

# NORTH CAROLINA REGISTER

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May 15, 2025

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**PUBLISHED BY**

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## Contact List for Rulemaking Questions or Concerns

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

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

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984-236-1940

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

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116 West Jones Street

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Contact: Julie Ventaloro, Economic Analyst

osbmruleanalysis@osbm.nc.gov

984-236-0694

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Legislative Office Building

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Raleigh, NC 27603-5925

Contact: Brian Matteson

brian.matteson@ncleg.gov

919-733-4910

NC Association of County Commissioners

919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Baxter Wells

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

Chris Saunders, Staff Attorney

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.



# State of North Carolina

**JOSH STEIN**  
GOVERNOR

April 7, 2025

**EXECUTIVE ORDER NO. 13**

**ESTABLISHING THE GOVERNOR'S ADVISORY COUNCIL FOR STUDENT  
SAFETY AND WELL-BEING**

**WHEREAS**, protecting the next generation of North Carolinians is a shared priority for the State of North Carolina; and

**WHEREAS**, our North Carolina students deserve to attend schools that support their well-being, whether physical, social, or emotional; and

**WHEREAS**, student well-being is critical to student academic success and the development of our youth in becoming productive, contributing North Carolinians; and

**WHEREAS**, students are navigating new complexities that challenge their well-being; and

**WHEREAS**, members of the General Assembly have signaled their support for student well-being by proposing legislation that limits the use of wireless devices including cell phones during classroom instruction; and

**WHEREAS**, school districts across the state have proposed and implemented policies to support student well-being by limiting the use of wireless devices including cell phones during classroom instruction; and

**WHEREAS**, school districts may benefit from guidance about evidence-based best practices regarding students' use of wireless communication devices in schools when developing their policies; and

**WHEREAS**, experts and stakeholders from across the state are well positioned to provide such guidance that is informed by engagement with students, school staff, and parents; and

**WHEREAS**, it is the collective responsibility of education, health, public safety, and state and local leadership to identify solutions and support that can be implemented in our schools for responding to student needs; and

**WHEREAS**, the creation of an advisory council demonstrates and will advance North Carolina's commitment to safe, welcoming, and inclusive schools that promote student safety and well-being; and

**WHEREAS**, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

**NOW, THEREFORE**, the authority vested in the undersigned as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Establishment and Purpose.**

The Governor's Advisory Council for Student Safety & Well-Being ("Advisory Council") is hereby established. The mission of the Advisory Council is to propose and further implement solutions to promote school safety and improve student physical, social, and emotional well-being.

**Section 2. Membership.**

The Advisory Council shall be comprised of no more than thirty (30) members, including chair(s). All members shall be appointed by the Governor and shall serve at his pleasure. Advisory Council members shall serve a term of two (2) years and may be appointed to successive terms. The Governor shall select the chair or co-chairs to lead the Advisory Council.


Members should represent the geographic, economic, and demographic diversity of North Carolina and shall include representatives from the following groups:

- a. North Carolina Department of Public Instruction
- b. North Carolina Department of Human and Health Services
- c. North Carolina Department of Public Safety
- d. North Carolina Judicial Branch
- e. North Carolina State Bureau of Investigation
- f. North Carolina Superintendent of the Year
- g. North Carolina State Principal of the Year
- h. North Carolina State Teacher of the Year
- i. School Counselor
- j. School Nurse
- k. School Psychologist
- l. School Social Worker
- m. North Carolina PTA Representative
- n. Parent of a Public School Student
- o. North Carolina School Boards Association
- p. Local School Board Member
- q. School Resource Officer
- r. Youth-serving Behavioral Health Provider
- s. State Board of Education Member
- t. NC Justice Academy / Attorney General
- u. Juvenile Justice
- v. School Safety Director
- w. School Board Attorney
- x. North Carolina General Assembly
- y. Other appropriate representatives from local and state government, academic institutions, research or advocacy groups, etc.

**Section 6. Effective Date.**

This Executive Order is effective immediately. It shall remain in effect until April 7, 2027, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capital in the City of Raleigh, this 7th of April in the year of our Lord two thousand and twenty-five.

  
\_\_\_\_\_  
Josh Stein  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State





**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

Maggie Barlow, Treasurer  
Justice Allison Riggs Legal Fund  
1001 Wade Avenue, Suite 323  
Raleigh, North Carolina 27605

April 16, 2025

Re: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding  
legal expense funds

Dear Ms. Barlow,

Thank you for your correspondence on behalf of the Justice Allison Riggs Legal Fund. The following written opinion is provided in accordance with N.C.G.S. § 163-278.23. In your letter, you asked whether compliance-related expenses for a legal expense fund may be paid by a legal expense fund, or if they must be born by the candidate's campaign committee. Compliance-related expenses are described as software and professional services used to maintain financial records and filings.

A legal expense fund is "any collection of money for the purpose of funding a legal action, or a potential legal action, taken by or against an elected officer in that elected officer's official capacity." N.C.G.S. § 163-278.300(6). In North Carolina, a legal expense fund *must* be created if an elected officer, or another individual or group of individuals acting on the elected officer's behalf, is given a legal expense donation (1) to fund an existing legal action taken by or against the elected officer in that elected officer's official capacity, or (2) to fund a potential legal action taken by or against an elected officer in that elected officer's official capacity. N.C.G.S. § 163-278.301(a) (emphasis added). In this context, "official capacity" includes actions "related to or resulting from the campaign" as well as those "relating to or resulting from holding public office." N.C.G.S. § 163-278.300(7).

When a legal expense fund is created in North Carolina, the elected officer must appoint a treasurer who will keep detailed accounts of donations and expenditures. *See* N.C.G.S. §§ 163-278.306 and .307(a). While the fund is active, the treasurer must file quarterly reports with the State Board. N.C.G.S. § 163-278.310. These reports must be filed electronically if the cumulative total of donations or expenditures in a quarter exceeds \$5,000. N.C.G.S. § 163-

278.308(d). Many candidates and elected officers choose to hire professional campaign treasurers to manage record keeping and reporting requirements. While the State Board offers free reporting software, the agency will also accept electronic reports generated by third party software. 08 NCAC 21 .0106(a)(2). Typically, the committee must pay a fee to the software provider when third party software is used.

So how can these services be paid for? Can the legal expense fund be used? Once a legal expense donation is received and a fund is created, there are statutorily imposed limits on how donations may be used. Legal expense funds may be used only for reasonable expenses actually incurred by the elected officer in relation to a legal action or potential legal action brought by or against the elected officer in that elected officer's official capacity. N.C.G.S. § 163-278.320(a).

The obligation to create and maintain a legal expense fund stems from the fact that there is a legal action or potential legal action involving the elected officer. Thus, there is a direct relationship between the fund and the legal action. Reasonable expenses incurred for the maintenance of the legal expense fund relate to the legal action and may therefore be paid from the fund under N.C.G.S. § 163-278.320(a). Specifically, compliance-related expenses incurred for statutory record keeping and reporting requirements of the legal expense fund may be paid from the legal expense fund.

The opinion will be filed with the Codifier of Rules to be published in the North Carolina Register.

Sincerely,



Karen Brinson Bell  
Executive Director  
State Board of Elections

Maggie Barlow  
Treasurer, Justice Allison Riggs Legal Fund  
1001 Wade Ave, Ste 323  
Raleigh, NC 27605

March 20, 2025

Ms. Karen Brinson Bell, Executive Director  
North Carolina State Board of Elections  
PO Box 27255  
Raleigh, NC 27611-7255

**Subject: Request for Formal Advisory Opinion on Compliance Software and Services**

Dear Ms. Brinson Bell,

I am writing to formally request an advisory opinion from the North Carolina State Board of Elections regarding permissible expenditures by Legal Expense Funds. Specifically, I seek guidance on whether compliance-related expenses may be paid by the Justice Allison Riggs Legal Fund or if they must be borne by the campaign committee.

Given the nature of compliance-related expenses, including software and professional services used to maintain accurate financial records and filings, I would appreciate the Board's clarification on whether these costs fall within the scope of allowable expenditures from this fund or if they should be considered campaign-related expenses.

If any additional information is needed to facilitate your review, please let me know. Thank you for your time and consideration. I look forward to your response.

Sincerely,



Maggie Barlow  
Treasurer, Justice Allison Riggs Legal Fund

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: Tim Wood  
FujiClean USA, LLC  
41-2 Greenwood Rd  
Brunswick, ME 04011

For: Modifications to the Innovative Approval for the FujiClean USA Advanced Pretreatment Systems

DHHS Contact: Wilson Mize  
919-270-9665  
Fax: 919-845-3973  
[wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov)

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 5605 Six Forks Rd, Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, [wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov), or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

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: PolyJohn Enterprises LLC

Applicant's Address: 1266 Speedway Blvd  
Salisbury, NC 28146

Application Date: April 17, 2025

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

Samuel Cooper, President

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: TERRY'S SOUTHERN AUTOMOTIVE LLC

Applicant's Address: 9029 HWY 49 S  
DENTON, NC 27239

Application Date: 4/22/2025

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

TERRY LEE HUNT, OWNER- MEMBER

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

27699; phone (919) 855-3481; email DHSR.RulesCoordinator@dhhs.nc.gov

*Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Radiation Protection Commission intends to amend the rules cited as 10A NCAC 15 .0201, .0208, .0211, .0212, readopt with substantive changes the rules cited as 10A NCAC 15 .0202- .0207, .0209, .0210, and repeal through readoption the rule cited as 10A NCAC 15 .0213.*

**Comment period ends:** July 14, 2025

*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 rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.*

**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.

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://info.ncdhhs.gov/dhsr/index.html>

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

**Public Hearing:**

**Date:** June 2, 2025

**Time:** 10:00 am

**Location:** Edgerton Building, 809 Ruggles Drive, Dorothea Dix Campus, Raleigh, North Carolina 27603

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

**Reason for Proposed Action:** *The rules in 10A NCAC 15 regulate the use of radioactive materials and radiation machines in the State of North Carolina pursuant to G.S. 104E. Rules in Section .0200 of Chapter 15 regulate all registrants who use radiation machines, radiation generating devices (RGDs), and who provide radiological services in the state. Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of the rules in Chapter 10A NCAC 15, Radiation Protection, 10A NCAC 15 Section .0200 had four rules, .0201, .0208, .0211, and .0212 that were determined to be "Necessary" and will be amended with this rulemaking action. Nine rules, Rules 10A NCAC 15 .0202 - .0207, .0209, and .0210 were determined to be "Necessary" and will be readopted with this rulemaking action. Rule .0213 will be repealed through readoption. As mandated by G.S. 150B-19(4) the agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. To comply with this mandate, the federal regulations in 21 CFR 1020.30(d) are proposed for incorporation by reference, including subsequent amendments and editions. The federal regulations are being incorporated by reference into Rule 10A NCAC 15 .0205(f)(2)(A).*

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

**Comments may be submitted to:** Shanah Black, 809 Ruggles Drive, Edgerton Building; 2701 Mail Service Center, Raleigh, NC

**CHAPTER 15 - RADIATION PROTECTION**

**SECTION .0200 - REGISTRATION OF RADIATION MACHINES: FACILITIES AND SERVICES**

Codifier's Note: 10 NCAC 03G .2300 was transferred to 15A NCAC 11 .0200 effective January 4, 1990. Recodification pursuant to G.S. 143B-279.3.

**10A NCAC 15 .0201 PURPOSE AND SCOPE**

(a) This Section provides for the registration of radiation ~~machines, machines, radiation generating devices, radiation machine~~ facilities, and persons providing other radiological services.

(b) ~~For purposes of this Section, "facility" means the location at which one or more radiation machines are installed or located within one building, vehicle, or under one roof and are under the same administrative control. A person who acquires, owns, possesses, or receives a radiation machine or radiation generating device before receiving a notice of registration in accordance with~~

Rule .0209 of this Section is subject to the requirements of this Chapter.

(c) In addition to the requirements of this Section, all registrants are subject to the provisions in ~~of the other sections Sections~~ .0100, .1000, .1100, and .1600 of this Chapter.

(d) ~~Special requirements for registration of particle accelerators are provided in Section .0900 of this Chapter and are in addition to the requirements of this Section.~~ Service providers using radiation machines for demonstration purposes or that provide mobile leasing services are subject to the additional requirements of Rule .0205 of this Section. Service providers that provide those services by bringing radiation machines or radiation generating devices from out of state are subject to the additional requirements of Rule .0208 of this Section.

(e) Emerging technologies for radiation machines and radiation generating devices that do not meet the equipment requirements of this Chapter are subject to the additional requirements in Rule .0212 of this Section.

(f) Registrants using industrial radiographic machines are subject to the additional requirements of Section .0500 of this Chapter.

(g) ~~In addition to the requirements of this Section, all registrants are subject to the annual fee provisions contained in Section .1100 of this Chapter.~~ Registrants using radiation machines for human and veterinary use are subject to the additional requirements in Section .0600 of this Chapter.

(h) Registrants using radiation machines for non-human use at educational facilities, for forensic medicine, or by service providers for demonstration purposes are subject to the additional requirements of Section .0600 of this Chapter.

(i) Registrants using ionizing radiation generating devices are subject to the requirements of Section .0800 of this Chapter.

Authority G.S. 104E-7; 104E-9(8); 104E-19(a).

**10A NCAC 15 .0202 EXEMPTIONS**

(a) Electronic equipment that produces radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of this Section provided that the dose equivalent rate average over an area of ~~ten~~ 10 square centimeters does not exceed 0.5 mrem per hour at ~~five~~ 5 centimeters from any accessible surface of the equipment when any external shielding is removed. The production, testing, or factory servicing of such equipment is not exempt.

(b) ~~Radiation machines while in transit or storage incident thereto are exempt from the requirements of this Section.~~ The following are exempt from the requirements of this Section:

- (1) all radioactive materials; and
- (2) radiation machines while in transit.

(c) ~~Domestic television receivers are exempt from the requirements of this Section.~~

Authority G.S. 104E-7.

**10A NCAC 15 .0203 APPLICATION; REGISTRATION; RADIATION MACHINES; FACILITIES APPLICATION FOR REGISTRATION PROCESS; GENERAL REQUIREMENTS FOR ALL**

**FACILITIES, RADIATION MACHINES, AND SERVICES PROVIDED**

(a) ~~Each person having an unregistered radiation machine or facility shall:~~

- (1) ~~apply for registration of such facility and each radiation machine within 30 days following initial operation of that facility and each radiation machine. Application for registration shall be completed on agency forms and shall contain all information required by the forms and accompanying instructions. The registration of the first radiation machine at a facility constitutes registration of the facility itself.~~
- (2) ~~designate on the application form an individual who shall be responsible for radiation protection.~~

(b) ~~Agency forms described in Subparagraph (a)(1) of this Rule require the following and other information:~~

- (1) ~~name, address and telephone number of the radiation machine facility;~~
- (2) ~~name of the person responsible for radiation protection in the facility;~~
- (3) ~~name, training and experience of the person designated in Subparagraph (a)(2) of this Rule;~~
- (4) ~~the manufacturer, model number, serial number and type of each radiation machine located within the facility;~~
- (5) ~~the date of the application and the signatures of the persons specified in Subparagraphs (b)(2) and (3) of this Rule.~~

(a) A person with an unregistered facility, radiation machine, radiation generating device, or an unregistered service provider, shall apply for registration with the agency. After submitting the required application forms prescribed by the agency in this Rule, registration of the first radiation machine, radiation generating device, or registration of services provided, constitutes registration of the facility or service provider.

(b) All application forms in this Rule shall be completed by meeting the following requirements:

- (1) An individual with administrative control and representative of the organization of a radiation machine, radiation generating device, or who is responsible for providing services, shall ensure application forms, required by the agency in this Rule, meet the following requirements:
  - (A) are accurate, complete, and contain all the information required by the application forms and accompanying instructions; and
  - (B) submitted to the agency at the e-mail address on the application for registration forms or mailed to the address in Rule .0111 of this Chapter.
- (2) Incomplete application forms or application forms submitted without the requested documentation to provide services, will not be processed.

(3) The agency may require additional information at any time after submission of the application to determine if the notice of registration should be issued or denied.

(4) Application forms can be found at <https://radiation.ncdhhs.gov/Xray/applic.htm>.

(c) A Business Application form shall be submitted prior to the operation of a facility or providing services in this State and the following additional requirements shall be met:

(1) The application shall be submitted by any person:

(A) with one or more radiation machines at a facility; or

(B) that plans to engage in services listed in Paragraphs (f) and (g) of this Rule.

(2) The application form requires the following:

(A) indication if the application is for a new facility, a change of ownership, relocation of a facility, or to update information by marking the corresponding checkbox;

(B) the legal business name, facility physical address, phone number, type of business, days and hours of operation;

(C) the name, title, mailing address, phone, and e-mail address of business manager;

(D) the name of the individual on-site who is responsible for radiation protection. The training and experience qualifying him or her to perform the job duties and responsibilities in Rule .0211 of this Section, shall be documented on the application;

(E) the name, title, mailing address, phone, and e-mail address for the invoice contact;

(F) description of facility use;

(G) description of service provider equipment;

(H) dated and signed by the owner or the individual with administrative control; and

(I) identify equipment forms included with the application form by marking the corresponding checkbox.

(d) A Radiation Machine Application or Radiation Generating Devices Application form shall be submitted in accordance with Rule .0204(c)(1) through (5) of this Section, for the type of radiation machine or radiation generating device owned by the registrant or potential registrant or the service provided. The following additional requirements shall be met:

(1) The application shall be submitted by any person:

(A) with one or more unregistered radiation machines or radiation generating devices at a facility; or

(B) that is engaged in leasing or performing demonstrations using an unregistered radiation machine or radiation generating device.

(2) The application requires the following information:

(A) registration number;

(B) machine or device location;

(C) manufacturer, model, serial number, number of tubes, install date, modality, application, type, and use;

(D) location of machine or device not in use;

(E) installer information; and

(F) shall be dated and signed by the individual with administrative control. An individual with administrative control can delegate a responsible person or persons within the organization to sign when amendments are made to this form by notifying the agency in writing.

(e) A Disposal of a Radiation Machine or Radiation Generating Device Form shall be submitted when a facility disposes of a radiation machine or radiation generating device. The agency form requires the following information:

(1) registration number, facility name, and physical address;

(2) identify if the application is for a new facility, for a change of ownership, a facility relocates, or to update information;

(3) radiation machine or radiation generating device location; manufacturer, model, serial number;

(4) identify the reason for disposal of the radiation machine or radiation generating device;

(5) the recipient of the radiation machine or radiation generating device, to the individual or business name, physical and e-mail address, and phone number; and

(6) dated and signed by the owner or the individual with administrative control of the radiation machine or radiation generating device.

(f) A Company Service Application form shall be submitted prior to furnishing or offering to furnish services in Parts (A) through (C) of this Paragraph and the following additional requirements shall be met:

(1) The application shall be submitted by any person engaged in:

(A) direct sales, demonstration, leasing, or transfer of radiation machines or radiation generating devices;

(B) providing individual monitoring devices; and

(C) radiation survey equipment calibrations, except when calibrations are performed by the manufacturer of the equipment.

- (2) The application requires the following information:
  - (A) registration number;
  - (B) business name, facility physical address;
  - (C) identify if the application is for a new service provider, for a change of ownership, relocation of the facility, or to update information;
  - (D) identify each class and modality of services requested to be provided in the State;
  - (E) submit the requirements listed on the agency form for each class and modality requesting to provide services in the State;
  - (F) list any class or modality not listed on this form;
  - (G) description of service provider equipment used for output measurements and surveys; and
  - (H) signature of the individual with administrative control.

(g) A Company Employee Services Application form shall be submitted prior to furnishing or offering to furnish services in Parts (A) through (H) of this Paragraph and the following additional requirements shall be met:

- (1) The application shall be submitted by any person engaged in providing the following services:
  - (A) area radiation surveys for diagnostic radiographic and fluoroscopy facilities;
  - (B) equipment surveys and shielding designs for radiation generating devices;
  - (C) general health physics consulting services to perform dose estimates, radiation output measurements, radiation safety program development, and radiation safety program training;
  - (D) installation or service repair of radiation machines or radiation generating devices;
  - (E) qualified expert consulting services for CT and mammography radiation machines;
  - (F) radiation protection expert;
  - (G) shielding designs for diagnostic radiographic and fluoroscopy facilities; and
  - (H) therapeutic facility and shielding design, area radiation survey, or calibration.
- (2) The application requires the following information:
  - (A) name of the employee to be registered;

- (B) start date if the employee is being added and the stop date if the employee is being removed from the registration;
- (C) business registration number, name, physical address, and contact e-mail;
- (D) class identification and modality of services to be provided;
- (E) training and experience to submit for each class of services to be provided;
- (F) date and signature of the employee applying for registration;
- (G) date and signature of the individual with administrative control; and
- (H) additional information the agency determines is necessary for evaluating the application for registration.

(h) Owners of radiation imaging systems and in-house personnel employed by a facility or corporation shall be exempt from the registration requirements in this Rule to provide services in this State, provided such personnel:

- (1) meets the education, or is supervised by an individual who meets the training and experience requirements of the Class for the services provided;
- (2) provides services at one facility or corporation; and
- (3) provides requirements in Subparagraph (h)(1) of this Rule for agency review during inspection.

(i) The following general requirements apply to all facilities and services provided in North Carolina.

- (1) The registrant shall notify the agency when any change will render the information in an application for registration or notice of registration no longer accurate.
- (2) A registrant that terminates all activities of radiation machines, radiation generating devices, or providing services shall meet the following requirements within 30 days:
  - (A) request termination of the notice of registration in writing by the owner or the individual with administrative control;
  - (B) submit to the agency, a Disposal of a Radiation Machine or Radiation Generating Device Form in accordance with Paragraph (e) of this Rule; and
  - (C) pay any outstanding fees pursuant to Section .1100 of this Chapter.
- (3) A registrant shall not transfer the registration as part of a change of ownership.
- (4) A person who takes possession of a radiation machine or radiation generating device because of bankruptcy, foreclosure, or state auction may possess the machine or device when the following additional requirements are met:

- (A) The machine or device shall be posted with a visible sign stating that the new owner is responsible for registering with the agency if used in this State; and
- (B) If the machine or device is energized, it shall only be energized by someone registered in accordance with this Section and only to demonstrate that it is operable for sale or transfer.
- (5) No person shall in any advertisement refer to the fact that his or her facility is registered with the agency pursuant to the provisions of Rule .0204 or .0205 of this Section, and no person shall state or imply that under such registration any activities have been approved by the agency.

- (4) A radiation machine shall not be replaced until the existing shielding design, acknowledged previously by the agency, is reviewed by a registered service provider in accordance with Rule .0205 of this Section. The registrant shall have a service provider review the acknowledged shielding design for the proposed radiation machine replacement to assess if the existing shielding meets the requirements of this Chapter. The documentation provided to the registrant from the service provider shall be submitted to the agency and maintained for agency review during inspection.
- (5) The acknowledgment of such plans shall not preclude the requirement for additional modifications should a subsequent analysis of operating conditions indicate the possibility of a dose that exceeds the limits in Rule .1601 of this Chapter.
- (6) Shielding designs are not required to be submitted for the following radiation machines:
  - (A) dental handheld;
  - (B) dual x-ray absorptiometry (DEXA);
  - (C) mammography; or
  - (D) mobile or portable radiographic and fluoroscopic machines used in more than two locations.

Authority G.S. 104E-7; 104E-12; 104E-20.

**10A NCAC 15 .0204 PROHIBITED SERVICES AND INSTALLATION FACILITY RESPONSIBILITIES**

~~(a) Except as provided in Paragraph (b) of this Rule or otherwise authorized in writing by the agency, each person registered pursuant to Rule .0203 of this Section shall prohibit any person from furnishing equipment services described in Rule .0205(d) of this Section to his facility until such person provides evidence that he is currently registered with the agency as a provider of such services in accordance with Rule .0205 of this Section.~~

~~(b) No person registered pursuant to the provisions of Rule .0203 of this Section shall perform any services listed in Rule .0205(d) of this Section in his facility unless such person satisfies the applicable requirements in Rules .0205, .0213, and .0214 of this Section and has received written authorization from the agency to perform such services.~~

(a) All forms in this Rule shall be completed in accordance with Rule .0203 of this Section and any accompanying instructions.

(b) Shielding design requirements:

- (1) Prior to construction for all new installations of radiation machines for human, non-human, or veterinary use and prior to structural modification of existing installations, an applicant, shall have the floor plans, shielding specifications, and equipment arrangement reviewed by a registered service provider.
- (2) The registrant shall submit the shielding design and the agency Shielding Design Review Form to the agency for review. The agency form shall include the following information:
  - (A) facility and service provider name, registration number, e-mail and physical address, and phone number;
  - (B) equipment location, manufacturer, status, kVp, mA, mA min per week, facility type; and
  - (C) proposed date of installation.
- (3) A radiation machine shall not be installed until the applicant has received acknowledgment of the shielding design from the agency.

(c) Facility registration

- (1) Mobile radiation machines located and used in this State that are fixed in a vehicle or trailer shall meet the following requirements prior to use:
  - (A) have a shielding design submitted in accordance with Paragraph (a) of this Rule;
  - (B) have a Radiation Machine Application or a Radiation Generating Devices Application form submitted in accordance with Rule .0203(d) of this Section. Radiation machines leased or on loan from a registered service provider shall register the radiation machine if used for more than 30 days;
  - (C) have a copy of the operating and safety procedures to protect patients, operators, and the public from radiation submitted to the agency;
  - (D) receive a notice of registration from the agency; and
  - (E) an individual with administrative control shall ensure that radiation machines are operated in accordance with Section .0600 of this Chapter.
- (2) Mobile radiation machines located out-of-state and brought into this State for use, that are fixed in a vehicle or trailer, shall meet the following requirements prior to use:

- (A) have the requirements in Parts (c)(1)(A) through (c)(1)(C) of this Rule submitted as a complete document for agency review; and
- (B) have a written notice submitted, in accordance with Rule .0208 of this Section, and maintain it for agency review during inspection.

(3) Radiation machines for human, non-human, or veterinary use shall meet the following additional requirements:

- (A) have a shielding design acknowledged by the agency in accordance with Paragraph (b) of this Rule; and
- (B) submit a Radiation Machine Application form in accordance with Rule .0203 (d) of this Section within 30 days of use.

(4) Radiation generating devices in Section .0800 of this Chapter shall meet the following additional requirements prior to use:

- (A) submit a Radiation Generation Device Application in accordance with Rule .0203(d) of this Section; and
- (B) an individual with administrative control shall ensure operators are qualified in accordance with Rule .0800 of this Chapter to use the radiation generating device indicated on the application.

(5) Industrial radiography radiation machines in Section .0500 of this Chapter shall meet the following additional requirements prior to use:

- (A) submit a Radiation Generating Device Application in accordance with Rule .0203(d) of this Section; and
- (B) an individual with administrative control shall ensure operators are qualified in accordance with Section .0500 of this Chapter to use the machines indicated on the application.

(d) Persons registered pursuant to Paragraph (c) of this Rule shall notify the agency, using the Disposal of a Radiation Machine or Radiation Generating Device Form, prior to disposition or the transfer of a registered radiation machine or radiation generating device to another person required to be registered pursuant to Paragraph (c) of this Rule.

(e) Persons registered pursuant to Paragraph (c) of this Rule shall prohibit any person from furnishing services described in Rule .0205(d) of this Section, at his or her facility, until such person provides evidence they are currently registered with the agency as a provider of such services in accordance with Rule .0205 of this Section.

(f) No person registered pursuant to the provisions of Paragraph (c) of this Rule shall perform any services listed in Rule .0205(d) of this Section in his or her facility unless such person meets the requirements in Rules .0205 and .0206 of this Section and has received written authorization from the agency to perform such services.

*Authority G.S. 104E-7; 104E-9(a)(3); 104E-12.*

**10A NCAC 15 .0205 APPLICATION FOR REGISTRATION OF SERVICES SERVICE PROVIDER RESPONSIBILITIES**

~~(a) Each person who is engaged in the business of installing or offering to install radiation machines and machine components or is engaged in the business of furnishing or offering to furnish any equipment services listed in Paragraph (d)(c) of this Rule in this state, to any agency licensee or registrant, State, or any agency registrant, shall apply for registration of such services with the agency prior to furnishing or offering to furnish any of these services.~~

~~(b) Application Applications for registration shall be completed on appropriate form(s) provided by the agency in accordance with Rule .0203 of this Section and contain all information required by the agency as indicated on the form and accompanying instructions. This information shall include:~~

- ~~(1) the name, address and telephone number of:~~
  - ~~(A) the individual or the company to be registered;~~
  - ~~(B) the owner(s) of the company;~~
- ~~(2) the description of the services to be provided;~~
- ~~(3) the name, training and experience of each person who provides services specified in Paragraph (d) of this Rule;~~
- ~~(4) the date of the application and the signature of the person responsible for the company; and~~
- ~~(5) any additional information the agency determines to be necessary for evaluation of the application for registration.~~

~~(c) Each person applying for registration under pursuant to Paragraph (a) of this Rule shall certify that he or she has read and understands the requirements of the rules in this Chapter. Chapter by signing the Company Employee Services Application or Company Services Application form.~~

~~(d) For the purpose of this Section, equipment services include:~~

- ~~(1) direct sale and transfer of radiation machines and machine components to end users;~~
- ~~(2) installation or servicing of radiation machines and associated radiation machine components;~~
- ~~(3) diagnostic radiographic facility and shielding design;~~
- ~~(4) diagnostic fluoroscopic facility and shielding design;~~
- ~~(5) diagnostic area radiation survey, e.g., shielding evaluation;~~
- ~~(6) radiation instrument calibration;~~
- ~~(7) therapeutic facility and shielding design, area radiation survey or calibration;~~
- ~~(8) personnel dosimetry services; and~~
- ~~(9) general health physics consulting, e.g., independent diagnostic radiation output measurements, dose analysis, design of safety programs and radiation safety training programs, non-healing arts facility and shielding design and area radiation surveys.~~

(d) Applicants for registration of services are subject to the requirements of Rules .0206 and .0207 of this Section.

~~(e) Applicants for registration of services are subject to the applicable requirements of Rules .0213 and .0214 of this Section.~~

~~(e) For purposes of this Section, services include:~~

- ~~(1) Class I - direct sales, transfer, leasing, lending, demonstration, or manufacturer training for the use of radiation machines or radiation generating devices;~~
- ~~(2) Class II - installation, repair, or service of the following:
 
  - ~~(A) radiation machines and machine components, including the making of diagnostic radiation output measurements, and performance verification; or~~
  - ~~(B) radiation generating devices to include equipment surveys.~~~~
- ~~(3) Class III - shielding designs for diagnostic radiographic facilities;~~
- ~~(4) Class IV - shielding designs for diagnostic fluoroscopy facilities;~~
- ~~(5) Class V - area radiation surveys and shielding evaluations for diagnostic radiographic and fluoroscopy facilities;~~
- ~~(6) Class VI - radiation survey equipment calibrations;~~
- ~~(7) Class VII - therapeutic facility and shielding design, area radiation survey, or verification;~~
- ~~(8) Class VIII - providing individual monitoring devices;~~
- ~~(9) Class IX - general health and medical physics consulting to include the following services:
 
  - ~~(A) equipment surveys and shielding designs for radiation generating devices;~~
  - ~~(B) dose estimates;~~
  - ~~(C) radiation output measurements;~~
  - ~~(D) radiation safety program development; and~~
  - ~~(E) radiation safety program training.~~~~

~~(f) Persons registered pursuant to Subparagraph (e)(1) of this Rule as a Class I service provider to provide mobile radiation machines that are fixed in a vehicle or trailer for demonstration purposes or that provides leasing services shall meet the following requirements prior to use:~~

- ~~(A) mobile radiation machines located and used in this State shall meet the requirements of Rule .0204(c)(1)(A) through (E) of this Section; and~~
- ~~(B) mobile radiation machines located out of state and brought into this State for use shall meet the requirements of Rule .0204(c)(2)(A) and (B) of this Section.~~

~~(g) Report of installation~~

- ~~(1) Persons registered pursuant to Paragraph (a) of this Rule who sell, install, transfer, lease, lend, or dispose of radiation machines in this State shall, within 15 days after each calendar quarter, notify the agency at~~

XrayNORS@dhhs.nc.gov or the address, in accordance with Rule .0111 of this Chapter, of the following:

- (A) whether any radiation machines were directly sold, disposed of, installed, leased, loaned, or transferred during the calendar quarter;
- (B) the name and address of persons who received radiation machines during the calendar quarter;
- (C) the manufacturer, model, and serial number of each radiation machine directly sold, disposed of, installed, leased, loaned, or transferred during the calendar quarter; and
- (D) the date of disposition, installation, lease, loan, sale, or transfer of each radiation machine during the calendar quarter.

(2) The information specified in Parts (g)(1)(A) through (D) of this Rule may be omitted from the quarterly reports when either of the following requirements are met:

- (A) for any diagnostic x-ray system that contains certified components, when a copy of the assembler's report prepared in compliance with 21 CFR 1020.30(d) is received by the agency; or
- (B) for radiation machines for nonhuman use and radiation generating devices, when a Report of Sale and Installation Form prepared in accordance with Paragraph (i) of this Rule is received by the agency.

(h) A Report of Sale and Installation of radiation machines for nonhuman use or radiation generating devices can be found at <https://radiation.ncdhhs.gov/Xray/documents/rptofassembly.pdf> and shall include the following information:

- (1) facility registration number, street address, city, state, and telephone number;
- (2) service provider registration number, company name, street address, city, state, and telephone number;
- (3) identify if the radiation machine or the radiation generating device was sold or installed by checking the corresponding checkbox;
- (4) identify the system type by checking the corresponding checkbox;
- (5) room location;
- (6) date of sale or installation;
- (7) manufacturer, serial number, and control model number;
- (8) the seller's signature or signature of the individual responsible for installation; and
- (9) the date signed.

(i) No person registered pursuant to Paragraph (a) of this Rule for x-ray sales or installations shall make, sell, lease, transfer, lend, assemble, or install radiation machines, radiation machine

components, or radiation machine generating devices unless such machines and devices when placed in operation shall meet the requirements of these Rules.

(j) No person registered pursuant to Rule .0205 of this Section shall install radiation machines that are subject to provisions of Section .0600 of this Chapter unless the registrant first determines that the agency has issued a written acknowledgment of a shielding design in accordance with Rule .0204(b) of this Section.

(k) Tests performed at the time of installation demonstrating the requirements of these Rules are met, shall be provided to the registrant for agency review during inspection for the following:

- (1) fluoroscopy machine output measurement; and
- (2) radiation generating devices equipment surveys.

(l) Records of any routine maintenance, repair, alterations, or reassembly of radiation machines or radiation generating devices shall:

- (1) include the date that the service was performed and a legible signature of the person performing the service; and
- (2) be provided to the registrant for agency review during inspection.

*Authority G.S. 104E-7; 104E-12; 104E-20.*

**10A NCAC 15 .0206 REPORTS OF INSTALLATION TRAINING AND EDUCATIONAL REQUIREMENTS TO PROVIDE SERVICES**

(a) Persons, registered pursuant to Rule .0205 of this Section, who sell, lease, transfer, lend, dispose of, assemble or install radiation machines in this state shall, within 30 days after each calendar quarter, notify the agency at the address in Rule .0111 of this Chapter, of:

- (1) whether any radiation machines were installed, transferred, or disposed of during the calendar quarter;
- (2) the name and address of persons who received radiation machines during the calendar quarter;
- (3) the manufacturer, model and serial number of each radiation machine transferred or disposed of;
- (4) the date of transfer of each radiation machine.

(b) The information specified in Subparagraphs (a)(2), (3) and (4) of this Rule may be omitted from the quarterly reports required in (a) of this Rule for any diagnostic x ray system which contains certified components when a copy of the assembler's report prepared in compliance with 21 CFR 1020.30(d) is submitted to the agency.

(a) A person registered to provide services pursuant to Rule .0205 of this Section shall be qualified by reason of education, training, and experience to provide the services for which registration is requested. The following are the minimum qualifications for each service class:

- (1) Class I - direct sales, transfer, leasing, lending, demonstration, or manufacturer training for the use of radiation machines or radiation generating devices: The applicant shall certify all persons providing services are knowledgeable, familiar, and comply with the

rules which govern the possession, installation, and use of radiation machines in North Carolina.

(2) Class II - installation or service to verify performance associated with the installation or service:

- (A) manufacturer's equipment school for service, maintenance, and installation for the type of radiation machine used for dental hand-held, intraoral, and extra-oral, medical diagnostic, or medical fluoroscopic, radiation generation devices, or equivalent training;
- (B) training in basic principles of radiation protection; and
- (C) three months of experience in the installation and service of radiation machines, radiation generating devices, and machine components services are required.

(3) Class III - shielding design for diagnostic radiographic facilities:

- (A) training in basic principles of radiation protection;
- (B) training in shielding design for each modality registering to provide services; and
- (C) one year of experience in diagnostic radiographic facility and shielding for each type of machine application.

(4) Class IV - shielding design for diagnostic fluoroscopic facilities:

- (A) training in basic principles of radiation protection;
- (B) training in shielding design for each modality registering to provide services; and
- (C) one year of experience in diagnostic fluoroscopic facility and shielding for the specific each type of machine application.

(5) Class V - area radiation surveys and shielding evaluation for diagnostic radiographic and fluoroscopy facilities:

- (A) training in basic principles of radiation protection;
- (B) training in shielding evaluation for each modality registering to provide services; and
- (C) one year of experience performing area radiation surveys for the specific each type of machine application.

(6) Class VI - radiation instrument calibration: The applicant must possess a current radioactive materials license or registration authorizing radiation instrument calibration.

(7) Class VII - therapeutic facility and shielding design, area radiation survey, or verification:

- (A) certification by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma ray physics, or x-ray and radium physics;
- (B) certification by the American Board of Medical Physics;
- (C) doctorate degree in medical physics or related field; or
- (D) have a master's degree in physics, biophysics, radiological physics, nuclear engineering, or health physics, one year of full-time training in therapeutic radiological physics, one year of full-time experience in a therapeutic facility including personal calibration and spot-check of at least one machine, submit a description of the procedures that will be utilized in performing therapeutic calibrations including a list of all guides and references to be employed, submit a copy of all forms, reports, and documents that will be supplied to customers; and submit one sample of each type of therapy modality service provided.

(8) Class VIII - providing individual monitoring dosimetry: The applicant must hold current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology or use NVLAP-accredited dosimetry.

(9) Class IX - general health or medical physics consulting shall be performed by a person meeting one of the following requirements:

- (A) certified by the American Board of Health Physics in health physics in the appropriate field or specialties for services provided;
- (B) certified by the American Board of Medical Physics;
- (C) certified by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma ray physics, x-ray and radium physics; or
- (D) hold a master's or doctorate in physics, medical physics, other physical science, engineering, or applied mathematics, from an accredited college or university, and have 40 hours of practical training or supervised experience in x-ray physics.

(b) Any person registered to provide Class IX services prior to the effective date of this Rule and holding a baccalaureate degree in physical science of physics, chemistry, or radiologic science,

engineering or related field, and having two years of progressive experience in medical or health physics, or two years of graduate training in medical or health physics, is exempt from the requirements in Parts (a)(9)(A) through (D) of this Rule, provided he or she is in good standing with the agency.

(c) The agency shall initiate action to terminate the registration of any person who fails to meet the requirements of this Rule.

*Authority G.S. 104E-7; 104E-12; 104E-13.*

**10A NCAC 15 .0207 ISSUANCE OF NOTICE OF REGISTRATION ADDITIONAL REQUIREMENTS TO PROVIDE SERVICES**

~~(a) The agency shall issue a notice of registration upon a determination that an applicant:~~

- ~~(1) is qualified by reason of education, training or experience in the use and hazards of radiation sources described in the application for registration;~~
- ~~(2) has facilities and equipment which meet the requirements in these Rules;~~
- ~~(3) has established a radiation protection program, appropriate to the registered activities, which assures compliance with radiation protection requirements in these Rules; and~~
- ~~(4) meets the applicable requirements in this Chapter.~~

~~(b) The agency may, by registration condition or order, when not in conflict with any law, waive any requirement in these Rules or impose requirements with respect to the registrant's receipt, possession, use and transfer of radiation machines as the agency deems appropriate or necessary for compliance with the rules in this Chapter. Such additional requirements are subject to appeal under 15A NCAC 1B .0200.~~

~~(c) The agency may refuse to grant a registration required in Rules .0203 and .0205 of this Section to any applicant who does not possess adequate qualifications or equipment or satisfy the applicable requirements in this Chapter; provided that, before any order is entered denying an application for registration, the agency shall give notice and grant a hearing as provided in G.S. 150B.~~

(a) A person applying for registration to perform Class II or Class IX services for diagnostic radiation output measurements, Class V area radiation surveys and shielding evaluations for diagnostic radiographic and fluoroscopy facilities, or Class VII therapeutic area radiation survey or verification services pursuant to Rule .0205 of this Section shall meet the following additional requirements:

- (1) have radiation survey and radiation measurement equipment capable of measuring the radiation energies corresponding to the services requested for authorization;
- (2) ensure that the equipment in Subparagraph (a)(1) of this Rule is calibrated annually when a frequency is not recommended by the manufacturer;
- (3) submit the following for agency review prior to registration:

(A) a description of the procedures that will be used in performing area

radiation surveys including a list of all guides and references to the employed;

- (B) a copy of all forms, reports, and documents that will be supplied to registrants;
- (C) samples of surveys for each modality requested for registration;
- (D) samples of reports of diagnostic radiation output measurements for each modality requested for registration; and
- (E) samples of calibration reports for each therapeutic and kV imaging modality requested for registration.

(b) A person applying for registration to perform Class VI equipment calibrations shall meet the following requirements:

- (1) ensure such calibrations are current and traceable to the National Institute of Standards and Technology;
- (2) license or register radiation sources used for such calibration as required by the rules in this Chapter;
- (3) label the equipment to indicate the date of calibration; and
- (4) maintain records of the calibration.

(c) A person applying for registration to perform Class III - shielding designs for diagnostic radiographic facilities, Class IV shielding designs for diagnostic fluoroscopy facilities, and Class VII therapeutic facilities and shielding design services shall meet the following additional requirements:

- (1) submit examples of the facility and shielding design which will be provided to registrants;
- (2) submit any technical guides, methodology, occupancy factor rationales, and workload estimation rationales that will be used; and
- (3) ensure that the facility and shielding design services provided to registrants meet the requirements in this Chapter.

*Authority G.S. 104E-7.*

**10A NCAC 15 .0208 PRIOR NOTIFICATION OF TRANSFER OUT-OF-STATE RADIATION MACHINES AND RADIATION GENERATION DEVICES**

~~(a) Persons registered pursuant to Rule .0203 of this Section shall notify the agency in writing prior to transfer of a registered radiation machine to another person required to be registered pursuant to Rule .0203(a) of this Section. This Rule does not prohibit transfer without prior notification to sales and service companies registered pursuant to Rule .0205 of this Section.~~

~~(b) The notification shall include:~~

- ~~(1) the name and address of the transferee, and~~
- ~~(2) the manufacturer, model number and serial number of the radiation machine to be transferred.~~

(a) No person shall bring any radiation machine or radiation generating device into the State, for any temporary use, unless such person has given a written notice to the agency at least five

working days prior to use in the State. The notice shall include the type of radiation machine; the nature, duration, and scope of use; and the exact location(s) where the radiation machine or radiation generating device will be used. If, for a specific case, the five working day period would impose an undue hardship on the person, he or she may, upon application to the agency, obtain permission to proceed sooner.

(b) A person bringing a radiation machine or radiation generating device into this State, for any temporary use, shall meet the following requirements:

- (1) complete the registration process in accordance with Rules .0203, .0204, and .0205 of this Section prior to beginning operations in this State;
- (2) supply the agency with other information the agency may request; and
- (3) comply with the Rules of this Chapter.

(c) The out of state registrant shall maintain with the radiation machine or radiation generating device, when located and used in this State, the following:

- (1) the current notice of registration from this agency;
- (2) a copy of the written notice submitted to the agency in accordance with Paragraph (a) of the Rule;
- (3) the shielding design, if required, in accordance with Rule .0204(c)(1)(A) of this Section; and
- (4) a copy of the out of state registrant's operating and safety procedures.

(d) An inspection may be conducted by an authorized representative of the agency on any radiation machine or radiation generating device used in this State.

*Authority G.S. 104E-7.*

**10A NCAC 15 .0209 REPORT OF CHANGES ISSUANCE OF NOTICE OF REGISTRATION**

Any registrant shall notify the agency in writing when any change will render the information contained in the application for registration or notice of registration no longer accurate.

(a) The agency shall issue a notice of registration upon a determination that an applicant:

- (1) is qualified by reason of education, training, or experience in the use and hazards of radiation sources described in the application for registration;
- (2) has facilities and equipment which meet the requirements in these Rules;
- (3) has established a radiation protection program, appropriate to the registered activities, which assures compliance with radiation protection requirements in these Rules; and
- (4) meets the applicable requirements in this Chapter.

(b) The agency may, by registration condition or order, when not in conflict with any law, waive any requirement in these Rules or impose requirements with respect to the registrant's receipt, possession, use, and transfer of radiation machines or radiation

generating devices as the agency deems appropriate or necessary for compliance with the rules in this Chapter.

(c) The agency may refuse to grant a registration required in Rules .0203, .0204, and .0205 of this Section to any applicant who does not possess the qualifications or equipment or satisfy the applicable requirements in this Chapter; provided that, before any order is entered denying an application for registration, the agency shall give notice and grant a hearing as provided in Chapter 150B of the North Carolina General Statutes.

*Authority G.S. 104E-7; 104E-12.*

**10A NCAC 15 .0210 OTHER PROHIBITED ACTIVITIES MODIFICATIONS: REVOCATION: TERMINATION OF REGISTRATIONS**

(a) No person registered pursuant to Rule .0205 of this Section for x-ray sales or installations shall make, sell, lease, transfer, lend, assemble, or install radiation machines or equipment used in connection with such machines unless such machines and equipment when placed in operation shall meet the applicable requirements of these Rules.

(b) No person, in any advertisement, shall refer to the fact that he or his facility is registered with the agency pursuant to the provisions of Rule .0203 or .0205 of this Section and no person shall state or imply that any activity under such registration has been approved by the agency.

(c) No person registered pursuant to Rule .0205 of this Section shall install radiation machines which are subject to provisions of Section .0600 of this Chapter unless the registrant first determines that the agency has issued written acknowledgement of receipt of any facility and shielding design required in Rule .0603 of this Chapter.

(a) The terms and conditions of all registrations are subject to amendment, revision or modification and all registrations are subject to suspension or revocation by reason of:

- (1) rules adopted pursuant to provisions of the Act; or
- (2) orders issued by the agency pursuant to provisions of the Act.

(b) Any registration may be revoked, suspended, or modified in whole or in part:

- (1) for any materially false statement in the application or any false statement of fact required by provisions of this Section;
- (2) because of a decision made by the agency to refuse to grant registration on the original application revealed by:
  - (A) the application;
  - (B) any statement of fact;
  - (C) any report, record, inspection, or other means; or
- (3) for violations of, or failure to follow any of the terms and conditions of the Act, the registration, the rules of this Chapter, or the order of the agency.

(c) In cases of knowingly and intentionally choosing not to follow the requirements of this Chapter or those in which the public health, interest, or safety requires otherwise, prior to modification, revocation, or suspension of a registrant, the agency shall:

- (1) notify the registrant in writing of the facts or conduct which may warrant these actions, and
- (2) provide an opportunity for the registrant to demonstrate or achieve compliance with the requirements of this Chapter.

(d) The agency may terminate a registration upon written request submitted by the registrant to the agency.

*Authority G.S. 104E-7; 104E-20; 104E-13.*

**10A NCAC 15 .0211 OUT-OF-STATE RADIATION MACHINES REQUIREMENTS AND RESPONSIBILITIES FOR THE INDIVIDUAL RESPONSIBLE FOR RADIATION PROTECTION REQUIREMENTS AND RESPONSIBILITIES**

(a) No person shall bring any radiation machine into the state, for any temporary use, unless such person has given a written notice to the agency at least five working days before the machine is to be used in the state. The notice shall include the type of radiation machine; the nature, duration, and scope of use; and the exact location(s) where the radiation machine is to be used. If, for a specific case, the five working day period would impose an undue hardship on the person, he may, upon application to the agency, obtain permission to proceed sooner.

(b) The person in Paragraph (a) of this Rule shall:

- (1) comply with all applicable rules in this Chapter, including registration pursuant to Rule .0203 of this Section; and
- (2) supply the agency with such other information as the agency may reasonably request.

(a) A person applying for registration shall designate an individual responsible for radiation protection on the Business Application form pursuant to Rule .0203(c) of this Section. The qualified individual, which can be an actively registered radiologic technologist, shall be on site and be qualified by reason of education, training, and experience. The following are the minimum qualifications that must be met to carry out the job duties:

- (1) training in basic radiation protection principles;
- (2) completed educational courses relating to ionizing radiation;
- (3) know potential radiation hazards and emergency precautions; and
- (4) training and experience in and knowing the proper use of the type of equipment used.

(b) The individual shall be responsible for the following:

- (1) Establishing and overseeing operating and safety procedures:
  - (A) that maintain radiation exposures as low as reasonably achievable (ALARA); and
  - (B) to review the procedures annually, or when changes occur to ensure the procedures are current.
- (2) Ensuring individual monitoring devices are used in accordance with these Rules by occupationally exposed personnel and records of monitoring results shall be:
  - (A) reviewed;

- (B) maintained; and
- (C) notifications made in accordance with Rule .1601 of this Chapter.
- (3) Ensuring that personnel are complying with:
  - (A) this Chapter;
  - (B) the conditions of the notice of registration; and
  - (C) the operating and safety procedures of the registrant.
- (4) Knowing:
  - (A) the management policies and administrative procedures of the registrant; and
  - (B) keeping management informed of the registrant's radiation protection program.
- (5) Assuming control and having the authority to carry out corrective actions including stopping operations in emergencies or unsafe conditions.

*Authority G.S. 104E-7.*

**10A NCAC 15 .0212 MODIFICATIONS:  
REVOICATION; TERMINATION OF REGISTRANTS  
EMERGING TECHNOLOGIES THAT DO NOT MEET  
MEETING EXISTING EQUIPMENT REQUIREMENTS**

~~(a) The terms and conditions of all registrations are subject to amendment, revision or modification and all registrations are subject to suspension or revocation by reason of:~~

- ~~(1) rules adopted pursuant to provisions of the Act; or~~
- ~~(2) orders issued by the agency pursuant to provisions of the Act and rules adopted pursuant to provisions of the Act.~~

~~(b) Any registration may be revoked, suspended or modified in whole or in part:~~

- ~~(1) for any material false statement in the application or in any statement of fact required by provisions of this Section;~~
- ~~(2) because of conditions which would warrant the agency to refuse to grant a registration on original application revealed by:
 
  - (A) the application;
  - (B) any statement of fact;
  - (C) any report, record, inspection or other means; or~~
- ~~(3) for violations of, or failure to observe any of the terms and conditions of the Act, the registration, the rules of this Chapter, or order of the agency.~~

~~(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, prior to the institution of proceedings for modification, revocation or suspension of a registrant, the agency shall:~~

- ~~(1) call to the attention of the registrant in writing the facts or conduct which may warrant these actions, and~~

~~(2) provide an opportunity for the registrant to demonstrate or achieve compliance with all lawful requirements.~~

~~(d) Before any order is entered suspending, revoking or modifying a registration, the agency shall give notice and grant a hearing as provided in Chapter 150B of the North Carolina General Statutes.~~

~~(e) The agency may terminate a registration upon written request submitted by the registrant to the agency.~~

~~(a) Radiation machines or radiation generating devices that do not meet the radiation machine requirements in Section .0600 of this Chapter or radiation generating devices in Rule .0807 of this Chapter shall not be sold, installed, or used prior to the agency completing a review of information regarding the radiation machine and determining if the use of the radiation machine is allowed. The user or manufacturer of the radiation machine shall submit the following to the agency for review:~~

- ~~(1) an application form in accordance with Rule .0203(d) of this Section;~~
- ~~(2) the manufacturer manual;~~
- ~~(3) description of intended use;~~
- ~~(4) operator training provided to the end user;~~
- ~~(5) an independent equipment survey to include the following:~~

- ~~(A) all equipment settings available to the operator;~~
- ~~(B) output at the highest setting; and~~
- ~~(C) leakage radiation around the radiation machine.~~

~~(6) an area survey to include the following:~~

- ~~(A) radiation levels in adjacent areas, the operator location, and annual exposure to an operator;~~
- ~~(B) the survey instrument used; and~~
- ~~(C) the name and legible signature of the person who performed the survey.~~

~~(7) the hazard level associated with the use of the radiation machine.~~

~~(8) means to achieve radiation protection equivalent to the rules of this Section.~~

~~(b) After receiving the information in Paragraph (a) of this Rule, the agency will respond to the applicant in writing within 90 calendar days. Upon review, the agency may require additional information to determine if the radiation machine is allowed for use.~~

*Authority G.S. 104E-7; ~~104E-13~~; 104E-20.*

**10A NCAC 15 .0213 ADDITIONAL  
REQUIREMENTS: REGISTERED SERVICES**

*Authority G.S. 104E-7.*

**TITLE 13 – DEPARTMENT OF LABOR**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Labor intends to adopt the rules cited as 13 NCAC 01D .0101, and .0102.*

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.labor.nc.gov/rules-and-regulations>

Proposed Effective Date: September 1, 2025

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Email [dol.rules@labor.nc.gov](mailto:dol.rules@labor.nc.gov) requesting a public hearing.

Reason for Proposed Action: 13 NCAC 01D .0101 - Session Law 2024-26 requires the Department of Labor to develop or identify human trafficking awareness training. The trainings are required to be completed by certain groups of individuals as identified by the Session Law. This rule sets forward the specific requirements to implement that provision of the Session Law.

13 NCAC 01D .0102 - Session Law 2024-26 also requires lodging establishments to display public awareness signs developed by the Department of Labor. This rule sets forth the required components of those signs.

The Department consulted with the Human Trafficking Commission, the NC Restaurant and Lodging Association, and DHHS in developing these requirements.

Comments may be submitted to: Ashley Snyder, 1101 Mail Service Center, Raleigh, NC 27699-1101; email [dol.rules@labor.nc.gov](mailto:dol.rules@labor.nc.gov)

Comment period ends: July 14, 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 01 - DEPARTMENTAL RULES

SUBCHAPTER 01D – HUMAN TRAFFICKING AWARENESS

SECTION .0100 – HUMAN TRAFFICKING AWARENESS

13 NCAC 01D .0101 TRAINING ON HUMAN TRAFFICKING

(a) Any individual required to complete the training required by G.S. 130A-511(b) shall complete one of the following existing training courses identified by the Department:

- (1) Businesses Ending Slavery and Trafficking ("BEST"): "Inhospitable to Human Trafficking;"
- (2) Protect All Children from Trafficking ("PACT"): "Your Role in Preventing Human Trafficking: Recognize the Signs;"
- (3) PACT for Employees: "Recognize and Respond: Addressing Human Trafficking in the Hospitality Industry for Associates;"
- (4) PACT for Managers: "Recognize and Respond: Addressing Human Trafficking in the Hospitality Industry for Managers;"
- (5) Unbound Now: "Identifying and Responding to Human Trafficking: Commercial Lodging and Hospitality Industry;" or
- (6) Marriott International Human Trafficking Prevention Training.

(b) The Department shall provide links to register for each training course on its website at [www.labor.nc.gov](http://www.labor.nc.gov).

Authority G.S. 130A-511.

13 NCAC 01D .0102 HUMAN TRAFFICKING AWARENESS SIGNAGE

(a) Displaying any sign including the following information shall meet the requirements of G.S. 130A-511(c)(3):

- (1) the toll-free National Human Trafficking Resource Hotline telephone number, 1-888-373-7888;
- (2) the link for the National Human Trafficking Hotline's website, <https://humantraffickinghotline.org/en>;
- (3) the number to contact the National Human Trafficking Hotline via text message, 233733;
- (4) the teletypewriter number for the Human Trafficking Resource Hotline, 711; and
- (4) the link for the National Human Trafficking Hotline Web Chat, <https://humantraffickinghotline.org/en/chat>.

(b) The Department shall make signs containing the information in Paragraph (a) of this Rule available to the public at no cost. These signs will be available for download on the Department's website at [www.labor.nc.gov](http://www.labor.nc.gov).

(c) Displaying any awareness sign developed by the North Carolina Human Trafficking Commission and available for download at <https://www.nccourts.gov/commissions/human-trafficking-commission/human-trafficking-awareness-resource->

library#awareness-signs-9133 shall meet the requirements of G.S. 130A-511(c)(3).

Authority G.S. 130A-511.

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

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

CHAPTER 10 - BOXING AUTHORITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Boxing and Combat Sports Commission intends to amend the rules cited as 14B NCAC 10 .0605 and .0810.

SECTION .0600 - KICKBOXING

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/boards-and-commissions/nc-boxing-and-combat-sports-commission>

Proposed Effective Date: September 1, 2025

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Pursuant to G.S. 150B-21.2(e), a public hearing can be requested within 15 days of this notice of text being published by sending a written request to Alvin Coley at [alvin.coley@ncdps.gov](mailto:alvin.coley@ncdps.gov) or 4235 Mail Service Center, Raleigh, NC 27699

14B NCAC 10 .0605 AMATEURS - KICKBOXING

(a) In addition to compliance with ~~14A~~ 14B NCAC ~~12~~ 10 .0201, .0301, .0402, ~~.0502~~ .0502, and .0601 through ~~.0604~~ .0604, the following requirements shall apply to amateur kickboxing matches.

Reason for Proposed Action: The Boxing and Combat Sports Commission seeks to amend Rules 14B NCAC 10 .0605 and .0810 to remove the required time for weigh-ins. This change is in response to requests by the regulated community, as this has created a hazard to combatants. Additional minor changes have been proposed for each rule to respond to pre-review notes following review by RRC counsel.

Comments may be submitted to: Alvin Coley, 4235 Mail Service Center, Raleigh, NC 27699; email [alvin.coley@ncdps.gov](mailto:alvin.coley@ncdps.gov)

Comment period ends: July 14, 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

- (1) Any contestant competing as an amateur ~~may~~ shall not currently be, or have ever been ~~been~~, a professional fighter in any ~~unarmed combat sport~~ striking sport. This includes mixed martial arts, boxing, karate, or any other form of a striking sport.
- (2) ~~Amateur weigh ins must be scheduled no earlier than 12 Noon the day of the event.~~
- (3)(2) Contestants ~~must~~ shall wear footpads and shinguards ~~as meeting that comply with~~ the requirements of Rule .0602 in this Chapter.
- (4)(3) Contestants ~~must~~ shall wear ~~10-ounce~~ 10-ounce competition headgear with no jar bar or excessive ear padding. Training headgear is not allowed.
- (5)(4) Foot wrappings: For each foot, contestants ~~may~~ shall use ~~soft surgical gauze~~ bandage ~~not over more than~~ two inches wide, held in place by surgical adhesive tape, not ~~over more than~~ one and a half inches wide. Foot wrappings shall not exceed ~~three to~~ four windings of ~~soft surgical gauze~~ bandages around the sole and instep and no more than four windings around the ankle.
- (6)(5) Kicks below the waist are not permitted.
- (b) Matches shall be three, two minute ~~rounds~~ rounds, with a one-minute rest period between rounds that includes a ~~10-second~~ 10-second warning signal.
- (c) Kick counters that comply with the requirements of this Rule shall be in neutral corners only. Each contestant ~~must~~ shall score at least ~~6~~ six hard kicks per round.
- (d) The promoter of record must provide to the Division the name, address, date of birth, and social security number of every amateur contestant scheduled to compete in ~~a an event program of matches.~~ This information ~~must~~ shall be submitted no later than seven calendar days prior to the event.
- (e) A contestant shall have competed in a minimum of five recorded amateur matches prior to being submitted to compete as a professional kickboxing contestant.
- (f) Contestants under 18 years of age may compete only in matches supervised by an Amateur Sport Organization that has been recognized by the Division. To obtain recognition, any Amateur Sports Organization shall establish and ~~provide~~ enact rules for the implementation of health and safety standards and all requirements related to the conduct of matches that are at least as restrictive as the applicable standards and requirements of the

Division. Events open to the public where admission is charged for viewing must be conducted by a promoter licensed in accordance with the provisions of Rule .0402 of this Chapter.

*Authority G.S. 143-652.1.*

**SECTION .0800 - MIXED MARTIAL ARTS**

**14B NCAC 10 .0810 AMATEUR-MIXED MARTIAL ARTS**

(a) In addition to compliance with Rules .0201, .0301, ~~.0402~~ .0402, and .0801 through .0809 of this Chapter, the following requirements apply to amateur mixed martial arts matches:

- (1) Any contestant competing as an amateur ~~may~~ shall not currently be or have ever ~~been~~ been, a professional fighter in any ~~unarmed combat striking~~ sport. This includes mixed martial arts, boxing, karate, or any other form of a striking sport;
- (2) ~~Amateur weigh ins must be scheduled no earlier than 10 AM the day of the match;~~
- ~~(3)~~(2) Grappling shin guards are optional;
- ~~(4)~~(3) Elbow strikes to the head ~~are~~ shall not be allowed;
- ~~(5)~~(4) Striking with the point of the elbow ~~is~~ shall not be allowed;
- ~~(6)~~(5) Knees to the head at anytime ~~are~~ shall not be allowed;
- ~~(7)~~(6) Kicks of any type to the head ~~are~~ shall not be allowed; and
- ~~(8)~~(7) A contestant ~~may~~ shall only strike to the head with his or her fist.

(b) The promoter of record ~~that comply with the requirements of this Rule~~ shall provide to the Division the name, address, date of ~~birth~~ birth, and social security number of every amateur contestant ~~s~~ scheduled to compete in ~~a program of matches~~ an event. This information shall be submitted no later than seven calendar days prior to the event.

(c) A contestant shall have a minimum of five recorded amateur matches prior to being submitted to compete as a professional mixed martial arts contestant. This five match requirement shall be waived by the Division representative if the contestant has previously ~~completely competed~~ in at least five professional boxing or kickboxing ~~matches~~ matches, or any combination thereof.

(d) Contestants under 18 years of age ~~may~~ shall compete only in matches supervised and regulated by an Amateur Sports Organization that has been recognized by the Division. To obtain recognition, any Amateur Sports Organization shall establish and provide rules for the implementation of health and safety standards and all requirements related to the conduct of matches that are at least as restrictive as the applicable standards and requirements of the Division. Events open to the public where admission is charged for viewing shall be conducted by a promoter licensed in accordance with the provisions of Rule .0402 of this Chapter.

*Authority G.S. 143-652.1.*

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

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 011 .2103.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

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

**Public Hearing:**

**Date:** *May 30, 2025*

**Time:** *10:00 a.m. – 11:00 a.m.*

**Location:**

<https://ncgov.webex.com/ncgov/j.php?MTID=m76815436e8bd33c0bdb119759b2ad578>

**Reason for Proposed Action:** *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 Office of State Human Resources included a provision on this subject in Section 7 of the OSHR agency bill, House Bill 223. The bill was signed by the Governor on June 28, 2024. An Administrative Code change is required to give local government employers the same trainee salary flexibility as state agencies. OSHR now seeks to make that temporary rule permanent. OSHR also proposed clarifying changes to other portions of Rule 011 .2103, because the Rules Review Commission reviews the entire rule (not only the portions with changes) when a rule is proposed to be modified, and the Rules Review Commission closely scrutinizes whether a proposed rule is “clear and unambiguous” under G.S. 150B-19.1(a). The approved temporary rule – and this proposed permanent rule – reflects the results of the analysis by the staff of the Rules Review Commission.*

**Comments may be submitted to:** *Denise Holton Mazza, 333 Fayetteville St, Raleigh, NC, 27601, phone (984) 236-0823; email [denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)*

**Comment period ends:** *July 14, 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 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~~ employee 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~~ 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 011 .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. 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.

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

**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 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**Rule-making Agency:** *Wildlife Resources Commission*

**SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

**Rule Citation:** *15A NCAC 10C .0325*

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

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

**Date Approved by the Rules Review Commission:** *April 24, 2025*

**15A NCAC 10C .0325 SEA TROUT**

~~(a) The daily creel limit for sea trout (spotted or speckled) is four fish.~~

~~(b) The minimum size limit is 14 inches.~~

~~(c) There is no closed season.~~

(a) Sea trout (spotted or speckled) shall not be taken or possessed.

(b) The temporary amendment shall expire on June [15,] 30, 2025.

**Reason for Action:** *As a result of a cold stun event and in accordance with the North Carolina Spotted Sea Trout Fishery Management Plan, the N.C. Division of Marine Fisheries (NCDMF) issued a proclamation closing the recreational and commercial harvest of Spotted Sea Trout in joint and coastal fishing waters until June 15, 2025. To alleviate angler confusion, the proposed amendments closed the Spotted Sea Trout harvest until June 15, 2025, in waters within NCWRC's jurisdiction (Inland Fishing Waters and hook-and-line in Joint Fishing Waters) to be consistent with the NCDMF closure. Since noticing the rule, the NCDMF has issued another proclamation closing the season until June 30, 2025.*

*History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

*Temporary Adoption Eff. September 1, 2022;*

*Eff. March 15, 2023;*

*Temporary Amendment Eff. May 1, 2025.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission May 29, 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**

William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

**RULES REVIEW COMMISSION MEETING DATES**

May 29, 2025	July 30, 2025
June 26, 2025	August 28, 2025

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**AGENDA**

**RULES REVIEW COMMISSION**

*Thursday, May 29, 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. Marine Fisheries Commission - 15A NCAC 03O .0601, .0602, .0603, .0604, .0605, .0606 (Peaslee)
  2. Department of the Secretary of State - 18 NCAC 07B .0101, .0102, .0105, .0110, .0111, .0305, .0308, .0310, .0313, .0314, .0402, .0405, .0408, .0409, .0411, .0414, .0420, .0421, .0422, .0423, .0424, .0425, .0426, .0427, .0428, .0429, .0430, .0431, .0601, .0603, .0607, .0609, .0610, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810; 07C .0801, .0802, .0803, .0804, .0805; 07D .0103, .0104, .0105, .0106, .0309, .0310, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0601, .0602, .0603, .0604, .0605, .0606; 07F .0102, .0103, .0202, .0303, .0601, .0704, .0710, .0804, .0807, .0814, .0815, .0816, .1003, .1004; 07G .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110; 07H .0101, .0102, .0103, .0104, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301, .0302, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0610, .0611, .0612, .0701; 07I .0102, .0106, .0207, .0302, .0303, .0308, .0404, .0406; 07K .0101 (Ascher)
  3. Real Estate Commission - 21 NCAC 58A .0302 (Peaslee)
- IV. Review of Log of Filings (Permanent Rules) for rules filed March 21, 2025 through April 20, 2025
  1. Gasoline and Oil Inspection Board (Wiggs)
  2. Department of Public Safety (Wiggs)
  3. Wildlife Resources Commission (Peaslee)
  4. Board of Dental Examiners
  5. Medical Board (Peaslee)
- 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. 07 NCAC 04 - Historical Commission (Wiggs)
    2. 07 NCAC 04S - Tryon Palace Commission (Wiggs)
    3. 15A NCAC 08 - Water Pollution Control System Operators Certification Commission (Ascher)
    4. 15A NCAC 18D - Water Treatment Facility Operators Certification Board (Ascher)
    5. 17 NCAC 06 - Department of Revenue (Ascher)
    6. 19A NCAC 03 – Transportation – Division of Motor Vehicles (Wiggs)
      - Readoptions
        1. 04 NCAC 16 - Office of the Commissioner of Banks (Ascher)
        2. 10A NCAC 45 – Commission for Public Health (Wiggs)
        3. 24 NCAC 03 - Occupational Safety and Health Review Commission (Wiggs)
- VII. Commission Business
- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and BRIAN LIEBMAN, in his official capacity as CODIFIER OF RULES
  - Next meeting: Thursday, June 26, 2025
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**Commission Review**  
**Log of Permanent Rule Filings**  
**March 21, 2025 through April 20, 2025**

**GASOLINE AND OIL INSPECTION BOARD**

The rules in Chapter 42 concern the gasoline and oil inspection board including purpose and definitions (.0100); quality of liquid fuel products (.0200); sale of gasoline (.0300); dispensing devices and pumps (.0400); registration and branding (.0500); condemned motor fuels and liquid fuels (.0600); and oxygenated gasoline.

Standard Specifications 02 NCAC 42 .0201  
Amend\*

**PUBLIC SAFETY, DEPARTMENT OF**

The rules in Chapter 05 concern the Governor's Crime Commission. The rules in Subchapter 05B grant administration including general provisions (.0100); program grants (.0200); and penalties (.0300).

Administration of Grants 14B NCAC 05B .0203  
Amend\*

**WILDLIFE RESOURCES COMMISSION**

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), tagging furs (.0400), chronic wasting disease management (.0500).

Deer (White Tailed) 15A NCAC 10B .0203  
Amend\*

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish in inland fishing waters (.0300); nongame fish in inland fishing waters (.0400); primary nursery areas (.0500); anadromous fish spawning areas (.0600); game fish in coastal fishing waters (.0700); and joint fishing waters (.0800).

Mountain Trout 15A NCAC 10C .0316

Amend\*

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10D are game lands rules.

General Regulations Regarding Use 15A NCAC 10D .0102

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).

Craven County 15A NCAC 10F .0347

Amend\*

Caswell and Person Counties 15A NCAC 10F .0363

Amend\*

**DENTAL EXAMINERS, BOARD OF**

The rules in Chapter 16 cover the licensing of dentists and dental hygienists. The rules in Subchapter 16B concern licensure examination for dentists including examination required (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); licensure by credentials (.0500); limited volunteer dental license (.0600); instructor's license (.0700); temporary volunteer dental license (.0800); and exemptions for active military (.0900).

Application for Reinstatement 21 NCAC 16B .1101

Amend\*

The rules in Chapter 16 cover the licensing of dentists and dental hygienists. The rules in Subchapter 16C are dental hygienist licensure rules including general provisions (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); and licensure by credentials (.0500).

Application for Reinstatement 21 NCAC 16C .0601

Amend\*

The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

Specific Prohibited Functions Of Dental Assistants I And II 21 NCAC 16H .0205

Amend\*

The rules in Subchapter 16I concern the annual renewal and continuing education requirements of the dental hygienist license.

Continuing Education on Mental Health 21 NCAC 16I .0206

Amend\*

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

Failure To Comply 21 NCAC 16Q .0701

Amend\*

The rules in Subchapter 16R concern annual renewal of license and continuing education requirements of dentists (.0100 and .0200).

Continuing Education on Mental Health 21 NCAC 16R .0206

Amend\*

The rules in Subchapter 16T concern patient records.

Notice and Transfer of Records Upon Ceasing Practice 21 NCAC 16T .0104  
Adopt\*

The rules in Subchapter 16W concern public health hygienists.

Direction Defined 21 NCAC 16W .0101  
Amend\*

### **MEDICAL BOARD**

The rules in Chapter 32 are from the Medical Board. The rules in Subchapter 32B concern license to practice medicine including prescribing (.1000); general (.1300); resident's training license (.1400); faculty limited license (.1500); purpose license (.1600); other business (.1700); and expedited license for physician license (.2000).

Military Relocation License for Physician Servicemembers ... 21 NCAC 32B .1361  
Adopt\*

The rules in Subchapter 32N concern formal and informal proceedings.

Investigations and Complaints 21 NCAC 32N .0107  
Amend\*

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

Military Relocation License for Physician Assistant Servi... 21 NCAC 32S .0226  
Adopt\*