

NORTH CAROLINA REGISTER

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January 16, 2024

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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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919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

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919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

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545 Legislative Office Building

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Raleigh, North Carolina 27611

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NORTH CAROLINA REGISTER
Publication Schedule for January 2024 – December 2024

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

*Dates not approved by the RRC

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

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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

1 NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

2
3 NORTH CAROLINA BUILDING CODE COUNCIL

4
5 Notice of Rule-making Proceedings is hereby given by NC Building Code Council in accordance with
6 G.S. 150B-21.5(d).

7
8 **Citation to Existing Rule Affected by this Rule-Making:** North Carolina Administrative Code and
9 Policies, Building Code, Electrical Code, Energy Conservation Code, Existing Building Code, Fire Code,
10 Fuel Gas Code, Mechanical Code, Plumbing Code and Residential Code amendments.

11
12 **Authority for Rule-making:** G.S. 143-136; 143-138.

13
14 **Reason for Proposed Action:** To incorporate changes in the NC State Building Codes as a result of
15 rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the
16 Council.

17
18 **Public Hearing:** Monday, March 18, 2024, 1:00PM, Albemarle Building, 325 North Salisbury Street,
19 Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rules and any fiscal
20 impacts will be accepted.

21
22 **Comment Procedures:** Written comments may be sent to David B. Rittlinger, (Interim) Secretary, NC
23 Building Code Council, NC Department of Insurance: Office of the State Fire Marshal, 1429 Rock Quarry
24 Road, Raleigh, NC 27610 (email david.rittlinger@ncdoi.gov). Comments on both the proposed rule and
25 any fiscal impact will be accepted. Comment period expires on March 18, 2024.

26
27 **Link to Agency Notice:**
28 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

29
30 **Statement of Subject Matter:**

31
32 **1. Request from NC BCC NCAC&P Standing Committee to amend the 2024 NC Administrative**
33 **Code and Policies, Section 107 as follows:**

34 **107.1 General.** The inspection department shall perform the following inspections:

- 35 1. Footing – 107.1.1;
36 2. Under slab, as appropriate – 107.1.2;
37 3. Foundation – 107.1.3;
38 4. Building framing – 107.1.4;
39 5. Sheathing – 107.1.5;

- 1 ~~5~~ 6. Rough-in ~~107.1.5~~ 107.1.6;
- 2 ~~6~~ 7. Insulation ~~107.1.6~~ 107.1.7;
- 3 ~~7~~ 8. Fire protection ~~107.1.7~~ 107.1.8; and
- 4 ~~8~~ 9. Final ~~107.1.8~~ 107.1.9.
- 5

6 **107.1.5 Sheathing inspection.** Required for structures constructed under the NC Building Code where the
 7 exterior sheathing is part of the lateral force resistance system. Required for dwellings constructed under
 8 the NC Residential Code in 140 mph wind zones or higher where the exterior sheathing is part of the wall
 9 bracing system. Sheathing inspection shall be made during or after the framing inspection, but before the
 10 water-resistant barrier and exterior finish is installed.

Commentary: This inspection verifies that sheathing and sheathing fasteners are installed as required by the code or the design professional. Sheathing fasteners connect sheathing to the framing to prevent framing from racking during wind or seismic loads. At the discretion of the building inspector, this inspection can be performed concurrently with the framing inspection.

11
 12 **~~107.1.5~~ 107.1.6 Rough-in inspection.** Rough-in inspections shall be made when all building framing and
 13 parts of the electrical, plumbing, fire protection, or heating-ventilation or cooling system that will be hidden
 14 from view in the finished building have been placed, but before any wall, ceiling finish, or building
 15 insulation is installed.

Commentary: Plumbing, mechanical, and electrical components installed underground should be considered as rough-in inspections and may be inspected at any point during construction prior to covering.

17
 18 **~~107.1.6~~ 107.1.7 Insulation inspection.** Insulation inspections shall be made after an approved building
 19 framing and rough-in inspection and after the permanent roof covering is installed, with all insulation and
 20 vapor retarders in place, but before any wall or ceiling covering is applied.

Commentary: Insulation baffles that cannot be seen at this inspection, such as vaulted ceilings with concealed rafter cavities, should have baffles installed at framing inspection for verification. It is acceptable that wall cavity insulation enclosed by an air barrier material behind tubs, showers, and fireplace units installed on exterior walls may not be observable by the code official.

21
 22 **~~107.1.7~~ 107.1.8 Fire protection inspection.** Fire protection inspections shall be made in all buildings
 23 where any material is used for fire protection purposes. The permit holder or his agent shall notify the
 24 inspection department after all fire protection materials are in place. Fire protection materials shall not be
 25 concealed until inspected and approved by the code enforcement official.

Commentary: Fire protection inspection is typically performed in commercial building structures and is required in addition to any special inspection as listed in Chapter 17 of the North Carolina Building Code.

26
 27 **~~107.1.8~~ 107.1.9 Final inspection.** Final inspections shall be made for each trade after completion of the
 28 work authorized under the technical codes.

Commentary: Each trade shall complete a final inspection giving approval to permitted work. Work required by the technical codes shall be complete before being requested. Temporary power and temporary certificate of occupancy (TCO) requests are allowed prior to final inspection.

29
 30
 31 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
 32 1, 2025, unless the BCC assigns a delayed effective date.

33
 34 **Reason Given** – This amendment is proposed to protect the public by requiring sheathing inspections
 35 where the sheathing is a major structural component for the lateral force resisting system. NC General
 36 Assembly Session Law 108, which became law on 8/16/23, limits permanent rules regarding sheathing

1 inspections to regions in NC where the ultimate wind speed is 140 miles per hour or higher. A previous
2 version of the bill prohibited the requirement of sheathing inspections in its entirety however, concessions
3 were made to address public concerns.

4

5 **Fiscal Statement** – No impact to federal, state and local government. A substantial impact and increase of
6 more than \$80 per dwelling is anticipated. A fiscal note has been prepared and can be viewed at the
7 following link: <https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

8

9 **2. Request from David B. Rittlinger representing staff to amend the 2024 NC Administrative Code
10 and Policies, Section 106.3.1 as follows:**

11 **106.3 Permit application.**

12 **106.3.1 Information required.** A permit application shall be filed with the Inspection Department on a form
13 (see Appendix A) furnished for that purpose. The Inspection Department shall make available a list of
14 information that must be submitted with the building permit application, ~~including a complete building~~
15 ~~code summary (see Appendix A of the Administrative Code and Policies).~~ A local government shall not
16 require a permit applicant to complete an Appendix B with a set of plans submitted for review. A local
17 government shall only request specific building code summary information from a permit applicant it
18 deems relevant in performing a complete plan review. ~~The~~An Inspection Department's full and partial
19 building code summary forms shall be in the exact format as, and contain only the information in, Appendix
20 B of the Administrative Code and Policies, as relevant to the specific form created. ~~The~~An Inspection
21 Department shall only modify its full and partial building code summary forms as set forth in ~~section~~Section
22 ~~103-5103.6~~ 103-5103.6 Modifications, or as necessary to reflect any changes by the Office of State Fire Marshal to
23 Appendix B that have been approved by the Building Code Council.

24

25 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
26 1, 2025, unless the BCC assigns a delayed effective date.

27

28 **Reason Given** – This amendment is proposed to amend the 2024 NCACP to reflect the intent of NC
29 General Assembly Session Law 2023-108, Section 5, which became law on 8/16/23. Section 5.(c) notes
30 that “a local government shall not require a permit applicant to complete Appendix B with a set of plans
31 submitted for review.”

32

33 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
34 more than \$80 per dwelling. A fiscal note has not been prepared.

35

36 **3. Request from Kate Whalen representing staff to amend the 2024 NC Building Code, Sections 202,
37 307 and 414 as follows:**

38

39 Due to size, this petition can be conveniently viewed at the link below:

40 <https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

41

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
2 1, 2025, unless the BCC assigns a delayed effective date.

3
4 **Reason Given** – These changes are amending the 2024 NC Building Codes to update A2L refrigerant
5 related code provisions to align with the 2024 I-Code provisions: these amendments follow the language
6 suggested by the ICC to amend the 2021 I-codes to include the new 2024 provisions. These changes will
7 update the 2024 NCBC to align with the associated A2L related changes to the 2024 NCMC and to align
8 with the chemical classifications and labeling provisions from latest edition of the Globally Harmonized
9 System of Classification and Labeling of Chemicals.

10
11 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
12 more than \$80 per dwelling. A fiscal note has not been prepared.

13
14 **4. Request from Kate Whalen representing staff to amend the 2024 NC Fire Code, Sections 202, 203,
15 608, 911, 3307, 5003 and Reference Standards as follows:**

16
17 Due to size, this petition can be conveniently viewed at the link below:
18 <https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

19
20 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
21 1, 2025, unless the BCC assigns a delayed effective date.

22
23 **Reason Given** – These changes are amending the 2024 NC building codes to update A2L refrigerant
24 related code provisions to align with the 2024 I-Code provisions: these amendments follow the language
25 suggested by the ICC to amend the 2021 I-codes to include the new 2024 provisions. These changes will
26 update the 2024 NCFC to align with the associated A2L related changes to the 2024 NCMC and to align
27 with the chemical classifications and labeling provisions from latest edition of the Globally Harmonized
28 System of Classification and Labeling of Chemicals.

29
30 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
31 more than \$80 per dwelling. A fiscal note has not been prepared.

32
33 **5. Request from Kate Whalen representing staff to amend the 2024 NC Mechanical Code, Sections
34 1101, 1103, 1104, 1106, 1107, 1109, 1110 as follows:**

35
36 Due to size, this petition can be conveniently viewed at the link below:
37 <https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

1
2 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
3 1, 2025, unless the BCC assigns a delayed effective date.

4
5 **Reason Given** – These changes will update the 2024 NCMC to reference the latest refrigerant standards
6 and listings, and align Chapter 11 with those updated references. These changes include updating
7 refrigerant classifications, allowed amounts per occupied space, required listings, and installation and
8 testing requirements. The changes are expected to help smooth the transition to alternative refrigerants as
9 HFC refrigerant production is phased-down.

10
11 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
12 more than \$80 per dwelling. A fiscal note has not been prepared.

13
14 **6. Request from Cliff Isaac representing the NC Home Builders Association to amend the 2024 NC**
15 **Building Code, Section 1109.2 by adding #8 as follows:**

16
17 8. This section is not applicable to dwellings built under the NC Residential Code that serve as model
18 homes if one temporary ADA accessible portable toilet is provided during the time in which the garage
19 serves as a sales office. A sign shall be provided to direct staff and the public to the ADA portable toilet.
20 Water shall be permitted to be supplied to the entire dwelling while operating as a model home, and when
21 fully converted to a residential dwelling when meeting the NC Residential Code for 1- and 2 family
22 dwellings.

23
24 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
25 1, 2025, unless the BCC assigns a delayed effective date.

26
27 **Reason Given** – As a typical model home has an office in the garage, the business occupancy is not
28 intended to be permanent. The residential areas are outside that business area. Allowing the use of water for
29 the residential area is reasonable, if there is a temporary ADA accessible portable toilet placed and serviced
30 outside the model home during the time that the sales office is operating. The business staff and the general
31 public should know and/or be directed to the portable ADA accessible toilet. A simple sign stating, "This is
32 not an accessible toilet" on the door and/or a directional sign outside to the portable ADA accessible toilet
33 seems logical. If a staff member or the general public choose to use a non-ADA accessible room in the
34 residential area of the building, then that is their choice. Providing a clean and sanitary finished area inside
35 model homes is important to the health of the staff and general public.

36

1 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
2 more than \$80 per dwelling. A fiscal note has not been prepared.

3

4 **7. Request from AIA North Carolina to amend the 2024 NC Energy Conservation Code, Section**
5 **C502.2 as follows:**

6

7 **C502.2 Change in space conditioning.** Any nonconditioned or low-energy space that is altered to become
8 *conditioned space* shall be required to comply with Section C502.

9

10 **Exceptions:**

- 11 1. Where the component performance alternative in Section C402.1.5 is used to comply
12 with this section, the proposed UA shall be not greater than ~~110~~120 percent of the target
13 UA.
- 14 2. Where the total building performance option in Section C407 is used to comply with this
15 section, the annual energy cost of the proposed design shall be not greater than ~~110~~120
16 percent of the annual energy cost otherwise permitted by Section C407.2.

17

18 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
19 1, 2025, unless the BCC assigns a delayed effective date.

20

21 **Reason Given** – To allow existing building owners to repurpose their properties appropriately for their
22 project. Repurposing and change of use for existing buildings can encounter significant budget creep when
23 determining new code requirements. We want to make sure that viable renovation projects can move
24 forward with significant energy upgrades while at the same time surviving their financial proforma
25 obligations. Our intent is to make sure that when it comes to repurposing existing buildings, we don't lose
26 good projects for our communities because the only regulatory goal is energy performance perfection.
27 Rather, we feel we can create an environment for existing buildings with a holistic goal for what the project
28 can contribute to its community while also ensuring increased energy efficiency.

29

30 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
31 more than \$80 per dwelling. A construction cost decrease is anticipated. A fiscal note has not been
32 prepared. A cost benefit analysis is required per NCGS 143-138(a1)(2) and is anticipated to be provided by
33 the petitioner prior to the 1/16/24 edition of the NC Register. Once provided, the cost benefit analysis can
34 be found at the following link: [https://www.ncosfm.gov/news/events/building-code-council-meeting-](https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023)
35 [december-12-2023](https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023)

36

37 **8. Request from AIA North Carolina to amend the 2024 NC Energy Conservation Code, Section**
38 **505.1 as follows:**

39

1 **C505.1 General.** Spaces undergoing a change in occupancy that would result in an increase in demand for
2 either fossil fuel or electrical energy shall comply with this code. Where the use in a space changes from
3 one use in Table C405.3.2 (1) or C405.3.2(2) to another use in Table C405.3.2 (1) or C405.3.2(2), the
4 install lighting wattage shall comply with Section C405.3. With the space undergoing a change in
5 occupancy or use is in a building with a fenestration area that exceeds the limitations of Section C402.4.1,
6 the space is exempt from Section C402.4.1 provided that there is not an increase in fenestration area.
7

8 **Exceptions:**

- 9 1. Where the component performance alternative in Section C402.1.5 is used to comply with this
10 section, the proposed UA shall not be greater than ~~110~~120 percent of the target UA.
- 11 2. Where the total building performance option in Section C407 is used to comply with this section,
12 the annual energy cost of the proposed design shall not be greater than ~~110~~120 percent of the
13 annual energy cost otherwise permitted by Section C407.2.

14
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
16 1, 2025, unless the BCC assigns a delayed effective date.

17
18 **Reason Given** – To allow existing building owners to repurpose their properties appropriately for their
19 project. Repurposing and change of use for existing buildings can encounter significant budget creep when
20 determining new code requirements. We want to make sure that viable renovation projects can move
21 forward with significant energy upgrades while at the same time surviving their financial proforma
22 obligations. Our intent is to make sure that when it comes to repurposing existing buildings, we don't lose
23 good projects for our communities because the only regulatory goal is energy performance perfection.
24 Rather, we feel we can create an environment for existing buildings with a holistic goal for what the project
25 can contribute to its community while also ensuring increased energy efficiency.

26
27 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
28 more than \$80 per dwelling. A construction cost decrease is anticipated. A fiscal note has not been
29 prepared. A cost benefit analysis is required per NCGS 143-138(a1)(2) and is anticipated to be provided by
30 the petitioner prior to the 1/16/24 edition of the NC Register. Once provided, the cost benefit analysis can
31 be found at the following link: [https://www.ncosfm.gov/news/events/building-code-council-meeting-](https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023)
32 [december-12-2023](https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023)

33
34 **9. Request from Colin Trimming representing the NC Fire Code Revision Committee to amend the**
35 **2024 NC Fire Code, Chapter 80, NFPA 241 edition as follows:**

36
37 **241-1922**

38 **Standard for Safeguarding Construction, Alteration and Demolition Operations**

39 3301.1, 3303.2
40

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
2 1, 2025, unless the BCC assigns a delayed effective date.

3
4 **Reason Given** – The 2022 edition of NFPA 241 gives better direction on safety measures required for a
5 building under construction. NFPA 241-2022 can be viewed at the link below:

6 <https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

7
8 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
9 more than \$80 per dwelling. A fiscal note has not been prepared.

10
11 **10. Request from David B. Rittlinger representing staff to repeal the 2017 NC Electrical Code and**
12 **2020 NC Electrical Code effective 1/1/2025 so the 2023 NC Electrical Code can be adopted effective**
13 **1/1/2025.**

14
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
16 1, 2025, unless the BCC assigns a delayed effective date.

17
18 **Reason Given** – For the NCBCC to adopt the proposed North Carolina amendments to the 2023 National
19 Electrical Code to create the 2023 North Carolina Electrical Code and meet the requirements of NCGS
20 Chapter 150B Administrative Procedures Act, the 2017 and 2020 NC Electrical Codes are required to be
21 repealed. The effective date of the repeal is 1/1/25. A fiscal note and cost benefit analysis is provided with
22 the proposed adoption of 2023 North Carolina Electrical Code separately.

23
24 **Fiscal Statement** – The proposed 2023 NC Electrical Code, fiscal note and cost benefit analysis can be
25 found at the following link: [https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-](https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023)
26 [2023](https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023)

27
28 **11. Request from the NC Building Code Council Administrative Code and Policies Standing**
29 **Committee to adopt the 2024 edition of the North Carolina Administrative Code and Policies as**
30 **presented by the committee as follows:**

31
32 The proposed amendments to the 2018 NC Administrative Code and Policies to establish the 2024 NC
33 Administrative Code and Policies can be found at the following link on the OSFM website:

34 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

35
36 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
37 1, 2025, unless the BCC assigns a delayed effective date.

1
2 **Reason Given** – This amendment is proposed to protect the public by establishing standard administrative
3 policies and procedures.

4
5 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
6 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
7 funds. A fiscal note has not been prepared.

8
9 **12. Request from David Rittlinger representing staff to amend the 2024 NC Administrative Code,**
10 **Section Appendix B as follows:**

11
12 **APPENDIX B**

13
14 **2024 BUILDING CODE SUMMARY**
15 **FOR ALL COMMERCIAL PROJECTS**

16 (EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES)
17 (Reproduce the following data on the building plans sheet 1 or 2)

18
19 **CONTACT:** _____

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
Architectural	_____	_____	_____	() _____	_____
<u>Registered Interior Designer</u>	_____	_____	_____	() _____	_____
Electrical	_____	_____	_____	() _____	_____
Fire Alarm	_____	_____	_____	() _____	_____
Plumbing	_____	_____	_____	() _____	_____
Mechanical	_____	_____	_____	() _____	_____
Sprinkler-Standpipe	_____	_____	_____	() _____	_____
Structural	_____	_____	_____	() _____	_____
Retaining Walls > feet High	_____	_____	_____	() _____	_____
Other	_____	_____	_____	() _____	_____

20
21 (“Other” should include firms and individuals such as truss, precast, pre-engineered, nonregistered interior
22 designers, etc.)

23
24 _____
25 (Appendix B beyond this portion remains unchanged by this amendment.)

26 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
27 1, 2025, unless the BCC assigns a delayed effective date.

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Reason Given – This amendment is proposed to align Appendix B with the current requirements for registered interior designers and is submitted at the request of the Board of Architecture and Registered Interior Designers

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

13. Request from the NC Building Code Council Building Standing Committee to adopt the 2024 edition of the North Carolina Building Code as presented by the committee as follows:

The proposed amendments to the 2018 NC Building Code to establish the 2024 NC Building Code can be found at the following link on the OSFM website:
<https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2025, unless the BCC assigns a delayed effective date.

Reason Given – This amendment is proposed to protect the public by updating the code to current standards of practice.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

14. Request from David Rittlinger representing staff to amend the 2024 NC Building Code, Section 101.2 Scope by adding Exceptions #7 and #8 as follows:

[A] 101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Exception: If any of the following apply, then the building or structure is exempt from the provisions of this code:

Exception: If any of the following apply, then the building or structure is exempt from the provisions of this code:

-
- 7. Farm structures exempt by N.C.G.S 143-138(b4).
- 8. Buildings used for temporary motion picture, television, and theater stage sets and scenery are exempt from use and occupancy classification under the *North Carolina State Building Code* by N.C.G.S 143-138(b20).

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
2 1, 2025, unless the BCC assigns a delayed effective date.

3

4 **Reason Given** – Includes references to N.C.G.S. 143-138(b4) and 143-138(b20) for specific scope
5 exemptions.

6

7 **Fiscal Statement** – No impact to federal, state and local government. No substantial impact or increase of
8 more than \$80 per dwelling. A fiscal note has not been prepared.

9

10 **15. Request from the NC Building Code Council Fire Standing Committee to adopt the 2024 edition**
11 **of the North Carolina Fire Code as presented by the committee as follows:**

12

13 The proposed amendments to the 2018 NC Fire Code to establish the 2024 NC Fire Code can be found at
14 the following link on the OSFM website:

15 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

16

17 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
18 1, 2025, unless the BCC assigns a delayed effective date.

19

20 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
21 standards of practice.

22

23 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
24 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
25 funds. A fiscal note has not been prepared.

26

27 **16. Request from David Rittlinger representing staff to amend the 2024 NC Fire Code, Section**
28 **102.13 Exception to applicability as follows by adding #7:**

29

30 **102.13 Exception to applicability.** The provisions of this code shall not apply to the following:

31

32 7. Farm structures exempt by N.C.G.S 143-138(b4).

33

34

35 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
36 1, 2025, unless the BCC assigns a delayed effective date.

37

1 **Reason Given** – The purpose of this amendment is to generically identify and include exemptions stated in
2 NC General Statute 143-138, paragraph b4. By referencing the statute, the code includes all changes to the
3 statute during the cycle of the code.

4

5 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
6 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
7 funds. A fiscal note has not been prepared.

8

9 **17. Request from Marielena Salazar & Kyle Baker representing Shell Retail & Convenience**
10 **Operations (dba Shell TapUp) to amend the 2024 NC Fire Code, Section 5706.5.4.5 as follows:**

11

12 **5706.5.4.5 Commercial, industrial, governmental or manufacturing establishments.** Dispensing of
13 Class I, II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at
14 commercial, industrial, governmental or manufacturing establishments is allowed where ~~approved~~
15 ~~permitted~~ provided that such dispensing operations are conducted in accordance with the following:

16

17 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
18 1, 2025, unless the BCC assigns a delayed effective date.

19

20 **Reason Given** – Proponent seeks to add approved & add Class I liquids to Section 5706.5.4.5, which
21 governs fleet fueling at commercial, industrial, governmental and manufacturing establishments. The
22 proposed revision I was approved and made final by the ICC Board during the 2024 IFC during the Group
23 A cycle.

24

25 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
26 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
27 funds. A fiscal note has not been prepared.

28

29 **18. Request from Jason Shepherd to amend the 2024 NC Building Code, Section 907.2.3.1 and the**
30 **2024 NC Fire Code, Section 907.2.3.1 as follows:**

31

32 2024 NC Building Code

33

34 **907.2.3.1 Automatic smoke detection systems.** An automatic smoke detection system that initiates
35 the occupant notification in accordance with Section 907.5.2.2 shall be installed throughout all stories of
36 Group E buildings.

37

38 **Exceptions:**

39 1. An automatic smoke detection system shall not be required in Group E occupancies with an *occupant load* of
40 50 or less.

1 2. An automatic smoke detection system shall not be required in Group E occupancies that are protected with
2 approved automatic sprinkler systems installed in accordance with Section 903.3.1.1.

3 3. An automatic smoke detection system shall not be required in licensed day care facilities complying with
4 Section 431.

5
6 2024 NC Fire Code

7
8 **907.2.3.1 Automatic smoke detection systems.** An automatic smoke detection system that initiates the
9 occupant notification in accordance with Section 907.5.2.2 shall be installed throughout all stories of Group E
10 buildings.

11
12 **Exceptions:**

13 1. An automatic smoke detection system shall not be required in Group E occupancies with an occupant load of
14 50 or less.

15 2. An automatic smoke detection system shall not be required in Group E occupancies that are protected with
16 approved automatic sprinkler systems installed in accordance with Section 903.3.1.1.

17 3. An automatic smoke detection system shall not be required in licensed day care facilities complying with
18 Section 431 of the International Building Code.

19
20 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
21 1, 2025, unless the BCC assigns a delayed effective date.

22
23 **Reason Given** – Community school buildings are the most important facilities in our local communities.
24 Current required manual fire alarm systems do not provide adequate notification when the building isn't
25 occupied. Due to the increase of introducing kitchen appliances in these buildings, there are documented
26 fires that have happened, and this instance was discovered by a motion detector burglar alarm. If fires occur
27 in these occupancies without prompt notification to responding agencies, we have the potential to lose a
28 valuable community structure. Risk reduction is driving this code change. It is imperative we maintain a
29 healthy community by providing early detection in these facilities where we have a chance for responding
30 firefighters to act in earlier stages of fire development.

31
32 **Fiscal Statement** – This rule is anticipated to increase construction costs overall. This rule is not
33 anticipated to increase the cost of a dwelling by \$80 or more. This rule is expected to affect local funds,
34 but not state funds. This rule is not anticipated to cause a substantial impact. A fiscal note is required per
35 NCGS 150B-21.4(b) and is anticipated to be provided by the petitioner prior to the 1/16/24 edition of the
36 NC Register. Once provided, the fiscal note can be found at the following link:
37 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

38
39 **19. Request from the Fire Code Revision Committee to amend the 2024 NC Building Code and 2024**
40 **NC Fire Code, Sections 1010.2.14, 1010.2.14.4 and 1010.2.1 as follows:**

41
42 2024 NC Building Code

43
44 **1010.2.14 Controlled egress doors in Groups I-1, I-2, and R-4, and E.**

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....
1010.2.14.4 Group E Classrooms. Electric locking systems, including electro-mechanical locking systems and electromagnetic locking systems, shall be permitted to be installed on exit or exit access doors leading from Group E classrooms and day care classrooms within a Group E occupancy where identified and documented by the local school administration as having one or more students that require restraint to preserve the safety of the student or students and meeting all of the following:
1. The building is equipped with a *fire alarm system* in accordance with Section 907.2.3 (Section 907.2.3, Exception 1 is not applicable).
2. The door locks shall unlock on actuation of the *fire alarm system* and remain unlocked until the *fire alarm system* has been reset.
3. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*.
6. Staff within the rooms equipped with controlled egress shall have the keys, codes or other means necessary to operate the locking systems.
7. When operated, the locking system shall remain unlocked for not less than 30 seconds.
8. Emergency lighting shall be provided at the door.
9. The door locking system units shall be listed in accordance with UL 294.

....
1010.2.1 Unlatching. The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

Exceptions:

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.2.5.
3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 4.
4. Doors from individual *dwelling units* and *sleeping units* of Group R occupancies as permitted by Section 1010.2.4, Item 5.
5. Group E classrooms identified by the local school administration as having one or more students that require restraint to preserve the safety of the student or students shall be permitted to have latching devices that require a maximum of two motions to unlatch the door from the egress side.

2024 NC Fire Code

[BE] 1010.2.14 Controlled egress doors in Groups I-1, I-2, and R-4, and E.

....
1010.2.14.4 Group E Classrooms. Electric locking systems, including electro-mechanical locking systems and electromagnetic locking systems, shall be permitted to be installed on exit or exit access doors leading from Group E classrooms and day care classrooms within a Group E occupancy where identified and documented by the local school administration as having one or more students that require restraint to preserve the safety of the student or students and meeting all of the following:
1. The building is equipped with a *fire alarm system* in accordance with Section 907.2.3 (Section 907.2.3, Exception 1 is not applicable).
2. The door locks shall unlock on actuation of the *fire alarm system* and remain unlocked until the *fire alarm system* has been reset.
3. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*.
6. Staff within the rooms equipped with controlled egress shall have the keys, codes or other means necessary to operate the locking systems.

- 7. When operated, the locking system shall remain unlocked for not less than 30 seconds.
- 8. Emergency lighting shall be provided at the door.
- 9. The door locking system units shall be listed in accordance with UL 294.

....
[BE] 1010.2.1 **Unlatching.** The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

Exceptions:

- 1. Places of detention or restraint.
- 2. Where manually operated bolt locks are permitted by Section 1010.2.5.
- 3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 4.
- 4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1010.2.4, Item 5.
- 5. ~~Group E classrooms identified by the local school administration as having one or more students that require restraint to preserve the safety of the student or students shall be permitted to have latching devices that require a maximum of two motions to unlatch the door from the egress side.~~

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2025, unless the BCC assigns a delayed effective date.

Reason Given – This amendment is proposed to provide a safe method of preventing children with disabilities that have the propensity to elope from classrooms from eloping and thus endangering their lives.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

20. Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024 NC Fire Code, Section 105.5.32 as follows:

105.5.32 Mobile food preparation vehicles. (optional permit). ~~A~~An operational permit is required for *mobile food preparation vehicles* equipped with appliances that produce smoke or grease-laden vapors. Permits shall originate from the commissary address where the mobile food preparation vehicle is associated.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2025, unless the BCC assigns a delayed effective date.

Reason Given – Providing clarity to the operational permitting for mobile food preparations vehicles. I am proposing this to prevent confusion on permitting of vehicles since they travel across multiple jurisdictions for work.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4

5 **21. Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024**
6 **NC Fire Code, Sections 319.11.1 and 319.11.13 as follows:**

7

8 **319.11.1 Stability.** *Mobile food preparation vehicles* shall be stabilized against movement when parked for
9 food prep operations in accordance with Section 319.11.1.1 through ~~319.11.1.2~~319.11.1.3.

10

11 **319.11.1.3 Mobile cooking operations.** *Mobile food preparation vehicles* shall be separated from buildings,
12 structures, canopies, tents, combustible materials, vehicles, and other cooking operations by a minimum of 10
13 feet (3048mm). Exhaust shall be directed away from openings, air intakes and away from any means of egress.

14

15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
16 1, 2025, unless the BCC assigns a delayed effective date.

17

18 **Reason Given** – Providing additional safety measures for operating mobile food preparations vehicles.

19

20 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
21 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
22 funds. A fiscal note has not been prepared.

23

24 **22. Request from the NC Building Code Council Existing Building Standing Committee to adopt the**
25 **2024 edition of the North Carolina Existing Building Code as presented by the committee as follows:**

26

27 The proposed amendments to the 2018 NC Existing Building Code to establish the 2024 NC Existing
28 Building Code can be found at the following link on the OSFM website:

29 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

30

31 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
32 1, 2025, unless the BCC assigns a delayed effective date.

33

34 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
35 standards of practice.

36

37 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
38 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
39 funds. A fiscal note has not been prepared.

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23. Request from David Rittlinger representing staff to amend the 2024 NC Existing Building Code, Section 101.2 Scope as follows by adding Exception #2:

[A] 101.2 Scope. The provisions of this code shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of *existing buildings*.

Exception: Exceptions:

1. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the *International Residential Code*.
2. This code shall not apply to buildings constructed under exemption by North Carolina State law in compliance with North Carolina State Building Codes.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2025, unless the BCC assigns a delayed effective date.

Reason Given – The purpose of this amendment is to indicate how this code relates to buildings that are constructed without required compliance to the NC State Building Codes because use of this code assumes a structure complied with minimum safety requirements of a previous code.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

24. Request from David Rittlinger of staff to amend the 2024 NC Existing Building Code, Section 803.2.1.2 as follows:

803.2.1.2 Low-rise buildings. Work areas that increase the fire area or calculated occupant load above the limits listed in Section 903.2 of the *International Building Code* shall meet the requirements of those sections.

Exception: Where an automatic sprinklers system is not existing in a building or otherwise required by Section 803, North Carolina Building Code Section 903.2.8 shall not be applied for Group R-3.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2025, unless the BCC assigns a delayed effective date.

Reason Given – The purpose of this amendment is to clarify that an alteration level 2 can be performed without requiring an automatic sprinkler system for Group R-3 occupancy classifications when the building contains a maximum of two dwelling units in a low rise building and is not otherwise required to be sprinklered. This is consistent with the sprinkler requirements for a change use as addressed in NCEBC Section 1011.2.1.2 and Table 1011.2.1 for Group R-3 as well as Section 904.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4

5 **25. Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024**
6 **edition of the North Carolina Plumbing Code as presented by the committee.**

7

8 The proposed amendments to the 2018 NC Plumbing Code to establish the 2024 NC Plumbing Code can be
9 found at the following link on the OSFM website:

10 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

11

12 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
13 1, 2025, unless the BCC assigns a delayed effective date.

14

15 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
16 standards of practice.

17

18 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
19 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
20 funds. A fiscal note has not been prepared.

21

22 **26. Request from David Rittlinger of staff to amend the 2024 NC Plumbing Code, Sections 702.1,**
23 **702.4, 1102.2 and 1102.7 as follows:**

24

25 **702.1 Above-ground sanitary drainage and vent pipe.** Above-ground soil, waste and vent pipe
26 shall conform to one of the standards listed in Table 702.1. Pipe fittings shall not be solvent
27 cemented inside of plastic pipe.

28 **Exception:** Plastic pipe with an inside diameter of 2 inches (51 mm) and larger shall not be used for
29 storm drainage drain, waste and vent conductors in buildings in which the top occupied floor exceeds
30 75 feet (23m) in height as per N.C.G.S 143-138 (b24).

31

32 **702.4 Fittings.** Pipe fittings shall be *approved* for installation with the piping material installed and
33 shall comply with the applicable standards listed in Table 702.4. Pipe fittings shall not be solvent
34 cemented inside of plastic pipe.

35 **Exception:** Plastic pipe fittings and plastic plumbing appurtenances with an inside diameter of 2
36 inches (51 mm) and larger shall not be used for drain, waste and vent conductors in buildings in
37 which the top occupied floor exceeds 75 feet (23 m) in height as per N.C.G.S 143-138 (b24).

38

1 **1102.2 Inside storm drainage conductors.** Inside storm drainage conductors installed above ground
2 shall conform to one of the standards listed in Table 702.1.

3 **Exception:** Plastic pipe with an inside diameter of 2 inches and larger shall not be used for storm
4 drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23m) in height as
5 per N.C.G.S 143-138 (b24).

6

7 **1102.7 Fittings.** Pipe fittings shall be *approved* for installation with the piping material installed, and
8 shall conform to the respective pipe standards or one of the standards listed in Table 1102.7. The
9 fittings shall not have ledges, shoulders or reductions capable of retarding or obstructing flow in the
10 piping. Threaded drainage pipe fittings shall be of the recessed drainage type.

11 **Exception:** Plastic pipe fittings and plastic plumbing appurtenances with an inside diameter of 2 inches
12 and larger shall not be used for storm drainage conductors in buildings in which the top occupied floor
13 exceeds 75 feet (23m) in height as per N.C.G.S 143-138 (b24).
14

15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
16 1, 2025, unless the BCC assigns a delayed effective date.

17
18 **Reason Given** – This petition amends the 2024 NC Plumbing Code per General Assembly of North
19 Carolina Session Law 2023-137, Section 36 that became law on 10/10/23. A fiscal note and cost benefit
20 analysis is not provided.

21

22 **Fiscal Statement** –No impact to federal, state and local government. No substantial impact or increase of
23 more than \$80 per dwelling. A fiscal note has not been prepared.

24

25 **27. Request from the NC Building Code Council Residential Standing Committee to adopt the 2024**
26 **edition of the North Carolina Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices as**
27 **presented by the committee as follows:**

28

29 The proposed amendments to the 2018 NC Residential Code Chapters 1-10, 25-33, 45, 46 and Appendices
30 to establish the 2024 NC Residential Code Chapters 1-10, 25-33, 45, 46 and Appendices can be found at
31 the following link on the OSFM website:

32 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

33

34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
35 1, 2025, unless the BCC assigns a delayed effective date.

36

37 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
38 standards of practice.

1
2 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
3 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
4 funds. A fiscal note has not been prepared.

5
6 **28. Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024**
7 **edition of the North Carolina Mechanical Code as presented by the committee.**

8
9 The proposed amendments to the 2018 NC Mechanical Code to establish the 2024 NC Mechanical Code
10 can be found at the following link on the OSFM website:
11 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

12
13 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
14 1, 2025, unless the BCC assigns a delayed effective date.

15
16 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
17 standards of practice.

18
19 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
20 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
21 funds. A fiscal note has not been prepared.

22
23 **29. Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024**
24 **edition of the North Carolina Fuel Gas Code as presented by the committee.**

25
26 The proposed amendments to the 2018 NC Fuel Gas Code to establish the 2024 NC Fuel Gas Code can be
27 found at the following link on the OSFM website:
28 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

29
30 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
31 1, 2025, unless the BCC assigns a delayed effective date.

32
33 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
34 standards of practice.

35

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4

5 **30. Request from the BCC Electrical Ad-Hoc Committee to adopt the 2023 edition of the North**
6 **Carolina Electrical Code as presented by the committee.**

7

8 The proposed amendments to the 2023 NFPA 70 National Electrical Code to establish the 2023 NC
9 Electrical Code can be found at the following link on the OSFM website:

10 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

11

12 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
13 1, 2025, unless the BCC assigns a delayed effective date.

14

15 **Reason Given** –The NEC is amended and published every three years through a consensus process at the
16 NFPA. The 2023 NEC is the latest published edition and represents national industry and life-safety
17 updates. The newest edition provides the industry with a standard that regulates the newest equipment and
18 technology in accordance with the most current practices. The NC Amendments represent changes
19 proposed by the Ad-Hoc Committee that complement North Carolina construction methods. Certain
20 changes in the Code will both increase and decrease the cost of installation in various circumstances.

21

22 **Fiscal Statement** –This rule is anticipated to decrease and increase construction costs overall. This rule is
23 anticipated to increase the cost of a dwelling by \$80 or more. This rule is not expected to affect local and
24 state funds. This rule is anticipated to cause a substantial impact. A fiscal note has been prepared and can
25 be viewed at the following link: [https://www.ncosfm.gov/news/events/building-code-council-special-](https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023)

26 [meeting-december-19-2023](https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023)

27

28 **31. Request from the NC Building Code Council Energy Standing Committee to adopt the 2024**
29 **edition of the North Carolina Energy Conservation Code as presented by the committee as follows:**

30

31 The proposed amendments to the 2018 NC Energy Conservation Code to establish the 2024 NC Energy
32 Conservation Code can be found at the following link on the OSFM website:

33 <https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023>

34

35 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
36 1, 2025, unless the BCC assigns a delayed effective date.

37

1 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
2 standards of practice.

3
4 **Fiscal Statement** – A fiscal note has been prepared per N.C.G.S. 143-138 (a1)(1) and was approved by
5 OSBM on 8/21/23. OSBM has determined the amendments may have substantial economic impacts and
6 impacts to local government with a potential for savings over time. No additional construction costs are
7 anticipated for the commercial provisions. Increases in construction costs are anticipated for the residential
8 provisions. The construction costs of dwellings regulated by this proposal exceeds \$80 per dwelling unit.
9 State funds will not be affected. Local funds will be affected. Life-Cycle Cost savings are anticipated for
10 both the commercial and residential provisions. A cost benefit analysis per N.C.G.S. 143-138 (a1)(2) has
11 been prepared and was completed on 8/1/23. A fiscal note and cost benefit analysis has been prepared and
12 can be viewed at the following link: [https://www.ncosfm.gov/news/events/building-code-council-special-](https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023)
13 [meeting-december-19-2023](https://www.ncosfm.gov/news/events/building-code-council-special-meeting-december-19-2023)

14
15 **32. Request from David Rittlinger representing staff to amend the 2024 NC Energy Conservation**
16 **Code, Sections C101.2 and R101.2 as follows:**

17
18 **C101.2 Scope.** This code applies to *commercial buildings* and the buildings’ sites and associated systems and
19 equipment.

20 **Exceptions:**

- 21 1. Farm structures exempt by N.C.G.S. 143-138(b4).
22 2. Per N.C.G.S. 143-138 (b18), no energy conservation code provisions shall apply
23 to any structure for which the primary occupancy classification is Group F, S, or
24 U pursuant to Chapter 3 of the 2024 *North Carolina Building Code*. This
25 exclusion shall apply to the entire building area.

26

27 **R101.2 Scope.** This code applies to *residential buildings, building* sites and associated systems and equipment.

28 **Exceptions:**

- 29 1. Farm structures exempt by N.C.G.S. 143-138(b4).
30 2. In accordance with N.C.G.S. 143-138 (b19), no energy conservation code
31 provisions will apply to detached and attached garages located on the same lot
32 as a *dwelling*.

33
34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
35 1, 2025, unless the BCC assigns a delayed effective date.

36
37 **Reason Given** –Includes references to N.C.G.S. 143-138(b4), 143-138(b18) and 143-138(b19) for specific
38 scope exemptions.

1
2 **Fiscal Statement** –No impact to federal, state and local government. No substantial impact or increase of
3 more than \$80 per dwelling. A fiscal note or cost benefit analysis is prepared as this petition is simply
4 referencing exemptions created by law.

5
6 **NOTICE:**

7 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
8 following link.

9 **<https://www.ncosfm.gov/interpretations>**

10

11 **NOTICE:**

12 **Amendments** of the North Carolina State Building Codes are published online at the following link.

13 **<https://www.ncosfm.gov/codes/codes-current-and-past>**

14

15 **NOTICE:**

16 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
17 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

18 **<http://www.ncoah.com/rules/>**

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 13 – DEPARTMENT OF LABOR

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Labor intends to amend the rule cited as 13 NCAC 15 .0703.

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

Proposed Effective Date: *May 1, 2024*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Email jill.cramer@labor.nc.gov to demand a public hearing.*

Reason for Proposed Action: *Inflatable Devices were removed from the jurisdiction of the N.C. Department of Labor's Elevator and Amusement Device Bureau (see Session Law 2023-137, Section 48); therefore, this Rule needs to be amended to remove the fee for inspection of inflatable devices.*

Comments may be submitted to: *Jill F. Cramer, 1101 MSC, Raleigh, NC 27699-1101; email jill.cramer@labor.nc.gov*

Comment period ends: *March 18, 2024*

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

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

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

CHAPTER 15 - ELEVATOR AND AMUSEMENT DEVICE DIVISION

SECTION .0700 – FEES

13 NCAC 15 .0703 AMUSEMENT DEVICE INSPECTION FEE SCHEDULE

Inspection fees for amusement devices shall be as follows:

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

Authority G.S. 95-107; 95-111.4(19).

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10A .1601.

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

Proposed Effective Date: July 1, 2024

Public Hearing:

Date: February 8, 2024

Time: 2:00 p.m.

Location: Zoom Meeting. Registration Required:

https://ncwildlife.org.zoomgov.com/webinar/register/WN_CwVTRJExQZy1AJ3WQzww-Q

Join by phone: Toll Free (877) 853-5247 or (888) 788-0099

Webinar ID: 160 962 3308

Reason for Proposed Action: The proposed amendments will help the agency generate revenue to address funding issues related to increased operating costs exacerbated by inflation and increased demand for agency services.

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

Comment period ends: March 18, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

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

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10A - WILDLIFE RESOURCES COMMISSION

SECTION .1600 - WILDLIFE RESOURCES COMMISSION FEES

15A NCAC 10A .1601 LICENSE FEES

(a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-270.1B(e).

(b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as set forth in G.S. 113-270.1C:

- (1) Resident Annual Combination Hunting and Inland Fishing License - \$35.00. \$42.00.
(2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$11.00. \$14.00.
(3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$11.00. \$14.00.

(c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

- (1) Annual Sportsman License - \$53.00. \$63.00.
(2) Infant Lifetime Sportsman License - \$212.00. \$252.00.
(3) Youth Lifetime Sportsman License - \$371.00. \$441.00.
(4) Adult Resident Lifetime Sportsman License - \$530.00. \$630.00.
(5) Nonresident Lifetime Sportsman License - \$1,272.00. \$1,511.00.
(6) Age 70 Resident Lifetime Sportsman License - \$16.00. \$19.00.
(7) Resident Disabled Veteran Lifetime Sportsman License - \$106.00. \$126.00.
(8) Resident Totally Disabled Lifetime Sportsman License - \$106.00. \$126.00.

(d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

- (1) Resident State Hunting License - \$25.00. \$30.00.
(2) Lifetime Resident Comprehensive Hunting License - \$265.00. \$315.00.
(3) Controlled Hunting Preserve Hunting License - \$22.00. \$27.00.
(4) Resident Annual Comprehensive Hunting License - \$39.00. \$47.00.
(5) Nonresident State Hunting Licenses:
(A) Season License - \$100.00. \$119.00.
(B) Ten-Day License - \$80.00. \$95.00.
(6) Falconry Hunting License - \$25.00. \$30.00.

(e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-270.3:

- (1) Resident Big Game Hunting License - \$14.00. \$17.00.

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- (2) Nonresident Bear Hunting License - ~~\$239.00.~~ \$284.00.
 - (3) Bear Management Stamp - ~~\$11.00.~~ \$14.00.
 - (4) Nonresident Big Game Hunting License:
 - (A) Season License - ~~\$100.00.~~ \$119.00.
 - (B) Ten-Day License - ~~\$80.00.~~ \$95.00.
 - (5) Bonus Antlerless Deer License - ~~\$11.00.~~ \$14.00.
 - (6) Game Land License - ~~\$16.00.~~ \$19.00.
 - (7) Falconry License - ~~\$11.00.~~ \$14.00.
 - (8) Migratory Waterfowl Hunting License - ~~\$14.00.~~ \$17.00.
 - (9) Resident American Alligator License - ~~\$250.00.~~ \$297.00.
 - (10) Nonresident American Alligator License - ~~\$500.00.~~ \$594.00.
 - (11) Resident Elk License - ~~\$500.00.~~ \$594.00.
 - (12) Nonresident Elk License - ~~\$1,000.00.~~ \$1,188.00.
- (f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S. 113-270.4:
- (1) Resident Hunting and Fishing Guide License - ~~\$16.00.~~ \$19.00.
 - (2) Nonresident Hunting and Fishing Guide License - ~~\$159.00.~~ \$189.00.
- (g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:
- (1) Resident State Trapping License - ~~\$32.00.~~ \$38.00.
 - (2) Resident Lifetime Trapping License - ~~\$300.00.~~ \$357.00.
 - (3) Nonresident State Trapping License - ~~\$133.00.~~ \$158.00.
- (h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the Commission, as set forth in G.S. 113-271:
- (1) Resident State Inland Fishing License - ~~\$25.00.~~ \$30.00.
 - (2) Lifetime Resident Comprehensive Inland Fishing License - ~~\$265.00.~~ \$315.00.
 - (3) Nonresident State Inland Fishing License - ~~\$45.00.~~ \$54.00.
 - (4) Short-Term Inland Fishing License:
 - (A) Resident 10-day Inland Fishing License - ~~\$9.00.~~ \$11.00.
 - (B) Nonresident 10-day Inland Fishing License - ~~\$23.00.~~ \$28.00.
 - (5) Age 70 Resident Lifetime Inland Fishing License - ~~\$16.00.~~ \$19.00.
 - (6) Resident Disabled Veteran Lifetime Inland Fishing License - ~~\$11.00.~~ \$14.00.
 - (7) Resident Totally Disabled Lifetime Inland Fishing License - ~~\$11.00.~~ \$14.00.
 - (8) Special Landholder and Guest Fishing License - ~~\$106.00.~~ \$126.00.
 - (9) Mountain Heritage Trout Waters ~~3-Day~~ Three-Day Fishing License - ~~\$8.00.~~ \$10.00.
- (i) The following shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:
- (1) Resident Special Device License - ~~\$80.00.~~ \$95.00.
 - (2) Nonresident Special Device License - ~~\$530.00.~~ \$630.00.
- (j) The non-refundable fees for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be ~~\$10.00.~~ \$12.00.
- (k) The following non-refundable fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:
- (1) Captivity License for Holding - ~~\$50.00.~~ \$60.00.
 - (2) Captivity License for Rehabilitation - ~~\$40.00.~~ \$12.00.
- (l) The following non-refundable fees shall apply to dealer licenses issued by the Commission as set forth in G.S. 113-273:
- (1) Resident Fur-dealer License - ~~\$64.00.~~ \$76.00.
 - (2) Nonresident Fur-dealer License - ~~\$318.00.~~ \$378.00.
 - (3) Fur-dealer Station License - ~~\$128.00.~~ \$152.00.
 - (4) Controlled Hunting Preserve Operator License - ~~\$100.00.~~ \$119.00.
 - (5) Controlled Hunting Preserve Rabbit Operator License - ~~\$25.00.~~ \$30.00.
 - (6) Game Bird Propagation License - ~~\$40.00.~~ \$12.00.
 - (7) Furbearer Propagation License - ~~\$27.00.~~ \$33.00.
 - (8) Taxidermy License - ~~\$50.00.~~ \$60.00.
 - (9) Taxidermy Cervid Certification - ~~\$5.00.~~ \$6.00.
 - (10) Wildlife Control Agent License - ~~\$50.00.~~ \$60.00.
 - (11) Wildlife Control Technician Certification - ~~\$25.00.~~ \$30.00.
 - (12) Alligator Control Agent Certification - ~~\$25.00.~~ \$30.00.
- (m) The following non-refundable fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:
- (1) Possession Permit - ~~\$40.00.~~ \$12.00.
 - (2) Exportation or Importation Permit - ~~\$40.00.~~ \$12.00.
 - (3) Trophy Wildlife Sale Permit - ~~\$40.00.~~ \$12.00.
 - (4) Endangered Species Permit - ~~\$40.00.~~ \$12.00.
 - (5) Field Trial Permit - ~~\$40.00.~~ \$12.00.
- (n) Unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:
- (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - ~~\$69.00.~~ \$82.00.
 - (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - ~~\$41.00.~~ \$49.00.
 - (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
 - (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$292.00.~~ \$347.00.
 - (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$477.00.~~ \$567.00.
 - (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$716.00.~~ \$851.00.

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- (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$1,643.00- \$1,952.00.
(E) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$32.00- \$38.00.
(F) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$117.00- \$140.00.
(G) Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$117.00- \$140.00.
(4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$477.00- \$567.00.

(o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in G.S. 113-174.2:

- (1) Annual Resident Coastal Recreational Fishing License - \$16.00- \$19.00.
(2) Annual Nonresident Coastal Recreational Fishing License - \$32.00- \$38.00.
(3) Ten-Day Resident Coastal Recreational Fishing License - \$6.00- \$8.00.
(4) Ten-Day Nonresident Coastal Recreational Fishing License - \$11.00- \$14.00.
(5) Infant Lifetime Coastal Recreational Fishing License - \$106.00- \$126.00.
(6) Youth Lifetime Coastal Recreational Fishing License - \$159.00- \$189.00.
(7) Resident Adult Lifetime Coastal Recreational Fishing License - \$265.00- \$315.00.
(8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$530.00- \$630.00.
(9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$16.00- \$19.00.
(10) Resident Disabled Veteran Coastal Recreational Fishing License - \$11.00- \$14.00.
(11) Resident Totally Disabled Coastal Recreational Fishing License - \$11.00- \$14.00.

Authority G.S. 113-270.1B(e).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0304 and .0314.

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

Proposed Effective Date: June 1, 2024

Public Hearing:

Date: March 6, 2024

Time: 2:00 p.m.

Location:

Zoom Meeting. Registration Required:

https://ncwildlife-

org.zoomgov.com/webinar/register/WN_gWHSSBCRRWakZTA

HhBofhQ

Join by phone: Toll Free (877) 853-5247 or (888) 788-0099

Webinar ID: 161 544 8541

Reason for Proposed Action:

15A NCAC 10F .0304 - Bladen County - The proposed amendments will establish a no-wake zone on the Cape Fear River at Elwell Ferry to mitigate hazards to boater safety where the cable is used to pull the ferry across the river, and to codify descriptions and addresses of Boating Access Areas in Bladen County.

15A NCAC 10F .0314 - New Hanover County - The Executive Director received a petition for rulemaking on October 5, 2023 to extend the no-wake zone at the mouth of Bradley Creek 400 feet closer to the Intracoastal Waterway to alleviate safety issues. Additional amendments extending the no wake zone shore to shore are proposed to mitigate safety concerns with the proposed extension.

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

Comment period ends: March 18, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

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

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0304 BLADEN COUNTY

~~(a) Regulated Area. This Rule shall apply to the waters of White Lake in Bladen County.~~

~~(b) Restricted Area. The waters of White Lake between the shoreline and the offshore marker poles shall be designated as a restricted area.~~

~~(c) Swimming. Swimming, except skin diving, shall not be permitted outside of the restricted area.~~

~~(d) Skiing. No skiing shall be permitted in the restricted area, except to leave from within or return into that area. All vessels pulling skiers shall leave from within the restricted area on a course perpendicular to the nearest shoreline. Upon returning, all vessels pulling skiers shall reduce to no wake speed when the skiers have entered the restricted area.~~

~~(e) Speed Limit. Within the restricted area all vessels, except those engaged in skiing as regulated by Paragraph (d) of this Rule, shall be operated at a no wake speed. Operation of any vessel on a course parallel to the shoreline is prohibited in the restricted area.~~

~~(f) Placement and Maintenance of Markers. The Board of Commissioners of Bladen County, the Town of White Lake, and the State Parks Division shall be the designated agencies for placement and maintenance of the markers implementing this Rule.~~

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

- (1) White Lake. The water between the shoreline and no-wake markers 500 feet from the shoreline is a restricted area.
- (2) Cape Fear River:
 - (A) the waters shore to shore between a point 100 yards east and 100 yards west of the ferry cable at Elwell Ferry and Elwells Ferry Boating Access Area, 2702 Elwell Ferry Road, Council;
 - (B) the waters within 50 yards of the Tar Heel Boating Access Area, 1000 Wildlife Landing Drive, Tar Heel; and
 - (C) the waters within 50 yards of the Tory Hole Boating Access Area, 335 N. Poplar Street, Elizabethtown.
- (3) Black River. The waters within 50 yards of the Hunts Bluff Boating Access Area, 351 Hunts Bluff Road, Kelly.

(b) Restricted Area. Skiing is prohibited in the restricted area described in Subparagraph (a)(1) of this Rule.

(c) Diving. A person engaged in skin or scuba diving shall display a diver's flag, and no vessel shall approach within 50 feet of a diver's flag, as described in G.S. 75A-13.1.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Subparagraphs (a)(1) and (3), and Parts (a)(2)(A) through (C) of this Rule.

(e) Placement and Maintenance of Markers. The following agencies shall place and maintain the markers implementing this Rule:

- (1) North Carolina State Parks for the regulated area designated in Subparagraph (a)(1); and
- (2) the North Carolina Wildlife Resources Commission for the regulated areas designated in Parts (a)(2)(A) through (C), and Subparagraph (a)(3) of this Rule.

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

15A NCAC 10F .0314 NEW HANOVER COUNTY

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

- (1) the area bounded on the north by the US U.S. 74-76 Bridge bridge crossing the Intracoastal Waterway, on the south by a line shore to shore intersecting Intracoastal Waterway channel marker number 127, on the west by the shore of Wrightsville Sound, and on the east by a line perpendicular to US U.S. Highway 74-76 and intersecting channel marker number 25 in Motts Channel;
- (2) the area of Motts Channel between channel marker number 25 at the Intracoastal Waterway on the west and channel marker number 16 at the entrance from Banks Channel on the east;
- (3) the waters of the navigation channel shore to shore in that portion of Bradley Creek in the City of Wilmington between the US U.S. 76 Bridge bridge crossing Bradley Creek and channel marker 4, near the mouth of Bradley Creek at 34.20858 N, 77.82272 W; 34.20794 N, 77.82158 W, near the mouth of Bradley Creek;
- (4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W, to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W;
- (5) the unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville Beach and an unnamed island located approximately 500 feet northeast of the US U.S. 74 bridge over Banks Channel; and
- (6) the waters of the Northeast Cape Fear River between the US Hwy. U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area.

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

(c) Placement of Markers. The Board of Commissioners of New Hanover County shall be the designated agency for placement of the no-wake markers implementing this Rule, subject to the

approval of the United States Coast Guard and the United States Army Corps of Engineers.

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

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

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to amend the rules cited as 21 NCAC 32M .0107; 32R .0101 and 32S .0216.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncmedboard.org/about_the_board/rule_changes

Proposed Effective Date: June 1, 2024

Public Hearing:

Date: March 18, 2024

Time: 11:00 a.m.

Location: The public hearing will be held remotely via teleconference. Telephone Number: 919-518-9840; Conference ID: 897 812 179#

Reason for Proposed Action: To amend the CME rules to make clear that licensees who complete the federally required MATE training will have also satisfied the state-mandated controlled substance prescribing CME for that reporting cycle.

Comments may be submitted to: Leigh Anne Satterwhite, 3127 Smoketree Court, Raleigh, NC 27604; phone (919) 326-1109; email rules@ncmedboard.org

Comment period ends: March 18, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

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

State funds affected

SUBCHAPTER 32M - APPROVAL OF NURSE PRACTITIONERS

21 NCAC 32M .0107 CONTINUING EDUCATION (CE)

(a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall earn 50 contact hours of continuing education activity every two years, beginning with the first renewal after initial approval to practice has been granted. A minimum of 20 hours of the required 50 hours must be in the advanced practice nursing population focus of the NP role. The 20 hours must have approval granted by the American Nurses Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME), or by a national accredited provider of nursing continuing professional development, or nurse practice-relevant courses in an institution of higher learning. A nurse practitioner who possesses a current national certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of this Rule.

(b) Prior to prescribing controlled substances as the same are defined in 21 NCAC 32M .0109(b)(2), nurse practitioners shall have completed a minimum of one CE hour within the preceding 12 months on 1 or more of the following topics:

- (1) Controlled substances prescription practices;
- (2) Prescribing controlled substances for chronic pain management;
- (3) Recognizing signs of controlled substance abuse or misuse; or
- (4) Non-opioid treatment options as an alternative to controlled substances.

(c) Nurse practitioners who complete the federally required training under the Medication Access and Training Expansion Act (MATE) shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the two-year CE period in which the MATE training was completed.

(d) Documentation of all CE completed within the previous five years shall be maintained by the nurse practitioner and made available upon request to either Board.

Authority G.S. 90-5.1(a)(3); 90-8.2; 90-18(c)(14); S.L. 2015-241, s. 12F.

SUBCHAPTER 32R – CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS

SECTION .0100 – CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS

21 NCAC 32R .0101 CONTINUING MEDICAL EDUCATION (CME) REQUIRED

(a) Continuing Medical Education (CME) is defined as education, training, and activities to increase knowledge and skills generally recognized and accepted by the profession as within the basic medical sciences, the discipline of clinical medicine, and the

provision of healthcare to the public. The purpose of CME is to maintain, develop, or improve the physician's knowledge, skills, professional performance, and relationships a physician uses to provide services for his or her patients and practice, the public, or profession.

(b) A physician licensed to practice medicine in the State of North Carolina, except those physicians holding a residency training license, shall complete at least 60 hours of Category 1 CME relevant to the physician's current or intended specialty or area of practice every 3 years. Every physician who prescribes controlled substances, except those physicians holding a residency training license, shall complete at least 3 hours of CME from the required 60 hours of Category 1 CME designed specifically to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management. CME that includes recognizing signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for the purposes of this Rule. Physicians who complete the federally required training under the Medication Access and Training Expansion Act (MATE) shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the three-year CME period in which the MATE training was completed.

(c) The three-year period described in Paragraph (b) of this Rule begins on the physician's birthday following the issuance of his or her license.

Authority G.S. 90-5.1(a)(3); 90-5.1(a)(10); 90-14(a)(15); S.L. 2015-241, s. 12F.16(b) and 12F.16(c).

SUBCHAPTER 32S - PHYSICIAN ASSISTANTS

SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

21 NCAC 32S .0216 CONTINUING MEDICAL EDUCATION

(a) A physician assistant shall complete at least 50 hours of Continuing Medical Education (CME) every two years. The CME shall be recognized by the National Commission on Certification of Physician Assistants (NCCPA) as Category I CME. The physician assistant shall provide CME documentation for inspection by the Board or its agent upon request. The two-year period shall begin on the physician assistant's birthday following the issuance of his or her license.

(b) A physician assistant who prescribes controlled substances shall complete at least two hours of CME, from the required 50 hours, designed specifically to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management. CME that includes recognizing signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for purposes of this Rule.

(c) A physician assistant who possesses a current certification with the NCCPA shall be deemed in compliance with the requirement of Paragraph (a) of this Rule. The physician assistant shall attest on his or her annual renewal he or she is currently

certified by the NCCPA. Physician assistants who attest he or she possesses a current certificate with the NCCPA shall not be exempt from the controlled substance prescribing CME requirement of Paragraph (b) of this Rule. A physician assistant shall complete the required two hours of controlled substance CME unless the CME is a component part of their certification activity. Physician assistants who complete the federally required training under the Medication Access and Training Expansion Act (MATE) shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the two-year CME period in which the MATE training was completed.

(d) Courses pertaining to interprofessional continuing education and courses pertaining to cultural competency or implicit bias training shall qualify for any CME hours required under this Rule so long as such courses are approved by the NCCPA.

Authority G.S. 90-5.1(a)(3); 90-5.1(a)(10); 90-18.1; S.L. 2015-241, 12F.16(b) and 12F.16(c).

CHAPTER 36 – BOARD OF NURSING

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Nursing intends to amend the rule cited as 21 NCAC 36 .0807.

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

Proposed Effective Date: June 1, 2024

Public Hearing:

Date: February 27, 2024

Time: 10:00 a.m.

Location: 4516 Lake Boone Trail, Raleigh NC 27607

Reason for Proposed Action: *The NC Medical Board presented a proposed amendment to 21 NCAC 36 .0807 Continuing Education (CE) at the annual meeting of the Joint Sub Committee in November 2023. The proposed amendment regarding Nurse Practitioners clarifies that licensees who complete the federally required Medication Access and Expansion Training (MATE) training will have also satisfied the state-mandated controlled substance prescribing CME for that reporting cycle.*

Comments may be submitted to: Angela Ellis, PO Box 2129, Raleigh, NC 27602-2129; email lawsrules@ncbon.com

Comment period ends: April 1, 2024

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as

provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

SECTION .0800 - APPROVAL AND PRACTICE PARAMETERS FOR NURSE PRACTITIONERS

21 NCAC 36 .0807 CONTINUING EDUCATION (CE)

(a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall earn 50 contact hours of continuing education activity every two years, beginning with the first renewal after initial approval to practice has been granted. A minimum of 20 hours of the required 50 hours must be in the advanced practice nursing population focus of the NP role. The 20 hours must have approval granted by the American Nurses Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME), or by a national

accredited provider of nursing continuing professional development, or nurse practice-relevant courses in an institution of higher learning. A nurse practitioner who possesses a current national certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of this Rule.

(b) Prior to prescribing controlled substances as the same are defined in 21 NCAC 36 .0809(2), nurse practitioners shall have completed a minimum of one CE hour within the preceding 12 months on 1 or more of the following topics:

- (1) Controlled substances prescription practices;
- (2) Prescribing controlled substances for chronic pain management;
- (3) Recognizing signs of controlled substance abuse or misuse; or
- (4) Non-opioid treatment options as an alternative to controlled substances.

(c) Nurse practitioners who complete the federally required training under the Medication Access and Training Expansion Act (MATE) shall be deemed in compliance with the controlled substance prescribing requirements of this Rule for the two-year CE period in which the MATE training was completed.

~~(e)~~(d) Documentation of all CE completed within the previous five years shall be maintained by the nurse practitioner and made available upon request to either Board.

Authority G.S. 90-8.2; 90-14(a)(15); 90-18(c)(14); 90-171.23(b)(14); 90-171.42; S.L. 2015-241, s 12F.

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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: *N.C. Department of Health and Human Services/Director, DHSR*

Rule Citation: *10A NCAC 14E .0106, .0107, .0109*

Effective Date: *December 22, 2023*

Date Approved by the Rules Review Commission:
December 14, 2023

Reason for Action: *On May 16, 2023, Senate Bill 20 became law as S.L. 2023-14. The new law entitled "An Act to Make Various Changes to Health Care Laws and to Appropriate Funds for Health Care Programs" revised various state laws governing abortions in North Carolina. The Department was made aware of the proposed changes on May 2, 2023, when a Proposed Conference Committee Substitute was issued that made the changes to the State's abortion laws. The revisions in Part 1 and Part 2.4 of the law went into effect on July 1, 2023, less than 2 months after the Department became aware of the proposed changes. Among other changes, S.L. 2023-14 makes significant changes to defining when an abortion is lawful. Current rules governing the certification of abortion clinics are found in Subchapter 14E of Title 10A of the Administrative Code. Given the changes to the law that became effective July 1, emergency rules became effective June 30, 2023. Adoption of temporary rules to amend the existing rules to conform with the provisions of S.L. 2023-14 will ensure continuity of care for patients and resolve any uncertainty about the rules applicable to impacted providers while being critical to protect the health and safety of women in obtaining lawful abortions in a certified abortion clinic. Therefore, the N.C. DHHS is amending Rule 10A NCAC 14E .0106, .0107 and .0109 under temporary procedures.*

CHAPTER 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

SUBCHAPTER 14E - LICENSURE OF SUITABLE FACILITIES FOR THE PERFORMANCE OF SURGICAL ABORTIONS

SECTION .0100 – LICENSURE PROCEDURE

10A NCAC 14E .0106 APPLICATION

(a) Prior to the admission of patients, an ~~application from the applicant for a new clinic for certification licensure shall be submitted to and approved by the Division.~~ submit an

application for licensure and receive approval from the Division.

(b) Application forms may be obtained by contacting the Division at 2712 Mail Service Center Raleigh, NC 27699-2712.

(c) The application form shall set forth: ~~the ownership, staffing patterns, clinical services to be rendered, [and] professional staff in charge of services, services. and general information that would be helpful to the Division's understanding of the clinic's operating program.~~

- (1) Legal identity of the applicant; Name of applicant;
- (2) The name or names under which the facility or services are advertised or presented to the public; Name of facility;
- (3) The facility's mailing address;
- (4) The facility's physical address;
- (5)(4) The ownership of the facility, including a description of the legal character of the operating ownership; Ownership disclosure;
- (6)(4) The owner of the premises from which services are offered including the name and address of the owner of the premises if different from the owner of the facility; Building owner;
- (5) Building owner;
- (7)(6) If the facility is operated under a management contract, the name and address of the building's management company; Building management;
- (8)(7) A description of the arrangements that have been made for the disposal of pathological waste, products of conception, and sharps, and the name and address of the provider of such services if not performed by the facility; Sanitation services;
- (9)(8) The name, specialty, board certifications, and medical license number of the Medical Director; director;
- (10)(9) The name, specialty, board certifications, and medical license number of each member of the Other medical staff;
- (11)(40) The name, nursing certificate number, and renewal number of the Director of Nursing; nursing;
- (12)(41) The name, nursing certificate number, and renewal number of each Other nursing staff member; and staff; and
- (13)(42) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the address of the laboratory. Consulting pathologist.

(d) After construction requirements in Section .0200 of this Subchapter 13S of Title 10A of the North Carolina Administrative Code have been met and the application for ~~certification licensure~~ licensure has been received and approved, the Division shall conduct an on-site, ~~certification licensure~~ licensure survey.

(e) ~~Each certificate license must be renewed at the beginning of each calendar year. The governing authority shall file an application for renewal of certification licensure with the Division at least 30 days prior to the date of expiration on forms furnished by the Division. Failure to file a renewal application shall result in expiration of the certificate license to operate.~~

History Note: Authority G.S. 14-45.1(a); 131E-153; 131E-153.2; S.L. 2023-14, s. 2-2; 2.4; Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7; 150B-21.7;
Temporary Amendment Eff. December 22, 2023.

10A NCAC 14E .0107 ISSUANCE OF CERTIFICATE LICENSE

(a) The Division shall issue a ~~certificate license~~ license if it finds the facility ~~can~~ can comply with all requirements described in this Subchapter and Subchapter 13S of Title 10A of the North Carolina Administrative Code.

- (1) ~~Comply with all requirements described in this Subchapter and Subchapter 13S of Title 10A of the North Carolina Administrative Code; Subchapter; and~~
- (2) ~~Assure that, in the event that complications arise from the abortion procedure, an OB-GYN board certified Have a board certified OB-GYN or board eligible physician by the American Board of Obstetrics and Gynecology shall be available. available in the event that complications arise from an abortion procedure.~~

(b) Each ~~certificate license~~ license shall be issued only for the premises and persons or organizations named in the application and shall not be transferable.

(c) The governing authority shall notify the Division in writing, within 10 working days, of any change in the name of the facility or change in the name of the administrator.

(d) The facility shall report to the Division all incidents, within 10 working days, of vandalism to the facility such as fires, ~~explosions~~ explosions, or other action ~~causing disruption of that prevents services from being provided. providing abortion services.~~

History Note: Authority G.S. 14-45.1(a); 90-21.81; 90-21.81B; 131E-153; 131E-153.2; S.L. 2023-14, s. {2-2}; 2.4; Eff. February 1, 1976;

Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7; 150B-21.7;
Temporary Amendment Eff. December 22, 2023.

10A NCAC 14E .0109 RENEWAL

(a) ~~Each certificate, license, unless previously suspended or revoked, pursuant to the applicable rules and statutes shall be renewable annually renewed at the beginning of each calendar year. upon the filing of an application, payment of the non-refundable renewal fee as defined in G.S. 131E-269, 131E-153.2, and approval by the Division.~~

- (b) The renewal application form shall set forth:
- (1) Legal identity of the applicant; Name of applicant;
 - (2) The name or names under which the facility or services are advertised or presented to the public; Name of facility;
 - (3) The facility's mailing address;
 - (4) The facility's physical address;
 - (5)(4) The ownership of the facility, including a description of the legal character of the operating ownership; Ownership disclosure;
 - (6)(4) The owner of the premises from which services are offered including the name and address of the owner of the premises if different from the owner of the facility; Building owner;
 - (5) Building owner;
 - (7)(6) If the facility is operated under a management contract, the name and address of the building's management company; Building management;
 - (8)(7) A description of the arrangements that have been made for the disposal of pathological waste, products of conception, and sharps, and the name and address of the provider of such services if not performed by the facility; Sanitation services;
 - (9)(8) The name, specialty, board certifications, and medical license number of the Medical Director; director;
 - (10)(9) The name, specialty, board certifications, and medical license number of each member of the ~~Other~~ medical staff;
 - (11)(40) The name, nursing certificate number, and renewal number of the Director of Nursing; nursing;
 - (12)(11) The name, nursing certificate number, and renewal number of each ~~Other~~ nursing staff member; and staff; and
 - (13)(12) The name of the consulting pathologist, the name of the consulting pathologist's

laboratory, and the address of the laboratory.
~~Consulting pathologist.~~

~~(14)~~(13) The number of abortion procedures performed since initial licensure or the most recent licensure renewal, whichever is later; and during the reporting period; and

~~(15)~~(14) The number of patients that were transferred to a hospital since initial licensure or the most recent licensure renewal, whichever is later, during a reporting period.

~~(b)~~(c) Upon the filing of a renewal application, the clinic must pay a non-refundable renewal fee as defined in G.S. 131E-153.2.

~~(e)~~(d) An application for renewal of licensure must be filed with the Division at least 30 days prior to the date of expiration. Renewal application forms shall be furnished by the Division.

~~(d)~~(e) Failure to file a renewal application shall result in expiration of the license to operate.

History Note: Authority G.S. 44-45.1(a); 131E-269; 131E-153; 131E-153.2; 143B-10; S.L. 2023-14, s.2.2; 2.4;

Eff. February 1, 1976;

Readopted Eff. December 19, 1977;

Amended Eff. October 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;

Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;

Emergency Rule Eff. June 30, 2023;

Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7. 150B-21.7;

Temporary Amendment Eff. December 22, 2023.

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Rule-making Agency: *State Human Resources Commission*

Rule Citation: *25 NCAC 01E .1903*

Effective Date: *December 22, 2023*

Date Approved by the Rules Review Commission: *December 14, 2023*

Reason for Action: *The State Human Resources proposes adopting 25 NCAC 01E .1903 as a new temporary rule, meeting the Commission's obligation established in Section 7.83(a) of Session Law 2023-134, the 2023 Appropriations Act. The State Human Resources Commission previously promulgated a temporary rule .1903 as directed by the legislature. Temporary rule .1903 was adopted on August 25, 2023. It was based on a new statute requiring that the Commission adopt rules specifying "a period of minimum service before an employee becomes eligible for parental leave." G.S. 126-8.6(cl)m, as amended by Session Law 2023-65. Then, the legislature added additional language to this statute in Section 7.83(a) of Session Law 2023-134. The new statute reads, "The rules shall provide that the period of minimum service may be met by aggregating*

employment at any of the following: (1) State agencies, departments, and institutions, including The University of North Carolina; (2) Public school units that provide paid parental leave in accordance with this section; (3) Community colleges located in this State." G.S. 126-8.6(cl)(1)-(3), added by Session Law 2023-134 s. 7.83(a). This section, like the rest of the Appropriations Act, became law on October 3, 2023. Under Section 43.8 of Session Law 2023-134, the effective date of Section 7.83(a) of the act is July 1, 2023.

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1900 – PAID PARENTAL LEAVE

25 NCAC 01E .1903 ELIGIBILITY FOR PAID PARENTAL LEAVE

(a) This Section applies to all agency employees subject to G.S. 126-8.6, whether or not those employees are exempt from other sections of the State Human Resources Act.

(b) Employees may receive paid parental leave under this Section only if they are in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for paid parental leave under this Section.

(c) An agency shall allow an employee to take paid parental leave under this Section only if, at the time of the qualifying event, the employee meets each of the following conditions.

(1) For the immediate 12 preceding months, the employee has been employed without a break in service as defined by 25 NCAC 01D .0114 in a permanent, time-limited, or probationary appointment by:

(A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;

(B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or

(C) community college institutions of the State of North Carolina, aggregating employment at any of these employers.

(2) The employee has been in pay status with:

(A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;

(B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or

(C) community college institutions of the State of North Carolina.

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for at least 1,040 hours, aggregating employment at any of these employers, during the previous 12-month period.

(d) This Section applies to requests for paid parental leave related to qualifying events occurring on or after July 1, 2023.

*History Note: Authority G.S. 126-8.6;
Temporary Adoption Eff. August 25, 2023;
Temporary Adoption Eff. December 22, 2023.*

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission December 14, 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)
Jay R. Hemphill
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Barbara A. Jackson (1st Vice-Chair)
Randy Overton (2nd Vice-Chair)
Wayne R. Boyles, III
Jake Parker
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

RULES REVIEW COMMISSION MEETING DATES

January 31, 2024	March 27, 2024
February 28, 2024	April 30, 2024

RULES REVIEW COMMISSION MEETING MINUTES

December 14, 2023

The Rules Review Commission met on Thursday, December 14, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Wayne R. Boyles III, Jeanette Doran, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room. Commissioners Jay Hemphill and Barbara Jackson were present via WebEx.

Staff member Alexander Burgos, Commission Counsel Brian Liebman, and Bill Peaslee were present in the room and Commission Counsel Seth Ascher was present via Webex.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow-up matter Tab A for Child Care Commission, Follow-up matters Tab D and E for Department of Revenue, and Permanent Rules for the Department of Administration.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the November 16, 2023, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Prior to the review of the rules from the Child Care Commission, the Chair called the meeting into a brief recess at 10:22 a.m. The meeting resumed at 10:30 a.m.

Child Care Commission

Upon the call of the Chair, 10A NCAC 09 .0102, .0601, .1707, .1725, .2204, .2206, .2209, .2611, .2612, .2613, .2614, .2615, and .2616 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

DHHS - Division of Health Service Regulation

Upon the call of the Chair, 10A NCAC 14E .0106, .0107, and .0109 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

Commissioner Hemphill did not vote.

10A NCAC 14E .0104, .0112, .0114, .0201, .0202, .0207, .0209, .0210, .0211, .0212, .0315, .0318, .0319, .0320, .0321, .0322, .0323, .0324, .0325, .0326, .0327, .0328, .0329, .0330, and .0331 were withdrawn at the request of the agency. No action was required by the Commission.

Coastal Resources Commission

Prior to the review of the rules from the Coastal Resources Commission, Commissioner Parker recused himself and did not participate in any discussion or vote concerning the rules because of a conflict of interest.

Upon the call of the Chair, 15A NCAC 07H .0208, .0308; and 07M .0603 were approved by roll-call vote, ayes 6, noes 1 as follows: Voting in the affirmative: Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Paul Powell – 6. Voting in the negative: Wayne R. Boyles III.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 15A NCAC 07H .0208 and 07M .0603.

Department of Revenue

Upon the call of the Chair, 17 NCAC 07B .1202, .1303, .1404, .2001, .2002, and .4109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, 17 NCAC 07B .1705 was approved by roll-call vote, ayes 7, noes 1 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: Jeff Hyde.

Upon the call of the Chair, the Commission voted to adopt the staff's recommendation to continue its objection to 17 NCAC 07B .1601, .1605, and .2204 for lack of necessity by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

17 NCAC 07B .3101 - The Commission continued its objection to this Rule at the November meeting and the time for the agency to respond has not expired. No action was required by the Commission.

Laura Lansford, the rulemaking coordinator with the agency, addressed the Commission.

Department of Revenue

Upon the call of the Chair, 17 NCAC 07B .4201, .4202, .4206, .4510, .4708, .4801, .5001, and .5004 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to adopt the staff's recommendation to continue its objection from the November meeting to 17 NCAC 07B .4415, .4707, .4614, and .5002 by roll-call vote, ayes 8, noes 0 as follows: Voting in

the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

17 NCAC 07B .4203, .4210, .4404, .4503, .4609, and .4710 - The Commission objected to these Rules at the November meeting and the time for the agency to respond has not expired. No action was required by the Commission.

Laura Lansford, the rulemaking coordinator with the agency, addressed the Commission.

Board of Cosmetic Art Examiners

Upon the call of the Chair, 21 NCAC 14T .0402 and .0404 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Examiners in Optometry

21 NCAC 42D .0102 - The Commission objected to this rule at the November meeting. No action was required by the Commission.

Building Code Council

2024 NC Administrative Code and Policies 221213 Item B-1, 2024 NC Administrative Code and Policies Appendix B, 230314 Item B-13, 2024 NC Plumbing Code, 230314 Item B-1, 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46, and Appendices - The Commission objected to these Rules at the November meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Department of Administration

Upon the call of the Chair, the Commission voted to extend the period of review for 01 NCAC 06B .0307 to the January 2024 meeting to allow RRC staff and the agency time to review the rule which is subject to RRC's staff opinion recommending objection by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Donya Strong, the rulemaking coordinator with the agency, addressed the Commission.
Chris McLennan, representing the Department of Agriculture, addressed the Commission.

Medical Care Commission

Upon the call of the Chair, the Commission voted to extend the period of review for 10A NCAC 13F .0703, .0704, .1103, .1104, .1106; 13G .0702, .0703, .0704, .1102, .1103, and .1106 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

DHHS - Division of Health Service Regulation

Upon the call of the Chair, 10A NCAC 14C .1401, .1403, and .2703 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commission For Mental Health/DD/SAS

Upon the call of the Chair, 10A NCAC 27G .0104 and 28A .0102 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the Commission voted to extend the period of review for 12 NCAC 09A .0205, .0206; 09B .0103, .0235, .0236, .0301; 09C .0306; 09E .0103; 09F .0103, .0104, .0105; and 09G .0307 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of Labor

Prior to the review of the rules from the Department of Labor, Commissioner Jackson recused herself and did not participate in any discussion or vote concerning the rules because of a conflict of interest.

Upon the call of the Chair, 13 NCAC 15 .0430, .0431, .0432, .0433, .0434, .0435, .0436, .0437, and .0438 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

Department of Public Safety

Upon the call of the Chair, the Commission voted to extend the period of review for 14B NCAC 03 .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, and .0509 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Will Polk, the rulemaking coordinator with the agency, addressed the Commission.

Private Protective Services Board

Upon the call of the Chair, 14B NCAC 16 .0701, .0708, .0902, .0904, .0910, .0912, and .1109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the Chair, 15A NCAC 07H .1103, .1203, .1303, .1403, .1503, .1903, .2003, .2103, .2203, .2403, .2503, and .2703 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10B .0501, .0503, and 10F .0333 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State 18 NCAC 07B

Upon the call of the Chair, the Commission voted to extend the period of review for 18 NCAC 07B .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0401, .0402, .0403, .0404, .0405, and .0406 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State 18 NCAC 07F

Upon the call of the Chair, the Commission voted to extend the period of review for 18 NCAC 07F .0101, .0102, .0103, .0201, .0301, .0302, .0303, .0304, .0305, .0401, .0402, .0403, .0404, .0503, .0505, .0506, .0507, .0508, .0509, .0512, .0513, .0601, .0602, .0701, .0702, .0703, .0704, .0705, .0706, .0707, .0708, .0709, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0811, .0812, .0813, .0814, .0901, .0902, .0903, .0904, .0905, .0906, .1001, .1002, .1003, .1004, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110, and .1111 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State 18 NCAC 07I, 07K

Upon the call of the Chair, 18 NCAC 07K .0101, .0201, .0202, .0203, .0204, .0205, and .0206 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to extend the period of review for 18 NCAC 07I .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0212, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0401, .0402, .0403, .0404, .0405, .0406, and .0407 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Chiropractic Examiners

Upon the call of the Chair, 21 NCAC 10 .0204 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Examiners in Optometry

Upon the call of the Chair, 21 NCAC 42B .0204 and 42M .0105 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Nursing

Upon the call of the Chair, the Commission voted to extend the period of review for 21 NCAC 36 .0120, .0220, .0233, .0302, .0303, .0309, .0317, .0318, .0320, .0321, .0322, and .0323 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the Commission voted to extend the period of review for the 2024 NC Administrative Code and Policies 221213 Item B-1, 2024 NC Administrative Code and Policies Appendix B, 230314 Item B-13, 2024 NC Plumbing Code, 230314 Item B-1, 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46, and Appendices by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

State Human Resources Commission

Upon the call of the Chair, 25 NCAC 01E .1903 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Existing Rule Review

Mining Commission

Upon the call of the Chair, the reports for 15A NCAC 05A, 05B, 05F, and 05G were approved with the designation of some rules being changed from unnecessary to necessary by the RRC by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Request for change to 2024-2027 Existing Rules Review Schedule

Prior to the review of the change to the 2024-2027 Existing Rules Review Schedule, Commissioner Jackson recused herself and did not participate in any discussion or vote concerning the changes to the 2024-2027 Existing Rules Review Schedule for the removal of 13 NCAC 18 for the Department of Labor because of a conflict of interest.

Upon the call of the Chair, the Commission voted to remove 13 NCAC 18 for the Department of Labor and 18 NCAC 03 for the Department of the Secretary of State from the 2024-2027 Existing Rules Review Schedule as both subchapters were repealed by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to remove 15A NCAC 13B Sections .0700, .0900, .1000, and .1300 for the Department of Environmental Quality from the 2024-2027 Existing Rules Review Schedule as the sections were repealed by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission denied the joint request by DHHS - Commission for MH/DD/SAS and the Division of MH/DD/SUS to amend the 2024-2027 Existing Rules Review Schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Denise Baker, the rulemaking coordinator for DHHS - Commission for MH/DD/SAS and the Division of MH/DD/SUS, addressed the Commission.

COMMISSION BUSINESS

The Commission voted to approve the 2024 RRC meeting dates which change the monthly RRC meeting from the third Thursday of each month at 9:00 am to the last Wednesday of each month at 10:00 am unless otherwise indicated on the Rules Review Commission Meetings schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne

R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Ann Wall, the rulemaking coordinator with the Department of the Secretary of State, addressed the Commission.

At 11:27 a.m., upon a motion by Chair Doran and a second by Commissioner Jackson, the Commission voted to call the public meeting of the Rules Review Commission into recess and enter into a closed session pursuant to G.S. 143-318.11(a)(1) to review and approve the general account of the November 16, 2023 closed session which may be withheld from public inspection pursuant to G.S. 143-318.10(e) and to consult with counsel regarding CRC v. RRC and EMC v. RRC pursuant to G.S. 143.11(a)(3), by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioner Hemphill did not return to the public meeting following the closed session.

At 11:56 a.m., upon a motion by the Chair and a second by Commissioner Jackson, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

The meeting was adjourned at 11:56 a.m.

The next regularly scheduled meeting of the Commission is Wednesday, January 31, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

RULES REVIEW COMMISSION

December 14, 2023

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
ANN ELMORE	NC SOS
Chris McLennan	NC DOJ
Ann Wall	NC SOS
Christine Goebel	NC DEQ
Julie Peck	NC DCDEE
RAT PREMAKUMAR	NC DHHS
Mary Lucass	NC DOJ
Anna Hayworth	NC DACS
Laura Hansford	NC BOR
Elly Young	NC DOJ
Danya Strong	NC DOA
Mark Teague	NC DOJ
Will Pugh	NC DPS
Nathan Cephus	BCC/NC DOJ
Michael Mitchell	NC DHHS
Denise Mazze	OSHR
Amber Davis	DCDFE
Taylor Corpening	NC DHHS
Denise Baker	NC OHA/DOJ/SOS

RULES REVIEW COMMISSION

Rules Review Commission Meeting December 14, 2023
Via WebEx

Name	Agency
Sophie Plott	Labor
Tina Dupree	SOS
Ozie Stallworth	SOS
Seth Ascher	OAH
Julie Ventaloro	OSBM
Angela Willis	DEQ
Christy Simmons	DEQ
Daniel Govoni	DEQ
Jessica Gibson	DEQ
Rachel Love-Adrick	DEQ
Mackenzie Todd	DEQ
Tancred Miller	DEQ
Jonathan Howell	DEQ
Virginia Niehaus	DHHS
David Rittlinger	DOI
Ashley Snyder	OAH
Stephanie McFadden	OSHR
Ann Elmore	SOS
Cameron Ervin	cshlaw.com
E Hodson	pitt.k12.nc.us
Christopher Campbell	sedlaw.com
Will Polk	DPS
McKeithen, Gabrielle	DOA
Loretta Peace Bunch	DOI
Gibson, Jessica M	DEQ
Eric Hunt	DOJ
Marielena Salazar	shelltapup.com
Liz Rasheed	SELNC
Chris Millis	NCHBA
Theresa Roedersheimer	
Ellen Roeber	PT Board
Canaan Huie	mvalaw.com
Julie Youngman	selcnc.org
Anne Coan	NCFB
H Katt	4rceoptions
Bethany Burgon	DOJ
Julie Peck	DHHS
Emily Wiley	DOT
Laura Rowe	Treasurer
Dana Lee	Auditor
Andrew Furuseth	DOR

RULES REVIEW COMMISSION

Michelle Schilling	DOJ
Everett, Jennifer	DEQ
Carla Rose	Labor
Lindsay Gomes	unc.edu
C Isaac	NCHBA
Sharon Martin	Commerce
Janice Peterson	Optometry
Robert El-Jaouhari	cshlaw.com
Dauna Bartley	dauna@brockerlawfirm.com
Nadine Pfeiffer	
Ruhlman, Carrie A	WRC
Ian Clark	DHHS
David Gadd	satskysilverstein.com
Dana McGhee	OAH

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding Item III C.

I have abstained because of a potential conflict of interest.

This the 14th day of December, 2023.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

LIST OF APPROVED PERMANENT RULES

December 14, 2023 Meeting

CHILD CARE COMMISSION

<u>Definitions</u>	10A NCAC 09 .0102
<u>Safe Environment</u>	10A NCAC 09 .0601
<u>Building Requirements</u>	10A NCAC 09 .1707
<u>Sanitation Requirements for Family Child Care Homes</u>	10A NCAC 09 .1725
<u>Provisional Child Care Facility License or Provisional No...</u>	10A NCAC 09 .2204
<u>Suspension</u>	10A NCAC 09 .2206
<u>Revocation of a Child Care Facility License or an Order t...</u>	10A NCAC 09 .2209
<u>Scope</u>	10A NCAC 09 .2611
<u>Definition of Multi-Unit Child Care Centers</u>	10A NCAC 09 .2612
<u>Licensure</u>	10A NCAC 09 .2613
<u>Outdoor Space</u>	10A NCAC 09 .2614
<u>Staff/Child Ratios</u>	10A NCAC 09 .2615
<u>Provider Qualifications</u>	10A NCAC 09 .2616

HHS - HEALTH SERVICE REGULATION, DIVISION OF

<u>Definitions</u>	10A NCAC 14C .1401
<u>Performance Standards</u>	10A NCAC 14C .1403
<u>Performance Standards</u>	10A NCAC 14C .2703

MENTAL HEALTH/DD/SAS, COMMISSION FOR

<u>Staff Definitions</u>	10A NCAC 27G .0104
<u>Definitions</u>	10A NCAC 28A .0102

LABOR, DEPARTMENT OF

<u>Regulation of Inflatable or Air-Supported Amusement Devices</u>	13 NCAC 15 .0430
<u>Definitions</u>	13 NCAC 15 .0431
<u>Ride Design</u>	13 NCAC 15 .0432
<u>Anchorage or Tie-Down</u>	13 NCAC 15 .0433
<u>Operation of Inflatable or Air-Supported Amusement Devices</u>	13 NCAC 15 .0434
<u>Blowers</u>	13 NCAC 15 .0435
<u>Wind Speed</u>	13 NCAC 15 .0436
<u>Signs</u>	13 NCAC 15 .0437
<u>Operating Manual and Documentation</u>	13 NCAC 15 .0438

PRIVATE PROTECTIVE SERVICES BOARD

<u>Application for Unarmed Security Guard Registration</u>	14B NCAC 16 .0701
<u>Trainer Name to be Submitted to Director</u>	14B NCAC 16 .0708
<u>Application for Firearms Trainer Certificate</u>	14B NCAC 16 .0902
<u>Renewal of a Firearms Trainer Certificate</u>	14B NCAC 16 .0904
<u>Application for an Unarmed Trainer</u>	14B NCAC 16 .0910
<u>Rosters of Unarmed Trainer Classes</u>	14B NCAC 16 .0912
<u>Training and Supervision for Private Investigator Associates</u>	14B NCAC 16 .1109

COASTAL RESOURCES COMMISSION

<u>Use Standards</u>	15A NCAC 07H .0208
<u>Specific Use Standards for Ocean Hazard Areas</u>	15A NCAC 07H .0308
<u>Permit Fee</u>	15A NCAC 07H .1103
<u>Permit Fee</u>	15A NCAC 07H .1203
<u>Permit Fee</u>	15A NCAC 07H .1303
<u>Permit Fee</u>	15A NCAC 07H .1403
<u>Application Fee</u>	15A NCAC 07H .1503
<u>Permit Fee</u>	15A NCAC 07H .1903
<u>Permit Fee</u>	15A NCAC 07H .2003
<u>Permit Fee</u>	15A NCAC 07H .2103
<u>Permit Fee</u>	15A NCAC 07H .2203
<u>Permit Fee</u>	15A NCAC 07H .2403
<u>Permit Fee</u>	15A NCAC 07H .2503
<u>Permit Fee</u>	15A NCAC 07H .2703
<u>Policy Statements</u>	15A NCAC 07M .0603

WILDLIFE RESOURCES COMMISSION

<u>Definitions and General Requirements</u>	15A NCAC 10B .0501
<u>Surveillance Area</u>	15A NCAC 10B .0503
<u>Mecklenburg and Gaston Counties</u>	15A NCAC 10F .0333

REVENUE, DEPARTMENT OF

<u>Supplies and Equipment for an Accommodation</u>	17 NCAC 07B .1202
<u>Gifts to Donees</u>	17 NCAC 07B .1303
<u>Medical Supplies, Instruments, and Equipment</u>	17 NCAC 07B .1404
<u>Housing Authorities</u>	17 NCAC 07B .1705
<u>Sales to Employees</u>	17 NCAC 07B .2001
<u>Gifts or Wages to an Employee or Other Person</u>	17 NCAC 07B .2002
<u>Blueprints Sold to Architects</u>	17 NCAC 07B .4109
<u>In General</u>	17 NCAC 07B .4201
<u>Exempt Sales to the United States Government</u>	17 NCAC 07B .4202
<u>Fed Savings/Loan Assoc, Natl and State Banks, Credit Unions</u>	17 NCAC 07B .4206
<u>Independent Cleaning Solicitors</u>	17 NCAC 07B .4510
<u>Postage Charges by Printers</u>	17 NCAC 07B .4708
<u>Records Required to be Kept</u>	17 NCAC 07B .4801
<u>Eyeglasses and Contact Lenses</u>	17 NCAC 07B .5001
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<u>Definitions</u>	18 NCAC 07K .0101
<u>Travel Fee Rate</u>	18 NCAC 07K .0201
<u>Estimate of Charges</u>	18 NCAC 07K .0202
<u>Inclusion of Fees in Journal</u>	18 NCAC 07K .0203
<u>Consent to Travel Fees May be Electronic</u>	18 NCAC 07K .0204
<u>Contents of Advance Consent to Travel Fees</u>	18 NCAC 07K .0205
<u>Notarial Record of Written Consent to Travel Fees</u>	18 NCAC 07K .0206

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21 NCAC 10 .0204

COSMETIC ART EXAMINERS, BOARD OF

Esthetics Student Equipment

21 NCAC 14T .0402

Natural Hair Care Styling Student Equipment

21 NCAC 14T .0404

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21 NCAC 42B .0204

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21 NCAC 42M .0105

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December 14, 2023 Meeting

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10A NCAC 14E .0106

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10A NCAC 14E .0109

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25 NCAC 01E .1903