

NORTH CAROLINA REGISTER

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June 1, 2023

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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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NORTH CAROLINA REGISTER
Publication Schedule for January 2023 – December 2023

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 th day from publication in the Register
37:13	01/03/23	12/07/22	01/18/23	03/06/23	03/20/23	04/20/2023	05/01/23	09/30/23
37:14	01/17/23	12/20/22	02/01/23	03/20/23	04/20/23	05/18/2023	06/01/23	10/14/23
37:15	02/01/23	01/10/23	02/16/23	04/03/23	04/20/23	05/18/2023	06/01/23	10/29/23
37:16	02/15/23	01/25/23	03/02/23	04/17/23	04/20/23	05/18/2023	06/01/23	11/12/23
37:17	03/01/23	02/08/23	03/16/23	05/01/23	05/20/23	06/15/2023	07/01/23	11/26/23
37:18	03/15/23	02/22/23	03/30/23	05/15/23	05/20/23	06/15/2023	07/01/23	12/10/23
37:19	04/03/23	03/13/23	04/18/23	06/02/23	06/20/23	07/20/2023	08/01/23	12/29/23
37:20	04/17/23	03/24/23	05/02/23	06/16/23	06/20/23	07/20/2023	08/01/23	01/12/24
37:21	05/01/23	04/10/23	05/16/23	06/30/23	07/20/23	08/17/2023	09/01/23	01/26/24
37:22	05/15/23	04/24/23	05/30/23	07/14/23	07/20/23	08/17/2023	09/01/23	02/09/24
37:23	06/01/23	05/10/23	06/16/23	07/31/23	08/20/23	09/21/2023	10/01/23	02/26/24
37:24	06/15/23	05/24/23	06/30/23	08/14/23	08/20/23	09/21/2023	10/01/23	03/11/24
38:01	07/03/23	06/12/23	07/18/23	09/01/23	09/20/23	10/19/2023	11/01/23	03/29/24
38:02	07/17/23	06/23/23	08/01/23	09/15/23	09/20/23	10/19/2023	11/01/23	04/12/24
38:03	08/01/23	07/11/23	08/16/23	10/02/23	10/20/23	11/16/2023	12/01/23	04/27/24
38:04	08/15/23	07/25/23	08/30/23	10/16/23	10/20/23	11/16/2023	12/01/23	05/11/24
38:05	09/01/23	08/11/23	09/16/23	10/31/23	11/20/23	12/14/2023	01/01/24	05/28/24
38:06	09/15/23	08/24/23	09/30/23	11/14/23	11/20/23	12/14/2023	01/01/24	06/11/24
38:07	10/02/23	09/11/23	10/17/23	12/01/23	12/20/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/20/23	01/18/2024	02/01/24	07/12/24
38:09	11/01/23	10/11/23	11/16/23	01/02/24	01/20/24	02/15/2024	03/01/24	07/28/24
38:10	11/15/23	10/24/23	11/30/23	01/16/24	01/20/24	02/15/2024	03/01/24	08/11/24
38:11	12/01/23	11/07/23	12/16/23	01/30/24	02/20/24	03/21/2024	04/01/24	08/27/24
38:12	12/15/23	11/22/23	12/30/23	02/13/24	02/20/24	03/21/2024	04/01/24	09/10/24

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

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days 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 or until the date of any public hearings held on the proposed rule, whichever is longer.

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

ROY COOPER
GOVERNOR

May 2, 2023

EXECUTIVE ORDER NO. 280

NORTH CAROLINA'S COMMITMENT TO BUILDING AN AGE-FRIENDLY STATE

WHEREAS, North Carolina strives to be a great place to grow older, where those who are aging can thrive within families, neighborhoods and communities and be supported to maintain a high quality of life; and

WHEREAS, approximately 1.7 million North Carolinians are age 65 or older and that number is growing; by 2030, one in five will be older than 65; and

WHEREAS, by 2030, and for the first time ever, North Carolina will be comprised of more older adults than children; and

WHEREAS, Alzheimer's Disease and related dementias affect an estimated 300,000 North Carolinians and this number is expected to increase to 400,000 people by 2025; and

WHEREAS, Hometown Strong in the Governor's Office and the North Carolina Department of Health and Human Services (DHHS) partnered with AARP NC in 2022 to conduct the "Age My Way NC" survey statewide to assess the needs and preferences of North Carolinians with regards to aging and the survey results provide data to guide planning; and

WHEREAS, each North Carolina Cabinet Agency works in age-friendly domains and can join with their public and private sector partners to improve the health and quality of life of older people and those with Alzheimer's Disease or related dementias while enhancing the attractiveness of their communities to people of all ages; and

WHEREAS, AARP administers a national Network of Age-Friendly States and Communities as an affiliate to the World Health Organization Global Network for Age-friendly Cities and Communities program; and

WHEREAS, this program sets out eight (8) domains of community life that provide an effective framework for improving lives and enhancing communities, specifically: community and health services; outdoor spaces and buildings; transportation; housing; social participation; respect and social inclusion; civic participation and employment; and communication and information; and

WHEREAS, North Carolina residents have already enjoyed the success of the AARP Network of Age-Friendly States and Communities program in several cities, namely Archdale,

Durham, Jamestown, Matthews, Mount Airy; and counties, namely Buncombe, Durham, Forsyth, Lenoir, Mecklenburg, Orange, and Wake; and

WHEREAS, the State of North Carolina will become an age-friendly and dementia-friendly state through a renewed focus on the needs of the State's rapidly aging population and through cooperative efforts that foster livable communities and improve services and supports; and

WHEREAS, pursuant to Article III of the Constitution of North Carolina 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 duty to supervise the official conduct of all executive and ministerial officers.

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

Section 1. Multisector Plan for Aging

DHHS shall implement a planning process with expert working groups to develop a Multisector Plan for Aging in North Carolina. The planning process shall be led by the DHHS Division of Aging and Adult Services and the Division of Health Benefits and shall consist of representatives from state agencies and partner organizations including Hometown Strong, AARP NC, the NC Coalition on Aging, the Governor's Advisory Council on Aging, and other stakeholders and experts as identified by DHHS. The Multisector Plan for Aging will serve as a blueprint for the development, enhancement, and coordination of critical services for North Carolina's rapidly aging population, which will ultimately have positive impacts on individuals of all ages and abilities.

The Multisector Plan for Aging development process will include building an inventory of existing programs and services to identify efficient and effective practices in supporting healthy aging, as well as recommendations for scaling and extending these practices. The Multisector Plan for Aging will include key data indicators with 10-year targets.

A report on the Multisector Plan for Aging shall be submitted to the Office of the Governor no later than one (1) year from the date of this Executive Order. The Governor's Advisory Council on Aging will periodically review the Multisector Plan for Aging in North Carolina and make annual recommendations that support its goals.

Section 2. Caregiving Workforce Strategic Leadership Group

DHHS and the North Carolina Department of Commerce shall convene a Caregiving Workforce Strategic Leadership group with representatives from across education, workforce, and economic development. The Caregiving Workforce Strategic Leadership group will develop and implement recommendations to better recruit and retain workers in the areas of behavioral health, direct care, and nursing which will support North Carolina's aging population.

Section 3. Protection of Vulnerable Adults

DHHS shall collaborate with the Governor's Advisory Council on Aging and other stakeholders to make recommendations to improve protection of vulnerable adults from maltreatment, as adult protective services cases have increased by nearly seventy percent (70%) in the last five (5) years. Recommendations shall include revisions to North Carolina's adult protective services statutes, which have not had a thorough review since enactment in 1975. Recommendations shall also address improving the quality of practice across the state to meet the diverse needs of adults who are subject to maltreatment and improving community stakeholder

education and engagement in preventing maltreatment. A report on recommendations shall be submitted to the Office of the Governor one (1) year from the date of this Executive Order.

Section 4. Summit on Nutrition Services for Older Adults

DHHS shall collaborate with the Governor's Advisory Council on Aging to convene a summit to study and make recommendations regarding nutrition services available to older adults statewide and improvements needed to reduce food insecurity, which helps prevent further declines in health conditions among people who are aging.

Section 5. Improving Access to Outdoor Spaces for Older Adults

The North Carolina Department of Natural and Cultural Resources (DNCR) shall improve and promote outdoor spaces and buildings for use by older adults through outdoor recreation programming, with an emphasis on fourteen (14) Trail Day events during the 2023 NC Year of the Trail.

Section 6. Transportation for Older Adults

The North Carolina Department of Transportation (DOT) shall build upon its success in offering public transportation coverage across the state by implementing additional projects that improve the coverage, quality, reliability, and convenience of public transportation, including expansion of passenger rail services and improved first and last mile connections to fixed route rail and bus services.

DOT shall increase the convenience and flexibility of public transit by expanding on-demand micro-transit services and developing a statewide Mobility-as-a-Service system that allows for seamless trip planning, scheduling, and payment across services, modes, and jurisdictions.

DOT shall pursue additional deployments, testing and analysis of shared autonomous mobility technologies under the Connected Autonomous Shuttle Supporting Innovation (CASSI) program to determine the viability of shared autonomous vehicles as a safe and convenient alternative mode of transit for aging adults.

DOT, in coordination with metropolitan planning organizations, rural planning organizations, and local governments, shall collaborate to create safe, sustainable, and connected communities with diverse transportation options that benefit older adults and vulnerable road users.

Section 7. Broadband Access and Digital Literacy Services for Older Adults

The North Carolina Department of Information Technology (DIT) shall improve communication and outreach to the state's aging and older adult population as part of its continuing work to expand broadband access to ninety-eight percent (98%) of all North Carolina communities and raise high-speed internet subscriptions to eighty percent (80%) by 2026 as identified in the Governor's plan to close the digital divide.

DIT shall solicit feedback from older adults about their needs for high-speed internet access, digital devices, and digital literacy resources in the state's planning process to inform five-year comprehensive broadband and digital equity plans, including listening sessions with older adults and the community organizations that support them. DIT shall collaborate with staff at the DHHS Division of Aging and Adult Services to inform their work. DIT shall also form partnerships with organizations that serve aging adults to ensure this population benefits from ongoing DIT broadband infrastructure investments, promotion of the Affordable Connectivity Program to assist with internet service affordability, and support of digital navigation services to increase digital literacy.

DIT's Office of Digital Equity and Literacy shall partner with DHHS, Hometown Strong, the North Carolina Business Committee for Education and other state government agencies to identify specific strategies for raising digital awareness and digital literacy skill levels among the state's aging and older adult population.

DIT's Office of Digital Equity and Literacy, DNCR, DHHS, Hometown Strong, and the North Carolina Business Committee for Education shall promote digital literacy programs that support older adults including digital navigators and intergenerational coaching in order to improve access to telehealth and mental health supports.

Section 8. North Carolina's Application to Become Age-Friendly State

The State of North Carolina shall apply to become a member of the AARP Network of Age-Friendly States and Communities. Membership in this Network will provide access to AARP staff and volunteers who engage and mobilize communities, share expertise, and deliver technical assistance and access to other members to share experiences and best practices in creating age-friendly communities, as well as access to grant opportunities that assist in implementing age-friendly projects.

Section 9. Additional Cabinet Agency Work to Support Older Adults

Cabinet agencies are directed to cooperate in the implementation of this Executive Order. The activities directed by this Executive Order are not exhaustive of all state cabinet agency age-friendly planning efforts and programs and additional priorities will be identified by the development of the Multisector Plan for Aging.

Section 10. Other State Agencies

Council of State agencies, higher education institutions, local governments, private businesses, and other North Carolina entities are encouraged to support and provide input on the creation of age-friendly programs developed through the implementation of this Executive Order.

Section 12. Effect and Duration

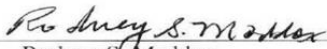
This Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the 2nd day of May in the year of our Lord two thousand twenty-three.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State



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: Husqvarna Motorcycles North America Inc

Applicant's Address: 30100 Technology Drive, Murrieta CA 92563

Application Date: 04/28/2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: John Hinz CEO & Oana D. Roth CFO

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: Battle Motors Inc

Applicant's Address: 1951 Reiser Ave SE, New Philadelphia, OH 44663

Application Date: 03/09/2023

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

Michael Patterson CEO

Oliver Weilandt CFO

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

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to repeal the rule cited as 10A NCAC 41A .0107.

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>.

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

Proposed Effective Date: October 1, 2023

Public Hearing:

Date: July 7, 2023

Time: 2:00 p.m.

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

Reason for Proposed Action:

Rule 10A NCAC 41A .0107 governs the reporting of COVID-19 diagnostic test results by laboratories to public health officials. This rule requires that reports be made in compliance with the requirements set forth in the United States Department of Health and Human Services' COVID-19 Pandemic Response, Laboratory Data Reporting: CARES Act Section 18115 guidance, which will no longer be in effect after the federal Public Health Emergency ends on May 11, 2023. Given that case and test reporting have become less representative of COVID-19 activity in the community due to the widespread use of home testing and the existence of other surveillance systems that are now providing more timely and complete data for public health action, this rule is no longer needed and is proposed for repeal.

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

Comment period ends: July 31, 2023

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 written objections to the Rules Review Commission after the adoption of the Rule. 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 those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please 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 (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - COMMUNICABLE DISEASE CONTROL

10A NCAC 41A .0107 REPORTING OF COVID-19 DIAGNOSTIC TEST RESULTS

Authority G.S. 130A-134; 130A-139; 130A-141; 130A-141.1.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to readopt with substantive changes the rule cited as 15A NCAC 18A .1511.

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

Proposed Effective Date: October 1, 2023

Public Hearing:

Date: July 6, 2023

Time: 10:00 a.m.

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

Reason for Proposed Action: Pursuant to G.S. 150B-21.3A, periodic review and expiration of existing rules, the Commission

for Public Health is proposing to readopt rule 15A NCAC 18A .1511, regarding the sanitation of water supplies in local confinement facilities, with updates to clarify existing language and align with current practices.

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

Comment period ends: July 31, 2023

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 written objections to the Rules Review Commission after the adoption of the Rule. 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 those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please 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 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1500 - SANITATION OF LOCAL CONFINEMENT FACILITIES

15A NCAC 18A .1511 WATER SUPPLY

(a) Water supplies at local confinement facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, .1700, as applicable.

(b) In local confinement facilities that use a non-community water supply, as defined at G.S. 130A-313(10), a sample of water shall be collected by the Department of Health and Human Services At least once a year, year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102 a sample of water shall be collected by the Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations.

(c) No backflow connections or cross connections with unapproved water supplies shall exist. A local confinement

facility's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).

(d) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for cleaning. Local confinement facilities shall provide water heating facilities. Hot and cold running water under pressure shall be provided to carry out all operations.

Authority G.S. 153A-226.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Cosmetic Art Examiners intends to amend the rules cited as 21 NCAC 14T .0402, .0404, and .0501.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.nccosmeticarts.com/uploads/Board/PRMay2023.pdf

Proposed Effective Date: October 1, 2023

Public Hearing:

Date: June 16, 2023

Time: 9:30 a.m.

Location:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmU4NmZiYmYtZGVlMi00ZDEyLWE0NDQtZTFiMTNkZGVjOGFk%40thread.v2/0?context=%7b%22id%22%3a%22787b7dd2-dc22-468e-824e-38787f4341d5%22%2c%220id%22%3a%221c33f68a-8572-4e9b-892c-17b15ac20ca0%22%7d

Reason for Proposed Action: These rule changes address adding updates to required equipment and extending the deadline for document filing with the Board.

Comments may be submitted to: Stefanie Kuzdrall, 121 Edinburgh South Drive Suite 209, Cary, NC 27511

Comment period ends: July 31, 2023

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 written objections to the Rules Review Commission after the adoption of the Rule. 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 those objections by mail, delivery

service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

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

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

SUBCHAPTER 14T – COSMETIC ART SCHOOLS

SECTION .0400 - STUDENT EQUIPMENT

21 NCAC 14T .0402 ESTHETICS STUDENT EQUIPMENT

Each esthetics school shall supply each esthetician student with the following:

- (1) Draping;
- (2) Spatulas;
- (3) Tweezers;
- (4) Make up supplies; and
- (5) One ~~mannequin~~ mannequin with head, neck and shoulders.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

21 NCAC 14T .0404 NATURAL HAIR CARE STYLING STUDENT EQUIPMENT

Each natural hair care school shall supply each natural hair care student with the following:

- (1) Six combs;
- (2) Six brushes;

- (3) Ten clips;
- (4) Mannequin with hair;
- (5) One electric flat iron;
- ~~(5)~~(6) One blowdryer; ~~and~~
- (7) One hard rubber or nonflammable comb for heat protection used in thermal styling; and
- ~~(6)~~(8) Two capes.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

SECTION .0500 - RECORD KEEPING

21 NCAC 14T .0501 SUBMISSION OF RECORDS

All cosmetic art schools must submit to the Board the appropriate, completed, original Board form for each student including enrollment, transfer, withdrawal and graduation. Cosmetic art student forms shall be submitted to the Board within the required time frame established in the following table.

15 Days	30 Days
Esthetics, Manicuring, Natural Hair Care and Teacher trainee forms including: enrollments, withdrawals, and transfers	Cosmetology forms including: enrollments, withdrawals, transfers and graduations
	Esthetics, Manicuring, Natural Hair care and Teacher trainee <u>trainee</u> , <u>withdrawal and</u> graduation forms

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

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 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th 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 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

Rule-making Agency: Board of Barber and Electrolysis Examiners

Rule Citation: 21 NCAC 06L .0116; 06N .0102, .0104, .0116; 06O .0105, .0112, .0114, .0119

Effective Date: May 2, 2023

Date Approved by the Rules Review Commission: April 27, 2023

Reason for Action: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops; changed the name of licenses updated and changed the references to license types.

SUBCHAPTER 06L - BARBER SHOPS

21 NCAC 06L .0116 BARBER SHOP MANAGERS LICENSE VERIFICATION

(a) All ~~barber shop managers of barber shops and mobile barber shops~~ shall verify that any licensee employed in the barber shop or mobile barber shop is the person whose name appears on the license or permit ~~prior to before~~ allowing the licensee to perform barbering services in the ~~barber shop or mobile barber shop~~. This verification shall be based on government issued identification.

(b) ~~The shop registered barber manager of the barber shop or mobile barber shop] is responsible for the sanitary condition, as defined in 21 NCAC 06P .0103(10), 21 NCAC 06P .0103(11), of the entire barber shop or mobile barber] shop.~~

(c) ~~The barber shop manager of a barber shop or mobile barber shop is accountable for activities at the barber shop or mobile barber shop whether present on the premises or not.~~

History Note: Authority G.S. ~~86A-15; 86A-22; 86B-31; 86B-38;~~

Eff. June 1, 2008;

Amended Eff. April 1, 2010;

Readopted Eff. July 1, 2016;

Amended Eff. January 1, 2018; 2018;

Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06N – FEES AND FORMS

21 NCAC 06N .0102 FORM BAR-1

(a) The Form BAR-1 shall be filed when one applies to open ~~or manage~~ a new barber shop. It ~~requests~~ requires the following:

- (1) the name and address of the barber shop;

- ~~(2) the name, address, and certificate license number of the [licensed barber] manager;~~
- ~~(3)(2) the name and address of the barber shop ~~owner;~~ owner or manager;~~
- ~~(4)(3) the physical dimensions of the barber shop;~~
- ~~(5)(4) the barber shop business hours;~~
- ~~(6)(5) the type of fixtures installed; and~~
- ~~(7)(6) the date the barber shop will be ready for inspection.~~

(b) The fee required by ~~Rule .0101(a)(19)~~ Rule .0101(a)(21) of this Section shall accompany this form.

(c) The Form BAR-1 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. ~~86A-1; 86A-13; 86A-15; 86A-25; 86B-21; 86B-29; 86B-31; 86B-41;~~

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. March 1, 1983;

Legislative Objection Lodged Eff. March 7, 1983;

Curative Amended Eff. April 6, 1983;

Amended Eff. May 1, 1989;

Readopted Eff. July 1, 2016;

Amended Eff. February 1, 2021; October 1, 2020; 2020;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0104 FORM BAR-3

(a) The Form BAR-3 shall be filed for permission to enroll in barber school. It requires the following:

- (1) the name, address, social security number, and birth date of the applicant;
- (2) the applicant's prior barber school attendance, if any;
- (3) the name of the school enrolled; and
- (4) the date of enrollment; and enrollment.
- ~~(5) the school manager's attestation that the information in the form is correct.~~

(b) The fee in ~~21 NCAC 06N .0101(a)(12)~~ Rule .0101(a)(14) of this Section shall accompany this form.

History Note: Authority G.S. ~~86A-18; 86A-22; 86A-25; 86B-35; 86B-38; 86B-41; 93B-14;~~

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. March 1, 1983;

Legislative Objection Lodged Eff. March 7, 1983;

Curative Amended Eff. April 6, 1983;

Amended Eff. September 1, 2013;

May 1, 1989;

Readopted Eff. October 1, 2016;

Amended Eff. October 1, 2020; 2020;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0116 FORM BAR-13

(a) The Form BAR-13 shall be filed when one applies to open or manage a new mobile barber shop. It requires the following:

- (1) the name of the shop;
- (2) the permanent business address required by ~~G.S. 86B-20(g);~~ G.S. 86B-30(g);
- (3) ~~the name, address, and license number of the licensed barber manager;~~
- (4)(3) the name and address of the mobile barber shop ~~owner; owner or manager;~~
- (5)(4) if available, the email address, website, or social media handle of the mobile barber shop;
- (6)(5) the physical dimensions of the mobile barber shop;
- (7)(6) the vehicle identification number, license plate number, and vehicle make and model of the mobile barber shop;
- (8)(7) the mobile barber shop business hours;
- (9)(8) an explanation of how the mobile barber shop will dispose of sewage and wastewater;
- (10)(9) the type of fixtures installed; and
- (11)(10) the date the mobile barber shop will be ready for inspection.

(b) The fee required by Rule .0101(a)(22) of this Section shall accompany this form.

(c) The Form BAR-13 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86B-30; Temporary Adoption Eff. May 2, 2023.

SUBCHAPTER 06O – CIVIL PENALTY

21 NCAC 06O .0105 UNLICENSED BARBER OR APPRENTICE

(a) The presumptive civil penalty for a barber shop or mobile barber shop manager allowing a barber or apprentice to practice without a ~~license;~~ license, in violation of G.S. 86B-21:

- (1) 1st offense \$300.00
- (2) 2nd offense \$500.00

(b) The presumptive civil penalty for an individual engaging in barbering without a ~~license;~~ license, in violation of G.S. 86B-21:

- (1) 1st offense \$250.00
- (2) 2nd offense \$450.00
- (3) 3rd offense \$500.00

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-27; 86B-10; 86B-21; Eff. April 1, 2005; Readopted Eff. July 1, 2016; 2016; Temporary Amendment Eff. May 2, 2023.

21 NCAC 06O .0112 IDENTIFICATION

(a) The presumptive civil penalty for a barber shop or mobile barber shop owner or manager failing to positively identify a ~~registered licensed barber, apprentice, or holder of a temporary permit;~~ permit, as set forth in 21 NCAC 06L .0116(a):

- (1) 1st offense \$100.00

- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

(b) The presumptive civil penalty for a ~~registered licensed~~ barber, apprentice, or holder of a temporary permit failing to maintain and produce a license or permit as defined in 21 NCAC 06P .0103(7):

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

(c) The presumptive civil penalty for a barber student failing to wear identification as set forth in 21 NCAC 06F .0122:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

History Note: Authority G.S. 86A-1; 86A-10; 86A-11; 86A-27; 86B-10; 86B-21; 86B-26; 86B-27; Eff. June 1, 2008; Amended Eff. September 1, 2009; Readopted Eff. July 1, 2016; 2016; Temporary Amendment Eff. May 2, 2023.

21 NCAC 06O .0114 ANIMALS IN BARBER SHOPS

The presumptive civil penalty for a ~~barber manager of a barber shop or mobile barber shop~~ allowing an animal in a the barber shop or mobile barber shop in violation of 21 NCAC 06L .0114:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

History Note: Authority G.S. 86A-15; 86A-27; 86B-10; 86B-31; Eff. June 1, 2008; Readopted Eff. July 1, 2016; 2016; Temporary Amendment Eff. May 2, 2023.

21 NCAC 06O .0119 FAILURE TO NOTIFY BOARD OF CHANGE OF ADDRESS

(a) ~~The presumptive civil penalty for the failure of a barber shop or barber school to fail to notify the Board of a change of address:~~

- (1) 1st offense \$50.00
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(b) The presumptive civil penalty for ~~an individual the owner or licensed barber manager of a barber shop or mobile barber shop, or the owner or school manager of a barber school, for the failure~~ failing to notify the Board of a change of address for a the barber shop shop, or mobile barber shop, shop as set forth in 21 NCAC 06L .0120; or barber school:

- (1) 1st offense \$50.00
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-27; 86B-2; 86B-10; 86B-30; Eff. July 1, 2016; 2016; Temporary Amendment Eff. May 2, 2023.

APPROVED RULES

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

Rules approved by the Rules Review Commission at its meeting on April 20, 2023 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

RADIATION PROTECTION COMMISSION

<u>Classification of Radioactive Material</u>	10A NCAC	15	.0113	37:08 NCR
<u>Specific Licenses: Sealed Sources in Industrial Radiograp...</u>	10A NCAC	15	.0323*	37:08 NCR
<u>Exemptions: Waste Management by Generators</u>	10A NCAC	15	.0349	37:08 NCR
<u>Purpose and Scope</u>	10A NCAC	15	.1201	37:08 NCR
<u>Definitions</u>	10A NCAC	15	.1202	37:08 NCR
<u>License Required: Land Disposal of Low-Level Radioactive ...</u>	10A NCAC	15	.1203*	37:08 NCR
<u>Content of Application</u>	10A NCAC	15	.1204	37:08 NCR
<u>General Information</u>	10A NCAC	15	.1205	37:08 NCR
<u>Specific Technical Information</u>	10A NCAC	15	.1206	37:08 NCR
<u>Environmental Information</u>	10A NCAC	15	.1207	37:08 NCR
<u>Technical and Environmental Analyses</u>	10A NCAC	15	.1208	37:08 NCR
<u>Institutional Information</u>	10A NCAC	15	.1209	37:08 NCR
<u>Financial Information</u>	10A NCAC	15	.1210	37:08 NCR
<u>Filing and Distribution of Application</u>	10A NCAC	15	.1211	37:08 NCR
<u>Elimination of Repetition</u>	10A NCAC	15	.1212	37:08 NCR
<u>Updating of Application</u>	10A NCAC	15	.1213	37:08 NCR
<u>Standards for Issuance of a License</u>	10A NCAC	15	.1214	37:08 NCR
<u>Conditions of License</u>	10A NCAC	15	.1215	37:08 NCR
<u>Amendment of License</u>	10A NCAC	15	.1216	37:08 NCR
<u>Application for Renewal or Closure</u>	10A NCAC	15	.1217	37:08 NCR
<u>Contents of Application for Closure</u>	10A NCAC	15	.1218	37:08 NCR
<u>Postclosure Observation and Maintenance</u>	10A NCAC	15	.1219	37:08 NCR
<u>Transfer of License</u>	10A NCAC	15	.1220	37:08 NCR
<u>Termination of License</u>	10A NCAC	15	.1221	37:08 NCR
<u>Performance Objectives: General Requirement</u>	10A NCAC	15	.1222	37:08 NCR
<u>Protection of Population from Release of Radioactivity</u>	10A NCAC	15	.1223	37:08 NCR
<u>Protection of individuals from Inadvertent Intrusion</u>	10A NCAC	15	.1224	37:08 NCR
<u>Protection of Individuals During Operations</u>	10A NCAC	15	.1225	37:08 NCR
<u>Stability of the Disposal Site After Closure</u>	10A NCAC	15	.1226	37:08 NCR
<u>Technical Requirements for Land Disposal Facilities</u>	10A NCAC	15	.1227	37:08 NCR
<u>Disposal Site Suitability Requirements</u>	10A NCAC	15	.1228	37:08 NCR
<u>Site Design for Land Disposal</u>	10A NCAC	15	.1229	37:08 NCR
<u>Facility Operation and Disposal Site Closure</u>	10A NCAC	15	.1230	37:08 NCR
<u>Environmental Monitoring</u>	10A NCAC	15	.1231	37:08 NCR
<u>Waste Classification and Characteristics</u>	10A NCAC	15	.1233	37:08 NCR
<u>Institutional Requirements</u>	10A NCAC	15	.1234	37:08 NCR
<u>Applicant Qualifications and Assurances</u>	10A NCAC	15	.1235	37:08 NCR
<u>Funding of Closure: Stabilization: Institutional Controls</u>	10A NCAC	15	.1236	37:08 NCR
<u>Records: Reports: Tests: and Inspections</u>	10A NCAC	15	.1237	37:08 NCR

APPROVED RULES

<u>Maintenance of Records: Reports and Transfers</u>	10A NCAC	15	.1238	37:08 NCR
<u>Tests at Land Disposal Facilities</u>	10A NCAC	15	.1239	37:08 NCR
<u>Agency Inspections of Land Disposal Facilities</u>	10A NCAC	15	.1240	37:08 NCR
<u>Inspection</u>	10A NCAC	15	.1241	37:08 NCR
<u>Notifications and Reports</u>	10A NCAC	15	.1242	37:08 NCR
<u>Purpose and Scope</u>	10A NCAC	15	.1501	37:08 NCR
<u>Definitions</u>	10A NCAC	15	.1502	37:08 NCR
<u>License Required</u>	10A NCAC	15	.1503	37:08 NCR
<u>Application for Site Access License: General Requirements</u>	10A NCAC	15	.1504	37:08 NCR
<u>Application for Site Access License - Waste Generators</u>	10A NCAC	15	.1505	37:08 NCR
<u>Content of Application for Waste Collectors</u>	10A NCAC	15	.1506	37:08 NCR
<u>Content of Application for Waste Processors</u>	10A NCAC	15	.1507	37:08 NCR
<u>Certification of Compliance with Applicable Requirements</u>	10A NCAC	15	.1508	37:08 NCR
<u>Prior Notification for Waste Shipments</u>	10A NCAC	15	.1509	37:08 NCR
<u>Radioactive Shipment Manifest</u>	10A NCAC	15	.1510	37:08 NCR
<u>Financial Qualification and Requirements</u>	10A NCAC	15	.1511	37:08 NCR
<u>Waste Management and Reduction Requirements</u>	10A NCAC	15	.1512	37:08 NCR
<u>Issuance and Expiration of Site Access Licenses</u>	10A NCAC	15	.1513	37:08 NCR
<u>Site Access License Renewal</u>	10A NCAC	15	.1514	37:08 NCR
<u>Site Access License Amendment</u>	10A NCAC	15	.1515	37:08 NCR
<u>Modification, Revocation, and Termination of Licenses</u>	10A NCAC	15	.1516	37:08 NCR
<u>Temporary or Emergency Access</u>	10A NCAC	15	.1517	37:08 NCR
<u>Classification/Radioactive Waste for Near-Surface Disposal</u>	10A NCAC	15	.1650	37:08 NCR
<u>Radioactive Waste Characteristics</u>	10A NCAC	15	.1651	37:08 NCR
<u>Labeling</u>	10A NCAC	15	.1652	37:08 NCR
<u>Additional Requirements for Licensees Possessing Category...</u>	10A NCAC	15	.1701*	37:08 NCR

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC	09B	.0305*	37:11 NCR
<u>Recertification Following Separation</u>	12 NCAC	09C	.0311*	37:11 NCR
<u>Definitions</u>	12 NCAC	09G	.0102*	37:11 NCR
<u>Documentation of Educational Requirements</u>	12 NCAC	09G	.0204*	36:24 NCR
<u>Medical Examination</u>	12 NCAC	09G	.0205*	36:24 NCR
<u>Moral Character</u>	12 NCAC	09G	.0206	36:24 NCR
<u>Fingerprint Criminal History Record Check</u>	12 NCAC	09G	.0207*	36:24 NCR
<u>Minimum Standards for Correctional Officers</u>	12 NCAC	09G	.0208*	37:04 NCR
<u>Minimum Standards for Probation/Parole Officers</u>	12 NCAC	09G	.0209*	37:04 NCR
<u>Background Investigation</u>	12 NCAC	09G	.0210*	37:11 NCR
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC	09G	.0211	37:11 NCR
<u>Criminal History Record</u>	12 NCAC	09G	.0302*	37:04 NCR
<u>General Certification</u>	12 NCAC	09G	.0304*	36:24 NCR
<u>Recertification Following Separation</u>	12 NCAC	09G	.0305*	36:24 NCR
<u>Suspension: Revocation: or Denial of Certification</u>	12 NCAC	09G	.0504*	37:04 NCR
<u>Period of Suspension: Revocation: or Denial</u>	12 NCAC	09G	.0505*	37:04 NCR

WILDLIFE RESOURCES COMMISSION

<u>Attendance of Traps</u>	15A NCAC	10B	.0110	37:11 NCR
<u>Possession of Wildlife Killed Accidentally or Found Dead</u>	15A NCAC	10B	.0127*	37:11 NCR

<u>White Tailed Deer</u>	15A NCAC	10B	.0203*	37:11 NCR
<u>Wild Quail Management Areas</u>	15A NCAC	10B	.0227*	37:11 NCR
<u>Definitions</u>	15A NCAC	10B	.0301*	37:11 NCR
<u>Open Seasons</u>	15A NCAC	10B	.0303*	37:11 NCR
<u>Attendance and Tagging of Traps</u>	15A NCAC	10B	.0306*	37:11 NCR
<u>Alligator Control Agent Certification Eligibility and Req...</u>	15A NCAC	10H	.1506*	37:11 NCR
<u>Designation of Wildlife Conservation Areas</u>	15A NCAC	10J	.0101*	37:11 NCR
<u>General Regulations Regarding Use of Conservation Areas</u>	15A NCAC	10J	.0102*	37:11 NCR

NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR

<u>Fees</u>	21 NCAC	37B	.0104	37:13 NCR
<u>Grade Required</u>	21 NCAC	37D	.0604*	37:13 NCR
<u>Subject Areas</u>	21 NCAC	37D	.0605	37:13 NCR

PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS OF

<u>Onsite Supervision and Standard of Competence</u>	21 NCAC	50	.0520*	37:05 NCR
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TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 15 .0113 CLASSIFICATION OF RADIOACTIVE MATERIAL

*History Note: Authority G.S. 104E-15;
 Eff. February 1, 1980;
 Amended Eff. June 1, 1989;
 Transferred and Recodified from 10 NCAC 3G .2214 Eff. January 4, 1990;
 Amended Eff. May 1, 1993;
 Transferred and Recodified from 15A NCAC 11 .0113 Eff. February 1, 2015;
 Repealed Eff. May 1, 2023.*

10A NCAC 15 .0323 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

(a) Persons conducting industrial radiography using radioactive materials shall comply with the requirements of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except for: 10 CFR 34.5, 34.8, 34.121, and 34.123. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part034/>.

(b) Applications required by 10 CFR 34 shall be made on forms provided by the agency. Applications and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

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

The following information shall appear on the application:

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

- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
 - (B) amendment number of the current license;
 - (C) expiration date of the license;
 - (D) licensee name as it currently appears on the license;
 - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
 - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
 - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
 - (H) explanation of the action requested; and
 - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:
www.ncradiation.net/rms/rmsforms2.htm(Rev 01).htm

(c) Reports of leaking sealed sources required by 10 CFR 34.27 shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC.

(d) Notifications required by 10 CFR 34.101, including notifications of source disconnects, shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC. In addition to the information required by 10 CFR 34.101(b), notifications of devices with failed or worn through S-tubes shall contain the serial number and storage location of the device, whether the device has been disposed of or returned to the manufacturer, and whether personnel contamination occurred.

(e) Requests for exemption under 10 CFR 34.111 shall be made to the agency as specified in Paragraph (b) of this Rule.

History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. April 1, 1999; June 1, 1989; Transferred and Recodified from 15A NCAC 11 .0323 Eff. February 1, 2015;

Readopted Eff. May 1, 2023.

10A NCAC 15 .0349 EXEMPTIONS: WASTE MANAGEMENT BY GENERATORS

History Note: Authority G.S. 104E-7(a)(10); Eff. June 1, 1989; Amended Eff. January 1, 1994; Filed as a Temporary Amendment Eff. November 22, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. May 1, 1996; Transferred and Recodified from 15A NCAC 11 .0349 Eff. February 1, 2015; Repealed Eff. May 1, 2023.

**10A NCAC 15 .1201 PURPOSE AND SCOPE
 10A NCAC 15 .1202 DEFINITIONS**

History Note: Authority G.S. 104E-2; 104E-3; 104E-5; 104E-7; 104E-10; 104E-10.1; 104E-10.2; 104E-25; 104E-26; Eff. December 1, 1987; Amended Eff. January 1, 1994; May 1, 1993; May 1, 1992; June 1, 1989; Transferred and Recodified from 15A NCAC 11 .1201 - .1202 Eff. February 1, 2015; Repealed Eff. May 1, 2023.

10A NCAC 15 .1203 LICENSE REQUIRED: LAND DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

(a) This Rule establishes the procedures, standards, criteria, and terms and conditions upon which the Department issues licenses authorizing land disposal of low-level radioactive waste received from other persons for disposal.

- (1) No person may receive, possess, and dispose of low-level radioactive waste at a land disposal facility located in North Carolina unless authorized by a license issued by the Department pursuant to this Rule.
- (2) No low-level radioactive waste shall be received from any source not licensed by the agency except as may be specifically authorized in writing by the agency.
- (3) The regulations in 10 CFR 61 which are hereby incorporated by reference, including subsequent amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84 are not incorporated by reference. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part061/>. Communications, records, reports, and notifications required by 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC.

- (4) The requirements found in G.S. 104E-6.1, 104E-10.1(a), (a1), and (b), 104E-10.2, 104E-25(a), (c) through (h), and (j) shall be met.
 - (5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply.
 - (6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a temporary or emergency basis to determine compliance with the rules in this Chapter or to respond to any emergency which involves possible or actual release of radioactive material.
- (b) This Rule establishes the procedures, criteria, and terms and conditions upon which the agency issues licenses authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule.
- (1) No person shall transport or transfer waste to a low-level radioactive waste land disposal facility licensed under Paragraph (a) of this Rule unless licensed by the agency or otherwise specifically authorized in writing by the agency.
 - (2) The definitions of terms in G.S. 104E-5 shall apply.
 - (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop procedures and implement practices to prevent, minimize, and reduce the generation of low-level radioactive waste, including segregating radioactive waste by half-life and holding low-level radioactive waste for decay in storage.
 - (4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule, the agency shall review the contents of the application and determine if the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and if the requirements in Subparagraph (b)(3) of this Rule are met. If the agency determines that the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and that the applicant's procedures and practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency shall issue a license as described in this Rule.
 - (5) Licenses issued under this Rule are subject to suspension or revocation for failure to comply with the rules of this Chapter or in accordance with 10 CFR 61.9b(a) and (c).
 - (6) Facilities licensed by the agency and licensed activities may be inspected by authorized representatives of the Department as permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of the Department, the Department may delegate this authority to individuals representing the radiation control programs within those jurisdictions.
- (c) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of this Chapter in lieu of the NRC:
- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
 - (A) legal business name and mailing address;
 - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
 - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
 - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;
 - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
 - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
 - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
 - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
 - (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
 - (A) the license number;
 - (B) amendment number of the current license;

(C)	expiration date of the license;	10A NCAC 15 .1214	STANDARDS FOR ISSUANCE OF
(D)	licensee name as it currently appears on the license;	A LICENSE	
(E)	the name, telephone number, and e-mail address of the Radiation Safety Officer;	10A NCAC 15 .1215	CONDITIONS OF LICENSE
(F)	the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;	10A NCAC 15 .1216	AMENDMENT OF LICENSE
(G)	applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;	10A NCAC 15 .1217	APPLICATION FOR RENEWAL OR CLOSURE
(H)	explanation of the action requested; and	10A NCAC 15 .1218	CONTENTS OF APPLICATION FOR CLOSURE
(I)	the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.	10A NCAC 15 .1219	POSTCLOSURE OBSERVATION AND MAINTENANCE
(3)	Application forms specified in this Rule shall be made available by the agency on the agency's public website.	10A NCAC 15 .1220	TRANSFER OF LICENSE
(d)	Nothing in this Rule shall relieve any person of responsibility for complying with other applicable North Carolina laws and rules.	10A NCAC 15 .1221	TERMINATION OF LICENSE
		10A NCAC 15 .1222	PERFORMANCE OBJECTIVES: GENERAL REQUIREMENT
		10A NCAC 15 .1223	PROTECTION OF POPULATION FROM RELEASES OF RADIOACTIVITY
		10A NCAC 15 .1224	PROTECTION OF INDIVIDUALS FROM INADVERTENT INTRUSION
		10A NCAC 15 .1225	PROTECTION OF INDIVIDUALS DURING OPERATIONS
		10A NCAC 15 .1226	STABILITY OF THE DISPOSAL SITE AFTER CLOSURE
		10A NCAC 15 .1227	TECHNICAL REQUIREMENTS FOR LAND DISPOSAL FACILITIES
		10A NCAC 15 .1228	DISPOSAL SITE SUITABILITY REQUIREMENTS
		10A NCAC 15 .1229	SITE DESIGN FOR LAND DISPOSAL
		10A NCAC 15 .1230	FACILITY OPERATION AND DISPOSAL SITE CLOSURE
		10A NCAC 15 .1231	ENVIRONMENTAL MONITORING

History Note: Authority G.S. 104E-5; 104E-6.1; 104E-7; 104E-9(3); 104E-9(a)(3); 104E-10; 104E-10(b); 104E-10.1; 104E-10.2; 104E-12; 104E-13(a); 104E-15; 104E-16; 104E-18; 104E-25; 104E-26; 104G-13; 104G-14; 150B-19(6); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540; Eff. December 1, 1987; Amended Eff. January 1, 1994; June 1, 1993; May 1, 1993; May 1, 1992; June 1, 1989; Transferred and Recodified from 15A NCAC 11 .1204 - .1231 Eff. February 1, 2015; Repealed Eff. May 1, 2023.

10A NCAC 15 .1204	CONTENT OF APPLICATION
10A NCAC 15 .1205	GENERAL INFORMATION
10A NCAC 15 .1206	SPECIFIC TECHNICAL INFORMATION
10A NCAC 15 .1207	ENVIRONMENTAL INFORMATION
10A NCAC 15 .1208	TECHNICAL AND ENVIRONMENTAL ANALYSES
10A NCAC 15 .1209	INSTITUTIONAL INFORMATION
10A NCAC 15 .1210	FINANCIAL INFORMATION
10A NCAC 15 .1211	FILING AND DISTRIBUTION OF APPLICATION
10A NCAC 15 .1212	ELIMINATION OF REPETITION
10A NCAC 15 .1213	UPDATING OF APPLICATION

10A NCAC 15 .1233	WASTE CLASSIFICATION AND CHARACTERISTICS
10A NCAC 15 .1234	INSTITUTIONAL REQUIREMENTS
10A NCAC 15 .1235	APPLICANT QUALIFICATIONS AND ASSURANCES
10A NCAC 15 .1236	FUNDING OF CLOSURE: STABILIZATION: INSTITUTIONAL CONTROLS
10A NCAC 15 .1237	RECORDS: REPORTS: TESTS: AND INSPECTIONS
10A NCAC 15 .1238	MAINTENANCE OF RECORDS: REPORTS AND TRANSFERS

10A NCAC 15 .1239 TESTS AT LAND DISPOSAL FACILITIES
10A NCAC 15 .1240 AGENCY INSPECTIONS OF LAND DISPOSAL FACILITIES
10A NCAC 15 .1241 INSPECTION
10A NCAC 15 .1242 NOTIFICATIONS AND REPORTS

History Note: Authority G.S. 104E-6.1; 104E-7; 104E-9(3); 104E-9(a)(3); 104E-10(b); 104E-10.1; 104E-10.2; 104E-11; 104E-12; 104E-15; 104E-16; 104E-17; 104E-18; 104E-19(b); 104E-25; 104E-26; Eff. December 1, 1987; Amended Eff. January 1, 1994; May 1, 1993; Transferred and Recodified from 15A NCAC 11.1233 - .1242 Eff. February 1, 2015; Repealed Eff. May 1, 2023.

10A NCAC 15 .1501 PURPOSE AND SCOPE
10A NCAC 15 .1502 DEFINITIONS
10A NCAC 15 .1503 LICENSE REQUIRED
10A NCAC 15 .1504 APPLICATION FOR SITE ACCESS LICENSE: GENERAL REQUIREMENTS
10A NCAC 15 .1505 APPLICATION FOR SITE ACCESS LICENSE - WASTE GENERATORS
10A NCAC 15 .1506 CONTENT OF APPLICATION FOR WASTE COLLECTORS
10A NCAC 15 .1507 CONTENT OF APPLICATION FOR WASTE PROCESSORS
10A NCAC 15 .1508 CERTIFICATION OF COMPLIANCE WITH APPLICABLE REQUIREMENTS
10A NCAC 15 .1509 PRIOR NOTIFICATION FOR WASTE SHIPMENTS
10A NCAC 15 .1510 RADIOACTIVE SHIPMENT MANIFEST
10A NCAC 15 .1511 FINANCIAL QUALIFICATIONS AND REQUIREMENTS
10A NCAC 15 .1512 WASTE MANAGEMENT AND REDUCTION REQUIREMENTS
10A NCAC 15 .1513 ISSUANCE AND EXPIRATION OF SITE ACCESS LICENSES
10A NCAC 15 .1514 SITE ACCESS LICENSE RENEWAL
10A NCAC 15 .1515 SITE ACCESS LICENSE AMENDMENT
10A NCAC 15 .1516 MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES
10A NCAC 15 .1517 TEMPORARY OR EMERGENCY ACCESS

History Note: Authority G.S. 104E-5; 104E-7; 104E-10.3; 104E-18; 104E-27; 104E-29; 132-1.2; Eff. January 1, 1995; Transferred and Recodified from 15A NCAC 11 .1501 - .1517 Eff. February 1, 2015; Repealed Eff. May 1, 2023.

10A NCAC 15 .1650 CLASSIFICATION/RADIOACTIVE WASTE FOR NEAR-SURFACE DISPOSAL
10A NCAC 15 .1651 RADIOACTIVE WASTE CHARACTERISTICS
10A NCAC 15 .1652 LABELING

History Note: Authority G.S. 104E-7(a)(2); Eff. January 1, 1994; Transferred and Recodified from 15A NCAC 11 .1650 - .1652 Eff. February 1, 2015; Repealed Eff. May 1, 2023.

10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

(a) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10 CFR 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, which is hereby incorporated by reference, including any subsequent amendments and editions, except the following regulations are not incorporated:

- (1) 10 CFR 37.1;
- (2) 10 CFR 37.3;
- (3) 10 CFR 37.7;
- (4) 10 CFR 37.9;
- (5) 10 CFR 37.11(a) and (b);
- (6) 10 CFR 37.13;
- (7) 10 CFR 37.105;
- (8) 10 CFR 37.107; and
- (9) 10 CFR 37.109.

(b) Licensee required reports of events or notifications in 10 CFR 37.23(b)(2), 37.41, 37.45, 37.57, 37.77(a) through (d), and 37.81 shall use the Agency contact information in Rule .0111 of this Chapter.

(c) The Code of Federal Regulations incorporated by this Rule are available free of charge at <https://www.ecfr.gov/current/title-10/chapter-I/part-37>.

History Note: Authority G.S. 104E-7; Eff. June 1, 2016; Amended Eff. May 1, 2023.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

(b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the instructor is required

to instruct, within three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.

(d) The term of certification as a specialized instructor shall be three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and

- (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Application for Instructor and Professional Lecturer Certification Form (Form F-12) stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401,

Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

- (B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website:

<http://www.ncdoj.gov/getdoc/c2eba6a-a-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>;

- (C) proof that the applicant has met the requirement set forth in Rule .0303(d) of this Section;
- (D) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;
- (E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.
- (F) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores in accordance with the procedural and evaluative requirements listed in the "Course Description Packet (CDP) for Driver Instructor Certification Renewal" as published by the North Carolina Justice Academy within the three-year period preceding the application for

renewal. The individual applying for renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of Pass on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations will be administered by a certified Specialized Driving Instructor.

(G) proof that the individual applying for renewal as a Specialized Subject Control Arrest Techniques Instructor has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training SCAT courses, administered by a certified Specialized SCAT Instructor, within the three-year period preceding the application for renewal.

(e) Certification as a Specialized Instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.

(f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to reapply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current General Instructor certification;
- (2) has completed all pre-qualification requirements for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of 75;
- (4) has completed eight hours of evaluated instruction in the specialty where re-issuance of certification is taught, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified

in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked; and

(5) has maintained non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas.

(g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

(i) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

History Note: Authority G.S. 17C-6; Eff. January 1, 1981;

Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023; January 1, 2022; January 1, 2020; August 1, 2019.

12 NCAC 09C .0311 RECERTIFICATION FOLLOWING SEPARATION

(a) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with a minimum of one year of service who have been separated from the North Carolina Department of Public Safety for less than three years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117, but are exempt from the job appropriate basic training course as described in 12 NCAC 09B .0235 and .0236.

(b) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with less than one year of service who have been separated from the North Carolina Department of Public Safety for less than two years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117, and shall complete the job appropriate basic training course as described in 12 NCAC 09B .0235 and .0236.

(c) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers who have been separated from the North Carolina Department of Public Safety for more than three years, upon their return shall complete the verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117 and shall complete the job appropriate basic training course described in 12 NCAC 09B .0235 and .0236.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Eff. May 1, 2023.

12 NCAC 09G .0102 DEFINITIONS

The following definitions apply throughout this Subchapter only:

- (1) "Agency" means those state and local agencies identified in G.S. 17C-2(2).
- (2) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission identified in G.S. 17C.
- (3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified offense.
- (4) "Convicted" or "Conviction" means, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (5) "Correctional Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, responsible for the custody of inmates or offenders.
- (6) "Corrections Officer" means either or both of the two classes of officers employed by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice: correctional officer or probation/parole officer.
- (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (9) "Educational Points" means points earned toward the State Correction Officers' Professional Certificate Program for studies completed, with passing scores achieved, for semester hour or quarter hour credit awarded from colleges or universities accredited by the

Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.

- (10) "High School" means a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
- (12) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
 - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (12)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S.

20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Department of Adult Correction section of the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website:

<http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>.

Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a

term of more than six months but not more than two years; driving while license permanently revoked or permanently suspended; those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

- (ii)
- (iii)
- (iv)

(13) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula.

(14) "Probation/Parole Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the Division of Adult Correction and Juvenile Justice.

(15) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(16) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.

(17) "School Director" means the person designated by the Secretary of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice to administer the School.

- (18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (19) "State Corrections Training Points" means points earned toward the State Corrections Officers' Professional Certificate Program by completion of Commission-approved corrections training courses. Twenty classroom hours of Commission-approved corrections training equals one State Corrections training point.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. December 1, 2018; January 1, 2017; January 1, 2015; April 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2023.

12 NCAC 09G .0204 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

- (a) Each applicant for certification as a correctional officer or probation/parole officer shall furnish documentary evidence of high school, college or university graduation to the employing agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable out of state agency; or such documentation as described in Paragraphs (b), (c), (d), (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.
- (b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and the program must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or a comparable out-of-state statute.
- (c) Diplomas earned from high school or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. The Criminal Justice Standards Division (Division) staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.
- (d) The Division's staff shall evaluate high school diplomas earned through on-line or correspondence courses to ensure such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.
- (e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S.

Department of Education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.
 (f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD-214 Certificate of Release from Active Duty.

History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2023.

12 NCAC 09G .0205 MEDICAL EXAMINATION

- (a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a surgeon, physician, physician assistant, or nurse practitioner who is licensed to practice in North Carolina or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S. Code 1094, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer.
- (b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:
 - (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and
 - (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form shall notify the examining surgeon, physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.
- (c) The examining surgeon, physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.
- (d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:
 - (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and

- (2) an agency's submission of application for certification to the Commission.

History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Temporary Amendment Eff. February 15, 2022; Amended Eff. May 1, 2023; October 1, 2022; August 23, 2022.

12 NCAC 09G .0206 MORAL CHARACTER

History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. October 1, 2017; April 1, 2017; January 1, 2015; June 1, 2012; April 1, 2009; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. August 1, 2021; Repealed Eff. May 1, 2023.

12 NCAC 09G .0207 FINGERPRINT CRIMINAL HISTORY RECORD CHECK

- (a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).
- (b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a criminal history record check utilizing fingerprints against state and federal files.
- (c) The employing agency will receive a report of the results of the criminal history check utilizing fingerprints against state and federal files. The employing agency shall retain the results of the criminal history record check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule, General Records Schedule: Local Government Agencies, established pursuant to G.S. Chapter 121 and G.S. Chapter 132. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.
- (d) An applicant for certification as a correctional officer or probation/parole officer may not be employed or placed in a position requiring certification by the Commission prior to the date on which the employing agency and Standards Division receive the report of the results of the criminal history record check utilizing fingerprints.

History Note: Authority G.S. 17C-6; 17C-10; Eff. May 1, 2023.

12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS

- (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the correctional officer is certified by the Commission.
- (b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- (5) have had a medical examination as required by 12 NCAC 09G .0205;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
- (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
- (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s);
- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
 - (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division (Division) and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

- (B) within 30 days of the qualifying event, notify the Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual (correctional officers section) and offense of driving under the influence (DUI) or driving while impaired (DWI);
- (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
- (D) within 30 days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
- (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standard Division of these orders; and
- (f) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case as handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

12 NCAC 09G .0209 MINIMUM STANDARDS FOR PROBATION/PAROLE OFFICERS

(a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all items during which the probation/parole officer is certified by the Commission.

(b) Every probation/parole officer employed by the North Carolina Department of Adult Correction shall:

- (1) be a citizen of the United States
- (2) be at least 20 years of age
- (3) have attained a bachelor's degree as described in 12 NCAC 09G .0204;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- (5) have had a medical examination as required by 12 NCAC 09G .0205;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
- (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
- (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0412. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s); and,
- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others as more fully discussed and interpreted in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
 - (A) within 30 days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This

History Note: Authority G.S. 17C-6; 17C-10; Eff. May 1, 2023.

shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

- (B) within 30 days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offense of driving under the influence (DUI) or driving while impaired (DWI);
- (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
- (D) within 30 days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
- (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standard Division of these orders; and
- (F) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case as handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

History Note: Authority G.S. 17C-6; 17C-10; Eff. May 1, 2023.

12 NCAC 09G .0210 BACKGROUND INVESTIGATION

(a) Prior to employing an applicant, the North Carolina Department of Adult Correction shall complete a background investigation on that applicant for certification. The investigation shall examine the applicant's character traits and habits relevant to performance as a correctional officer or probation/parole officer and shall determine whether the applicant is of good moral character.

- (b) The background investigation will consist of the following:
 - (1) verification of age;
 - (2) verification of education;
 - (3) criminal history check of local, state, and national files; and
 - (4) personal interview.

(c) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the Criminal Justice Standards Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted.

History Note: Authority G.S. 17C-6; Eff. May 1, 2023.

12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS

(a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered according to the following specifications:

- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then the agency needs a firmly established chain of custody procedure;
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug

Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at

<https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;

- (5) conduct the test within 90 days of certification;
- (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants. If the positive result was explained by the applicant to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician, the positive results are not required to be reported.

(c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of this Rule.

(d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

History Note: Authority G.S. 17C-6; 17C-10; Eff. May 1, 2023.

12 NCAC 09G .0302 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer applicant, in North Carolina shall not have been convicted by a local, state, federal or military court of:

- (1) a felony;
- (2) a crime or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G .0102(10), if the conviction took place within three years prior to issuance of certification or

if the person was under any corrections supervision imposed by the court as a result of the conviction within three years prior to the issuance of certification; or

- (3) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or ammunition;

(b) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer probation/parole officer applicant, and probation/parole officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal or military court of:

- (1) a felony;
- (2) a crime or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G .0102(10), if the conviction took place within three years prior to issuance of certification or if the person was under any corrections supervision imposed by the court as a result of the conviction within three years prior to the issuance of certification; or
- (3) an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or ammunition.

History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023; October 1, 2020.

12 NCAC 09G .0304 GENERAL CERTIFICATION

(a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0202, .0203, .0204, .0205, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer in good standing with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified officers who, through promotional opportunities, move into non-certified positions within the Department, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413, and are exempted from reverification of employment standards of 12 NCAC 09G .0202, .0205, .0208 (except 12 NCAC 09G .0208(4)), and .0209 (except 12 NCAC 09G .0209(4)) when returning to a position requiring certification if they have maintained employment within the Department.

(d) Documentation of General Certification shall be maintained with the officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Notice of Transfer to the Standards Division.

- (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General Certification and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.
- (2) The Commission shall grant an officer General Certification as the new type of corrections officer when evidence is received by the Standards Division that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413 within the officer's probationary period and the officer has met all other requirements for General Certification.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023.

12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION

- (a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Adult Correction for less than three years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0202, .0203, .0208 (excluding 12 NCAC 09G .0208(4) and .0209 (excluding 12 NCAC 09G .0209(4)), but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0411.
- (b) Previously certified corrections officers with less than one year of service who have been separated from the North Carolina Department of Adult Correction for less than two years, may have their certification reinstated following a reverification of employment standards 12 NCAC 09G .0202, .0203, and .0208 (excluding 12 NCAC 09G .0208(5)) and .0209 (excluding 12 NCAC 09G .0209(5)), and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.
- (c) Previously certified corrections officers who have been separated from the North Carolina Department of Adult Correction for more than three years, upon their return shall complete the verification of employment standards and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023.

12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

- (a) The Commission shall revoke the certification of a correctional officer or probation/parole officer when the Commission finds that the officer has committed or been convicted of a felony offense.
- (b) The Commission shall deny the certification of a correctional officer when the Commission finds the officer has been convicted of a felony.
- (c) The Commission shall deny the certification of a probation/parole officer when the Commission finds the officer has committed or been convicted of a felony offense.
- (d) The Commission may, based on the evidence for each case, suspend, revoke, or deny the certification of a corrections officer, as defined in 12 NCAC 09G .0102(4) when the Commission finds that the applicant for certification or the certified officer:
 - (1) has not enrolled in and completed with passing scores the required basic training course in its entirety in time periods prescribed in 12 NCAC 09G .0400 applicable to a specified position or job title;
 - (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G .0200 for the category of the officer's certification or fails to meet or maintain one or more of the training standards required by 12 NCAC 09G .0400 for the category of the officer's certification;
 - (3) for correctional officers as defined in 12 NCAC 09G .0102(3), have been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) within a three year period prior to the date of application for employment or have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification, whichever is later;
 - (4) for correctional officers as defined in 12 NCAC 09G .0102(3), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) after certification;
 - (5) for probation/parole officers as defined in 12 NCAC 09G .0102(12), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) for a three year period prior to the date of application for employment or after certification have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
 - (6) has been discharged by the North Carolina Department of Adult Correction for:

- (A) commission or conviction of a motor vehicle offense requiring the revocation of the officer's drivers license; or
- (B) lack of good moral character as defined in 12 NCAC 09G .0206;
- (7) has been discharged by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill the responsibilities of a corrections officer;
- (8) has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (9) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, obtained or attempted to obtain credit, training, or certification from the Commission;
- (10) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
- (11) has failed to notify the Standards Division of all criminal charges or convictions as required by 12 NCAC 09G .0208 or .0209;
- (12) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (13) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the Department of Public Safety, Division of Adult Correction and Juvenile Justice;
- (14) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09G .0206, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory; or
- (15) has been denied certification or had such certification suspended or revoked by a previous action of the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, the North Carolina Sheriffs' Education and Training Standards Commission, or a similar North Carolina, out of

state, or federal approving, certifying, or licensing agency whose function is the same or similar to the agencies if the certification was denied, suspended, or revoked based on grounds that would constitute a violation of this Subchapter.

- (e) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a period for which the person's certification is suspended, revoked, or denied.

History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. May 1, 2023; December 1, 2018; January 1, 2015; April 1, 2009; December 1, 2004; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023; August 1, 2021.

12 NCAC 09G .0505 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL

(a) When the Commission revokes or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of the sanction shall be permanent where the cause of the sanction is the commission or conviction of a felony offense, and shall be 10 years where the cause of sanction is:

- (1) the second suspension of an officer's certification for any of the causes requiring a three-year period of suspension; or
- (2) revocation or denial of certification by the North Carolina Sheriffs' Education and Training Standards Commission based on grounds that would constitute a violation of this Subchapter.

(b) When the Commission suspends or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of sanction shall be not less than three years; however, the Commission may reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), for a three year period prior to the date of application, or completion of any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
- (2) commission or conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), after certification;
- (3) discharge by the North Carolina Department of Adult Correction pursuant to 12 NCAC 09G .0504(b)(4) and (b)(5) of this Section;
- (4) refusal to submit to the applicant drug screen required by the Rules in this Subchapter;

- (5) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09G .0205, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory;
- (6) the applicant has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (7) the applicant has knowingly and willfully obtained, attempted to obtain, aided another person to obtain, or aided another person attempt to obtain credit, training or certification by any means of false pretense, deception, defraudation, misrepresentation or cheating;
- (8) failure to make either of the notifications as required by 12 NCAC 09G .0208 or .0209;
- (9) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or
- (10) certification revoked or denied by the North Carolina Sheriffs' Education and Training Standards Commission, if such certification was revoked or denied based on grounds that would constitute a violation of Section 09G of these Rules.

(c) When the Commission suspends or denies the certification of a corrections officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements;
- (2) failure to meet or maintain the minimum standards for certification; or
- (3) discharge from the North Carolina Department of Adult Correction for impairment of physical or mental capabilities.

History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. December 1, 2018; December 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023.

Repealed Eff. August 1, 2023.

15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD

(a) Deer killed accidentally on a road by reason of collision with a motor vehicle may be possessed and transported if authorization is obtained from the law enforcement officer who investigates the accident. Possession and transport of the deer carcass for personal and lawful use, including delivery of the carcass to a second person for his or her private use or use by a charitable organization shall be authorized.

(b) Commission employees may authorize possession and transport of deer and turkey killed accidentally or found dead.

(c) The following shall not be possessed or transported if killed accidentally or found dead unless written authorization is obtained from the Commission:

- (1) black bears; and
- (2) elk.

(d) Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105 killed accidentally or found dead may be possessed or transported if an endangered species permit is obtained from the Commission.

(e) Raptors and migratory birds killed accidentally or found dead may be possessed and transported under federal permits obtained from the U.S. Fish and Wildlife Service.

(f) Other wildlife resources may be possessed and transported legally if killed accidentally or found dead.

(g) The sale of wildlife resources or wildlife parts from an animal killed accidentally or found dead is prohibited, except that licensed trappers and hunters may sell the carcasses, parts, or pelt of any armadillo, beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel, or bobcat to a licensed fur dealer if the dead furbearing animal was found during the open season for that species. Licensed trappers and hunters may also sell the carcasses, parts, or pelt of a fox to a licensed fur dealer if the dead fox was found during an open fox season and the county where the fox was found allows for the sale of fox carcasses, parts, and pelts. The tagging requirements set forth in 15A NCAC 10B .0400 apply.

History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4; 113-331; 113-333; 113-337; Eff. January 1, 2013; Readopted Eff. October 1, 2022; Amended Eff. August 1, 2023.

15A NCAC 10B .0203 WHITE-TAILED DEER

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

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

(A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick, Carteret, Columbus, Cumberland, Craven, Dare, Duplin,

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10B .0110 ATTENDANCE OF TRAPS

History Note: Authority G.S. 113-134; 113-291.6; Eff. February 1, 1976; Amended Eff. August 1, 2002; July 1, 1988; Readopted Eff. August 1, 2021;

- Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.
- (B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.
- (C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.
- (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.
- (E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.
- (F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during the open seasons and in the counties and portions of counties listed in Parts (A) through (H) of this Subparagraph. Antlered or antlerless deer may be taken the fourth Saturday in September in all counties by persons under the age of 18.
- (A) The open antlered or antlerless deer hunting dates established by the U.S. Fish and Wildlife Service from the Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open antlered or antlerless deer hunting dates established by the military commands at the military installations listed in this Paragraph, from Saturday on or nearest October 15 through January 1 in the part of Brunswick County known as the Sunny Point Military Ocean Terminal, in the part of Craven County known and marked as Cherry Point Marine Base, in the part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth deer hunts. First Saturday in October for youth antlered or antlerless deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth antlered or antlerless deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth antlered or antlerless deer hunting by permit only on a portion of Warrior Creek located on W. Kerr Scott Reservoir in Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.

- (D) The first open Saturday of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in Haywood and Transylvania counties; and in Buncombe and Henderson counties, except for the areas described in Subparts (a)(2)(H)(i) and (ii) of this Rule.
 - (E) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in Madison and McDowell counties.
 - (F) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the second Saturday thereafter in Avery, Burke, Caldwell, Mitchell, and Yancey counties.
 - (G) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the fourth Saturday thereafter in Cleveland, Polk, and Rutherford counties.
 - (H) Open days of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties:
 - (i) The part of Buncombe County east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and
 - (ii) The part of Henderson County east of NC 191 and north and west of NC 280.
- (b) Open Archery Seasons for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the following seasons:
 - (A) Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(1) of this Rule; and the Sunday immediately following the closing of Blackpowder Firearms Season identified in Part (c)(1)(B) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands.
 - (B) Sunday immediately following the closing of the open season for Deer With Visible Antlers through January 1 in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.
 - (2) Restrictions
 - (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the Archery Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
 - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the Archery Season.
 - (C) Antlered or antlerless deer may be taken during Archery Season specified by Part (b)(1)(A) of this Rule.
 - (D) Only deer with visible antlers shall be taken during the Archery Season specified by Part (b)(1)(B) of this Rule.
- (c) Open Blackpowder Firearms Seasons for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment during the following seasons:
 - (A) Two Saturdays preceding the first day of the open season for Deer with Visible Antlers described in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands.
 - (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.
 - (2) Restrictions
 - (A) Antlered or antlerless deer may be taken during Blackpowder Firearms Season in any county or county part set forth in Part (a)(2)(E), (F), (G), or (H) of this Rule that has one or more open days within the all lawful

weapons season to legally harvest antlerless deer.

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

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

(d) Open Urban Season for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, antlered or antlerless deer may be taken with archery equipment in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on game lands within a city boundary.
- (2) Participation. Cities that intend to participate in the Urban Season shall send a letter to that effect no later than April 1 of the year prior to the start of the Urban Season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the Urban Season shall apply.
- (3) Restrictions:
 - (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer

during the Urban Season except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the Urban Season.

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

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

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2002; July 1, 2001; Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2022; Amended Eff. August 1, 2023.

15A NCAC 10B .0227 WILD QUAIL MANAGEMENT AREAS

(a) A "Wild Quail Management Area" shall be land maintained to enhance enjoyment of sportsmen and support wild bobwhite quail conservation under signed agreement between the landowners and the Wildlife Resources Commission.

(b) The following qualifications shall apply to all Wild Quail Management Areas:

- (1) At least 500 acres of contiguous land; and
- (2) A minimum of 225 acres or 15 percent of the land, whichever is greater, shall be maintained in year-round bobwhite quail habitat.

(c) Wild bobwhite quail habitat shall be early successional habitat dominated by herbaceous vegetation or shrub cover consisting of a mixture of young saplings, shrubs, forbs, and woody plants typically less than ten feet tall with scattered open patches of grasses, wildflowers, and vines. Forest stands shall have a basal area no greater than 60 square feet per acre. Land managed and maintained primarily for human uses including but not limited to large lawns, golf courses, sod-forming pastures, production agriculture fields, monoculture hayfields, solar energy, or production timber stands shall not qualify as early successional habitat.

(d) Landowners interested in establishing a Wild Quail Management Area shall contact the Commission as described on the Commission's website at www.ncwildlife.org.

(e) The Commission and landowners shall sign an agreement that contains:

- (1) a list of the owners of land included in the Wild Quail Management Area;
- (2) county parcel identification information for each parcel to be included in the Wild Quail Management Area;
- (3) a scaled map of the Wild Quail Management Area with the areas to be maintained in year-round bobwhite quail habitat identified;
- (4) management practices to be used to maintain bobwhite quail habitat and populations; and
- (5) reporting requirements specific to the individual Wild Quail Management Areas, if applicable.

(f) Property inspection:

- (1) a representative of the Commission shall inspect the potential properties prior to acceptance into the program to determine that the proposed land and habitat will qualify to become a Wild Quail Management Area; and
- (2) a representative of the Commission shall inspect Wild Quail Management Areas at least once every five years to determine that the requirements of the signed agreement and this rule are being met.

(g) The following shall apply to Wild Quail Management Areas:

- (1) No domestically raised upland game birds shall be released on Wild Quail Management Areas.
- (2) The hunting of wild bobwhite quail shall only be permitted during the established seasons in 15A NCAC 10B .0208.

(3) Supplemental feeding, if conducted, shall be for the primary purpose of ensuring that wild bobwhite quail populations remain stable during droughts or other periods of stressful environmental conditions. Supplemental feed shall:

- (A) be broadcast into quail habitat along a minimum linear distance of one mile per 100 acres of habitat at a rate of three bushels per mile;
- (B) be broadcast on a bi-weekly schedule during a minimum of five months per year;
- (C) be broadcast using a non-stationary spreader;
- (D) be only natural grains or seed; and
- (E) not be placed to attract birds to hunt.

(4) Except for wild bobwhite quail on Wild Quail Management Areas, no wild birds shall be taken near or with the aid of supplemental feed.

(5) Outside of the trapping season established in 15A NCAC 10B .0303, trapping for raccoon, striped skunk, armadillo, and opossum on Wild Quail Management Areas for nest predator control shall only be allowed using enclosed foot-hold traps with a one-way trigger or cage traps. Trapped raccoons, striped skunks, armadillos, and opossums may be euthanized or released at the trap site.

(6) An annual report for the period of June 1 through May 31 shall be submitted to the Commission within 30 days of the end of the reporting period, and shall include the following:

- (A) number of days and hours wild bobwhite quail were hunted;
- (B) total annual harvest of wild bobwhite quail;
- (C) total number of coveys flushed;
- (D) supplemental feeding activities;
- (E) number of trap nights, number of animals trapped and their disposition or release, by species, for trapping activity conducted during trapping seasons established by 15A NCAC 10B .0303; and
- (F) number of trap nights, number of animals trapped and their disposition or release, by species, for trapping activity conducted outside of trapping seasons established by 15A NCAC 10B .0303.

History Note: Authority G.S. 113-134; 113- 291.1; Eff. August 1, 2021; Amended Eff. August 1, 2023.

15A NCAC 10B .0301 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Box trap", "corral trap", and "cage trap" are a device designed so that the animal enters the trap through a door that closes and is meant to prevent the animal from exiting.
- (2) "Breakaway device" means a device incorporated into a snare or snare component that allows the loop to break open, and an animal to escape completely free of the snare, when a specified amount of force is applied.
- (3) "Collarum™-type trap" means a power-activated snare that is activated when the trigger is pulled and that is designed to capture and restrain the animal by a cable around the neck.
- (4) "Conibear®", "Conibear®-type", and "bodygrip" traps are designed to catch an animal in a body hold resulting in a quick kill.
- (5) "Leghold" and "foothold" mean a trap designed to hold an animal by the foot.
- (6) "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing beyond a specified point.
- (7) "Power-activated" means a snare on which the speed or direction of the loop closure is initiated or augmented by a powering device like a spring.
- (8) "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the captured animal when the cable is not taut.
- (9) "Snare" means a cable restraining device.
- (10) "Steel-jaw" means a leghold or foothold trap in which the jaws are made of metal.

- (2) feral swine may be live-trapped using only corral or box traps. Corral and box traps must be constructed so that a non-target animal may be released or can escape without harm. The permit number must be displayed on the traps; and
- (3) feral swine shall be euthanized while in the trap and may not be removed from the trap alive.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12;
Eff. February 1, 1976;
Amended Eff. July 1, 1996; July 1, 1984; July 1, 1983; August 1, 1982; August 1, 1981;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. August 1, 2010; May 1, 2009; November 1, 2008;
May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; August 1, 2004;
Recodified from Rule 10B .0302 Eff. January 1, 2011;
Temporary Amendment Eff. December 29, 2011;
Amended Eff. November 1, 2012;
Readopted Eff. August 1, 2019;
Amended Eff. August 1, 2023.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.6;
Eff. January 1, 2011;
Readopted Eff. February 1, 2022;
Amended Eff. August 1, 2023.

15A NCAC 10B .0303 OPEN SEASONS

(a) The open season for the taking by trapping of fur-bearing animals as those animals are defined in G.S. 113-129(7a), as well as the taking by trapping of coyotes, armadillos, and groundhogs, shall be October 1 through the last day of February, subject to the following:

- (1) trapping coyotes shall also be allowed during local fox trapping seasons and in accordance with methods described by local law in counties that have established fox trapping seasons by law outside the regular trapping season described in Paragraph (a); and
- (2) there is no closed trapping season for nutria east of I-77.

(b) Feral Swine. There is no closed season for trapping feral swine, subject to the following restrictions:

- (1) in addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission is required to trap feral swine. Individuals exempted from license requirements under the provisions of G.S. 113-

15A NCAC 10B .0306 ATTENDANCE AND TAGGING OF TRAPS

(a) Traps shall be visited daily and animals caught shall be removed, except for completely submerged Conibear®-type, Conibear®, or bodygrip traps which shall be visited once per 72 hours and animals caught shall be removed.

(b) Steel-jaw, leghold, Conibear®, Conibear®-type traps, Collarum™-type traps, snares, box traps, and cage traps must have a weather-resistant permanent tag attached legibly giving the trapper's name and address or the trapper's trapper identification number provided by the Wildlife Resources Commission and the Wildlife Resources Commission's telephone number to report wildlife violations. Box traps for rabbits shall have a weather-resistant permanent tag attached legibly giving the hunter's name and address or the hunter's Wildlife Resources Commission customer number and the Wildlife Resources Commission's telephone number to report wildlife violations.

(c) Remote trap checking systems may be used in lieu of visiting the trap, provided the system has the following features:

- (1) a control unit that monitors the trap in real-time and reports trap status and unit status to a centralized application database a minimum of once every two hours;
- (2) a software application that notifies the user of unit status, trap activity, and system health issues within 10 minutes of these events via email, text-based messaging systems, or an application notification; and

- (3) an on-demand test procedure that is used at deployment of a unit to confirm that the unit is placed in a location where its wireless communication can be received and processed.
- (d) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within 24 hours of the time the trap was reported closed.
- (e) If a remote trap checking system control unit fails to report its status after a 12-hour period, or reports a system health issue, the trap shall be physically visited within 24 hours of the last time a status report was sent.
- (f) Remote trap checking system users shall maintain records of trap status and notification alarms for a minimum of seven days after receipt. Records shall be made available for inspection upon request by a representative of the Commission.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12; Eff. August 1, 2023.

15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND REQUIREMENTS

- (a) The following definitions shall apply in this Section:
 - (1) "Alligator control agent" or "ACA" means a licensed WCA that holds a current and valid alligator control agent certification issued by the Commission.
 - (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the Commission that authorizes a WCA to engage in alligator damage control or alligator removal activities with a Commission-issued depredation permit.
- (b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without first obtaining an ACA certification from the Commission.
- (c) Only individuals with a valid WCA license shall be eligible for ACA certification.
- (d) WCAs meeting the following requirements shall qualify for ACA certification:
 - (1) completion of a Commission-approved ACA training course that reviews the following:
 - (A) alligator rules;
 - (B) procedures for alligator data collection activities; and
 - (C) safe, humane alligator capture, handling, and transporting techniques.
 - (2) a passing score on the ACA written examination as specified in Paragraph (f) of this Rule.
 - (3) possession of equipment to safely and humanely capture and relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag reader, and an alligator transport device, as verified through inspection by the Commission.
- (e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca

- (f) WCAs shall score a minimum of 80 percent on the ACA examination provided by the Commission. WCAs failing to obtain a passing score on the examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the ACA training course.
- (g) An ACA certification shall not be transferable between individuals.
- (h) All equipment used in captive facilities or on captive alligators shall not be used for ACA operations.

History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021; Amended Eff. August 1, 2023.

15A NCAC 10J .0101 DESIGNATION OF WILDLIFE CONSERVATION AREAS

- (a) For purposes of this Subchapter, the following definitions shall apply:
 - (1) "Wildlife Conservation Area" means lands owned, leased, controlled, or cooperatively managed by the Wildlife Resources Commission primarily for the conservation of nongame wildlife resources including those areas designated and posted as Wildlife Conservation Areas and those designated and posted as Waterbird Nesting Areas.
 - (2) "Other materials" means metals, minerals, rocks, soil, organic debris, buildings, fences, archeological resources as defined in G.S. 70-12, and water.
- (b) The Wildlife Resources Commission has identified and posted the following areas on Wildlife Conservation Areas that have additional restrictions on entry or usage:
 - (1) "Safety Zones" are areas where hunting is prohibited. No person shall hunt or discharge a firearm or archery equipment as defined in 15A NCAC 10B .0116 within, into, or across a posted safety zone on any Wildlife Conservation Area. Falconry is exempt from this provision.
 - (2) "Restricted Zones" are areas closed to use by the public, and entry upon such an area is prohibited without written approval from the Wildlife Resources Commission. The Commission may authorize entry when the primary purpose for the Restricted Zone shall not be compromised, and the persons requesting entry can demonstrate a valid need or official business of the Commission is being conducted by a contractor or agent of the Commission. Valid needs may include access to private property, scientific investigations, surveys, or other activities in the public interest.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-305; 113-306; Eff. February 1, 1990; Readopted Eff. August 1, 2023.

**15A NCAC 10J .0102 GENERAL REGULATIONS
REGARDING USE OF CONSERVATION AREAS**

(a) Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation, hunting, trapping, or fishing shall be as authorized by the landowner.

(b) Entry is prohibited above the high tide waterline from March 1 through September 15 on areas designated and posted as Waterbird Nesting Areas.

(c) No person shall deposit litter, trash, garbage, or other refuse on a Wildlife Conservation Area. No garbage dumps or sanitary landfills shall be established on a Wildlife Conservation Area by a person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) No person shall discharge:

- (1) a weapon from a vehicle;
- (2) a weapon within 200 yards of any building or designated camping areas;
- (3) a weapon within, into, or across a posted "safety zone;" or
- (4) a weapon within, into, or across a posted "restricted zone."

No person shall hunt with or have in their possession a shotgun shell containing lead or toxic shot while hunting waterfowl on an area designated as a Wildlife Conservation Area, except shotgun shells containing lead buckshot may be used while deer hunting.

(e) Dogs shall not enter a Wildlife Conservation Area designated and posted as a Waterbird Nesting Area from March 1 through September 15 above the high tide waterline.

(f) Subject to the restrictions contained in 15A NCAC 10B .0302, .0303, and .0306 trapping of fur-bearing animals is permitted on an area designated and posted as a Wildlife Conservation Area during the applicable open seasons, except that trapping is prohibited:

- (1) on the Nona Pitt Hinson Cohen Wildlife Conservation Area in Richmond County; and
- (2) in posted "safety zones" located on a Wildlife Conservation Area.

(g) The following is prohibited on areas designated as Wildlife Conservation Areas or on waters within their boundaries:

- (1) driving a motorized vehicle on an area posted against vehicular traffic;
- (2) camping, unless designated by the landowner. On the coastal islands designated Wildlife Conservation Areas, camping is allowed except on areas designated and posted as Waterbird Nesting Areas;
- (3) swimming, except for the waters adjacent to coastal island Wildlife Conservation Areas;
- (4) operating a vessel powered by internal combustion engine; and
- (5) operating motorized land vehicles not licensed for highway use, except that persons who have obtained a permit issued pursuant to G.S. 113-297 shall comply with permit conditions;
- (6) open fires.

(h) Releasing animals or birds, domesticated animals, or feral animals on Wildlife Conservation Areas is prohibited except for:

- (1) hunting dogs and raptors when permitted for hunting and training purposes; or

- (2) with prior written authorization of the Wildlife Resources Commission.

(i) No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or other materials may be possessed on or removed from Wildlife Conservation Areas without written permission from the Commission. Minimal amounts of animal parts, plant parts not removed from live plants, and other materials may be collected by hand and removed from Commission lands without written permission, except in violation of rules, general statutes, or federal law. Collection of animal parts and plant parts not removed from live plants for commercial use or sale is prohibited. For purposes of this Subparagraph, "minimal amounts," are quantities that fit within a cubic foot of space, except for firewood to be used at posted camping areas. Collection of firewood sufficient to build and maintain a fire during the Wildlife Conservation Area user's stay at the campground is permitted.

History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-296; 113-297; 113-305; 113-306; Eff. February 1, 1990; Amended Eff. January 1, 2013; January 1, 2012; August 1, 2010; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2023.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 37 – BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATOR

21 NCAC 37B .0104 FEES

Fees may be paid in the form of check, money order, or cashier's check made payable to NC State Board of Examiners for Nursing Home Administrators or NCBENHA. Payments will be accepted by credit card through the Board's website only. All credit card payments will include a convenience/processing fee.

History Note: Authority G.S. 90-280; Eff. May 1, 2023.

21 NCAC 37D .0604 GRADE REQUIRED

Every candidate for a nursing home administrator's license shall be required to pass the licensing examinations in accordance with the National Association of Long Term Care Administrator Boards standards which are referenced under "Scaled Scores" in the NAB Exam Candidate Handbook, which can be found at: <https://www.nabweb.org/seeking-licensure/exam-candidate-handbook>.

History Note: Authority G.S. 90-285; Eff. February 1, 1976; Readopted Eff. October 1, 1977; December 15, 1977; Amended Eff. May 1, 1989; Transferred and Recodified from 21 NCAC 37A .0801 Eff. April 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014;

Amended Eff May 1, 2023.

CHAPTER 50 – BOARD OF EXAMINERS OF
PLUMBING, HEATING AND FIRE SPRINKLER
CONTRACTORS

21 NCAC 37D .0605 SUBJECT AREAS

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993;
Transferred and Recodified from 21 NCAC 37A .0701 Eff. April
1, 1996;
Amended Eff. July 1 2004; July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 22, 2014;
Repealed Eff. May 1, 2023.

21 NCAC 50 .0520 ONSITE SUPERVISION AND
STANDARD OF COMPETENCE

The general supervision required by G.S. 87-26 requires that a licensee of the firm who holds the proper licensing qualification issued by the Board pursuant to G.S. 87-21(b) shall personally perform on-site and in-person supervision and review on all work, prior to work being covered or placed into service, to assure that all installations meet or exceed the minimum standard of the North Carolina State Building Code.

History Note: Authority G.S. 87-18; 87-21; 87-26;
Eff. June 1, 2023.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission June 15, 2023 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 2nd 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)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jay R. Hemphill
Jeff Hyde
Robert A. Rucho

Appointed by House

Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934

RULES REVIEW COMMISSION MEETING DATES

June 15, 2023	August 17, 2023
July 20, 2023	September 21, 2023

AGENDA

RULES REVIEW COMMISSION

Thursday, June 15, 2023, 9:00 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
 - A. Medical Care Commission - 10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, .5411 (Liebman)
 - B. Criminal Justice Education and Training Standards Commission – 12 NCAC 09E .0107 (Ascher)
 - C. Environmental Management Commission - 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, .1405 (Liebman)
 - D. Environmental Management Commission - 15A NCAC 02B .0315 (Duke)
 - E. Marine Fisheries Commission - 15A NCAC 03M .0101 (Duke)
 - F. Coastal Resources Commission - 15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, .0312 (Liebman)
 - G. Coastal Resources Commission - 15A NCAC 07H .2305 (Duke)
 - H. Coastal Resources Commission - 15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, .1101 (Peaslee)
 - I. Medical Board - 21 NCAC 32B .1002 (Peaslee)
- IV. Review of Filings (Permanent Rules) for rules filed between April 21, 2023 through May 20, 2023
 1. Child Care Commission (Ascher)
 2. Environmental Management Commission- (Duke)
 3. Coastal Resources Commission (Liebman)
 4. Board of Dental Examiners (Ascher)
 5. Board of Examiners in Optometry (Peaslee)
 6. Real Estate Commission (Peaslee)
 7. State Human Resources Commission (Liebman)

- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
 - VI. Existing Rules Review
 - VII. Commission Business
 - o Next meeting: July 20, 2023
-

Commission Review
Log of Permanent Rule Filings
April 21, 2023 through May 20, 2023

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency(.3100).

<u>Staff/Child Ratios for Centers</u> Amend*	10A NCAC 09 .0713
<u>Cooperative Arrangement for Instructional Needs</u> Adopt*	10A NCAC 09 .2513
<u>Enhanced Space Requirements</u> Amend*	10A NCAC 09 .2809

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); monitoring; recordkeeping; reporting (.0600); volatile organic compounds (.0900); motor vehicle emission control standard (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators and combustion units (.1200); nitrogen oxides (.1400); municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); banking emission reduction credits (.2300); and source testing (.2600).

<u>Copies of Referenced Federal Regulations</u> Amend*	15A NCAC 02D .0103
<u>Compliance with Emission Control Standards</u> Amend*	15A NCAC 02D .0501
<u>Control of Emissions from Log Fumigation Operations</u> Amend*	15A NCAC 02D .0546
<u>General Recordkeeping and Reporting Requirements</u> Amend*	15A NCAC 02D .0605
<u>Open Burning Without an Air Quality Permit</u> Amend*	15A NCAC 02D .1903
<u>Air Curtain Incinerators</u> Amend*	15A NCAC 02D .1904

<u>Regional Office Locations</u>	15A NCAC 02D .1905
Amend*	
<u>Public Notice</u>	15A NCAC 02D .2203
Amend*	
<p>The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).</p>	
<u>Where to Obtain and File Permit Applications</u>	15A NCAC 02Q .0104
Amend*	
<u>Copies of Referenced Documents</u>	15A NCAC 02Q .0105
Amend*	
<u>Payment of Fees</u>	15A NCAC 02Q .0206
Amend*	
<u>Applications</u>	15A NCAC 02Q .0304
Amend*	
<u>Application Submittal Content</u>	15A NCAC 02Q .0305
Amend*	
<u>Public Participation Procedures</u>	15A NCAC 02Q .0307
Amend*	
<u>Application Submittal Content</u>	15A NCAC 02Q .0505
Amend*	
<u>Application</u>	15A NCAC 02Q .0507
Amend*	
<u>Permit Content</u>	15A NCAC 02Q .0508
Amend*	
<u>Public Notice and Opportunity for Public Hearing</u>	15A NCAC 02Q .0710
Amend*	

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); general permit to allow for temporary structures within the estuarine and ocean AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); emergency general permit, to be initiated at the discretion of the Secretary of the Department of Environment and Natural Resources for replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms, provided all replacement, reconstruction and maintenance excavation activities conform to all current standards (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or

the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

Use Standards 15A NCAC 07H .0208
Amend*

Specific Use Standards for Ocean Hazard Areas 15A NCAC 07H .0308
Amend*

The rules in Chapter 7 pertain to coastal management and are promulgated by the Division of Coastal Management or the Coastal Resources Commission. The rules in Subchapter 7K set out activities in areas of environmental concern (AECs) which do not require a Coastal Area Management Act (CAMA) permit. These include activities that are not considered development (.0100); exempt minor maintenance and improvement (.0200); and exempt federal agency activities (.0400).

Structural Accessways Over Frontal Dunes Exempted 15A NCAC 07K .0207
Amend*

The rules in Subchapter 7M concern general policy guidelines for the coastal area including purpose and authority (.0100); shoreline erosion response policies (.0200); shorefront access policies (.0300); coastal energy policies (.0400); post-disaster policies (.0500); floating structure policies (.0600); mitigation policy (.0700); coastal water quality policies (.0800); policies on use of coastal airspace (.0900); policies on water and wetland based target areas for military training activities (.1000); policies on beneficial use and availability of materials resulting from the excavation or maintenance of navigational channels (.1100); and policies on ocean mining (.1200).

Definitions 15A NCAC 07M .0602
Amend*

Policy Statements 15A NCAC 07M .0603
Amend*

DENTAL EXAMINERS, BOARD OF

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).

Dental Hygiene Licensure by Credentials 21 NCAC 16C .0501
Amend*

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

Dental Radiology Course and Examination Requirements 21 NCAC 16H .0105
Adopt*

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

Continuing Education Required 21 NCAC 16I .0201
Amend*

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

Exemption from and Credit for Continuing Education 21 NCAC 16R .0204
Amend*

OPTOMETRY, BOARD OF EXAMINERS IN

The rules in Subchapter 42B concern license to practice optometry including license by examination (.0100); responsibility to supply information (.0200); and professional corporations and limited liability companies (.0300).

National Board Examinations
Amend*

21 NCAC 42B .0107

REAL ESTATE COMMISSION

The rules in Chapter 58 are from the North Carolina Real Estate Commission. The rules in Subchapter 58A are rules relating to real estate brokers and salesmen including rules dealing with general brokerage (.0100); application for license (.0300); examinations (.0400); licensing (.0500); real estate commission hearings (.0600); petitions for rules (.0700); rulemaking (.0800); declaratory rulings (.0900); real estate education and recovery fund (.1400); discriminatory practices prohibited (.1600); mandatory continuing education (.1700); limited nonresident commercial licensing (.1800); post-licensure education (.1900); annual reports (.2000); brokers in military service (.2100); and broker price opinions and comparative market analyses (.2200).

Residential Property and Owners' Association Disclosure S...
Amend*

21 NCAC 58A .0114

STATE HUMAN RESOURCES COMMISSION

The rules in Chapter 1 are from the State Personnel Commission. The rules in Subchapter 1C concern personnel administration including employment (.0100); general employment policies (.0200); personnel records and reports (.0300); appointment (.0400); work schedule (.0500); competitive service (.0600); secondary employment (.0700); requirements for teleworking programs (.0800); employee recognition programs (.0900); and separation (.1000).

Separation
Amend*

25 NCAC 01C .1007