amend*	10A NCAC 13G .0313
<u>Housekeeping and Furnishings</u> Readopt with Changes*	10A NCAC 13G .0315
<u>Fire Safety and Emergency Preparedness Plan</u> Amend*	10A NCAC 13G .0316
<u>Building Service Equipment</u> Readopt with Changes*	10A NCAC 13G .0317
<u>Outside Premises</u> Readopt with Changes*	10A NCAC 13G .0318
<u>Resident Assessment</u> Readopt with Changes*	10A NCAC 13G .0801
<u>Resident Care Plan</u> Readopt with Changes*	10A NCAC 13G .0802
<u>Definitions</u> Readopt with Changes*	10A NCAC 13G .1601
<u>Issuance of a Star Rating</u> Readopt with Changes*	10A NCAC 13G .1602
<u>Statutory and Rule Requirements Affecting Star Rated Cert...</u> Readopt with Changes*	10A NCAC 13G .1603
<u>Rating Calculation</u> Readopt with Changes*	10A NCAC 13G .1604
<u>Contents of Star Rated Certificate</u> Readopt without Changes*	10A NCAC 13G .1605

**CODE OFFICIALS QUALIFICATION BOARD**

The rules in Chapter 8 are the engineering and building codes including the approval of school maintenance electricians (.0400); qualification board-limited certificate (.0500); qualification board-probationary certificate (.0600); qualification board-standard certificate (.0700); disciplinary actions and other contested matters (.0800); manufactured housing board (.0900); NC Home Inspector Licensure Board (.1000); home inspector standards of practice and code of ethics (.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

<u>Nature of Probationary Certificate</u> Amend*	11 NCAC 08 .0602
<u>Required Qualifications</u> Amend*	11 NCAC 08 .0706
<u>Special Circumstances</u> Amend*	11 NCAC 08 .0707
<u>Building Inspector Level I, II and III</u> Adopt*	11 NCAC 08 .0737
<u>Electrical Inspector Level I, II and III</u> Adopt*	11 NCAC 08 .0738
<u>Mechanical Inspector Level I, II and III</u>	11 NCAC 08 .0739

Adopt*				
<u>Plumbing Inspector Level I, II and III</u>	11	NCAC	08	.0740
Adopt*				
<u>Fire Inspector Level I, II and III</u>	11	NCAC	08	.0741
Adopt*				

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); firearms in-service training and re-qualification (.2100); and forms (.2200).

<u>Background Investigation</u>	12	NCAC	10B	.0305
Amend*				
<u>Verification of Records to Division</u>	12	NCAC	10B	.0408
Amend*				
<u>Employing Agency Retention of Certification Records</u>	12	NCAC	10B	.0409
Amend*				

**CRIME VICTIMS COMPENSATION COMMISSION**

The rules in Chapter 9 concern the crime victims compensation commission (.0300).

<u>Processing and Payment of Claims</u>	14B	NCAC	09	.0302
Amend*				

**WILDLIFE RESOURCES COMMISSION**

The rules in Subchapter 10D concern game lands.

<u>Needmore Game Land in Macon and Swain Counties</u>	15A	NCAC	10D	.0252
Amend*				

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Brunswick County</u>	15A	NCAC	10F	.0305
Amend*				
<u>Carteret County</u>	15A	NCAC	10F	.0330
Amend*				
<u>Alexander County</u>	15A	NCAC	10F	.0332
Amend*				
<u>Mecklenburg and Gaston Counties</u>	15A	NCAC	10F	.0333
Amend*				

The rules in Subchapter 10G concern distribution and sale of hunting; fishing; and trapping license including license agents (.0100); boat registration agents (.0200); fur tag agents (.0300); wildlife service agents (.0400); licensee requirements (.0500) and license eligibility (.0600).

<u>Licensee Requirements</u>	15A	NCAC	10G	.0501
Readopt with Changes*				

The rules in Subchapter 10J cover wildlife conservation areas.

<u>Hunting on Wildlife Conservation Areas</u> Readopt with Changes*	15A NCAC 10J .0103
<u>Fishing on Wildlife Conservation Areas</u> Readopt with Changes*	15A NCAC 10J .0104

**REVENUE, DEPARTMENT OF**

The rules in Subchapter 4C concern cigarette tax including definitions (.0100); cigarette distributors license (.0200); affixation of stamps and imprints (.0500); requirements for cigarette manufacturers (.0600); receipt of untaxed cigarettes (.0700); entities exempt from the Tobacco Products Tax Act (.0800); reports and records required of distributors (.0900); refunds of the cigarette tax (.1000); how tax applies on railroads and ocean-going vessels (.1100); rules relevant to cigarette vending machines (.1200); home requirements for other tobacco products besides cigarettes (.1300); manufacturers of other tobacco products (.1400); how to designate sales as exempt (.1700); monthly report, invoice and record requirements (.1800); and manufacturer certification and directory of vapor and consumable products (.2000).

<u>Definitions</u> Adopt*	17 NCAC 04C .2001
<u>Directory</u> Adopt*	17 NCAC 04C .2002
<u>Certification</u> Adopt*	17 NCAC 04C .2003
<u>Annual Certification Renewal</u> Adopt*	17 NCAC 04C .2004
<u>Material Changes to Certification</u> Adopt*	17 NCAC 04C .2005
<u>Registered Agent</u> Adopt*	17 NCAC 04C .2006

**INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

The rules in Chapter 25 are from the Interpreter and Transliterators Board including general provisions (.0100); licensing (.0200); moral fitness for licensure (.0300); reporting and disclosure requirements (.0400); continuing education (.0500); administrative procedure (.0600); and sanctions (.0700).

<u>The Application Package and Requirements for Licensure</u> Adopt*	21 NCAC 25 .0202
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**MASSAGE AND BODYWORK THERAPY, BOARD OF**

The rules in Chapter 30 concern organization and general provisions (.0100); application for licensure (.0200); licensing (.0300); business practices (.0400); standards of professional conduct (.0500); massage and bodywork therapy schools (.0600); continuing education (.0700); rules (.0800); complaints, disciplinary action and hearings (.0900); and massage and bodywork therapy establishments (.1000).

<u>Application and Scope</u> Amend*	21 NCAC 30 .0201
<u>Fees</u> Amend*	21 NCAC 30 .0204
<u>Program Requirements</u> Amend*	21 NCAC 30 .0620
<u>Learning Resources</u> Amend*	21 NCAC 30 .0623
<u>Transfer of Credit; Advanced Placement</u> Amend*	21 NCAC 30 .0627

License Renewal 21 NCAC 30 .1012  
Amend\*

**FUNERAL SERVICE, BOARD OF**

The rules in Subchapter 34B are funeral service rules including rules relating to resident trainees (.0100); examinations (.0200); licensing (.0300); continuing education (.0400); out-of-state licensees (.0500); funeral establishments (.0600); preparation of dead bodies (.0700); and transportation of dead human bodies (.0800).

Definitions 21 NCAC 34B .0801  
Adopt\*

Initial Permit Application Form 21 NCAC 34B .0802  
Adopt\*

Permit Renewal Application Form 21 NCAC 34B .0803  
Adopt\*

Standards for Removal and Transportation of Dead Human Bo... 21 NCAC 34B .0804  
Adopt\*

Requirements for Removal Vehicles 21 NCAC 34B .0805  
Adopt\*

Chain of Custody and Control 21 NCAC 34B .0806  
Adopt\*

**BUILDING CODE COUNCIL**

2023 NC Electrical Code/Definitions, Selective Coordination Article 100  
Amend\*