

NORTH CAROLINA REGISTER

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2025 – December 2025

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
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39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
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40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	03/26/2026	04/01/26	09/11/26

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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



State of North Carolina

JOSH STEIN
GOVERNOR

August 25, 2025

EXECUTIVE ORDER NO. 22

NOTICE OF TERMINATION OF EXECUTIVE ORDER NO. 20

WHEREAS, between August 20-23, 2025, Hurricane Erin impacted the State of North Carolina; and

WHEREAS, Executive Order No. 20, *Declaration of a State of Emergency and Temporary Waiver and Suspension of Motor Vehicle Regulations*, was issued on August 19, 2025; and

WHEREAS, counties impacted by Hurricane Erin have rescinded their states of emergencies and lifted their evacuation orders; and

WHEREAS, this emergency declaration and the associated transportation waivers are no longer needed.

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

Pursuant to N.C. Gen. Stat. 166A-19.10(b)(2), Executive Order No. 20 is hereby terminated as of Tuesday, August 26, 2025 at 12:00 p.m.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 25th day of August in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

August 26, 2025

EXECUTIVE ORDER NO. 23

ESTABLISHING THE NORTH CAROLINA ENERGY POLICY TASK FORCE

WHEREAS, Article XIV, Section 5 of the North Carolina Constitution establishes that it is the policy of the state to conserve and protect its lands and waters for the benefit of all its people, that it is a proper function of the state to control and limit the pollution of our air and water, and that in every other appropriate way the state should preserve as a part of the common heritage of this state its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty; and

WHEREAS, in 2021, the General Assembly enacted Session Law 2021-165, "Energy Solutions for North Carolina;" and

WHEREAS, this bipartisan legislation directs the North Carolina Utilities Commission to ensure electric public utilities achieve carbon neutrality by 2050; and

WHEREAS, according to the 2024 North Carolina Greenhouse Gas Inventory, statewide net greenhouse gas emissions in 2020 were nearly 40% below 2005 levels; and

WHEREAS, on October 29, 2018, Governor Roy Cooper issued Executive Order No. 80, which called for North Carolina to transition to a clean energy economy and reduce greenhouse gas emissions and continues to guide state policy; and

WHEREAS, on June 9, 2021, Governor Roy Cooper issued Executive Order No. 218, which set goals for the development of offshore wind energy resources and laid a path for North Carolina's economic and clean energy future with offshore wind; and

WHEREAS, on January 7, 2022, Governor Roy Cooper issued Executive Order No. 246, which further advanced and continues to guide North Carolina's progress towards a clean energy economy; and

WHEREAS, in 2022, 2023, and 2024, Governor Roy Cooper issued Executive Order Nos. 266, 271, 292, and 305, which additionally advanced progress on addressing and responding to climate change; and

WHEREAS, North Carolina has emerged as a hub for the clean energy technology economy, with more than \$24 billion in investment since the second quarter of 2022, and more than 100,000 people now employed in the clean energy technology sector; and

WHEREAS, North Carolina, with its skilled workforce, top business climate, top research universities, excellent community college system, and enviable quality of life, is well-positioned to realize continued economic development success in clean energy technology; and

WHEREAS, to ensure continued economic development success, North Carolina must maintain an adequate, reliable, clean, and affordable electricity supply; and

WHEREAS, the emergence of artificial intelligence and the associated need to power data centers, increased loads from manufacturing and other heavy industry, growing population, and new sources of electricity demand have prompted new questions about how the state should maintain an adequate, reliable, affordable, and clean electricity supply; and

WHEREAS, the costs to power these new loads should not unfairly increase rates for ratepayers or leave North Carolinians responsible for the costs of stranded assets; and

WHEREAS, for the years 2017 through 2023, nearly two-thirds of the rise in electricity rates for most residential customers in North Carolina was due to increases in fuel costs; and

WHEREAS, deployment of additional clean energy and storage resources can reduce fuel costs, reduce the exposure of ratepayers to fuel price volatility, and save money for North Carolina ratepayers; and

WHEREAS, the 2020 North Carolina Climate Science Report found that the adverse impacts of climate change in North Carolina threaten human health, the state's economy, and our quality of life, including through more intense storms and flooding, dangerously high temperatures, droughts, rising sea levels and beach erosion, and harms to ecosystems and wildlife; and

WHEREAS, the 2020 North Carolina Climate Science Report further found that greenhouse gas emissions have caused climate change and that North Carolina's climate will experience significant changes if greenhouse gas concentrations continue to rise; and

WHEREAS, North Carolina has already experienced significant adverse impacts from climate change, including Hurricane Helene, for which the latest science has found that climate change made the massive cumulative amounts of rainfall associated with the storm's catastrophic damages approximately 70% more likely to occur; and

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

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

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

Section 1. Establishment and Purpose.

The North Carolina Energy Policy Task Force ("Task Force") is hereby established. The mission of the Task Force is to advise the Governor, the General Assembly, and other state policymakers and to develop recommendations for how to manage increasing electricity demand while maintaining adequate reliable, affordable, and clean electricity for North Carolina. The Task Force may advise and develop recommendations on other topics that arise during the conduct of its work that address current and future energy needs and goals or that promote economic development for North Carolina and the state's clean energy economy.

Section 2. Membership.

The Task Force shall include no more than thirty (30) members. All members shall be appointed by the Governor and shall serve at the Governor's pleasure. Task Force members shall serve a term of two (2) years and may be appointed to successive terms. Vacancies shall be filled by the Governor and members appointed to fill vacancies shall serve for the remainder of the unexpired term. The Governor shall appoint the chair or co-chairs from among the members of the Task Force. To the extent practicable, members should represent the geographic, economic, and

demographic diversity of North Carolina and include a range of relevant stakeholders and subject matter experts.

The Task Force members shall include, but not be limited to, representatives from the following:

- a. North Carolina Department of Environmental Quality
- b. North Carolina Department of Commerce
- c. North Carolina Office of the Attorney General
- d. North Carolina General Assembly
- e. North Carolina Utilities Commission
- f. North Carolina Utilities Commission Public Staff
- g. Economic Development Partnership of North Carolina
- h. North Carolina Electric Utilities, Public Power Providers, and Electric Cooperatives
- i. Energy Companies and Independent Power Producers
- j. Large Load Data Center Electricity Customers
- k. Large Load Industrial Electricity Customers
- l. Advocates for North Carolina Electricity Ratepayers
- m. Non-Governmental and Non-Profit Organizations
- n. North Carolina Public and Private Colleges and Universities

Section 3. Duties.

The Task Force shall:

- a. Recommend policies to manage increasing electricity demand while maintaining affordability, reliability, and carbon emissions reductions.
- b. Develop additional recommendations based on the work of each subcommittee, as appropriate.
- c. Provide advice and recommendations on any other matter the Governor refers to the Task Force.

The Task Force shall consult with knowledgeable experts in the conduct of its work, as appropriate.

Section 4. Subcommittees.

To fulfill its Duties, the Task Force shall establish the following subcommittees:

- a. Load Growth Subcommittee, to focus on, as appropriate:
 1. Developing estimates of near term and longer-term load growth forecasts under varying economic outlook scenarios.
 2. Assessing the implications of load growth and new large loads, including as related to existing resource capacity and reliability constraints, new resource needs, and transmission and distribution requirements.
 3. Identifying technological and policy solutions, including load flexibility and demand response strategies, to address the growing energy needs of data centers and heavy industry.
 4. Evaluating strategies for avoiding stranded assets while meeting growing electricity demand.
 5. Identifying recommendations for minimizing residential rate increases and maintaining affordability while managing rising electricity demand.
- b. Technical Advisory Subcommittee, to focus on, as appropriate:
 1. Advising the Office of the Governor on any commissioned modeling of North Carolina's electricity system.
 2. Developing testable hypotheses and questions that can inform state energy policy.
 3. Increasing transparency and public understanding of models used to inform energy policy, including their inputs and outputs, risks, and uncertainties.
 4. Providing quantitative and qualitative assessment results and supporting information to other subcommittees.

The chair(s) shall appoint individuals to subcommittees and designate a chair for each subcommittee. The Task Force may establish additional subcommittees and modify the work of existing subcommittees as necessary to carry out the Task Force's purpose and duties.

Section 5. Meetings and Deliverables.

The Task Force shall meet quarterly and at the call of the chair(s) or the Governor. A simple majority of the Task Force members shall constitute a quorum to transact business.

Subcommittees shall convene at a regular frequency, to be determined by the subcommittee chair upon the advice of its members, and at the call of the subcommittee chair. A simple majority of the subcommittee members shall constitute a quorum for the subcommittee to transact business.

The Task Force's meetings shall be governed by the North Carolina Open Meetings Laws, N.C. Gen. Stat. § 143-318.9, *et seq.*

The Task Force shall submit an annual report on or before February 15 describing Task Force activities, findings, and recommendations to the Governor, the General Assembly, the North Carolina Utilities Commission, the North Carolina Rural Electrification Authority, and the public.

Section 6. Administration.

The Task Force shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations.

The Task Force shall be staffed by the Office of the Governor and executive branch agencies, as appropriate.

Section 7. Effective Date.

This Executive Order is effective immediately and shall remain in effect until December 31, 2028, pursuant to N.C. Gen. Stat. § 147-16.2, or until repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capital in the City of Raleigh, this 26th day of August in the year of our Lord two thousand and twenty-five.


Josh Stein
Governor

ATTEST:


Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

September 2, 2025

EXECUTIVE ORDER NO. 24

**ADVANCING TRUSTWORTHY ARTIFICIAL INTELLIGENCE THAT BENEFITS ALL
NORTH CAROLINIANS**

WHEREAS, artificial intelligence ("AI") is a transformational and rapidly evolving technology impacting countless facets of North Carolina's economy and communities – presenting extraordinary opportunities and new risks for North Carolinians; and

WHEREAS, the State of North Carolina is committed to better serving all North Carolinians by effectively and responsibly deploying AI; and

WHEREAS, the Governor is committed to ensuring that all North Carolinians benefit from the growth and use of AI; and

WHEREAS, AI presents transformative opportunities to enhance government operations and drive economic growth; and

WHEREAS, North Carolina is committed to fostering innovation, advancing AI-driven industries, and preparing its workforce for the evolving technological landscape and is uniquely positioned to achieve these goals as a top state for business and a national hub for world-class academic and training institutions; and

WHEREAS, the responsible and ethical deployment of AI is essential to ensure transparency, accountability, and the protection of civil liberties in government operations and decision-making; and

WHEREAS, the Governor affirms that the civil rights, privacy, and security of all North Carolinians are paramount as use of AI expands in our economy, schools, health care systems, government, and daily life; and

WHEREAS, the uncertainty around AI systems and their associated energy and water needs is creating new challenges for how North Carolina can maintain an adequate and reliable electricity and water supply while not unfairly raising costs for ratepayers or leaving North Carolinians responsible for the costs of unnecessary or underutilized infrastructure; and

WHEREAS, in August 2024, the North Carolina Department of Information Technology ("NCDIT") published the North Carolina State Government Responsible Use of Artificial Intelligence Framework, which consists of principles, practices, and guidance to state agencies as they deploy AI while reducing privacy and data protection risks and protecting sensitive data provided to the state by North Carolinians; and

WHEREAS, NCDIT continues to develop robust AI safety and data governance policies that enable leading-edge AI capabilities, ensuring security, transparency, and accountability in all state-supported IT systems, and supports AI literacy for state employees, educators, and communities to build public trust and become a state leader in workforce AI literacy; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-1350(j), the NCDIT is authorized to operate an Information Technology Innovation Center to develop and demonstrate technology solutions to benefit the state and its residents; and

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

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

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

Section 1: North Carolina AI Leadership Council

A. Establishment and Purpose.

The North Carolina AI Leadership Council (hereinafter “Council”) is hereby established. The purpose of the Council is to advise and support the Governor and state agencies on AI strategy, policy, and training to ensure North Carolina becomes a national leader in AI literacy, governance, and deployment to the benefit of our residents, communities, and economy.

B. Membership.

The Council will consist of twenty-five (25) members (or more, per the Governor’s discretion), appointed by the Governor. Members should represent the diversity of all stakeholders who will be impacted by the changing AI landscape. Council members will serve a term of two (2) years and may be reappointed to successive terms. Vacancies shall be filled by the Governor and members appointed to fill vacancies shall serve for the remainder of the unexpired term. Council members serve at the pleasure of the Governor.

1. The Secretary of the North Carolina Department of Information Technology, who shall serve as Co-Chair of the Council;
2. The Secretary of the North Carolina Department of Commerce or designee, who shall serve as Co-Chair of the Council;
3. Four representatives from the private sector with significant experience in the development or application of artificial intelligence technologies;
4. One representative with expertise in energy or other critical infrastructure systems;
5. The Chief Scientist of the Office of State Budget and Management;
6. Four representatives from institutions of higher education with demonstrated expertise in artificial intelligence (at least one representative from a UNC System institution, one representative from an NC Independent College or University, and one from the North Carolina Community College System);
7. One representative from the North Carolina Department of Justice;
8. One representative from the K–12 education community;
9. One representative from a local workforce development board;
10. One member representing the interests of consumers;
11. One representative from local government;
12. Four members of the North Carolina General Assembly;
13. And any additional members to be added at the Governor’s discretion.

C. Duties.

The Council shall have the following duties, with an initial set of deliverables due by June 30, 2026, and an ongoing responsibility to advise, update, and support thereafter.

1. Create a recommended State AI Strategic Roadmap, ensuring alignment with statewide objectives and emerging AI trends.

2. Recommend additional AI policy, governance, and ethics frameworks that promote safety, transparency, fairness, and privacy.
3. Recommend an AI literacy strategy for the state that will enhance public understanding, skill development, and effective utilization of AI.
4. Champion collaboration and facilitate partnerships across the public sector, private entities, and academic institutions that drive AI research, development, and utilization to continue to make North Carolina an attractive destination for AI businesses.
5. Provide strategic guidance to the AI Accelerator, established in Section 2, to ensure its alignment with objectives identified in the State AI Strategic Roadmap after it is established.
6. Provide guidance on safeguarding public safety and critical infrastructure from AI-related risks, including risk management strategies and protocols to prevent misuse or failure in high-impact systems.
7. Track current and projected labor market impacts due, or potentially due, to AI and provide guidance to workforce development partners to proactively prepare the state's workforce.
8. Provide AI workforce recommendations to the Department of Commerce to consider as AI topics and goals are incorporated into the Strategic Economic Development plan.
9. Provide AI workforce recommendations to the Governor's Council on Workforce and Apprenticeships to consider as AI topics and goals are incorporated into its strategic plan.
10. Provide input to the North Carolina Energy Policy Task Force to help assess the energy and water consumption and environmental impacts of increased use of AI technologies and potential added AI infrastructure in North Carolina.

The Council shall submit an annual AI Strategic Recommendation to the Governor by June 30 of each year, outlining progress, challenges, and strategic recommendations. This report shall incorporate input from public listening sessions, stakeholder engagement, or other community feedback mechanisms to ensure transparency and public trust.

D. Meetings.

The Council shall convene quarterly for in-person meetings. Ad hoc sessions may be called by the Chair or Governor as needed. A simple majority of Council members shall constitute quorum for the purpose of transacting the business of the Council. Recommendations and deliverables shall require a two-thirds majority vote.

The Council may establish subcommittees or work groups to address specific topics such as ethics, workforce development, AI infrastructure, or others as needed; such subcommittees may convene on an ad hoc basis as determined by their respective chairs or the Council.

E. Administration.

NCDIT shall serve as staff and administrative support services for the Leadership Council.

Members shall serve without compensation but may receive necessary travel and subsistence expenses in accordance with State law and policies and regulations of the Office of State Budget and Management.

Section 2: North Carolina AI Accelerator

A. Establishment and Purpose.

The North Carolina AI Accelerator (hereinafter "the Accelerator") is hereby established within NCDIT to serve as the State's centralized hub for AI governance, research, partnership, development, implementation, and training.

B. Duties.

The Accelerator shall promote trustworthy AI use, transparency, data privacy, and responsible AI development through strategic oversight of state AI efforts. This shall include:

- i) The identification and standardization of state-wide definitions for AI and Generative AI.
- ii) The development of an AI Governance Framework outlining principles for responsible AI use, including fairness, accountability, transparency, security, privacy, and the protection of civil liberties, to ensure consistent trustworthy AI use for state government.
- iii) The development of a risk-assessment framework for AI use cases that agencies shall use when submitting use case proposals.

The Accelerator shall also be responsible for accelerating AI implementation within state government operations by reviewing, prioritizing, and piloting potential AI use cases and serving as a collaborative platform for pilot projects, partnerships, and applied research. This shall include:

- i) Monitoring AI activities across state agencies to ensure alignment to statewide strategic priorities and to track AI-related risks across the state use case inventory.
- ii) Developing, implementing, and evaluating pilot projects that apply trustworthy, responsible, and sustainable AI to address state government challenges.
- iii) Serving as the central hub for AI partnerships by facilitating research collaborations and data-sharing agreements among state agencies, institutions of higher education, private sector entities, and nonprofit organizations, in compliance with data classification and security standards.
- iv) Developing and enforcing intellectual property and data protection frameworks to safeguard sensitive information, define ownership of AI-generated outputs, and ensure transparency, accountability, and security in state AI initiatives and partnerships.
- v) Leading the development and implementation of AI literacy training programs for state employees and the public, in alignment with the strategic direction of the AI Leadership Council, to support workforce development, education, and public safety awareness.

C. Administration.

The Accelerator shall be led and staffed by NCDIT. The Accelerator will use input from the Council to guide AI governance and implementation efforts for the state.

D. Reporting and Accountability.

The Accelerator shall submit an annual report to the Governor by June 30th of every year, made available to the public on the Department of Information Technology website, detailing progress on AI initiatives, including but not limited to:

- i) A description and results of AI use cases deployed or implemented by each agency through the Accelerator pursuant to Section 3.
- ii) Training program participation and outcomes for the state workforce.

The Accelerator shall collect high-risk AI use cases and make the inventory information available on the Accelerator website for public review. The AI Accelerator will define what constitutes a high-risk AI use case, ensuring the definition includes applications that involve sensitive or personal data, those deployed in critical sectors such as law enforcement, education, healthcare, and infrastructure, or those that are highly interconnected with other systems. The Accelerator shall work with the Leadership Council to determine what information about high-risk AI use cases is important to provide to the public.

Section 3: Mandate for AI Use Case Proposals for State Agencies

Each Cabinet agency shall establish an Agency AI Oversight Team that will lead AI-related efforts for the state agency. Each Agency AI Oversight Team shall include a minimum of four (4) members and should, to the extent practicable, collectively possess a mix of business, policy, and technical expertise, including artificial intelligence, data management, privacy, and cybersecurity.

Cabinet agencies will submit proposed use cases to the Accelerator for review and prioritization for rapid piloting and potential implementation. Use cases are defined as a specific application of artificial intelligence by a state agency that has the potential to improve efficiency, service delivery, or decision-making processes and aligns with statewide AI governance frameworks. The Accelerator will assess use cases for strategic alignment, potential impact, and risk.

Each Cabinet agency shall identify, document, and propose to the Accelerator at least three AI use case proposals within 180 days of this Executive Order; which the Accelerator will evaluate through its pilot process.

State agencies that are not members of the Governor's Cabinet are encouraged, but not required, to provide use cases to the Accelerator for piloting.

Section 4: Statewide AI Literacy and Fraud Prevention Training Program

The Council will provide its recommendations on a State AI Literacy strategy to the Accelerator, which will coordinate with state stakeholders, including the Department of Commerce, DIT, the North Carolina Business Committee for Education, the North Carolina Department of Justice, North Carolina Department of Public Instruction, and others, to develop and disseminate AI literacy trainings that are understandable by and accessible to the general public, on topics such as:

- i) Foundational AI concepts and applications;
- ii) Identifying AI-related fraud, scams, and misinformation;
- iii) Ethical considerations in AI use;
- iv) AI safety considerations;
- v) And others.

The AI literacy trainings shall be accessible to the general public and shall foster a well-informed and AI-literate population.

Section 5. Effect and Duration

This Executive Order is effective immediately. It shall remain in effect until December 31, 2028, or until rescinded, provided, however, that the Accelerator may continue to operate upon expiration or repeal of this Executive Order.

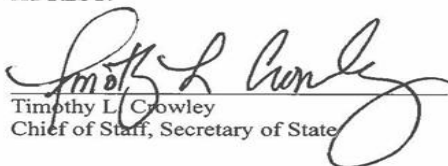
The Council shall sunset on December 31, 2028, unless extended by the Governor.

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



Josh Stein
Governor

ATTEST:



Timothy L. Crowley
Chief of Staff, Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

September 10, 2025

EXECUTIVE ORDER NO. 25

AMENDING AND EXTENDING THE NORTH CAROLINA INTERAGENCY COUNCIL FOR COORDINATING HOMELESSNESS PROGRAMS

WHEREAS, the 2024 Annual Homeless Assessment Report to Congress by the U.S. Department of Housing and Urban Development ("HUD") estimated that more than 11,500 people experience homelessness in North Carolina, including 8,396 individuals, 3,230 people in families with children, 524 unaccompanied homeless youth, 688 veterans, and 3,093 chronically homeless individuals, and, among those, approximately 61 percent are sheltered and 40 percent are unsheltered; and

WHEREAS, the 2024 Point in Time Count ("PIT") represents a 19 percent increase in homelessness in the state from the year prior;

WHEREAS, prior to Hurricane Helene, the January 2024 Point in Time Count showed approximately 6,600 people experiencing homelessness in the 39 Helene disaster-declared counties and the devastation of Helene on homes in western North Carolina has further displaced those already experiencing housing insecurity and displaced many families and children who previously had stable housing; and

WHEREAS, racial disparities in homelessness persist in North Carolina, as evidenced by the fact that Black people make up 22 percent of the North Carolina population, according to the 2024 US Census estimates, yet represent nearly 50 percent of people experiencing homelessness, according to the 2024 PIT Count; and

WHEREAS, individuals and families who have unstable housing and are cost burdened by housing are at risk for homelessness, and housing is increasingly unaffordable in North Carolina and nationwide; and

WHEREAS, making system changes to prevent and end homelessness requires a high degree of coordination and cooperation among federal, state, and local governments, as well as private and non-profit sector service providers and advocates, and a statewide coordinating council is an effective tool; and

WHEREAS, Governor Cooper issued Executive Order No. 222, 36 N.C. Reg. 149-151 (Aug. 2, 2021), Reestablishing the North Carolina Interagency Council for Homelessness Programs (the "Interagency Council") on June 30, 2021; and

WHEREAS, Governor Cooper issued Executive Order No. 327, 39 N.C. Reg. 745-747 (Dec. 16, 2024), Amending and Extending the North Carolina Interagency Council for Homelessness Programs on November 26, 2024; and

WHEREAS, the Interagency Council has identified these priorities: (1) increasing access to rental and related housing financial assistance; (2) increasing development of and access to rental units for people experiencing homelessness and those at risk; and (3) increasing the availability and quality of housing-focused services, including housing stabilization case management and housing navigation and placement; and

WHEREAS, the Interagency Council supports the goals related to access to safe, accessible, affordable housing and reduction of homelessness goals in several critical state plans, including the North Carolina Department of Health and Human Services Strategic Housing Plan, the North Carolina Early Childhood Action Plan, North Carolina's Reentry 2030 Strategic Plan, and the All Ages, All Stages: A Roadmap for Aging and Living Well Plan; and the North Carolina Department of Military and Veterans Affairs Strategic Plan; and

WHEREAS, the undersigned charged the Interagency Council with supporting the state's goals to end homelessness, and it has been an important and effective tool in supporting that goal; and

WHEREAS, changes to the structure of the Interagency Council can help optimize its work; and

WHEREAS, pursuant to Article III, § 1 of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

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

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

Section 1. Membership.

The Interagency Council shall consist of members appointed by the Governor from the following state agencies and qualifying categories:

- a. The Secretary of the North Carolina Department of Commerce, or a designee;
- b. The Secretary of the North Carolina Department of Administration, or a designee;
- c. The Secretary of the North Carolina Department of Public Safety ("NCDPS"), or a designee;
- d. The Director of North Carolina Emergency Management, or a designee;
- e. The Secretary of the North Carolina Department of Adult Corrections, or a designee;
- f. The Secretary of the North Carolina Department of Health and Human Services ("NCDHHS"), or a designee;
- g. The Deputy Secretary of Medicaid, NCDHHS, or a designee;
- h. The Deputy Secretary for Opportunity and Well-Being, NCDHHS, or a designee;
- i. The Manager of the NCDHHS Strategic Housing Plan;
- j. The Secretary of the North Carolina Department of Military and Veterans Affairs, or a designee;
- k. The State Budget Director of the Office of State Budget and Management ("OSBM"), or a designee;
- l. The Director of the Governor's Recovery Office for Western NC ("GROW NC"), or a designee;
- m. The Executive Director of the North Carolina Housing Finance Agency, or a designee;
- n. One member from the North Carolina Community College System;
- o. One member from the University of North Carolina System;
- p. The Superintendent of the North Carolina Department of Public Instruction, or a designee;
- q. One member who represents homeless Continuums of Care;
- r. One member who represents a hospital or health system;
- s. Two members from local governments;

- t. Three members from non-profit agencies that provide services to people experiencing homelessness or at risk of homelessness and that represent emergency shelters, rapid rehousing agencies, victim service providers, permanent supportive housing providers, and faith-based service providers;
- u. One member from the North Carolina Coalition to End Homelessness;
- v. One member from the North Carolina Housing Coalition;
- w. One member with expertise in services for young children under age six in families experiencing homelessness;
- x. One member with expertise in services for public school students in families experiencing homelessness;
- y. One member from the business community that develops affordable housing;
- z. Two members representing Public Housing Authorities;
- aa. One member representing someone with lived experience of homelessness;
- bb. Any other member or members demonstrating a commitment to reducing homelessness or assisting those at risk of homelessness in North Carolina, or who possess qualifications or background relevant to the work of the Interagency Council;
- cc. Two members from the North Carolina Senate;
- dd. Two members from the North Carolina House of Representatives.

Members of the Interagency Council shall be appointed for a term of two (2) years and serve at the pleasure of the Governor. A vacancy occurring during a term of appointment will be filled by the Governor for the remainder of the unexpired term.

The Governor shall appoint two Co-Chairpersons from among the state agency representatives that serve on the Interagency Council.

Section 2. Meetings.

The Interagency Council shall meet at least twice each year and at other times at the call of the Co-Chairs or Governor. The Chairs may establish sub-committees that meet as directed.

Section 3. Duties.

The duties of the Interagency Council may include the following:

- a. The Interagency Council will advise the Governor, his Cabinet, other state agencies, and partners on issues related to housing stabilization, services for people who are homeless or at risk of homelessness, and strategies to reduce and end homelessness.
- b. The Interagency Council will recommend and promote effective interagency collaboration and system integration, which may include and coordination of state and federal funding. This includes supporting the NCDHHS Strategic Housing Plan's goal for accountability and shared strategy for housing functions across state agencies and key partners and supporting the NC Reentry 2030 Strategic Plan's goal to expand housing opportunities for formerly incarcerated individuals.
- c. The Interagency Council will promote evidence-based practices to address the needs of adults, children, and families who are homeless or at risk of homelessness.
- d. The Interagency Council will review existing programs and policies related to homelessness or those at risk of homelessness and recommend improvements to such programs and policies to ensure that such services are provided efficiently and effectively.
- e. The Interagency Council will provide advice and guidance on any other matter as referred by the Governor.

Section 4. Administration.

The Interagency Council shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and OSBM policies and regulations.

The Interagency Council shall be staffed by NCDHHS.

Section 5. Effect and Duration

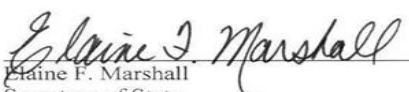
This Executive Order is effective immediately. It supersedes and replaces Executive Order 327, Executive Order No. 258, and Executive Order No. 222. It shall remain in effect until September 10, 2027, or until rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10th of September in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: Life Line Emergency Vehicles Inc

Applicant's Address: 1 Life Line Drive

Sumner, IA 50674

Application Date: September 19, 2025

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

Randall F Smith, President

Gina Niewoehner, Plant Controller

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. 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 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Public Safety intends to adopt the rules cited as 14B NCAC 03 .0601, and .0602.

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

Proposed Effective Date: February 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Request a hearing for this rule by contacting the NCDPS rulemaking coordinator by October 30, 2025. Send request to Will Polk, Office of General Counsel, 4201 Mail Service Center, Raleigh, NC 27699-4201. Phone: 919-710-8885. E-mail: will.polk@ncdps.gov*

Reason for Proposed Action: *The purpose of the proposed rules is to clarify the appropriate usage of the U.S. Survey Foot and International Foot. This change is in accordance with the decision by the National Institute of Standards and Technology (NIST) and the National Geodetic Survey (NGS) to phase out the U.S. Survey Foot. It also aligns with recent amendments to North Carolina General Statute 102-1.2, which adopted the International Foot as the state standard. The clarification provided by the proposed rules should reduce confusion arising from having multiple measurement standards, helping to prevent costly errors and improve consistency in project execution.*

Comments may be submitted to: Will Polk, 4201 Mail Service Center, Raleigh, NC 27699-4201; email will.polk@ncdps.gov

Comment period ends: December 15, 2025

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

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

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

SECTION .0600 – U.S. SURVEY FOOT/INTERNATIONAL FOOT

14B NCAC 03 .0601 PURPOSE

The purpose of this Rule is to provide guidance to government agencies, and the engineering, surveying, construction, agriculture, mapping, and geospatial industries in the State of North Carolina on when to use the United States Survey Foot and the International Foot.

Authority G.S. 102-1; 102-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9.

14B NCAC 03.0602 REQUIRED FOOT CONVERSION

When state plane coordinates and heights (elevation) are provided in feet, the conversion between the foot and meter shall be based on the coordinate system used for determining the coordinates or height. This requirement applies to horizontal plane and vertical coordinates, and to all values associated with or derived from these coordinates. That includes, but is not limited to, distance, elevation, height, area, and volume, along with values computed from the foot, such as the chain, pole, rod, mile, square mile, and acre. The following foot conversion shall be used:

- (1) The International Foot, 1 foot = 0.3048 meter exactly, when coordinates are based on the North American Terrestrial Reference Frame of 2022 (NATRF2022) as described in 102-1.2 of the North Carolina General Statutes, and for all subsequent coordinate systems adopted by the North Carolina Geodetic Survey or its successor.
- (2) The International Foot, 1 foot = 0.3048 meter exactly, when heights are based on the North American-Pacific Geopotential Datum of 2022 (NAPGD2022), and for all subsequent coordinate systems adopted by the North Carolina Geodetic Survey or its successor.
- (3) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter approximately, when coordinates are based on the North American Datum of 1983 (NAD 83) or the North American Datum of 1927 (NAD 27) as described in 102-1.1 or 102-

- (4) 1, respectively, of the North Carolina General Statutes.
The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter approximately, when heights are based on the North American Vertical Datum of 1988 (NAVD 88) or the National Geodetic Vertical Datum of 1929 (NGVD29).

Authority G.S. 102-1; 101-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0203, .0205, .0703, .0706, .0806-.0809, .0902, .0904, .0910, .0911, .1203, .1306 and .1406.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: November 4, 2025

Time: 2:00 p.m.

Location: 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: *Many of these rule amendments are the result of the Rules Review Commission deciding after 40 years and over 13 reviews of the Board's license and registration application and renewal rules that these rules did not comply with N.C. Gen. Stat. § 150B-2(8a)d. The remainder of the rule amendments are to bring the rules in Subchapter 16 of 14B NCAC into accord with the changes to Chapter 74C of the General Statutes by S.L. 2025-15, including the Board being given the ability to consider expunged criminal charges and convictions of licensees and registrants and recognition of "H.R. 218" status in lieu of the Concealed Handgun Permit training requirement.*

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: December 15, 2025

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

letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS

(a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender, race, and military service;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online application shall be submitted not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) ~~upload online~~ a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 ~~months~~; months and disclosure of any expunged convictions;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e); and
- (5) proof of having completed continuing education as require by Rule .1202 of this Chapter.

~~(b)~~(c) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-

8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

~~(e)~~(d) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within two years of the expiration date and the following documentation is submitted to the Board:

- (1) an online Application For Reinstatement of an Expired License;
- (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (4) ~~upload online~~ a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 ~~months~~; months and disclosure of any expunged convictions;
- (5) the applicant's non-refundable application fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (6) proof of liability insurance as set out in G.S. 74C-10(e);
- (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed by the State Bureau of Investigations, with payment to be paid online through the Board's online application process; and
- (8) proof of having completed continuing education as required by Rule .1202 of this Chapter.

~~(d)~~(e) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9; 15A-151(a)(10); 93B-8.1(d).

14B NCAC 16 .0205 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall upload on the Board's website an application for a company business license on a form provided by the Board. Only a sole proprietorship that is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall require the firm, association, or corporation name; the address of its principal office within the

State; any past conviction for criminal offenses of any company director, or officer; information concerning the past revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall file with its application for a license, a copy of its certificate of authority to transact business in this State issued by the North Carolina Secretary of State in accordance with G.S. 55-15-01. The corporation shall also file a consent to service of process and pleadings that shall be authenticated by its corporate seal and accompanied by a duly certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute the consent.

(c) After filing a completed application with the Board, the Board shall conduct a background investigation to determine if the qualifying agent is in a management position. A management position means a position which manages established divisions or subdivisions of the firm, association or corporation and directs the work of one or more supervisors, has the authority to hire, reward, discipline or discharge employees, and may also provide suggestions for changes in policy to senior executives with policy-making authority. The Board shall also determine if the directors or officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). For purposes of this Rule, "conviction" means and includes the entry of a plea of guilty or no ~~contest~~ contest, a prayer for judgment continued or adjudication withheld, or a verdict rendered in open court by a judge or ~~jury~~ jury, and may include expunged charges and convictions.

(d) Upon satisfactory completion of the background investigation, a company business license shall be issued. This license shall be conspicuously displayed at the principal place of business within North Carolina.

(e) The company business license shall be issued only to the business entity and shall not be construed to extend to the licensing of its officers and employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation which has been issued the company business license shall be responsible for assuring compliance with G.S. 74C.

(g) Dissolution or administrative suspension of corporate status shall result in suspension of the company business license by operation of law and may result in disciplinary action for unlicensed if it is determined that the suspension was due to intentional disregard of the law or inaction.

Authority G.S. 74C-2(a); 74C-5.

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0703 MINIMUM STANDARDS FOR UNARMED SECURITY GUARD REGISTRATION

An applicant for registration shall:

- (1) be at least 18 years of age;
- (2) be a citizen of the United States or a resident alien;
- (3) be of good moral character and temperate habits. Any of the following within the last five years shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, state, federal, or military court of any crime involving the illegal use, carrying, or possession of a firearm; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving felonious assault or an act of violence; conviction of a crime involving unlawful breaking and/or entering, burglary, or larceny, or a history of addiction to alcohol or a narcotic drug. For the purposes of this Rule, "conviction" means and includes the entry of a plea of guilty, plea of no contest, guilty or no contest, a prayer for judgment continued or adjudication withheld, or a verdict rendered in open court by a judge or ~~jury~~; jury, and may include expunged charges and convictions.
- (4) not have been judicially declared incompetent or not have been involuntarily committed to an institution for treatment of mental illness. When an individual has been treated and found to have been restored, the Board will consider this evidence and determine whether the applicant meets the requirements of this Rule; and
- (5) not have had a revocation of a registration.

Authority G.S. 74C-5; 74C-12(a)(19).

14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online form on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online form shall be submitted ~~not fewer~~ less than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;

- (2) ~~upload online~~ a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding ~~12 months;~~ months and disclosure of any expunged convictions;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee; and
- (4) ~~upload~~ a completed affidavit form and public notice statement form.

~~(b)(c)~~ If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

~~(e)(d)~~ The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

~~(d)(e)~~ Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-5; 74C-11; 15A-151(a)(10); 93B-8.1(d).

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board.

The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;

- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 ~~months~~; months and disclosure of any expunged convictions;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

~~(b)(c)~~ If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

~~(e)(d)~~ The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including the affidavit in the guard's personnel file in the employer's office.

~~(4)(e)~~ Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

~~(e)(f)~~ A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

~~(4)(g)~~ During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1; 74C-9; 74C-13; 15A-151(a)(10); 93B-8.1(d).

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED LICENSEES AND SECURITY GUARD REGISTRANTS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator, close personal protection, or any other licensees applying for an armed permit shall first complete a training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range ~~firing~~. firing, and all 20 hours must be completed within 14 consecutive days.

(d) Applicants for either an armed licensee permit or an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office, once in three consecutive attempts. Should a student fail to attain a score of 80 percent accuracy, the student shall be given a second opportunity to qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student to repeat the entire basic training course for armed security guards. All attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.

(e) All training required by this Rule shall be administered by a certified trainer and the training required by Paragraph (c) of this Rule and the initial training for authorization for a rifle or shotgun shall be completed no more than 90 days prior to the date of application for the licensee permit or armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all firearms.

(g) No more than six new or renewal licensee permit or armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training.

(h) Applicants for re-certification of an armed licensee permit or an armed security guard firearm registration permit shall complete the basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. Subparagraph (c)(2), operation under Subparagraph (c)(3), and Subparagraphs (c)(4) and (5) of this Rule shall be reviewed prior to range firing; and however maintenance under Subparagraph (c)(3) may be reviewed after range firing. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of a licensee permit or an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard's duty firearm for all companies is the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An armed security guard applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j)

of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in Subsection (c) of this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for an armed licensee permit or an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a licensee permit or registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) An armed licensee or security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the licensee or security guard fails to qualify on any course of fire, the licensee or security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the licensee or security guard verbally that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff in writing on the next business day.

(s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the

guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course. However, nothing herein shall extend the period of time the qualification is valid.

Authority G.S. 74C-5; 74C-9; 74C-13.

14B NCAC 16 .0808 CONCEALED HANDGUN

(a) The Board does not have the authority to issue a Concealed Handgun Carry Permit. However, a ~~licensee~~ licensee, trainee, registrant, or firearms trainer who has complied with all provisions of G.S. 14, Article 54B and applicable rules adopted by the N.C. Criminal Justice Education and Training Standards Commission pursuant thereto and has been issued a current concealed handgun permit by a Sheriff may carry a concealed handgun after complying with the concealed handgun provisions for training and qualifications set forth in Paragraph (b) of this Rule.

(b) A licensee, ~~trainee, registrant, or firearms trainer~~ trainee, or registrant shall comply with each of the following requirements to carry a concealed handgun while engaged in a private protective services business:

- (1) Hold a current Armed Licensee Registration or Armed Security Guard Registration Permit by complying with all requirements for armed registration as prescribed in this Section.
- (2) Complete standards set forth by the N.C. Criminal Justice Education and Training Standards Commission to include knowledge of North Carolina firearms laws including the limitation on concealed handgun possession on specified property and within certain buildings.

(c) Upon application to the Board, a licensee, ~~trainee, registrant, or firearms trainer~~ trainee, or registrant meeting the requirements of this Section shall be issued a concealed handgun endorsement to the current Armed Licensee Registration or Armed Security Guard Registration Permit ~~for the term of the Armed Security Guard Registration Permit~~ without additional permit fees, but any additional training costs necessary to comply with this Section shall be borne directly by the applicant. The endorsement shall be renewed at the time of the Armed Licensee Registration or Armed Security Guard Registration Permit renewal pursuant to this Rule on payment of the ~~armed security guard registration renewal fee~~ and proof of possession of a current Concealed Handgun Permit. A licensee, but not a registrant, who is authorized pursuant to Section 926B or 926C of Title 18 of the United States Code to carry a concealed handgun and is in compliance with the requirements of those Code sections is exempt from the Concealed Handgun Carry Permit requirements of this Rule, but must still obtain the endorsement. There shall be no additional fee for the concealed handgun endorsement renewal.

Authority G.S. 74C-5; 74C-13.

14B NCAC 16 .0809 AUTHORIZED FIREARMS

Armed licensees or registrants are authorized, while in the performance of official duties or traveling directly to and from work, to carry a standard revolver from .32 caliber to .357 caliber, a standard semi-automatic pistol from .354 caliber to .45 caliber, any standard 12 gauge shotgun, or any standard semi-automatic or bolt action ~~.223, .308, 5.56 X 45 mm NATO caliber, .223 to .30~~ caliber or any above handgun caliber rifle as long as the licensee or registrant has been trained pursuant to Rule .0807 of this Section. For purposes of this Section, a "standard" firearm means a firearm that has not been modified or altered from its original manufactured ~~design.~~ design or a custom-built firearm that is assembled exclusively using Original Equipment Manufacturer (OEM) parts.

Authority G.S. 74C-5; 74C-13.

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

(a) Each applicant for a firearms trainer certificate shall submit an online application to the ~~Board.~~ Board containing the applicant's:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) residence history;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) The application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 ~~months;~~ months and disclosure of any expunged convictions;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) the applicant's non-refundable application fee, along with the convenience fee charged by the

- Board's on-line application vendor and a separate credit card transaction fee;
- (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of a licensee;
- (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this Section or acceptable certificate of other current certification as set forth in Rule .0901(c) and (d) of this Section; and
- (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice Academy or other entity and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-5; 74C-8(d); 74C-8.1(a); 74C-13; 15A-151(a)(10); 93B-8.1(d).

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This ~~form~~ online application shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) ~~uploaded online~~ a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 ~~months; and~~ months and disclosure of any expunged convictions; and
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee.

~~(b)~~(c) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

~~(e)~~(d) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. The applicant shall furnish the Board a copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

~~(d)~~(e) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

~~(e)~~(f) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

~~(f)~~(g) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; 93B-15; 15A-151(a)(10); 93B-8.1(d).

14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER

(a) Each applicant for an unarmed trainer certificate shall submit an online application to the ~~Board.~~ Board containing the applicant's:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) residence history;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) The ~~application~~ online submission shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G. S. 74C-

- 8.1(a) for each state where the applicant has resided within the preceding 60 ~~months;~~ months and disclosure of any expunged convictions;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
 - (5) the applicant's non-refundable application fee, along with the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
 - (6) a certificate of successful completion of the training required by Rule .0909(a)(3) or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.
 - (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13; 15A-151(a)(10); 93B-8.1(d).

14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE

(a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship;
- (5) driver's license number and state of issuance; and
- (6) firearm type.

(b) This online form shall be submitted ~~online~~ not less than 30 days prior to the expiration of the applicant's current certificate. In addition, the applicant shall include the following:

- (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the application process;
- (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed instruction performed during the current unarmed trainer certification period;
- (3) a statement verifying the classes taught during the current unarmed trainer certification period on a form provided by the Board as part of the online application process; and
- (4) ~~uploaded online~~ a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the

applicant has resided within the preceding 24 ~~months;~~ months and disclosure of any expunged convictions;

~~(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.~~

(c) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(d) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

(e) During a national or State declared state of emergency that restricts or prohibits an unarmed trainer from performing the instruction required by Subparagraph (b)(2) of this Rule, the Board shall, upon written request to the Director by the licensee, extend the deadline for renewal up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if instruction requirements have not been met.

Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13; 15A-151(a)(10); 93B-8.1(d).

SECTION .1200 – CONTINUING EDUCATION

14B NCAC 16 .1203 CONTINUING EDUCATION COURSE ACCREDITATION STANDARDS

(a) ~~CE courses~~ Continuing education course instructors may obtain ~~the approval of the Board~~ accreditation of their course by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the name of the ~~instructor.~~ instructor; and
- (5) a one hundred dollar (\$100.00) continuing education course evaluation fee, paid online by credit card or electronic funds transfer.

(b) The Board shall complete the following review:

- (1) The matter shall be referred to ~~the Training and Education Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-committee shall consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman. a committee appointed by the Board for review.~~

- (2) The ~~sub-committee~~ appointed committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.
- (3) ~~When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives and goals. The Training and Education Committee~~ The appointed committee shall then report the its findings with a recommendation of ~~acceptance~~ approval or denial to the Private Protective Services Board.
- (4) Upon receipt of the appointed committee's report, the Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

~~(e) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals .~~

~~(d)(c)~~ Each approved course shall remain an approved course for ~~four~~ two years from the date of approval by the Board, unless the course content changes or the course instructor changes.

~~(e)(d)~~ Trainers and instructors shall receive continuing education credit of ~~five~~ four hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

~~(f)(e)~~ Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour up to the maximum 12 credit hours.

Authority G.S. 74C-5; 74C-22.

SECTION .1300 – ARMORED CAR SERVICE GUARD REGISTRATION (UNARMED)

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete an online form provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender, race, and military service;

- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance

(b) This online form shall be submitted not ~~fewer~~ less than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) ~~upload online~~ a statement of the results of a statewide criminal history records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 ~~months~~; months and disclosure of any expunged convictions;
- (2) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee.
- (3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission; and
- (4) a completed affidavit form and public notice statement form.

~~(b)(c)~~ If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

~~(e)(d)~~ The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

~~(d)(e)~~ Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-3; 74C-5; 78C-8.1(a); 15A-151(a)(10); 93B-8.1(d).

SECTION .1400 - ARMED ARMORED CAR SERVICE GUARDS FIREARM REGISTRATION PERMIT

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card his or her employer or designee shall complete an online form provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender, race, and military service;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online form shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) ~~upload online~~ a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 ~~months~~; months and disclosure of any expunged convictions;
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of the Section; and
- (6) a completed affidavit form and public notice statement form.

~~(b)(c)~~ If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

~~(c)(d)~~ The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and completed application, including the completed affidavit form, to serve as a record of application for renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

~~(d)(e)~~ Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13; 15A-151(a)(10); 93B-8.1(d).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alarm Systems Licensing Board intends to amend the rules cited as 14B NCAC 17 .0103, .0105, .0108, .0201, .0202, .0209, .0210, .0301, and .0305.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/about-dps/boards-and-commissions/alarm-systems-licensing-board>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: November 4, 2025

Time: 2:00 p.m.

Location: Conference Room, ASLB Office, 3101 Industrial Drive, Suite 104 Raleigh, NC 27609

Reason for Proposed Action: *A recent enactment of the General Assembly, S.L. 2025-51, changed the name of the Board from "Alarm Systems Licensing" to "Security Systems Licensing", thereby necessitating changing numerous references from "alarm" to "security." Additionally, this legislation gender neutralized words such as "Chairman" and changes are being made accordingly. The Board was also given the ability to consider expunged criminal charges and convictions of licensees and registrants.*

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; email paul.sherwin@ncdps.gov

Comment period ends: December 15, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

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

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq$ \$1,000,000)
- ☐ Approved by OSBM

☒ **No fiscal note required**

CHAPTER 17 - ALARM SYSTEMS LICENSING BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 17 .0103 DEFINITIONS

In addition to the definitions under G.S. Chapter 74D, the following definitions shall apply throughout this Chapter:

- (1) "Agency Head" means the ~~Chairman~~ Chair of the ~~Alarm Security~~ Systems Licensing Board.
- (2) "Applicant" means any person, firm, or corporation applying to the Board for a license or registration.
- (3) "Board" means the ~~Alarm Security~~ Systems Licensing Board established by G.S. Chapter 74D.
- (4) "Branch Manager or Operator" means the licensee endowed with the responsibility and liability for a branch office.
- (5) "Branch Office" means a separate but dependent part of a central organization. The establishment of a telephone number or mailing address in the company name constitutes prima facie evidence of a branch office.
- (6) "Chairman" or "Chair" means the ~~Chairman~~ Chair of the ~~Alarm Security~~ Systems Licensing Board.
- (7) "Employee" means:
 - (a) a person who has an agreement with a licensee to perform ~~alarm security~~ systems business activities under the direct supervision and control of the licensee, for whose services any charges are determined imposed and collected by the licensee, and for whose ~~alarm security~~ systems business activities the licensee is legally liable; or
 - (b) a person who solicits customers at a residential or commercial location whose services are compensated by payment of a referral fee or commission by a licensee.
- (8) "Installs" means placing ~~an alarm a security~~ device in a residential or commercial location and includes demonstrating the use of ~~an alarm a security~~ a security system device for a specific location and function within the protected premises and, with such knowledge of the ~~alarm security~~ system operation, delivering that device to the owner or operator of the protected premises.
- (9) "Knowledge of Specific Applications" means obtaining specific information about the premises which is protected or is to be protected, gained during an on-site visit. Conducting a survey shall be prima facie evidence of knowledge of specific applications.

- (10) "Licensee" means any person licensed pursuant to G.S. Chapter 74D.
- (11) "Monitors" means receiving a signal from a protected premises or contracting with a person, firm or corporation to provide accessible equipment and personnel to receive a signal from ~~an alarm a security~~ a security device in a protected premises and take action in response.
- (12) "Qualifying Agent" means any person who meets the requirements of G.S. 74D-2(c), provided that no licensee may act as qualifying agent for more than one ~~alarm security~~ systems business without prior authorization of the Board.
- (13) "Responds" means receiving a monitored ~~alarm security~~ security signal that indicates the existence of an unauthorized intrusion or taking from a protected premises of a customer and being required by contract to take action upon receipt of that ~~alarm security system~~ security system signal.
- (14) "Services" means inspecting, testing, repairing or replacing ~~an alarm a security~~ a security system device within protected premises.

Authority G.S. 74D-2; 74D-5.

14B NCAC 17 .0105 PROHIBITED ACTS

In addition to the prohibited acts set forth elsewhere in this Subchapter and in Chapter 74D of the General Statutes, an applicant, licensee, or registrant who does any of the following shall have his or her application denied or his or her license or registration revoked or suspended:

- (1) displays, causes or permits to be displayed, or has in his or her possession any cancelled, revoked, suspended, fictitious, fraudulently-altered license or registration identification card, or any document simulating a license or registration identification card or purporting to be or to have been issued as a license or registration identification card;
- (2) lends his or her license or registration identification card to another person or allows the use thereof by another;
- (3) displays or represents any license or registration identification card not issued to him or her as being his or her license or registration identification card;
- (4) includes in any advertisement a statement that implies an official State-authorized certification or approval other than this statement: "Licensed by the ~~Alarm Security~~ Systems Licensing Board of the State of North Carolina." Licensees may include their license number;
- (5) includes in the company name the word "police" or other law enforcement designation that implies that the ~~alarm security system~~ security system company is affiliated with a local, state, or federal law enforcement agency; or

- (6) makes any false statement or gives any false information to a third party provider in connection with any criminal history record check provided to the Board.

Authority G.S. 74D-5; 74D-6; 74D-10.

14B NCAC 17 .0108 CONSUMER CONTRACT AND DISCLOSURE REQUIREMENTS FOR ~~ALARM~~ SECURITY SERVICES

(a) Every person, firm, association or corporation licensed to engage in the ~~alarm security~~ systems business in North Carolina who sells, installs, services, responds to or monitors electrical, electronic or mechanical alarm systems shall execute with the consumer a written contract in all transactions that consists of the following:

- (1) A description of the sales and services in brief, simple terminology; and
- (2) The company's name, address and telephone number, the North Carolina ~~Alarm Security~~ Systems License Number, and the North Carolina ~~Alarm Security~~ Systems Licensing Board's address and telephone number.

(b) Any person, firm, association or corporation licensed to engage in the ~~alarm security~~ systems business in North Carolina by providing sales, installation, service, response, or monitoring to a consumer and who unilaterally terminates, causes to be terminated, or reasonably knows of the termination of the monitoring, response or service to that consumer shall provide notification to that consumer by verified personal service or certified mail at least 10 days prior to cessation of the services. This provision shall not apply to consumer-initiated action to terminate or upon consumer relocation.

(c) Any person, firm, association or corporation licensed to engage in the ~~alarm security~~ systems business in North Carolina by providing sales, installation, service, response, or monitoring to a consumer and who changes or causes to be changed the monitoring, response or service to that consumer shall provide written notification to that consumer of the change, the effective date, and the name, address and telephone number of the new provider.

Authority G.S. 74D-2(a); 74D-5; Eff. July 1, 1995.

SECTION .0200 – PROVISIONS FOR LICENSEES

14B NCAC 17 .0201 APPLICATION FOR LICENSE

(a) Each applicant for a license shall submit an online application on the website provided by the Board. When this online application is submitted, it shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigation or one set of classifiable fingerprints on an F.B.I. fingerprint card provided by the Board and mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG format of sufficient quality

for identification, taken within six months prior to the online submission;

- (3) statements of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceding 60 months; months and disclosure of any expunged convictions;
- (4) a minimum of three letters attesting to the good character and reputation of the applicant using the online character letter submission process; and
- (5) the applicant's application fee, along with the convenience fee charged by the Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected online.

(b) Each applicant shall upload evidence of high school graduation either by diploma, G.E.D. certificate, or other equivalent documentation.

(c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74D and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board stating that the applicant has reviewed the information with the Board's representative and that the applicant understands G.S. 74D and the administrative rules in this Chapter. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in favor of alternative means of communication.

(d) Each applicant for a branch office license shall submit an online application on the website provided by the Board containing the physical address and telephone number of the branch office, the Qualifying Agent responsible for the branch office, the proposed branch manager, the parameters or scope of duties of the branch office, and the anticipated number of employees. This online application shall be accompanied by the branch office application fee.

(e) All photographs, record checks, proof of insurance, explanations of criminal charges, explanations of credit history, or requested documents shall be submitted online through the Board's website by any applicant for a permit, license, registration, or certificate within 60 days of the Board's receipt of the application form or a request from Board staff, whichever is later. Any failure to submit required or requested documents to complete the application process within this 60-day period shall void the application and require re-application.

Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8; 15A-151(a)(10); 93B-8.1(d).

14B NCAC 17 .0202 EXPERIENCE OR TRAINING REQUIREMENTS FOR LICENSE

(a) Applicants for ~~an alarm~~ a security systems ~~system~~ business license shall meet the following requirements, which are in addition to those specified in G.S. 74D:

- (1) establish two year's experience within the past five years in alarm or security systems installation or service, or alarm or security systems business management; or
- (2) no longer than one year prior to the application date, successfully complete the Certified Alarm Technician Level I Course offered by the Electronic Security Association (ESA) or equivalent. Equivalency shall be determined by the Board's Training and Education Committee by comparing each segment of the training to ensure that the alternative course encompasses all segments of the ESA course.

(b) Applicants for a remote monitoring license pursuant to G.S. 74D-2(h) shall meet the following requirements:

- (1) hold a security guard and patrol business license issued pursuant to G.S. 74C-2; and
- (2) the Qualifying Agent for the license shall have completed a central station monitoring operator course offered by The Monitoring Association (TMA) or equivalent. Equivalency shall be determined by the Board's Training and Education Committee by comparing each segment of the training to ensure that the alternative course encompasses all segments of the TMA course.

Authority G.S. 74D-5.

14B NCAC 17 .0209 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74D-2(a) shall upload an application for a company business license on a form on the website provided by the Board. A sole proprietorship that is owned and operated by an individual holding a current ~~alarm~~ security systems business license shall be exempt from this Rule. This application form shall include such information as the firm, association, or corporation name; the address of its principal office within the State; all past convictions for criminal offenses of any company director or officer; information concerning the past revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations, or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state company shall file with its license application form a copy of its certificate of authority to transact business in this state issued by the North Carolina Secretary of State, in accordance with G.S. 55-15-01, and a consent to service of process and pleadings that is authenticated by its company seal and accompanied by a duly-certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute this consent.

(c) After filing a completed online application with the Board, the Board shall conduct a background investigation to ascertain if the qualifying agent is in a management position. The Board shall also determine if the directors or officers have the requisite good

moral character as defined in G.S. 74D-6(3). It shall be prima facie evidence of good moral character if a director or officer has not been convicted by any local, State, federal, or military court of any crime involving the use, carrying, or possession of a firearm; conviction of any crime involving the use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving breaking or entering, burglary, larceny, or any offense involving moral turpitude; or does not have a history of addiction to alcohol or a narcotic drug. For the purposes of this Section, "conviction" means and includes the entry of a plea of guilty, no contest, prayer for judgment continued, adjudication withheld, or a verdict rendered in open court by a judge or jury.

(d) Upon completion of the background investigation, a company business license shall be issued if all requirements of this Rule are met. A company business license issued by the Board shall be displayed at the principal place of business within North Carolina.

(e) The company business license shall be issued only to a corporation and shall not be construed to extend to a licensing of its directors, officers, or employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation that has been issued the company business license shall be responsible for assuring compliance with G.S. 74D.

(g) Within 90 days of the death of a licensee, the existing qualifying agent or a newly designated replacement qualifying agent for the company may submit a written request to the Board, asking that the deceased licensee's license number remain on company advertisements. The Board shall permit the use of the deceased licensee's license number only if the current qualifying agent's license number is printed adjacent to and in the same size print as the deceased licensee's license number.

Authority G.S. 74D-2(a); 74D-5.

14B NCAC 17 .0210 ELECTRICAL CONTRACTING LICENSE REQUIREMENTS

(a) Each firm, association, corporation, department, division, or branch office required to be licensed pursuant to G.S. 74D-2(a) shall employ on a full-time basis a licensee or registered employee who holds a license for either a SP-LV, limited, intermediate or unlimited examination as administered by the North Carolina Board of Examiners of Electrical Contractors. Pursuant to Rule .0206 of this Section, each firm, association, corporation, department, division, or branch office shall maintain in its records a copy of the licensee's or registered employee's Electrical Contractors License.

(b) In the event the licensee holding the electrical contractor's license ceases to perform his duties, the business entity shall notify the Board in writing within 10 working days. The business entity shall employ a substitute electrical contractor licensee within 30 days after the original electrical licensee ceases to serve.

(c) If a company provides only ~~alarm~~ security systems monitoring services and submits a written request to the Board certifying that they provide only monitoring services and do not sell, install, service, or respond to ~~burglar~~ security alarms, the Board shall

exempt the company from compliance with this rule. If the company later elects to sell, install, service, or respond to ~~burglar~~ security alarms, then the company shall be required to fulfill the requirements of this rule.

Authority G.S. 74D-2(a); 74D-5.

SECTION .0300 – PROVISIONS FOR REGISTRANTS

14B NCAC 17 .0301 APPLICATION FOR REGISTRATION

(a) Each licensee or qualifying agent shall submit an online application for the registration of his or her employee on the website provided by the Board. When this online application is submitted, it shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigation or one set of classifiable fingerprints on a standard F.B.I. fingerprint card mailed separately to the Board's office;
- (2) one original signed S.B.I. release of information form uploaded online and the original mailed separately to the Board's office;
- (3) one head and shoulders digital photograph of the applicant of sufficient quality for identification, taken within six months prior to online submission, and uploaded with the application submission;
- (4) statements of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceding ~~60 months;~~ months and disclosure of any expunged convictions;
- (5) the registration fee required by Rule .0302 of this Section, along with the convenience fee charged by the Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected online; and
- (6) a completed affidavit form attesting to the truth of the information provided and public notice statement form.

(b) The employer of an applicant who is currently registered with another alarm business shall complete an online application form provided by the Board. This form shall be accompanied by the applicant's multiple registration fee along with the convenience fee charged by the Board's on-line application vendor and the credit card transaction fee charged by the applicant's credit card provider and collected online. This online application shall be accompanied by a completed affidavit form and public notice statement form.

(c) The employer of each applicant for registration shall print and retain a copy of the applicant's online application in the individual applicant's personnel file in the employer's office.

Authority G.S. 74D-2.1; 74D-5; 74D-8; 15A-151(a)(10); 93B-8.1(a).

14B NCAC 17 .0305 REGISTRATION IDENTIFICATION CARDS

(a) The registration identification card shall be carried by the registrant when performing the duties of ~~an alarm~~ a security systems employee.

(b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other authorized representative of the Board.

(c) Registration identification card holders shall immediately notify the Board upon receipt of information relating to the holder's ineligibility to continue holding such a card.

(d) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the ~~administrator~~ Director within 10 days of the date of the revocation or suspension.

Authority G.S. 74D-8.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02B .0206; and 02H .0107. This is a republication of text as published in Volume 40 Issue 06.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Proposed Effective Date: *March 1, 2026*

Public Hearing:

Date: *November 5, 2025*

Time: *3:30 p.m., Speaker registration and sign-in will begin at 3:00 p.m.*

Location: *Archdale Building, Ground Floor Hearing Room - 512 North Salisbury Street, Raleigh, NC 27604*

Reason for Proposed Action: *The Environmental Management Commission (EMC) and Department of Environmental Quality (DEQ), Division of Water Resources (DWR), have the responsibility to implement and enforce provisions of the federal Clean Water Act and have delegated permitting authority to implement the National Pollutant Discharge Elimination System (NPDES) Program. The rule amendments are outlined in Session Law 2024-44 (s. 5.1) to allow domestic wastewater discharges to zero flow streams, which will align North Carolina with neighboring states. By providing an additional permitting option, this may provide additional opportunities for growth in these areas where the cost of piping to a higher flowing stream farther away was prohibitive. The Session Law also requires the EMC to adopt rules incorporating the amendments.*

EMC is extending the comment period for the proposed amendments to 15A NCAC 02B .0206 and 15A NCAC 02H .0107 until December 15, 2025. The comment period is extended due to

the passage of Session Law (SL) 2025-94 s. 23.(a), which modified SL 2024-44 s. 5.1.(d). The modifications made to SL 2024-44 s. 5.1.(d) include:

- SL 2024-44 s. 5.1.(d) required DEQ and the EMC to develop and submit to the U.S. Environmental Protection Agency (EPA) a draft rule for approval no later than August 1, 2024. SL 2025-94 s. 23.(a) changes this requirement to require EPA input instead of approval.
- SL 2024-44 s. 5.1.(d) required the EMC to initiate rulemaking within 20 days of receiving EPA approval on the draft rule. SL 2025-94 s. 23.(a) changes this requirement to 60 days from when EPA notifies the State that rules must be adopted prior to submitting for EPA approval.
- SL 2024-44 s. 5.1.(d) outlines the language for the draft rule to be submitted to EPA. SL 2025-94 s. 23.(a) revised some of the text in the draft rule that was required to be submitted to EPA by August 1, 2024.

The proposed rule amendments are included in this notice. No changes have been made to the proposed rule amendments or the Regulatory Impact Analysis from what was previously published in the NC Register on September 15, 2025 (Volume 40, Issue 06, Pages 561-565).

The public hearing scheduled for November 5, 2025, at 3:30 p.m. will proceed as scheduled. Additional information can be found at the EMC's proposed rules webpage at: <https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Comments may be submitted to: Karen Higgins, DEQ-DWR Planning Section, 1611 Mail Service Center, Raleigh, NC 27699-1611; email publiccomments@deq.nc.gov

Comment period ends: December 15, 2025

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

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

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

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA

15A NCAC 02B .0206 FLOW DESIGN CRITERIA FOR EFFLUENT LIMITATIONS

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

- (1) "1Q10" means the minimum average flow for a period of one day that has an average recurrence of once in ten years;
- (2) "7Q10" means the minimum average flow for a period of seven consecutive days that has an average recurrence of once in ten years;
- (3) "30Q2" means the minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years;
- (4) "Mean annual flow" means the same as "annual mean flow" as defined in 40 CFR 125.83.
- (5) The "Rational Method" estimates peak flow for a storm of interest as a function of a composite runoff coefficient, rainfall intensity for the storm of interest, and drainage area.

~~(a)(b)~~ Water quality based effluent limitations shall be developed to allow appropriate frequency and duration of deviations from water quality standards so that the designated uses of receiving streams and downstream waters are protected. There are water quality standards for a number of categories of pollutants and to protect a range of water uses. For this reason, the appropriate frequency and duration of deviations from water quality standards shall not be the same for all pollutants. A flow design criterion shall be used in the development of water quality based effluent limitations as a simplified means of estimating the acceptable frequency and duration of deviations. More complex modeling techniques that the Director has determined on a case-by-case basis will protect the designated uses of receiving streams and downstream waters may be used to set effluent limitations based on frequency and duration criteria published by the U.S. Environmental Protection Agency and incorporated by reference, including subsequent amendments and editions. Frequency and duration criteria published by the U.S. Environmental Protection Agency is available free of charge at: <http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm>.

(c) ~~Effluent~~ Water quality based effluent limitations shall be developed using the following flow design criteria:

- (1) ~~All standards except~~ Except for toxic substances and ~~aesthetics~~ aesthetics, all water

quality standards shall be protected using the 7Q10 flow, minimum average flow for a period of seven consecutive days that has an average recurrence of once in ten years (7Q10 flow). Other governing flow strategies, such as varying discharges with the receiving stream's or downstream water's ability to assimilate wastes, may be designated by the Commission or its designee Director on a case-by-case basis if the discharger or permit applicant provides evidence that establishes that the alternative flow strategies will give equal or better protection for the of water quality standards. "Better protection for the water quality standards" means that such that deviations from the standard would be expected at the same or less frequently frequency than provided by using the 7Q10 flow.

- (2) Toxic substances shall be protected as follows:
 - (A) Toxic substance standards to protect aquatic life from chronic toxicity shall be protected using the 7Q10 flow, flow;
 - ~~(3)~~(B) Toxic substance standards to protect aquatic life from acute toxicity shall be protected using the 1Q10 flow, flow;
 - (4) Toxic substance standards to protect human health shall be the following:
 - ~~(A)~~(C) Toxic substance The 7Q10 flow for standards to protect human health through the consumption of water, fish, and shellfish from noncarcinogens; noncarcinogens shall be protected using the 7Q10 flow; and
 - ~~(B)~~(D) The mean annual flow Toxic substance standards to protect human health from carcinogens through the consumption of water, fish, and shellfish from carcinogens shall be protected using the mean annual flow, unless site specific fish contamination concerns necessitate the use of an alternative design flow; flow.
 - ~~(5)~~(3) Aesthetic quality shall be protected using the 30Q2 flow, minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years (30Q2 flow).

~~More complex modeling techniques may also be used to set effluent limitations directly based on frequency and duration criteria published by the U.S. Environmental Protection Agency, available free of charge at <http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm> and incorporated by reference, including subsequent amendments and editions, and the Commission or its designee has determined, on a case by case basis, that the techniques will protect the designated uses of receiving waters.~~

~~(b)~~(d) If the stream flow is regulated, a minimum daily low flow may be used as a substitute for the 7Q10 flow, except in cases

where there are acute toxicity concerns for aquatic life. ~~In the cases~~ For streams where there are acute toxicity concerns, an alternative low flow, such as the instantaneous minimum release, shall be ~~approved~~ used if the Director determines, on a case-by-case basis, that the designated uses of receiving streams and downstream waters are protected.

~~(e)~~(e) Flow design criteria shall be used to develop water quality based effluent limitations and in the design of wastewater treatment facilities. Deviations from a specific water quality standard resulting from discharges that are demonstrated to be in compliance with water quality based effluent limitations for that water quality standard shall not be a violation pursuant to G.S. 143-215.6 143-215.6A when the actual stream flow is less than the design flow.

~~(d)~~(f) If the 7Q10 flow of the receiving stream is estimated to be zero, zero and the 30Q2 flow of the receiving stream is estimated to be greater than zero, then water quality based effluent limitations shall be assigned as follows:

- (1) ~~If the 30Q2 flow is estimated to be greater than zero, effluent limitations for new~~ New or expanded (additional) discharges of oxygen consuming waste shall be set at BOD₅ = 5 mg/l, NH₃-N = 2 mg/l and DO = 6 mg/l, unless it is determined by the Director through modeling or other analysis that these limitations will not protect water quality standards. Requirements for existing discharges shall be determined on a case by case basis by the Director. More stringent limits shall be applied if violations of water quality standards are predicted to occur for a new or expanded discharge with the limits set pursuant to this Rule or if existing limits are determined to be inadequate to protect water quality standards.
- ~~(2)~~ If the 30Q2 and 7Q10 flows are both estimated to be zero, ~~no new or expanded discharge of oxygen consuming waste shall be allowed. Requirements for existing discharges to streams where the 30Q2 and 7Q10 flows are both estimated to be zero shall be determined on a case by case basis.~~
- ~~(3)~~(2) Other water quality standards shall be protected by requiring the discharge to meet the water quality standards set forth in this Subchapter, unless the Director determines that alternative limitations protect the designated uses of receiving streams and downstream waters, classified water uses.
- (3) Requirements for existing discharges shall be determined on a case-by-case basis by the Director.

(g) If the 7Q10 flow and the 30Q2 flow of the receiving streams are both estimated to be zero, then the following shall apply to new or expanded domestic wastewater discharges of oxygen consuming waste:

- (1) The proposed permitted flow for the wastewater discharge shall be lesser of:
 - (A) No more than one-tenth of the flow generated by the one-year, 24-hour

- storm event based on the drainage area of the receiving stream at the discharge location and calculated using the Rational Method. The Rational Method shall be used to calculate the peak runoff for the one-year, 24-hour precipitation event in cubic feet per second. The peak runoff shall then be divided by 10 and multiplied by 646,272 to convert the result to gallons per day of allowable discharge at the point studied; or
- (B) No more than two million gallons per day.
- (2) All wastewater discharges shall be directed to a system that utilizes low-energy methodologies prior to discharging to receiving streams at non-erosive velocities, such as:
- (A) An infiltration system, which may include engineered materials to achieve higher rates of infiltration. Engineered materials shall have an ASTM gradation of fine to coarse grain sand and shall be angular to maintain structural integrity of the slope;
- (B) Constructed free-surface wetland with a hydraulic residence time of at least 14 days; or
- (C) Other technologies that meet the standard of practice for NC Licensed Professional Engineers for such devices that provide a hydraulic residence time of at least 14 days.
- (3) Wastewater discharges to the receiving stream shall not exceed one cubic foot per second based on the average daily flow of the discharge. Wastewater discharges from multiple outfalls shall be at least 50 linear feet apart along the receiving streams.
- (4) No wastewater discharges shall be allowed to Class SA, SB, SC, WS-I, WS-II, WS-III, WS-IV, WS-V, ORW or HQW waters.
- (5) For wastewater discharges to NSW waters, the Director may require additional modeling by the applicant. Additional allocation of flow shall be at the discretion of the Director.
- (6) In addition to any other effluent limits for any other parameters to ensure the permit does not violate any EPA-approved NC water quality standards, the following effluent limits shall apply:
- (A) Biological oxygen demand (BOD5) shall not exceed 5.0 mg/l monthly average;
- (B) NH3, 0.5 mg/l monthly average, 1.0 mg/l daily maximum;
- (C) Total nitrogen shall not exceed 4.0 mg/l monthly average;
- (D) Total phosphorus, 1.0 mg/l monthly average, 2.0 mg/l daily maximum;
- (E) Fecal coliforms, 14 colonies/100ml or less;
- (F) Dissolved oxygen, 7.0 mg/l or greater;
- (G) Total suspended solids, 5.0 mg/l monthly average, 8mg/l daily maximum; and
- (H) Nitrate, 1.0 mg/l monthly average, 2.0 mg/l daily maximum.
- The Director may impose different effluent limits than those set forth in Parts (A) through (H) in Subparagraph (g)(6) of this Rule to ensure that the permit does not violate any EPA-approved NC water quality standards.
- (7) The applicant shall demonstrate:
- (A) The proposed discharge meets the requirements in Subparagraphs (g)(1), (2), (3), and (4) of this Rule;
- (B) The proposed discharge is a domestic wastewater discharge as defined in Rule .0202 of this Subchapter;
- (C) When the receiving stream has naturally occurring low dissolved oxygen levels, the proposed discharge complies with G.S. 143-215.1(c7);
- (D) When the receiving stream does not have naturally occurring low dissolved oxygen levels, the proposed discharge does not reduce the dissolved oxygen levels of the receiving stream more than 0.1 mg/l below the approved modeled in-stream dissolved oxygen level for the receiving stream at total permitted capacity for all discharges to such receiving stream. The applicant shall use a model utilized elsewhere in USEPA Region 4, such as the Streeter-Phelps model used in the State of Alabama, and the selected model shall be approved by the Director as suitable for the particular discharge and receiving stream.
- (8) If an applicant requests less stringent effluent limits than those set forth in Subparagraph (g)(6) of this Rule, then the applicant shall conduct more complex modeling. The applicant shall use a model accepted elsewhere in USEPA Region 4 that is approved by the Director as suitable for the particular discharge and receiving stream. The modeling must demonstrate the requirement in Part (g)(7)(B) or (g)(7)(C) of this Rule, whichever is applicable, is met, and all EPA-approved NC water quality standards are protected.
- (9) Applicants shall provide either:
- (A) Mapping data from USGS; or

(B) Mapping data prepared by an engineer of record licensed in the state of NC utilizing either USGS mapping data or other maps approved for use by the Director.

(h) If the 7Q10 flow and the 30Q2 flow of the receiving stream are both estimated to be zero, then new or expanded discharges of oxygen consuming waste that do not meet the criteria in Paragraph (g) of this Rule shall not be allowed.

(i) If the 7Q10 flow and the 30Q2 flow of the receiving stream are both estimated to be zero, then the requirements for existing discharges shall be determined on a case-by-case basis by the Director.

~~(e)(j)~~ (j) Receiving water flow statistics shall be estimated through consultation with the U.S. Geological Survey. Estimates for any given location may be based on actual flow data, modeling analyses, or other methods determined to be appropriate by the ~~Commission or its designee.~~ Director.

Authority G.S. 143-214.1; 143-215.1(c7); 143-215.3(a)(1); SL 2024-44 s. 5.1.

SUBCHAPTER 02H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0100 - POINT SOURCE DISCHARGES TO THE SURFACE WATERS

15A NCAC 02H .0107 STAFF REVIEW AND EVALUATION

(a) The Director is authorized to accept applications for the Commission and shall refer all applications to the staff for review and evaluation. Additionally, the Director shall refer NPDES Permit applications for the discharge of waste into waters classified as sources of public water supply (WS classification) and shellfish waters classified SA to the Public Water Supply Section, Division of Water Resources, and the Shellfish Sanitation Program, Division of Marine Fisheries, respectively, both of the Department of Environmental Quality, and shall not take final action on such applications until receiving written confirmation that the proposed discharge is acceptable.

(b) The Director shall acknowledge receipt of an NPDES or Authorization to Construct permit application upon verifying that the application is administratively complete, that is, includes the completed and signed application forms specified in Rule .0105(a) of this Section, any necessary supplemental information, and any associated fees, in accordance with Rules .0105 and .0106 of this Section.

(1) If an application is not administratively complete, the Director shall either return the application to the applicant as incomplete or request the additional information required. If additional information is requested, the applicant shall be given up to 60 days to provide the information to make the application complete.

(2) If technical review of the application reveals that additional information is necessary for staff to evaluate the proposed discharge, the Director

shall notify the applicant of the additional information required. The applicant may be given up to 60 days to provide the information to make the application complete.

(3) If an application is submitted in accordance with 15A NCAC 02B .0206 (g), then the following shall also apply:

(A) Within 30 days of the filing of an application for a wastewater discharge subject to 15A NCAC 02B .0206 (g), the Director shall determine whether or not the application is complete and notify the applicant accordingly.

(B) If the Director determines an application is incomplete, the Director shall specify all such deficiencies in the notice to the applicant.

(C) The applicant may file an amended application or supplemental information within 60 days to cure the deficiencies identified by the Director for the Director's review.

(c) The staff shall review the application, supplemental information, and other pertinent information, such as monitoring data, compliance records, special studies, and water quality management plans, and shall make a tentative determination to issue, reissue, deny, modify, revoke, rescind, or deny the permit.

(1) The staff shall conduct a site investigation of each facility prior to making its tentative determination regarding the NPDES permit. On-site investigations shall not be necessary for Authorization to Construct permits, activities covered under general permits, and renewal of individual permits when renewal does not require significant reevaluation of permit conditions such as to address expansion of treatment plant capacity, modification of the wastewater treatment process, or changes in the nature or source of wastewaters to be treated.

(2) If the staff's tentative determination in Subparagraph (1) of this Paragraph is to issue the permit, it shall if necessary make the following additional determinations in writing:

(A) proposed effluent limitations for those pollutants proposed to be limited;

(B) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and

(C) a description of any other special conditions proposed in the draft permit.

(3) The staff shall organize the determinations made pursuant to Subparagraphs (1) and (2) of this Paragraph into a draft permit.

(d) In the case of permits for which Notice of Intent is given in accordance with Rules .0105 and .0127 of this Section, a Certificate of Coverage under a general permit may be issued directly to the applicant in lieu of any other acknowledgment. If

the discharge is not eligible for coverage under the general permit, or if the Notice of Intent is not complete and accompanied by the required application fee, the Notice of Intent shall be returned to the applicant with an explanation of the inadequacies.

Authority G.S. 130-161; 143-215.3(a)(1); 143-215.3(a)(4); 143-215.1(a).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rule cited as 15A NCAC 02Q .0114, and amend the rules cited as 15A NCAC 02Q .0501, and .0507.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Proposed Effective Date: Pending on the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.

Public Hearing:

Date: December 2, 2025

Time: 6:00 p.m.

Location: 1st Floor Training Room (#1210), DEQ Green Square Office Building, 217 West Jones St., Raleigh, NC 27603 or virtually using Cisco WebEx, Digital Hearing Link: <https://tinyurl.com/Pre-PermittingConstruction>

Event password: NCDQAQ

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US TOLL +1-415-655-0003, Access code: 2437 902 8679

If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 4:00 PM on December 2, 2025. To register, please click the following link: <https://forms.office.com/g/ZUPPSLbhCF>

*For instructions on ways to join the public hearing, please refer to the following link:
<https://files.nc.gov/ncdeq/Air%20Quality/rules/hearing/instructions-on-ways-to-join-webex.pdf>
<https://www.webex.com/test-meeting.html>

*If you have technical difficulties, the following automated voicemail has been set up to receive your verbal comments: 919-707-8430

Reason for Proposed Action: To receive comments on the proposed adoption of 15A NCAC 02Q .0114, Activities Allowed Prior to Permit Issuance, and amendments to 15A NCAC 02Q .0501, Purpose of Section and Requirement for a Permit, and .0507, Application, and the accompanying regulatory impact analysis (RIA). 15A NCAC 02Q .0114 is proposed for adoption and 15A NCAC 02Q .0501 and .0507 are proposed for amendment in response to changes in the pre-permitting construction provisions reflected in Session Law (S.L.) 2023-134, Section 12.11(e)-(g). This law was part of the 2023 Appropriations Act for North Carolina passed in October 2023 and amended with technical corrections in S.L. 2024-1, Section 4.13. S.L. 2023-134 modifies air permitting provisions in North Carolina General Statute (G.S.) 143-215.108A, Control of sources of air pollution; construction of new facilities; alteration or expansion of existing facilities. This statute applies to construction of any new facility and construction associated with the modification of a permit for an existing facility. S.L. 2023-134, Section 12.11(e) changes North Carolina's air permitting procedures by revising G.S. 143-215.108A to allow the construction, but not operation, of sources prior to receipt of an air permit, upon determination that an administratively complete application has been submitted to the Division of Air Quality (DAQ). As specified in the provisions of S.L. 2023-134, Section 12.11(f) and (g), the new pre-permitting construction provisions do not become effective until the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality (DEQ) certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency (EPA) has approved an amendment based on the statutory revisions into the North Carolina State Implementation Plan (SIP). On July 10, 2025, the Environmental Management Commission approved proceeding to public comment on the proposed adoption of 15A NCAC 02Q .0114 and amendments to 15A NCAC 02Q .0501 and .0507 and the accompanying RIA. The text of the rules and RIA are available on the DAQ website: <http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>

Comments may be submitted to: Katherine Quinlan, 217 West Jones St., 1641 Mail Service Center, Raleigh, NC 27699-1641; phone (919) 707-8702; email deq.publiccomments@deq.nc.gov (Please type "Pre-permitting Construction Rules" in subject line)

Comment period ends: December 15, 2025

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

concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES

15A NCAC 02Q .0114 ACTIVITIES ALLOWED PRIOR TO PERMIT ISSUANCE

Upon determination that an application for a permit or permit modification contains all information required by statute, regulation, and application form, consistent with G.S. 143-213, the construction, but not operation, of a new air contaminant source, equipment, or associated air cleaning or emission control devices may commence prior to permit issuance if the emissions source is not subject to:

- (1) permit limits set pursuant to programs for prevention of significant deterioration pursuant to 15A NCAC 02D .0530 and for the attainment of air quality standards in nonattainment areas pursuant to 15A NCAC 02D .0531;
- (2) a residual risk-based hazardous air pollutant standard pursuant to 15A NCAC 02D .1111; or
- (3) a case-by-case maximum achievable control technology (MACT) permit requirement issued by the Division pursuant to 15A NCAC 02D .1109 and Rule .0526 of this Subchapter.

The undertaking of pre-permitting activities pursuant to this Rule shall not entitle the applicant to operate any air contaminant source, equipment, or associated air cleaning or emissions control devices prior to permit issuance.

Authority G.S. 143-212; 143-213; 143-215.3(a)(1); 143-215.108A.

SECTION .0500 - TITLE V PROCEDURES

15A NCAC 02Q .0501 PURPOSE OF SECTION AND REQUIREMENT FOR A PERMIT

(a) The purpose of this Section is to establish an air quality permitting program as required pursuant to Title V of the Clean Air Act and 40 CFR Part 70.

(b) With the exception in Paragraph (c) of this ~~Rule~~, Rule and the provisions of 15A NCAC 02Q .0114, the owner or operator of an existing facility, new facility, or modification of an existing facility (except for minor modifications pursuant to 15A NCAC 02Q .0515), including significant modifications that would not contravene or conflict with a condition in the existing permit, shall not begin construction without first obtaining:

- (1) a construction and operation permit following the procedures set forth in this Section (except for 15A NCAC 02Q .0504); or
- (2) a construction and operation permit following the procedures set forth in 15A NCAC 02Q .0504 and filing a complete application within 12 months after commencing operation to modify the construction and operation permit to meet the requirements of this Section.

(c) With the exception provided in the provisions of 15A NCAC 02Q .0114, if ~~If~~ the owner or operator proposes to make a significant modification pursuant to 15A NCAC 02Q .0516 that would contravene or conflict with a condition in the existing permit, the owner or operator shall not begin construction or make the modification until the owner or operator has obtained:

- (1) a construction and operation permit following the procedures set forth in this Section (except for 15A NCAC 02Q .0504); or
- (2) a construction and operation permit following the procedures set forth in 15A NCAC 02Q .0504 and, before beginning operation, files an application and obtains a permit modifying the construction and operation permit to meet the requirements of this Section (except for 15A NCAC 02Q .0504).

(d) All facilities subject to this Section shall have a permit to operate that assures compliance with 40 CFR Part 70 and all applicable federal and State requirements.

(e) Except as allowed pursuant to 15A NCAC 02Q .0515(f) (minor modifications), no facility subject to the requirements of this Section may operate after the time that it is required to submit a timely and complete application pursuant to this Section except in compliance with a permit issued pursuant to this Section. This Paragraph does not apply to ~~to~~ permit renewals pursuant to 15A NCAC 02Q .0513.

(f) If the conditions of 15A NCAC 02Q .0512(b) (application shield) are met, the facility's failure to have a permit pursuant to this Section shall not be a violation of operating without a permit.

(g) If the owner or operator of a facility subject to the requirements of this Section submits an application for a revision to his permit before receiving the initial permit pursuant to this Section, the application for the revision shall be processed pursuant to 15A NCAC 02Q .0300.

(h) The owner or operator of a facility or source subject to the requirements of this Section may also be subject to the toxic air pollutant procedures set forth in 15A NCAC 2Q .0700.

(i) The owner or operator of an affected unit subject to the acid rain program requirements of Title IV is also subject to the procedures pursuant to 15A NCAC 02Q .0400.

(j) The owner or operator of a facility subject to the requirements of this Section shall pay permit fees in accordance with the requirements of 15A NCAC 02Q .0200.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.108A.

15A NCAC 02Q .0507 APPLICATION

(a) Except for:

- (1) minor permit modifications covered pursuant to 15A NCAC 02Q .0515;
- (2) significant modifications covered pursuant to 15A NCAC 02Q .0516(c); or
- (3) renewals submitted pursuant to 15A NCAC 02Q .0513;

the owner or operator of a new or existing source shall have 12 months after the facility or source becomes subject to the Title V operating permit program pursuant to 15A NCAC 02Q .0500 to file a complete application for a permit or permit revision. However, except as provided in 15A NCAC 02Q .0114, the owner or operator of a source shall not begin construction or operation of a source until he or she has obtained a construction and operation permit pursuant to 15A NCAC 02Q .0501(b) or (c) and 15A NCAC 02Q .0504.

(b) An application shall include the information described in 40 CFR 70.3(d) and 70.5(c), including a list of insignificant activities because of size or production rate but not including insignificant activities because of category. An application shall be certified by a responsible official for truth, accuracy, and completeness. In an application submitted pursuant to this Rule, the applicant may attach copies of applications submitted pursuant to 15A NCAC 02Q .0400 or 15A NCAC 02D .0530 or .0531 if the information in those applications contains information required in this Section and is current, accurate, and complete.

(c) Application for a permit, permit revision, or permit renewal shall be made in accordance with 15A NCAC 02Q .0104 on forms of the Division and shall include plans and specifications with complete data and information as required by this Rule. If the information provided on these forms does not describe the source or its air pollution abatement equipment to the extent necessary to evaluate the application, the Director shall request that the applicant provide other information necessary to evaluate the source and its air pollution abatement equipment.

(d) Along with filing a complete application, the applicant shall also file the following:

- (1) for a new facility or an expansion of existing facility, a consistency determination in accordance with G.S. 143-215.108(f) that:
 - (A) bears the date of receipt entered by the clerk of the local government; or
 - (B) consists of a letter from the local government indicating that zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or an expansion of an existing facility in an area without zoning, an affidavit and proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113; and
- (3) if required by the Director, information showing that:
 - (A) the applicant is financially qualified to carry out the permitted activities; or
 - (B) the applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged and has been

in substantial compliance with federal and State environmental laws and rules.

(e) An applicant who fails to submit relevant facts or submits incorrect information in a permit application shall, upon becoming aware of the failure or incorrect submittal, submit supplementary facts or corrected information to resolve the deficiency. In addition, an applicant shall provide additional information to address requirements to which the source becomes subject after the date the applicant filed a complete application but prior to release of a draft permit.

(f) The submittal of a complete permit application shall not affect the requirement that a facility have a permit pursuant to 15A NCAC 02D .0530, .0531, or .0532 or pursuant to 15A NCAC 02Q .0400.

(g) The Director shall give priority to permit applications containing early reduction demonstrations pursuant to Section 112(i)(5) of the federal Clean Air Act. The Director shall take final action on these permit applications after receipt of the complete permit application.

(h) Except as specified in 15A NCAC 02Q .0203(i), a non-refundable permit application processing fee, defined in 15A NCAC 02Q .0200, shall accompany the application. The permit application shall be deemed incomplete until the permit application processing fee is received.

(i) The applicant shall retain during the permit term one complete copy of the application package and the information submitted in support of the application package.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.108A.

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Mining Commission intends to adopt the rules cited as 15A NCAC 05B .0114-.0117, readopt with substantive changes the rules cited as 15A NCAC 05A .0202; 05B .0103-.0105, .0110-.0112, readopt without substantive changes the rules cited as 15A NCAC 05A .0101; 05B .0113; 05F .0101-.0103, .0105, .0106; 05G .0103-.0105, repeal through readoption the rules cited as 15A NCAC 05B .0106; 05F .0111, and .0112.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission>

Proposed Effective Date: July 1, 2026

Public Hearing:

Date: November 18, 2025

Time: 6:00 p.m.-9:00 p.m.

Location: Ground Floor Hearing Room, DEQ Archdale Building, 512 N. Salisbury Street, Raleigh, NC 27604, or virtually using Cisco WebEx, Digital Hearing Link: <https://ncgov.webex.com/ncgov/j.php?MTID=md779629b57347ccb38d070620bf41906> Meeting Password: MRC_1118_Attend (67201119 when dialing from a phone or video system) Audio conference: To receive a call back, provide your phone number

when you join the event, or call the number below and enter the access code. US TOLL +1-415-655-0003, Access code: 2434 615 3140

If you wish to provide public comments via Webex at the public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 5:00 PM on November 17, 2025. To register, please complete the registration form at the link provided: <https://forms.office.com/g/PQi7PfNmvgv>

*For instructions on ways to join the public hearing, please refer to the following link: <https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0>

Reason for Proposed Action: § 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.

Comments may be submitted to: Dwain Veach, 1612 Mail Service Center, Raleigh, NC 27699-1612; email dwain.veach@deq.nc.gov (Please type "Mining Rules" in subject line)

Comment period ends: December 15, 2025

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

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

- ☒ State funds affected
- ☒ Local funds affected
- ☐ Substantial economic impact ($\geq$ \$1,000,000)
- ☒ Approved by OSBM

☐ No fiscal note required

CHAPTER 05 - MINING - MINERAL RESOURCES

SUBCHAPTER 05A - ORGANIZATION AND ADMINISTRATION

SECTION .0100 - MINING AND ENERGY COMMISSION

This Chapter, 15A NCAC 05, MINING: MINERAL RESOURCES; was transferred and recodified from 15 NCAC 05 effective November 1, 1989. The recodification was pursuant to G.S. 143B-279.1.

15A NCAC 05A .0101 NAME AND ADDRESS

The name of this agency shall be the North Carolina Mining and Energy Commission. Its address is Department of Environmental Quality, Environment, Health, and Natural Resources, P.O. Box 27687, 1612 Mail Service Center, Raleigh, North Carolina 27611-27699-1612.

Authority G.S. 143B-290.

SECTION .0200 - ADMINISTRATION

15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS

(a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality, Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard to necessary to administer the administration of the Mining Act of 1974: 1971, including:

- (1) the issuance, denial, modification, ~~renewal, suspension~~ suspension, transfer, and revocation of permits;
- (2) the approval of reclamation plans;
- (3) the initiation of forfeiture proceedings;
- (4) the giving of notices, setting of hearings and taking of action upon findings of violations; and
- (5) the institution of all criminal and civil actions.

(b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality, Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983: 1983, including:

- (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of permits;
- (2) the review of the plans for the initiation and approval of the abandonment of affected land;
- (3) the inspection and approval of the abandonment of affected land;
- (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- (5) the institution of all criminal and civil actions.

(c) The following definitions apply to Subchapters 05A, 05B, 05F and 05G of Chapter 5 of Title 15A of the North Carolina Administrative Code:

- (1) "Administrative Change" means any change initiated by the Department or requested by the applicant to correct errors including grammatical errors, typographical errors, and map inaccuracies, that do not substantively change the permit.
- (2) "Affected land", as defined in G.S. 74-49(1) shall not include an unrelated use that does not meet the definition of mining that occurs within the permit boundaries, including activities pertaining to agriculture and silviculture including timber harvesting, where an erosion and sedimentation plan is approved pursuant to G.S. 113A, Article 4, when required, and the unrelated use area is shown on the mine map.
- (3) "Contaminants" shall be defined as set forth in 42 USC 9601(33) "Pollutants or Contaminants", which is hereby incorporated by reference, including any amendments or subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-E-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.
- (4) "Director" means the Director of the Division of Energy, Mineral and Land Resources of the Department of Environmental Quality, or any position to which the Director has delegated their authority.
- (5) "Division" means the Division of Energy, Mineral, and Land Resources.
- (6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business day, when an application is submitted electronically outside of business hours.
- (7) "Mining Buffer" means an unexcavated, undisturbed, or vegetative area managed to

protect adjacent land owners or areas of special concern.

- (A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, berms and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.
- (B) "Undisturbed" means no disturbance shall occur.
- (C) "Vegetative Buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.
- (8) "Non-public roads" means any private road that is not maintained by the State or had maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.
- (9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.
- (10) "On-site Construction" means development of a site where the primary purpose is to construct, develop, or erect, structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and time limited.
- (11) "Transfer Material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of onsite materials for the purpose of resale.

Authority G.S. 74-50 through 74-53; 74-56 to 74-59; 74- 77 75 through 74-85; 74-87.

SUBCHAPTER 05B - PERMITTING AND REPORTING

15A NCAC 05B .0103 BONDING REQUIREMENTS

- (a) After an application for a new mining permit or permit ~~renewal, modification,~~ modification, or transfer is ~~considered approvable~~ approved by the Department, an applicant or permittee ~~shall must~~ file a bond with the Department in an amount to be determined by the ~~Director.~~ Director in accordance with this Rule and G.S. 74-54.
- (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the Director's initial bond determination. After considering the estimate and recommendations ~~provided by Division his~~ provided by Division staff, the Director shall notify the applicant or permittee of ~~his the~~ the bond determination and the process and conditions used to set the bond amount.
- (c) The Director ~~may shall invite allow~~ the applicant or permittee to submit to the Department an estimate of reclamation costs from a third-party contractor for the Director's use in determining the required bond amount. After considering the estimate and the recommendations provided by ~~his Division~~ Division staff, the Director shall notify the applicant or permittee of ~~his the~~ the bond determination and the process and conditions used to set the bond amount.
- (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation plan approved pursuant to G.S. 74-53 and ~~15A NCAC 5B .0004(b).~~ 15A NCAC 05B .0104(b). ~~The bond amount shall be based on a range of five hundred dollars (\$500.00) to five thousand (\$5000.00) per acre of land approved by the Department to be affected. If the mining permit~~

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is modified to increase the total affected land, the bond shall be increased ~~accordingly pursuant to this Rule~~. The Director shall consider the method and extent of the required reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released by the Department, the permittee may substitute a bond in an amount covering the remaining affected land at the site for the bond previously filed with the Department; otherwise, without such bond substitution, the Department shall retain the previously filed bond until all reclamation has been completed and approved by the Department.

(e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of this Paragraph and applied per acre of land approved by the Department to be affected. The criteria in Subparagraph (1) of this Paragraph does not apply to existing bonds already on file with the Department, until action is required to change the bond including new, transfer, modified mining permits on file with the Department or compliance action taken by the Department.

(1) Table of Mining Reclamation Factors.

Commodity Codes:

<u>SG</u>	<u>Sand and/or Gravel</u>	<u>PF</u>	<u>Pyrophyllite</u>
<u>GS</u>	<u>Gemstone</u>	<u>OL</u>	<u>Olivine</u>
<u>Borrow</u>	<u>Borrow/fill dirt</u>	<u>KY</u>	<u>Kyanite/Sillimanite/Andalusite</u>
<u>CS</u>	<u>Crushed Stone</u>	<u>PH</u>	<u>Phosphate</u>
<u>DS</u>	<u>Dimension Stone</u>	<u>CL</u>	<u>Clay/Shale</u>
<u>FS</u>	<u>Feldspar</u>	<u>PE</u>	<u>Peat</u>
<u>MI</u>	<u>Mica</u>	<u>AU</u>	<u>Gold</u>
<u>LI</u>	<u>Lithium</u>	<u>TI</u>	<u>Titanium</u>

<u>Type</u>	<u>Tailings/ Sediment Ponds (Lake)</u>	<u>Tailings/ Sediment Ponds (Filled In)</u>	<u>Stockpiles</u>	<u>Wastepiles</u>	<u>Processing Area/Haul Roads</u>	<u>Mine Excavation (Lake)</u>	<u>Mine Excavation (Positive Drainage)</u>
<u>SG,GS, Borrow CS, DS, FS, MI, LI, PF, OL, KY</u>	<u>\$810</u>	<u>\$2,430</u>	<u>\$2,916</u>	<u>\$3,240</u>	<u>\$2916</u>	<u>\$810</u>	<u>\$3,240</u>
<u>PH</u>	<u>\$1,620</u>	<u>\$4,050</u>	<u>\$4,050</u>	<u>\$8,100</u>	<u>\$8,100</u>	<u>\$3,240</u>	<u>\$8,100</u>
<u>CL</u>	<u>\$1,620</u>	<u>\$4,050</u>	<u>\$4,050</u>	<u>\$8,100</u>	<u>\$8,100</u>	<u>\$3,240</u>	<u>\$5,994</u>
<u>PE, AU, TI, OT</u>	<u>\$1,620</u>	<u>\$4,050</u>	<u>\$4,050</u>	<u>\$4,860</u>	<u>\$5,670</u>	<u>\$3,240</u>	<u>\$8,100</u>

(2) the amounts included in Subparapragh (1) of this Paragraph shall be increased by two percent per year on an annual basis beginning on July 1, 2027.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: Bond = Current Bond Value x (1+(.02 x # of years)).

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket bond(s) bond for all sites reaches ~~five hundred thousand dollars (\$500,000)~~ one million dollars (\$1,000,000):

- (1) ~~the applicant or permittee with separate bonds may substitute a five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond to be used for all future sites, or
- (2) ~~the applicant or permittee with five hundred thousand dollar (\$500,000)~~ one million dollars

(\$1,000,000) blanket bond covering all sites may use that blanket bond for all future sites, if the Director finds that the applicant or permittee, in either case, has a good operating record, that the five hundred thousand dollars (\$500,000) is sufficient to reclaim all sites and that no additional reclamation bond money is needed. If the Director finds that the applicant or permittee does not have a good operating record, that the five hundred thousand dollars (\$500,000) is not sufficient to reclaim all sites, or that additional reclamation money is needed, the Director shall require per acreage bonding for future sites as provided in Paragraph (d) of this Rule.
~~(f) For the purposes of this Rule, a good operating record is defined as two consecutive years of operation within the State of~~

~~North Carolina without final assessment of a civil penalty or other enforcement action pursuant to G.S. 74-64, or having a permit suspended or revoked under G.S. 74-58, or having a bond or other surety forfeited under G.S. 74-59. For the purposes of this Rule, a bond shall include any and all types of security allowed under G.S. 74-54.~~

~~(h) In accordance with G.S. 74-51(h) no permit shall be issued until the operator deposits with the Department a reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an additional specified period of time to deposit the bond, not to exceed 60 days shall be granted by the Director.~~

~~(i) In accordance with G.S. 74-51(d)(1) failure to provide the required security within the specified time period, or any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.~~

~~(j) Any bond deposited with the Department shall include the following elements:~~

~~(1) Surety Bonds:~~

- ~~(A) Name, address and type of business entity of Principal exactly matching name of Permittee;~~
- ~~(B) The State of North Carolina, Department of Environmental Quality 1612 Mail Service Center Raleigh, North Carolina 27699-1612 as the Obligee;~~
- ~~(C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina to do business in North Carolina;~~
- ~~(D) Sum of bonded amount required under this Rule;~~
- ~~(E) Conditioned that the Principal conducts or will conduct mining operations in North Carolina as described in the application for an operating permit which includes a Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application from the Department of Environmental Quality;~~
- ~~(F) Further conditioned that if the Principal shall comply with the requirements set forth in "The Mining Act of 1971" (G.S. 74-46 through 74-68) and with the rules and regulations adopted pursuant thereto and faithfully perform all obligations under their approved Reclamation Plan then this obligation shall be null and void; otherwise to be and remain in full force and effect until released by the Department of Environmental Quality in accordance with G.S. 74-56 or canceled by the surety. Cancellation by the surety shall be effectuated only upon 60 days written notice thereof to the Department of Environmental~~

Quality and the operator as provided in G.S. 74-54;

(G) Signature, Name, Title and Attestation by Officer of the Principal; and

(H) Notarization.

(2) Assignment of Savings Account:

(A) Name, address and type of business entity of Assignor exactly matching name of Permittee;

(B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612 as the Assignee;

(C) Name, address and account information for the bank holding assigned account;

(D) Sum of assigned amount required under this Rule;

(E) Statement that, in consideration of the promises contained in the agreement and the Department accepting the assignment of the savings account in question, the Assignor sells, assigns, transfers and sets over to the Department the sum in Part (j)(2)(D) of this Rule and directly authorizes the bank holding the assigned account to pay over to the Department the sum in Part (j)(2)(D) of this Rule upon request;

(F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable rules and regulations adopted pursuant thereto, then the assignment shall be null and void; otherwise it shall remain in full force and effect and that compliance with the requirement of the Mining Act of 1971 and applicable rules and regulations shall be determined by the Department;

(G) Specification that the assignment is made and held by the Department as collateral security in lieu of a surety bond in accordance with "The Mining Act of 1971" (G.S. 74-46 through 74-68) to assure compliance and reclamation of the permitted operation and for all direct or indirect liabilities of the assignor Operator to the assignee Department that may arise by reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North Carolina;

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| <p>(H) <u>Signature, Name and Title of an officer of the Assignor;</u></p> <p>(I) <u>Notarization of the Assignor's signature;</u></p> <p>(J) <u>Signature, Name and Title of an officer of the bank holding the assigned account acknowledging the assignment and committing that the funds assigned shall not be disbursed except to the Department so long as the assignment remains in effect; and</u></p> <p>(K) <u>Notarization of the Bank's signature.</u></p> <p>(3) <u>Irrevocable Standby Letter of Credit (ILOC)</u></p> <p>(A) <u>Name, address and type of business entity of Operator exactly matching name of Permittee;</u></p> <p>(B) <u>Name, address and type of business entity of Issuing Institution;</u></p> <p>(C) <u>The State of North Carolina, Department of Environmental Quality, Department of Environmental Quality 1612 Mail Service Center Raleigh, North Carolina 27699-1612 as the Beneficiary;</u></p> <p>(D) <u>Effective Date of the ILOC;</u></p> <p>(E) <u>Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least 60 days notice via certified mail, return receipt requested, to the Permittee and the Department prior to nonrenewal;</u></p> <p>(F) <u>Sum of the ILOC required under this Rule;</u></p> <p>(G) <u>That the sum of the ILOC is available by the Department drafts on sight;</u></p> <p>(H) <u>Instructions for drafts by the Department;</u></p> <p>(I) <u>Non-transferability clause;</u></p> <p>(J) <u>Choice of Law provisions specifying North Carolina venue for all disputes;</u></p> <p>(K) <u>Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide holders that all drafts drawn under and in compliance with the terms of the ILOC will be duly honored upon presentation to the Issuing Institution;</u></p> <p>(L) <u>Statement that the ILOC is being issued in lieu of a surety bond in accordance with "The Mining Act of 1971" (G.S. 74-46 through 74-68) to assure compliance and reclamation of the permitted operation;</u></p> <p>(M) <u>Signature, Name and Title of an officer of the Issuing Institution; and</u></p> <p>(N) <u>Notarization of the Issuing Institution officer's signature.</u></p> <p>(4) <u>Bank Guaranty</u></p> | <p>(A) <u>Name, address and type of business entity of Operator exactly matching name of Permittee;</u></p> <p>(B) <u>Name, address and type of business entity of Issuing Institution;</u></p> <p>(C) <u>The State of North Carolina, Department of Environmental Quality, Department of Environmental Quality 1612 Mail Service Center Raleigh, North Carolina 27699-1612 as the Beneficiary;</u></p> <p>(D) <u>Effective Date of the guaranty;</u></p> <p>(E) <u>Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least 60 days notice via certified mail, return receipt requested, to the Permittee and the Department prior to nonrenewal;</u></p> <p>(F) <u>Sum of the guaranty required under this Rule;</u></p> <p>(G) <u>That the sum of the guaranty is available by the Department drafts on sight;</u></p> <p>(H) <u>Instructions for drafts by the Department;</u></p> <p>(I) <u>Non-transferability clause;</u></p> <p>(J) <u>Choice of Law provisions specifying North Carolina venue for all disputes;</u></p> <p>(K) <u>Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide holders that all drafts drawn under and in compliance with the terms of the guaranty will be duly honored upon presentation to the Issuing Institution;</u></p> <p>(L) <u>Statement that the guaranty is being issued in lieu of a surety bond in accordance with "The Mining Act of 1971" (G.S. 74-46 through 74-68) to assure compliance and reclamation of the permitted operation;</u></p> <p>(M) <u>Signature, Name and Title of an officer of the Issuing Institution; and</u></p> <p>(N) <u>Notarization of the Issuing Institution officer's signature.</u></p> <p>(5) <u>Cash Deposit:</u></p> <p>(A) <u>Cash in the form of a cashiers or certified check in the sum required under this Rule; and</u></p> <p>(B) <u>Cover Letter specifically identifying Permittee and specifying the intended function of the money to serve as the required bond amount under this Rule.</u></p> |
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Authority G.S. 74-51; 74-54; 143B-290.

15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION

(a) The completed application for the mining permit shall include information concerning the mining operation and a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall include:

- (1) materials to be mined;
- (2) method of mining;
- (3) expected depth of mine;
- (4) size of the mine, including:
 - (A) acreage for tailings ponds,
 - (B) acreage for stockpiles,
 - (C) acreage for waste piles,
 - (D) acreage for processing plants,
 - (E) acreage for mine excavation,
 - (F) acreage for annual disturbance;
- (5) anticipated effect on wildlife, freshwater, estuarine or marine fisheries;
- (6) whether ~~or not~~ the mining operation will have a ~~waste water wastewater discharge or air contaminant emission which~~ that will require a permit from the ~~division of environmental management;~~ Division of Water Resources, an air contaminant emission that will require a permit from the Division of Air Quality, or will have a stormwater discharge that will require a permit from the Division of Energy, Mineral, and Land Resources;
- (7) ~~method~~ methods to prevent physical hazard to any neighboring dwelling house, school, church, hospital, commercial or industrial building, or public road if the mining excavation will come within 300 feet thereof;
- (8) measures ~~to be taken~~ required to ~~insure~~ ensure against landslides and acid water pollution;
- (9) measures ~~to be taken~~ required to minimize siltation of streams, lakes, or adjacent properties during the mining operation;
- (10) measures ~~to be taken~~ required to screen the mining operation from public ~~view.~~ view;
- (11) name of mine and location;
- (12) responsible officer contact information;
- (13) site contact information; and
- (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.

(b) Information required in the reclamation plan shall ~~include:~~ include methods and construction details for:

- (1) intended plan for overall mine reclamation, subsequent land use and the ~~general~~ methods to be used in reclaiming the affected land;
- (2) intended practices ~~to be taken~~ required to protect adjacent surface resources;
- (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
- (4) intended methods of rehabilitation of settling ponds;
- (5) intended methods of restoration or establishment of stream channels and stream

beds to a condition minimizing erosion, siltation and other pollution;

- (6) intended measures to stabilize slopes;
- (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
- (8) intended measures of disposal of mining refuse and control of contaminants;
- (9) provisions to prevent collection of noxious, odious or foul water in mined areas; and
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which plan ~~shall must~~ be approved in writing by one of the following prior to submission of the application:

- (A) Authorized ~~representatives~~ representative of the local soil and water conservation district having jurisdiction over lands in question;
- (B) Authorized ~~representatives~~ representative of the ~~division of forest resources,~~ Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services;
- (C) North Carolina Cooperative Extension County agricultural extension chairman County Director in a county listed in the county(s) where the site is located or research and extension personnel headquartered at North Carolina State University in the ~~school of agriculture and life sciences~~ School of Agriculture and Life Sciences;
- (D) North Carolina licensed ~~landscape architects;~~ Landscape Architect pursuant to G.S. 89A;
- (E) North Carolina licensed Professional Engineer pursuant to G.S. 89C;
- ~~(F)~~ Private consulting ~~foresters~~ forester referred by the ~~division of forest resources,~~ Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services; or
- ~~(F)~~ (G) Others as may be approved by the ~~department;~~ Department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) In lieu of the written approval required by Subparagraph (10) of this Paragraph a plan for revegetation and reforestation developed utilizing one of the following:

- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual; or
- (B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation; and

(12) time schedule of reclamation that provides that reclamation activities be conducted simultaneously with mining operations whenever feasible and in any event be initiated at the earliest practicable time after completion or termination of mining on any segment and completed within two ~~years~~ years unless a longer period is specifically permitted by the Department.

(c) An application shall include In addition to the form, the operator shall also submit two copies of a county map showing the mine location and two copies a copy of a mine map. Mine maps shall be consistent with the reclamation plan and shall should be accurate drawings, aerial photographs or enlarged topographic maps of the mine area and must clearly shall show the following:

- (1) property lines or affected area of mining operation;
- (2) outline of pits;
- (3) outline of stockpile areas;
- (4) outline of overburden disposal areas;
- (5) location of processing plants (Processing plants may be described as to location and distance from ~~mine if sufficiently far removed~~; the mine if not contiguous to the mine property.);
- (6) location and name of streams and lakes;
- (7) outline of settling ponds;
- (8) location of access roads;
- (9) mine permit boundaries;
- (10) existing and proposed contours showing all drainage areas;
- (11) map legend; legend, including:
 - (A) name of company,
 - (B) name of mine,
 - (C) north arrow,
 - (D) county,
 - (E) scale,
 - (F) date prepared,
 - (G) name and title of person preparing map; and

(12) names of owners of record, both public and private, of all adjoining ~~land~~ land as is specified in G.S. 74-50.

(13) Any unrelated use area, that has the potential to disturb the soil surface, that does not meet the definition of mining within the permit boundaries.

(14) Vicinity map showing the mining operation in relation to the general area at a minimum scale of 1:24,000.

(15) Drawings showing typical sections or cross sections and layout of proposed reclamation

where such drawings will assist in describing reclamation.

(16) Approximate limits of future reserves not included in affected area.

(17) Intended reclamation for projected phases or segments when reclamation is accomplished concurrently with mining.

The mine maps should be correlated with the reclamation plan. The approximate areas to be mined during the life of the permit should be clearly marked. If reclamation is to be accomplished concurrently with mining, then show segments that are to be mined and reclaimed during each year of the permit. Add drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation.

(d) An application for a mining permit shall include:

(1) The ~~name~~ names and ~~address~~ addresses of all known owners, both private and public of all land adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a diligent search of the tax records or other sources of information approved in advance by the Department about property ownership in a manner reasonable calculated to identify that identifies the owners of all adjoining land and approved by the ~~department~~ Department. The proposed mining site means all land to be included within the proposed permitted area;

(2) The ~~name~~ names and addresses of the county, city and town managers, who serve as the chief administrative officer officers, of the county or municipality of the local governments in which any part of the proposed mining site is located together with the officer's mailing address; located; and

(3) Pursuant to G.S. 74-50, Proof proof satisfactory to the ~~department~~ Department that the applicant has made a reasonable the required effort to notify all owners of record of all adjoining land and the chief administrative officer officers of the county or municipality of the pending application. Proof satisfactory to the ~~department~~ Department shall include an affidavit by the applicant that he has caused stating that a notice of the pending application to be has been sent by certified or registered mail to all known adjoining owners and to the chief administrative officer officers of the county or municipality. Other means of notice shall be satisfactory if approved in advance by the ~~department~~ Department.

(4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees and permittees and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation.

- (5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease or option from the property owner allowing mining activities for all lands to be included in the permitted area as defined in G.S. 74-50(b)(3).

(e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to be resubmitted in its entirety.

(f) Permit applications shall be signed as follows:

- (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or their authorized representative;
- (2) in the case of a partnership or limited partnership, by a general partner;
- (3) in the case of a sole proprietorship, by the proprietor;
- (4) in the case of a municipal, state or other public entity by either a principal executive officer, ranking official or other duly authorized employee.
- (5) in the case of a limited liability company, by a managing member. The signature of the consulting engineer or other agent shall be accepted on the application only if accompanied by a letter of authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.

Authority G.S. 74-63; 74-51; 74-53; 74-56.

15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT

To assure ensure that the mining operation will comply fully fully complies with the requirements and objectives of the Mining Act of 1971, the director Director may approve an application or reclamation plan subject to certain conditions. Such conditions of application approval may include: require that a permit or reclamation plan contain conditions including:

- (1) additional erosion control measures to be installed during the mining operation; operation as specified in G.S. 74-51;
- (2) a natural vegetated buffer to be left between any stream and the affected land, land when specified in State or local stream protection requirements.
- (3) visual screening such as existing natural vegetation, vegetated earthen berms, and tree plantings at staggered spacing spacing, etc. to be installed and maintained as feasible between any affected land and any adjoining property containing occupied buildings or public access within view of the affected land; any screening conditions shall take into consideration the

mining operation activities that are being screened and the current usage of the neighboring property.

- (4) erosion control measures to be taken during the construction and operation of all haul roads or access roads to minimize offsite damage from sediment; sediment.
- (5) other conditions necessary to safeguard the adjacent surface resources or wildlife.
- (6) hydrogeological analysis to assess potential influences of mine dewatering on water supply wells and measures to mitigate potential adverse impacts.

Authority G.S. 74-63; 74-51.

15A NCAC 05B .0106 STANDARDS FOR DENYING AN APPLICATION

An application for a mining permit including new permits, modified permits and renewal permits, may be denied when the operation will have an unduly adverse effect on wildlife or fisheries by:

- (1) substantial siltation of streams or lake beds, increasing the average water temperature of adjacent waterways to a temperature detrimental to the pre-existing aquatic wildlife; or
- (2) other conditions designated by the North Carolina Wildlife Resources Commission as being unduly detrimental to wildlife.

Authority G.S. 74-51; 74-58; 74-63.

15A NCAC 05B .0110 MINING RECLAMATION REPORTS

The mine operator shall, by February 1 of each year during the life of the permitted operation, and within 30 days of completion or termination of mining on an area under permit, file with the department a mining reclamation report on a form prescribed by the department.

- (a) Upon completion of reclamation of an area of land, the operator shall notify the Department and complete a release request that includes the details found on the reclamation report as required to be filed by G.S. 74-55.
- (b) If the Department receives a release request on or before September 30, the Department may waive the annual fee for the permit year. Where a site is determined to not be eligible for release pursuant to G.S. 74-56, the Department may revoke the waiver prior to December 31.

Authority G.S. 74-55; 143B-290.

15A NCAC 05B .0111 PUBLIC HEARINGS

- (a) If the department Department determines that there exists a significant public interest in an application for a new mining permit, or for a modification that adds land to the existing permit, the director Director shall appoint a hearing officer to conduct a public hearing on the application which shall be held no sooner than 20 or later than 60 days 90 days of from the filing of the

application and before the ~~department~~ Department makes its final decision regarding the application.

(b) At least ~~10~~ 20 days prior to the public hearing, the ~~department~~ Department shall ~~publish~~ provide notice thereof in a newspaper of or other media platform with general coverage in the county(s) in which the proposed mine is located. ~~The department may also give notice to the public by other means.~~ In addition, the ~~department~~ Department shall cause written notice of the hearing to be sent by certified or registered mail to the applicant and to the known owners of all adjoining ~~land~~ land as specified in G.S. 74-50.

(c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The hearing officer may impose reasonable limitations on the length of time that any person may speak and may summarize comments rather than recording them in full. The hearing officer may allow additional written comments to be submitted for up to ten days after the ~~hearing~~ hearing after which the public comment period will be considered closed and no other public comments can be considered in the final determination of the application. ~~within a~~

~~period of time he deems appropriate which shall not exceed ten days.~~

(d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report summarizing the comments that were submitted regarding the application. The report shall include copies of all written comments submitted. Copies of the report shall be made available to the applicant or members of the public upon request. The ~~department~~ Department shall give full consideration to all comments contained in the hearing record in making its final determination on the application.

(e) In the event there is not a public hearing, public comments will be accepted for 60 days following the receipt of the application after which the public comment period will be considered closed and no other public comments will be considered in the final determination of the application.

Authority G.S. 74-51; 74-63; 74-86.

15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES

(a) A nonrefundable permit application processing fee, in the amounts stated in G.S. 74-54.1, ~~Paragraphs (b), (c) and (d) of this Rule,~~ shall be paid when an application for a new mining ~~permit permit~~ or a permit modification, ~~or a renewal permit or transfer~~ is filed in accordance with G.S. 74-51 or G.S. 74-52 and ~~15A NCAC 5B .0003, .0004, and .0005.~~ the rules of this Subchapter.

- (1) The acreage for a new permit application shall include the total acreage contained within the permitted area.
- (2) The acreage for a permit modification shall be limited to the increase in proposed acreage of affected land internal to the existing permitted area plus any new acreage proposed to be added to the permitted area beyond the existing permit boundary.
- (3) The fee for a permit transfer shall remain a flat fee regardless of acreage.
- (4) For purposes of calculations pursuant to G.S. 74-54.1, the referenced acreage ranges shall include anything less than 26 acres as "0-25 acres" and anything equal to or greater than 26 acres as "26+ acres".

(b) No fee is required for administrative changes initiated by the Director.

~~(b) A non-refundable fifty dollar (\$50.00) permit application processing fee is required for minor permit modifications. Minor permit modifications include administrative changes such as ownership transfers, name changes, and bond substitutions. A minor permit modification also includes lands added to a permitted area, outside of the minimum permit buffer zone requirements, where no plans for mining related disturbance of the added lands have been approved. All other changes to the permit are major modifications. No fee is required for administrative changes initiated by the Director to correct processing errors, to change permit standards or to implement new standards.~~

~~(c) A non-refundable fifty dollar (\$50.00) permit application processing fee is required for permit renewal of an inactive site, provided that any previously disturbed areas have been reclaimed in a manner acceptable to the Department. Once renewed, prior to initiating any mining related disturbance, an application for a major modification and a processing fee shall be submitted to and approved by the Department. For purposes of this Paragraph, and notwithstanding Paragraph (d) of this Rule, the acreage for a major modification shall be the total acreage at the site. All other modifications to the renewed permit shall be governed by Paragraphs (b) and (d) of this Rule.~~

~~(d) e) For the purposes of this Rule, acres for new permits and renewal permits means the total acreage at the site; and acres for major modification of permits means that area of land affected by the modification within the permitted mine area, or any additional land that is to be disturbed and added to an existing permitted area, or both. Each permit application shall be deemed incomplete until the permit application processing fee is paid. Schedule of Fees:~~

TYPE	ACRES	NEW PERMIT	MAJOR MODIFICATION	RENEWAL
CLAY	1 but less than 25	\$ 500	\$ 250	\$ 250
	25 but less than 50	1000	500	500
	50 or more	1500	500	500
SAND & GRAVEL,	1 but less than 5	150	100	100

PROPOSED RULES

GEMSTONE	5 but less	250	100	100
AND	than 25			
BORROW	25 but less	500	250	500
PITS	than 50			
	50 or more	1000	500	500
QUARRY,	1 but less	250	100	100
INDUSTRIAL	than 10			
MINERALS,	10 but less	1000	250	500
DIMENSION	than 25			
STONE	25 but less	1500	500	500
	than 50			
	50 or more	2500	500	500
PEAT & 1 or more	2500	500	500	
PHOSPHATE				
GOLD (HEAP	1 or more	2500	500	500
LEACH),				
TITANIUM &				
OTHERS				

~~(e) Payment of the permit application processing fee shall be by check or money order made payable to the "N.C. Department of Environment, Health, and Natural Resources". The payment shall refer to the new permit, permit modification or permit renewal.~~

~~(f) In order to comply with the limit on fees set forth in G.S. 143B-290(4)b, the Director shall, in the first half of each state fiscal year, project revenues for the fiscal year from fees collected pursuant to this Rule. If this projection shows that the statutory limit will be exceeded, the Director shall order a pro rata reduction in the fee schedule for the remainder of the fiscal year to avoid revenue collection in excess of the statutory limits.~~

(c) Any new permit issued between September 1 and December 31 shall not be required to pay the annual operating fee or submit the annual reclamation report for that same calendar year.

Authority G.S. 143B-290.

15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)

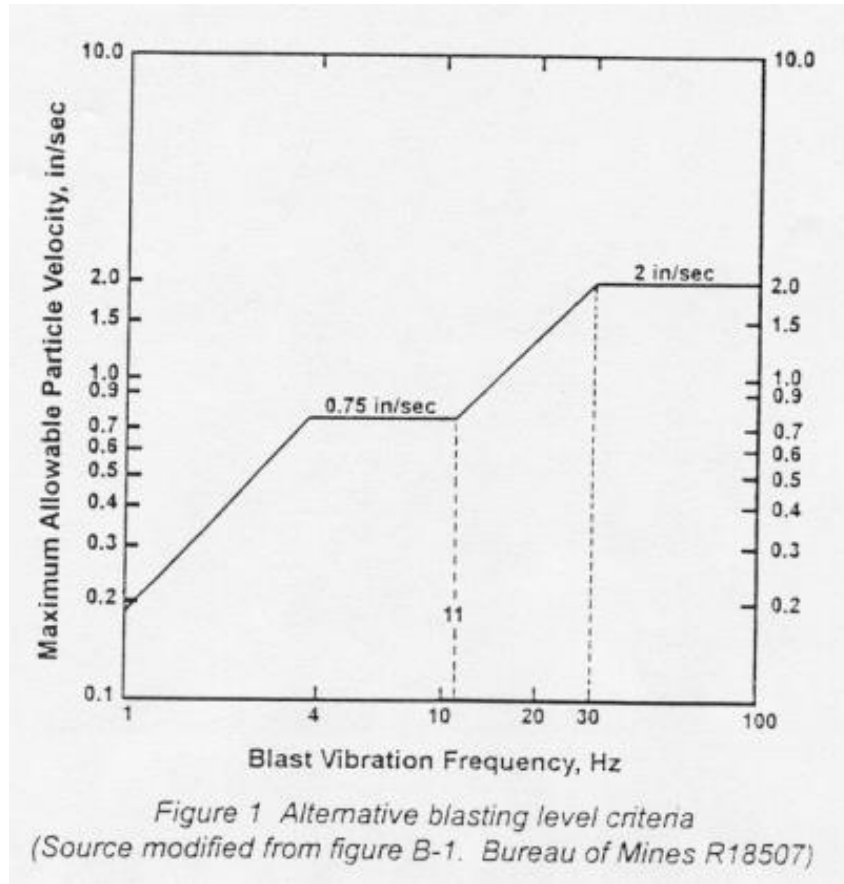
An applicant or permittee shall submit to the Department supplemental information regarding an application for a new ~~permit or modified, permit, or permit renewal or permit transfer~~ within 180 days after the date of receipt of the Department's written ~~request(s) request~~ for such information. Upon written request of the applicant or permittee to the Director, an additional ~~reasonable~~ specified period of time not to exceed one year ~~shall may~~ be granted ~~upon determination of good cause by the Director. Additional time may be granted by the Mining and Energy Commission, provided written request is made by the applicant or permittee before the expiration of the one year period.~~

Authority G.S. 74-51; 74-52; 74-63; 143B-290.

15A NCAC 05B .0114 BLASTING

(a) At any site where blasting occurs, the operator shall monitor each blast with a seismograph located at a distance no farther than the closest off site regularly occupied structure not owned or leased by the operator. A seismographic record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept for each blast, except as provided in Paragraphs (c) and (e) of this Rule.

(b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed the alternative ground vibration limits in this Paragraph at the nearest regularly occupied building outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building.



(c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted in accordance with the following scaled distance formulas:

$$W = \left(\frac{D}{Ds}\right)^2 \quad Ds = \frac{D}{\sqrt{W}} \quad V = 160(Ds)^{-1.6}$$

$\frac{W}{Ds}$ = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).
 $\frac{D}{Ds}$ = Distance from the blast site to the nearest inhabited building not owned or leased by the mine operator. (feet).
 $\frac{Ds}{Ds}$ = Scaled distance factor.
 $\frac{V}{V}$ = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied building not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

Lower Frequency Limit of Measuring System (Hz)	Max Level (dBL)
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

(e) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted in accordance with the following formulas:

Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

$\frac{P}{W}$ = Airblast overpressure average burial (pounds per square inch).
 $\frac{W}{W}$ = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

- D = Distance from the blast site to the nearest inhabited building not owned or leased by the mine operator (feet).
dB = Airblast overpressure average burial (decibels).
A = Air blast or air overpressure for typical quarry situations (decibels).

The air blast/overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

(g) The operator shall maintain records on each individual blast describing:

- (1) name of Company or contractor;
- (2) date, and time of the blast;
- (3) type of material blasted;
- (4) the total number of holes;
- (5) pattern of holes and delay of intervals;
- (6) depth and size of holes;
- (7) type and total pounds of explosives;
- (8) maximum pounds per 8ms delay interval;
- (9) amount of stemming and burden for each hole;
- (10) blast location;
- (11) distance from blast to closest offsite regularly occupied structure;
- (12) weather conditions at the time of the blast; and
- (13) Whether mats or other protections were used.

Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

(h) The operator shall take all reasonable precautions to ensure that flyrock is not thrown beyond areas where access is temporarily or permanently guarded by the operator.

(i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine site by the permittee or their representative in response to an exceedance of a level allowed by these blasting conditions. The operator shall make an effort to incorporate the studies' recommendations into the production blasting program.

Authority G.S. 74-51; 74-63.

15A NCAC 05B .0115 MINING PERMIT TRANSFERS

(a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied with the requirements of the Act. The sale or lease of the operation alone does not constitute an approved transfer of the permit. Until a permit has been transferred by the Department to the successor operator, the existing operator shall be held responsible for any activities at the site, including liability for any documented violations at the site. Liability shall remain with the existing operator until such violations have been addressed to the satisfaction of the Department and the Department has transferred the permit in its entirety to the successor operator.

(b) A valid permit may be transferred from one operator to another provided the following information has been submitted on a form furnished by the Department:

- (1) A signed statement from the existing operator requesting that the permit be transferred to the successor operator. The existing mine name and permit number shall be identified in the statement.
- (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).
- (3) A signed statement from the successor operator identifying the existing mine name and permit number, requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for the site with respect to the Article.

(4) A mine map showing the successor operator's name and contact information, current mining permit boundary, acreage table, and reference to current permit number and conditions.

(5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through (15) of this Section.

(6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees and permittees and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation.

(7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms established in Rule .0103 of this Section covering the site. The security shall be issued in the same successor operator name used in the permit transfer application.

(c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

(d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved by the Department shall require a permit modification. Expansion of

permit boundaries to include additional land under the permit shall require a permit modification.

(e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be transferred to the successor operator unless the Department has authorized the release of a portion of the permitted area from reclamation liability.

(f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator. Such permit may include updated operating and reclamation conditions to ensure compliance with the Article.

(g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator has been released from further liability with respect to the permit for the site. The security posted by the prior operator to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the security is no longer needed to cover other permitted sites under the prior operator's name.

(h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.

Authority G.S. 74-51; 74-54.1; 74-63.

15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES

(a) In the event that the corporate name of the operator holding the permit changes, the operator shall submit a permit transfer application as follows to the Department within 60 calendar days of the effective date of the corporate name change:

- (1) A letter identifying the existing and new corporate names, the effective date of the new corporate name, any changes in company officers and associated contact information, and each mining permit number and mine name impacted by the corporate name change.
- (2) The Secretary of State corporate filing certificate or other legal paperwork verifying the new corporate name is registered in North Carolina.
- (3) A non-refundable permit transfer processing fee for each permit affected by the corporate name change pursuant to G.S. 74-54.1(a).
- (4) An updated or new security in the new corporate name, including any associated contact information. The updated or new security shall be in the same amount as the prior security covering the reclamation obligations at the site.
- (5) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees and permittees and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation.

(b) Upon approval of the corporate name change, the Department shall send a letter with the updated pages of the relevant permits to the operator to attach to the existing relevant permits.

Authority G.S. 74-50; 74-51; 74-54.1; 74-63.

15A NCAC 05B .0117 DRAFT PERMITS

Upon approval of an application prior to receipt of any performance bond or security, new or updated, any operating permit generated by the Department shall be considered a preliminary draft and shall not be considered issued or binding, regardless of whether the draft is shared with the applicant. Where a new or modified performance bond or other security is required pursuant to G.S. 74-54, timely approval of an application, pursuant to G.S. 74-51(h), shall satisfy the requirement to grant a permit within the deadlines included in G.S. 74-51(b).

Authority G.S. 74-51; 74-63.

SUBCHAPTER 05F - CIVIL PENALTIES

15A NCAC 05F .0101 PURPOSE AND SCOPE

These rules set forth the procedures and standards to be followed by the ~~director~~ Director in assessing civil penalties. Penalties and by the Mining and Energy Commission in hearing appeals from the assessment of such penalties.

Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10.

15A NCAC 05F .0103 WHO MAY ASSESS

Civil penalties may be assessed by the ~~director~~ Director.

Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10.

15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT

(a) Prior to the assessment of any civil penalty for mining without a permit, the alleged violator shall be given notice by registered or certified mail, return receipt requested. ~~requested, signed by the Regional engineer in the region in which the violation occurred.~~ The notice shall describe the ~~violation with reasonable particularity,~~ violation, order the violator ~~immediately~~ to cease mining until a valid operating permit has been obtained, and specify a time period ~~reasonably~~ calculated to permit the restoration of any disturbed ~~area, area as deemed necessary by the regional engineer.~~ The notice shall also state that a civil penalty may be assessed for any violation.

(b) In determining whether to assess a civil penalty for any violation committed prior or subsequent to receipt of the notice of violation, the ~~director~~ Director shall consider whether the violator ceased mining, restored the affected area, or otherwise complied with the requirements of the notice of violation. ~~Violation and shall also consider the various criteria in Rule 5F-.0007.~~ The civil penalty assessment shall specify ~~with reasonable particularity~~ the violation(s) for which the penalty has been assessed and shall be transmitted to the violator by certified or registered mail, return receipt requested.

Authority G.S. 74-60; 74-61; 74-63; 74-64; 143-B-10.

15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT

(a) ~~Prior to the assessment of a civil penalty against a permitted operator for violating any provisions of the Mining Act of 1971, or any rules promulgated thereunder, or any conditions of his mining permit, the alleged violator or his agent shall be given notice by registered or certified mail, return receipt requested, signed by the director. The notice shall describe the violation with reasonable particularity and specify a time period reasonably calculated to permit the violator to correct the violation. The notice shall also state that civil penalties may be assessed against the alleged violator if he fails to correct the violation within the specified time.~~

(b) ~~If the violator does not comply with the requirements of the notice of violation within the time period specified in the notice, the director~~ Director may assess a civil penalty for any violation(s) committed after the date of receipt of the notice of violation. The civil penalty assessment shall specify ~~with reasonable particularity~~ the violation(s) for which the penalty has been assessed and shall be transmitted to the violator by certified or registered mail, return receipt requested.

Authority G.S. 74-60; 74-61; ~~74-62~~; 74-63; 74-64; 143B-10.

15A NCAC 05F .0111 REFERRAL TO ATTORNEY GENERAL

(a) ~~If the person against whom a civil penalty is assessed, fails to respond within 60 days as provided in Rule .0008, the director shall refer the matter to the Attorney General to recover the amount of the civil penalty.~~

(b) ~~If payment of any civil penalty assessed pursuant to the rules of this Subchapter is not received by the director within 30 days following denial of any appeal pursuant to G.S. 74-61 and G.S. 74-62 the director shall refer the matter to the Attorney General to recover the amount of the civil penalty.~~

Authority G.S. 74-61; ~~74-62~~ 74-63; 74-64; 143B-10.

15A NCAC 05F .0112 FURTHER REMEDIES

~~No provision of this Subchapter shall be construed to restrict or impair the right of the director or the Mining and Energy to pursue any other remedy provided by law for violations of the Mining Act of 1971 or the rules of this Chapter.~~

Authority G.S. 74-61; 74-62; 74-63; 74-64; 143B-10.

SUBCHAPTER 05G - URANIUM EXPLORATION REGULATIONS

15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS

The application for and issuance of exploration permits is governed by the procedures in this Subchapter.

Authority G.S. 74-77 through 74-89.

15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS

(a) After reviewing an application, the ~~department~~ Department shall determine whether it should be approved and notify the applicant of its determination. No application shall be approved unless it contains an abandonment plan acceptable to the ~~department~~ Department. If the application is approved, the ~~department~~ Department ~~shall~~ will determine the amount of the performance bond that ~~is~~ will be required and issue to the applicant a bond form to be used in securing the bond. A person shall not engage in exploration activity for the discovery of uranium until a bond in the required amount has been filed with the ~~department~~ Department and an exploration permit has been issued.

(b) The required amount of the bond shall ~~that will be required is to be~~ determined as follows:

- (1) The applicant shall provide the ~~department~~ Department with an estimate of the total length of the vehicular access roads ~~that~~ which will involve the cutting of vegetation and/or grading and of the number of exploratory drill holes and test pits;
- (2) The minimum amount of any bond shall be five thousand dollars (\$5,000.00). In addition to the minimum bond amount of five thousand dollars (\$5,000.00), an additional bond amount shall be required at the rate of two dollars (\$2.00) per each linear foot of vehicular access road and of two hundred dollars (\$200.00) per each exploratory drill hole or test pit; and
- (3) If the ~~department~~ Department determines that the amount of the bond required under Subparagraph (b)(2) of this Rule is ~~either excessive or inadequate to complete the required abandonment, due to specific site conditions,~~ the ~~department~~ Department may negotiate a different bond amount that ~~shall~~ will assure adequate abandonment in the event of bond forfeiture.

(c) A permittee shall be in violation of its permit if the length of the vehicular access roads or the number of exploratory drill holes or test pits exceeds the length or number authorized by the amount of its bond.

Authority G.S. 74-78; 74-79; 74-86.

15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT

The methods and procedures utilized in drilling, casing, testing and abandonment shall be in accordance with the requirements ~~of Title 15A NCAC Subchapter 2C, of 15A NCAC 02C~~ Section .0100, Criteria and Standards Applicable to Water Supply and Certain Other Type Wells, and is hereby incorporated by reference, including subsequent amendments.

Authority G.S. 74-78; 74-86; 143B-290.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 34 - FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to adopt the rules cited as 21 NCAC 34B .0807, .0808; 34D .0305, amend the rules cited as 21 NCAC 34A .0201; 34B .0103, .0105-.0107, .0120, .0211, .0310, .0313, .0408, .0502, .0608, .0610, .0616, .0617, .0801-.0803, and repeal the rules cited as 21 NCAC 34A .0122; 34B .0618; and 34C .0101.

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

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

Proposed Effective Date: March 1, 2026

Public Hearing:

Date: November 19, 2025

Time: 10:00 a.m.

Location: 1033 Wade Ave, Ste 108, Raleigh, NC 27605

Reason for Proposed Action:

- 21 NCAC 34A .0122 – G.S. 90-210.26 repealed per SL 2025-76 (approved July 9, 2025) (repealed)
- 21 NCAC 34A .0201 – New credentials for which fees are authorized were created by SL 2025-76 (approved July 9, 2025) and this rule must be amended to reflect the amount of the fees to be assessed for the new credential type.
- 21 NCAC 34B .0103 – supervisors only need one year of practice, per change in SL 2025-76 (approved July 9, 2025) and the application process must be amended to reflect this statutory change.
- 21 NCAC 34B .0105 – supervisors only need one year of practice, per change in SL 2025-76 (approved July 9, 2025) and the application process must be amended to reflect this statutory change.
- 21 NCAC 34B .0106 – supervisors only need one year of practice, per change in SL 2025-76 (approved July 9, 2025) and the application process must be amended to reflect this statutory change.
- 21 NCAC 34B .0107 – supervisors only need one year of practice, per change in SL 2025-76 (approved July 9, 2025) and the application process must be amended to reflect this statutory change.
- 21 NCAC 34B .0120 – SL 2025-76 (approved July 9, 2025) now requires an affidavit attesting to a resident trainee's competencies upon certification of traineeship and the rule is amended to reflect the requirements of this affidavit.
- 21 NCAC 34B .0211 – SL 2025-76 (approved July 9, 2025) increased the amount of time for which NBE are valid and the rule must be amended to reflect this statutory change.

- 21 NCAC 34B .0310 – SL 2025-76 (approved July 9, 2025) modified requirements to hold unaffiliated permit and the application process must be amended to reflect this statutory change
- 21 NCAC 34B .0313 – SL 2025-76 (approved July 9, 2025) eliminates supervision requirements for provisional licensees and the application process must be amended to reflect this statutory change.
- 21 NCAC 34B .0408 – SL 2025-76 (approved July 9, 2025) provided authority as to an amount of fees to assess for Board-sponsored CE program and classes are ongoing through the Fall of 2025.
- 21 NCAC 34B .0502 – SL 2025-61 (approved July 3, 2025) provides new pathway for licensure for individuals licensed in neighboring states and the application process is amended to reflect this alternative licensure pathway. SL 2025-76 also modifies the eligibility requirements for reciprocal licensure, for which the application process must be amended.
- 21 NCAC 34B .0608 – SL 2025-76 (approved July 9, 2025) creates new licensure status for branch establishments, and the application process must be codified.
- 21 NCAC 34B .0610 – SL 2025-76 (approved July 9, 2025) creates new licensure status for branch establishments and renewal applications will be promulgated to the regulated public by December 1, 2025.
- 21 NCAC 34B .0616 – SL 2025-76 (approved July 9, 2025) modified the manner in which body tags are applied to dead human bodies
- 21 NCAC 34B .0617 – SL 2025-76 (approved July 9, 2025) expands waiver period and renders existing rule contrary to statute as currently written
- 21 NCAC 34B .0618 – SL 2025-76 (approved July 9, 2025) expands waiver period and renders existing rule contrary to statute as currently written (repeal)
- 21 NCAC 34B .0801 – SL 2025-76 (approved July 9, 2025) requires new license type for Transportation Services and new definitions must be added to existing rule to distinguish Transportation Services permit from existing Transporter permit.
- 21 NCAC 34B .0802 – SL 2025-76 (approved July 9, 2025) requires new license type for Transportation Services and amendment is necessary to distinguish existing Transporter permit renewal application process from Transportation Services permit renewal application process.
- 21 NCAC 34B .0803 – SL 2025-76 (approved July 9, 2025) requires new license type for Transportation Services and amendment is necessary to distinguish existing Transporter permit renewal application process from Transportation Services permit renewal application process.
- 21 NCAC 34B .0807 – SL 2025-76 (approved July 9, 2025) requires new license type for Transportation Services and the application process must be codified
- 21 NCAC 34B .0808 – SL 2025-76 (approved July 9, 2025) requires new license type for Transportation Services and renewal application process must be codified before renewal applications are made available to the regulated public by December 1, 2025.
- 21 NCAC 34C .0101 – SL 2025-76 (approved July 9, 2025) repeals G.S. 90-210.122 (Crematory Authority), effective October 1, 2025. (repeal)

- 21 NCAC 34D .0305 – SL 2025-76 (approved July 9, 2025) now permits this type of transfer of preneed funds

Comments may be submitted to: Amy Acord, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 733-9380; email aacord@ncbfs.org

Comment period ends: December 31, 2025

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

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

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

SUBCHAPTER 34A - BOARD FUNCTIONS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 34A .0122 CHARACTER AFFIDAVIT FORM

Authority G.S. 90-210.23(a); 90-210.26.

SECTION .0200 - FEES AND OTHER PAYMENTS

21 NCAC 34A .0201 FEES AND OTHER PAYMENTS

(a) Fees for funeral service shall be as follows:

<u>Funeral Establishment</u>	<u>Establishment</u>	<u>and Branch</u>	<u>Funeral</u>
<u>Establishment</u> permit			
Application			\$250.00
Annual renewal			\$200.00
Late renewal fee			\$100.00
Establishment and embalming facility reinspection fee			\$100.00
Courtesy card			
Application			\$ 75.00
Annual renewal			\$ 50.00
Out-of-state licensee			

Application	\$200.00
Embalmer, funeral director, funeral service	
Application, North Carolina resident	\$150.00
Application, non-resident	\$200.00
Annual renewal	
Embalmer	\$ 75.00
Funeral Director	\$ 75.00
Total fee, embalmer and funeral director, when both are held by same person	\$ 100.00
Funeral service	\$ 100.00
Inactive status	\$ 30.00
Reinstatement fee	\$ 50.00
Resident trainee permit	
Application	\$ 50.00
Voluntary change in supervisor	\$ 50.00
Annual renewal	\$ 35.00
Late renewal	\$ 25.00
Duplicate License certificate	\$ 25.00
Chapel registration	
Application	\$150.00
Annual renewal	\$100.00
Late renewal	\$ 75.00

(b) Fees for crematory and hydrolysis licensees shall be as follows:

License	
Application	\$400.00
Annual renewal	\$150.00
Late renewal fee	\$ 75.00
Crematory or hydrolysis reinspection fee	\$100.00
Per-cremation or hydrolysis fee	\$ 10.00
Late filing or payment fee for each cremation or hydrolysis	\$ 10.00
Late filing fee for cremation or hydrolysis report, per month	\$ 75.00
Crematory or Hydrolysis Manager Permit	
Application	\$150.00
Annual renewal	\$ 40.00

(c) Fees for preneed funeral contract regulation shall be as follows:

Preneed funeral establishment license	
Application	\$150.00
Annual renewal	\$150.00
Late renewal fee	\$100.00
Reinspection fee	\$100.00
Preneed sales license	
Application	\$ 20.00
Annual renewal	\$ 20.00
Late renewal fee	\$ 25.00
Preneed contract filings	
Filing fee for each contract	\$ 20.00
Late filing or payment fee for each contract	\$ 25.00
Late filing fee for each certificate of performance	\$ 25.00
Late filing fee for annual report	\$150.00

(d) Fees for Removal and Transportation Permits shall be as follows:

Individual Transporter Permit Application	\$125.00
Annual renewal	\$ 75.00
Late fee	\$ 50.00
Transportation Service Permit Application	\$200.00
Annual renewal for Individual Transporter or Transportation Service Permit	\$ 75.00
Late fee	\$ 50.00

(e) ~~All fees remitted to the Board are non-refundable.~~
Registration fee for Board-sponsored continuing education shall be \$50.00.

(f) All fees remitted to the Board are non-refundable.

Authority G.S. 90-210.23(a); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a); 90-210.132.

SUBCHAPTER 34B - FUNERAL SERVICE

SECTION .0100 - RESIDENT TRAINEES

21 NCAC 34B .0103 AUTHORIZED PRACTICE: SUPERVISION

(a) Duly certified resident trainees in training for funeral service, duly certified resident trainees in training for funeral directing and duly certified resident trainees in training for embalming, while participating in learning experiences and while supervised by a person licensed by the Board as a funeral service licensee, funeral director or embalmer, respectively, may assist in the practice of funeral service, funeral directing or embalming respectively, as limited by this Rule.

(b) A licensee wishing to supervise a trainee shall meet the following requirements:

- (1) The licensee shall have either practiced continuously in North Carolina for a minimum of ~~five years~~ one year before the date of the ~~application, or shall have taken a trainee supervisor certification course provided by the Board; application; and~~
- (2) The licensee shall not have any disciplinary action taken by the Board or the licensing board of any other jurisdiction to suspend or revoke his or her license during the five years preceding the application.

(c) Duly certified resident trainees in training for funeral service or for funeral directing, while participating in learning experiences and while supervised by a person licensed by the Board as a preneed sales licensee, may also assist in the preneed funeral planning activities described in 21 NCAC 34D .0202(b)(1), (2), (4), and (5).

(d) No credit shall be given for the resident trainee's work that is unsupervised or performed under the supervision of a person not registered with the Board as the resident trainee's supervisor. If the registered supervisor does not supervise the resident trainee for a continuous period of more than two weeks, the traineeship under that supervisor shall terminate, requiring a new traineeship application. When a resident trainee assists in funeral service, funeral directing, embalming or preneed funeral planning on the funeral home premises, a licensed supervisor shall be on the funeral home premises where and while such activities are performed; provided that a licensed supervisor shall be present in

the same room whenever a resident trainee accepts any initial payment or negotiates any contract for funeral services either at-need or pre-need with the public. When a resident trainee assists in funeral service, funeral directing, embalming or any funeral planning off the funeral home premises, such activities shall be performed only in the presence of a licensed supervisor employed with the establishment with which the resident trainee is registered.

(e) A licensed supervisor shall review with the purchaser any contract negotiated by a resident trainee, and then the licensed supervisor shall obtain the purchaser's signature on the contract in the licensed supervisor's presence.

(f) The resident trainee's license certificate for indicating the trainee's authority to assist in the activities described and authorized in this Rule and in 21 NCAC 34D .0202(b) is the resident trainee pocket certificate.

Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4),(5)d.; 90-210.67(a); 90-210.69(a).

21 NCAC 34B .0105 FUNERAL DIRECTOR TRAINEE APPLICATION FORM

Applications for a funeral director resident trainee shall be made on forms ~~provided by the Board. The applicant shall furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application.~~ available on the Board's website at ncbsfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as a funeral director resident trainee shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, and social security number;
- (2) The applicant's email address, residential address, and phone number(s);
- (3) The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;
- (4) Whether the applicant attended a funeral director program at a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;
- (5) Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (6) Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (7) The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment

- at which the applicant's traineeship will be performed;
- (8) The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;
- (9) Whether the applicant ever has been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) The applicant's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
- (D) he or she understands that any credential issued shall be governed by
- the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (17) The proposed supervisor's attestation that:
- (A) he or she is a duly licensed funeral director or funeral service licensee in North Carolina;
- (B) he or she is employed by the establishment at which the traineeship will occur;
- (C) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
- (D) he or she will notify the Board when the applicant ceases training under the proposed supervisor;
- (18) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid; and
- (19) A photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

Authority G.S. 90-210.23(a); 90-210.25(a)(4).

21 NCAC 34B .0106 EMBALMER TRAINEE APPLICATION FORM

Applications for registration as an embalmer resident trainee shall be made on forms provided by the Board. ~~The applicant shall furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application.~~ Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as a funeral service resident trainee shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, and social security number;
- (2) The applicant's email address, residential address, and phone number(s);
- (3) The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;
- (4) Whether the applicant attended a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;

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| <p>(5) <u>Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;</u></p> <p>(6) <u>Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;</u></p> <p>(7) <u>The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment at which the applicant's traineeship will be performed;</u></p> <p>(8) <u>The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;</u></p> <p>(9) <u>Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;</u></p> <p>(10) <u>Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;</u></p> <p>(11) <u>Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;</u></p> <p>(12) <u>Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;</u></p> <p>(13) <u>Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;</u></p> <p>(14) <u>Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;</u></p> <p>(15) <u>Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;</u></p> <p>(16) <u>The applicant's notarized signature to certify that:</u></p> | <p>(A) <u>he or she has prepared the application and has read the answers;</u></p> <p>(B) <u>the information provided in the application is true;</u></p> <p>(C) <u>he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and</u></p> <p>(D) <u>he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.</u></p> <p>(17) <u>The proposed supervisor's attestation that:</u></p> <p>(A) <u>he or she is a duly licensed funeral service licensee in North Carolina;</u></p> <p>(B) <u>he or she is employed by the establishment at which the traineeship will occur;</u></p> <p>(C) <u>he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and</u></p> <p>(D) <u>he or she will notify the Board when the applicant ceases training under the proposed supervisor;</u></p> <p>(18) <u>The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid; and</u></p> <p>(19) <u>A photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.</u></p> |
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Authority G.S. 90-210.23(a); 90-210.25(a)(4).

21 NCAC 34B .0107 FUNERAL SERVICE TRAINEE APPLICATION FORM

Applications for registration as a funeral service resident trainee shall be made on forms ~~applications provided by the Board. The form shall require the applicant to furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application. available on the Board's website at ncbfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as an funeral service resident trainee shall contain the following:~~

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| <p>(1) <u>The applicant's full name, date of birth, place of birth, and social security number;</u></p> <p>(2) <u>The applicant's email address, residential address, and phone number(s);</u></p> <p>(3) <u>The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;</u></p> <p>(4) <u>Whether the applicant attended a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;</u></p> <p>(5) <u>Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;</u></p> <p>(6) <u>Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;</u></p> <p>(7) <u>The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment at which the applicant's traineeship will be performed;</u></p> <p>(8) <u>The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;</u></p> <p>(9) <u>Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;</u></p> <p>(10) <u>Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;</u></p> <p>(11) <u>Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;</u></p> <p>(12) <u>Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;</u></p> <p>(13) <u>Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;</u></p> <p>(14) <u>Whether any court, board, agency, or professional organization has found applicant</u></p> | <p><u>guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;</u></p> <p>(15) <u>Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;</u></p> <p>(16) <u>The applicant's notarized signature to certify that:</u></p> <p style="padding-left: 20px;">(A) <u>he or she has prepared the application and has read the answers;</u></p> <p style="padding-left: 20px;">(B) <u>the information provided in the application is true;</u></p> <p style="padding-left: 20px;">(C) <u>he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and</u></p> <p style="padding-left: 20px;">(D) <u>he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.</u></p> <p>(17) <u>The proposed supervisor's attestation that:</u></p> <p style="padding-left: 20px;">(A) <u>he or she is a duly licensed funeral service licensee in North Carolina;</u></p> <p style="padding-left: 20px;">(B) <u>he or she is employed by the establishment at which the traineeship will occur;</u></p> <p style="padding-left: 20px;">(C) <u>he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and</u></p> <p style="padding-left: 20px;">(D) <u>he or she will notify the Board when the applicant ceases training under the proposed supervisor;</u></p> <p>(18) <u>The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid; and</u></p> <p>(19) <u>A photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.</u></p> |
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Authority G.S. 90-210.23(a); 90-210.25(a)(4).

**21 NCAC 34B .0120 TRAINEE FINAL AFFIDAVIT
FORM AFFIDAVITS**

~~Upon~~ (a) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit

to the Board an affidavit to certify that the trainee has served and performed certain work under him as required by G.S. 90-210.25(a)(4). The affidavit shall be submitted ~~within 30 days~~ on forms provided by the Board and ~~require the affiant to furnish the names of the licensee and the trainee; dates and place of service; the number of funerals, preneed funeral contracts and embalmings that the trainee has assisted in during traineeship; and any other information the Board deems necessary as required by law.~~ shall provide the supervisor's license number and notarized attestation to the following information:

- (1) the name of the trainee and the dates during which the trainee worked under the supervisor's supervision;
- (2) whether the trainee has completed the minimum number of funeral service activities during his or her traineeship required by G.S. 90-210.25(a)(4)(f) and, if not, the number of funeral service activities that the trainee completed; and
- (3) whether the trainee has completed the minimum number of hours as a resident trainee in the practice of funeral service required by 21 NCAC 34B .0102 and, if not, the number of hours completed during the resident traineeship.

(b) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit to the Board an affidavit on a form prescribed by the Board, attesting to his or her opinion regarding the trainee's ability to competently perform the tasks related to the practice of funeral service set forth in Rule .0126 of this Section.

(c) The supervisor shall provide the trainee with a copy of the affidavits set forth in Paragraphs (a) and (b) of this Rule within five days of their submission to the Board.

Authority G.S. 90-210.23(a),(d),(f); 90-210.25(a)(4)f.; 90-210.67(a); 90-210.69(a).

SECTION .0200 - EXAMINATIONS

21 NCAC 34B .0211 NATIONAL BOARD CERTIFICATE

(a) Pursuant to G.S. 90-210.25(a)(5), a National Board Certificate for Arts, certifying the successful completion of the National Board Examination for Arts of the International Conference of Funeral Service Examining Boards Inc., is the equivalent of the Board's entry-level examination in funeral ~~directing.~~ directing, as defined by G.S. 90-210.20(11).

(b) Pursuant to G.S. 90-210.25(a)(5), a National Board Certificate for Sciences, certifying the successful completion of the National Board Examination for Sciences of the International Conference of Funeral Service Examining Boards Inc., is the equivalent of that portion of the Board's examination on the topics of embalming, restorative arts, chemistry, pathology, microbiology, and anatomy.

(c) National Board Certificates shall be accepted for ~~three~~ five years from the date of issue for eligibility toward licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

Authority G.S. 90-210.20(11); 90-210.23(a); 90-210.25(a)(5).

SECTION .0300 – LICENSING

21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT

(a) A funeral director or funeral service licensee registered to practice under G.S. 90-210.25(a2) shall not use its business office required by G.S. 90-210.25(a2)(2)a. to conduct the practice of funeral service or funeral directing. A funeral director or funeral service licensee shall not hold out to the public that its business office is a funeral establishment and shall not use a business name that misleads the public to believe that its business office is a funeral establishment or operates or maintains a facility that is a funeral establishment.

(b) An applicant to practice under the provisions of G.S. 90-210.25(a2) shall submit a form provided by the Board with an application ~~fee.~~ fee of two hundred fifty dollars (\$250.00). ~~The applicant shall furnish the name, address, telephone number, and county of location for the applicant and any business organization operating under the laws of North Carolina, the license number of the applicant, the location where the applicant shall shelter remains, the location where the applicant uses as an embalming facility, the name and license numbers of any other embalmers retained by a funeral director to embalm, and any other information the Board deems necessary as required by law.~~ The applicant shall complete a verification before a notary public. Applications that are not completed within 90 days following submission to the Board shall be denied.

(c) Applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbsf.org. Applications not completed within 90 days following submission to the Board shall be denied. All applications for an unaffiliated practice permit shall contain the following:

- (1) The applicant's full name and license number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the unaffiliated practice;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;

- (10) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (11) The name and address of the funeral establishment or embalming facility where embalming will occur;
- (12) The address of the location at which unaffiliated practice records will be held;
- (13) The name and address of the location where sheltering of remains will occur prior to moving remains to the location at which funeral services will be held;
- (14) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the unaffiliated practice and whether said licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC Funeral Rule, 16 C.F.R. Part 453;
- (16) Proof of the applicant's professional liability insurance with a minimum coverage amount of one million dollars (\$1,000,000.00);
- (17) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (18) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (19) The licensed manager's notarized signature to certify that:
 - (A) he or she has prepared the application and has read the answers;
 - (B) the information provided in the application is true;
 - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789;
 - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
 - (E) the applicant owns, or was employed by, a funeral establishment directly damaged or destroyed by Hurricane Helene, to include the name of said funeral establishment and the type of

damage or destruction that said funeral establishment suffered.

- (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

(d) Renewal applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. All renewal applications for an unaffiliated practice permit shall contain all information required by Paragraph (c)(1)-(4), (c)(9)-(20) of this Rule.

Authority G.S. 90-210.20(h); 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i).

21 NCAC 34B .0313 PROCEDURES FOR PROVISIONAL LICENSURE

(a) Definitions. As used in this Rule:

- (1) "Applicant" shall mean the person submitting an Application for Provisional License on a form made available by the Board on its website at ~~ncbfs.org and providing his or her contact information; social security number; date and place of birth; sex; education and employment experience; the location where provisional work will be done; whether the applicant currently or has ever been licensed to practice funeral service, funeral directing, or embalming in another jurisdiction; whether the applicant ever has had any occupational or business license denied, suspended, or revoked; whether the applicant ever has been convicted of any felony or misdemeanor crime other than traffic infractions; whether the applicant has been subject of any investigation for employee misclassification in the preceding two years; and payment of a non refundable fee pursuant to G.S. 90-210.25(a)(3a)a.~~ ncbfs.org. Applicants shall provide the following information on the Application for Provisional License:

- (A) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (B) The applicant's email address, residential address, mailing address, and phone number(s);
- (C) The name and address of the applicant's current employer and past employers over the five years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
- (D) The name, address, phone number and email address of the funeral establishment at which the applicant's provisional funeral directing will be

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| <p>(E) <u>performed, as well as the establishment's licensed manager;</u></p> <p>(F) <u>name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;</u></p> <p>(G) <u>A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required by G.S. 90-210.25(a)(1), (2), (3);</u></p> <p>(H) <u>Whether the applicant has completed an unexpired certified resident traineeship with the Board or is eligible for certification of a resident traineeship with the Board;</u></p> <p>(I) <u>Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;</u></p> <p>(J) <u>Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;</u></p> <p>(K) <u>Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;</u></p> <p>(L) <u>Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;</u></p> <p>(M) <u>Whether the applicant has been occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;</u></p> <p>(N) <u>Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice and, if so, the tribunal and the date of the finding;</u></p> <p>(O) <u>Whether the applicant has any charges pending before any court, board, agency, or professional organization</u></p> | <p><u>for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;</u></p> <p>(O) <u>Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;</u></p> <p>(P) <u>The applicant's notarized signature to certify that he or she has prepared the application and has read the answers, the information provided in the application is true, the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789, and he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and</u></p> <p>(Q) <u>The application fee, as prescribed by G.S. 90-210.25(a)(3a). If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.</u></p> <p>(2) <u>"Entry-Level Examination" shall mean an examination that is equivalent to the State Board Examination Arts in Funeral Directing to assess competency in funeral arranging and directing; funeral service marketing and merchandising; funeral service counseling; legal and regulatory compliance; and cemetery and crematory operations pursuant to G.S. 90-210.25(a)(1)(e)(1). The National Board Examination Arts that is administered by the International Conference of Funeral Service Examining Boards is equivalent to the State Board Examination Arts in Funeral Directing, as defined by G.S. 90-210.20(11) and as recognized by the Board in 21 NCAC 34B .0211.</u></p> <p>(3) <u>"Laws and Rules Examination" shall mean an examination prepared by the Board of funeral practice and related laws of North Carolina, the federal Funeral Rule as expressed in the standards set forth in Funeral Industry Practices, 16 C.F. R. 453 (1984), pursuant to its most recent version, and the administrative rules governing the practice or professional</u></p> |
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funeral service as expressed in the NC Administrative Code.

- (4) "Professional Experience" shall mean work providing knowledge, skill, and proficiency resulting from the performance of funeral-related duties and responsibilities; work requiring knowledge attained through academic education beyond high school; work that is intellectual in nature; and work requiring the exercise of independent discretion and judgment.
- (5) "Provisional Licensee" shall mean any individual satisfying the provisional licensure requirements pursuant to ~~G.S. 90-210.25(a)(3a) and who engages in the practice of professional funeral service under the supervision of a funeral director or funeral service licensee in good standing with the Board for a period not to exceed three years. G.S. 90-210.25(a)(3a).~~
- (6) ~~"Supervision" shall mean oversight and direction from a licensee in funeral directing or funeral service, who is in good standing with the Board, and who has practiced professional funeral service as his or her primary occupation more than 30 hours per week for at least five years.~~

(b) The following provisions shall apply to provisional license applicants and licensees only:

- (1) Applicants shall submit with their application for provisional licensure proof of satisfying the education requirements pursuant to G.S. 90-210.25(a)(3a)(d). Such proof shall include certified transcripts from an accredited post-secondary institution, or, if applicable, a certified transcript from a funeral director program accredited by the American Board of Funeral Service Education (ABFSE) or a funeral director program offered at a post-secondary institution that is accredited by ABFSE. Certified transcripts shall come from the educational institution directly to the Board.
- (2) Applicants not otherwise qualified as a certified trainee or eligible for a certified traineeship shall submit with their application for provisional licensure an employment history on a form provided by the Board on its website at ncbfs.org, which shall supplement the provisional license application and requires a listing of funeral-related work including name and contact information of employer, dates of employment, and duties and responsibilities performed.
- (3) Prior to licensure as a Funeral Director, provisional licensees shall have attained a passing score of 75 percent on the Entry-Level Examination. Applicants shall have attained a passing score of 75 percent on the Laws and Rules Examination.

- (4) Applicants shall be subject to a criminal history background check pursuant to the requirements of ~~the North Carolina State Bureau of Investigation G.S. 90-210.25(a)(5)(h) and may be approved for licensure in the absence of any disqualifying conditions pursuant to G.S. 90-210.25(e)(1)(a) and G.S. 93B-8.1. Applicants shall complete forms provided by the Board on its website at ncbfs.org for the electronic submission of fingerprints if North Carolina residents; non-residents shall complete a fingerprint card and application information through a local law enforcement agency.~~

- (5) Provisional licensees shall be subject to the same license renewal requirements as licensees in funeral directing, including completion of a renewal application as set forth in Rule .0309 of this Section by December 31st of each year but not later than February 1st of the year immediately following the expiration of the license and submission of a non-refundable renewal fee of two hundred fifty dollars (\$250.00).

- (6) Provisional licensees shall be subject to the same requirements for continuing education as for licensees in funeral directing including a minimum of five continuing education credits ~~annually and not exceeding two hours annually through online instruction. annually.~~ All continuing education credits shall be awarded only for Board-approved courses of instruction provided through an accredited sponsor or other approved provider, as set forth in Section .0400 of this Subchapter.

Authority G.S. 90-210.25(a)(3a).

SECTION .0400 – CONTINUING EDUCATION

21 NCAC 34B .0408 CONTINUING EDUCATION PROGRAM

(a) For licensees required to complete continuing education ("CE") as a prerequisite to annual license renewal, the five hours of approved CE shall meet the following requirements:

- (1) CE courses taken at the direction of the Board as memorialized in a consent order, final agency decision, or taken voluntarily by the licensee to resolve a pending disciplinary matter, shall not be credited toward CE hours needed for annual licensure renewal. If the Board requires licensees to take a particular required course or courses, the Board shall notify licensees no later than October 1 of the year preceding the calendar year in which the course(s) will be required.
- (2) Licensees shall not receive credit toward completed CE hours for taking the same CE course within two years.

(b) A person who has received his or her license within the past 12 months and who currently holds an active license shall receive CE credit toward annual licensure renewal for any CE hours earned after that licensee's mortuary science college graduation provided that the CE hours were earned within the preceding 12 months.

(c) Licensees desiring to attend a Board-sponsored CE course taught by a member of Board staff shall pay to the Board a non-refundable registration fee of fifty dollars (\$50.00) in advance of the CE course.

Authority G.S. 90-210.23(a); 90-210.25(a)(5); 150B-41(c).

SECTION .0500 - OUT-OF-STATE LICENSEES

21 NCAC 34B .0502 APPLICATION FORM AND EQUIVALENT EXAMINATIONS FOR RECIPROCAL LICENSE

(a) Applications by an out-of-state licensee for a North Carolina license pursuant to G.S. 90-210.25(b)(1) shall be made on forms provided by the Board on its website at ncbfs.org. ~~The form shall require the applicant to furnish the applicant's name, address, phone number, email address, social security number, date and place of birth, and sex; name and address of present employer; whether the applicant has military training or experience in the practice of funeral service; whether the applicant is a military spouse; whether the applicant has had recent experience in the practice of the type of reciprocal license sought for at least two of the five years preceding the date of the application; whether the applicant has any pending complaints against his or her license in any jurisdiction in which he or she is licensed to practice funeral service; educational history; license applied for; name of the jurisdiction where licensed and the kinds of licenses held; whether the applicant ever has had any occupational or business license denied, suspended or revoked; whether the applicant ever has been convicted of any felony or misdemeanor crime other than traffic infractions; whether the applicant has been subject to any investigation for employee misclassification in the preceding two years; and the notarized signature of the applicant. Applications for licensure as a funeral service licensee, embalmer, or funeral director by individuals licensed in other jurisdictions shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within 90 days following submission to the Board shall be denied. All applications for such licensure shall contain the following:~~

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer and past employers over the three years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer license;
- (5) The name of each college or university attended by the application, the dates of attendance, and

the graduation date and degree(s) obtained, if any;

- (6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required by G.S. 90-210.25(a)(1), (2), (3);
- (7) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (8) Whether the applicant has any military training or military experience in the practice of funeral service and, if so, for how many years the applicant has practiced funeral service in the five years preceding the application;
- (9) Whether the applicant is a spouse of a military servicemember and, if so, for how many years the applicant has practiced funeral service in the five years preceding the application;
- (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;

- (17) The applicant's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
 - (B) the information provided in the application is true;
 - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
 - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.

- (18) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

(b) The form shall require the licensing board of the other jurisdiction(s) to certify that the applicant is licensed and in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held and dates granted, and the name and address of the Board in such other jurisdiction.

(c) The applicant shall provide an employment history to show at least three consecutive years of professional practice performed in the other jurisdiction(s); jurisdictions to demonstrate professional competency.

(d) ~~Funeral director applicants~~ Applicants for reciprocal licensure pursuant to G.S. 90-210.25(b)(1) or G.S. 93B-15.3 shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed with passing scores the Entry Level Examination defined in 21 NCAC 34B .0313(a)(2) as a requirement for licensure in the other jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).

(e) ~~Funeral service applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed the National Board Examinations as administered through The International Conference of Funeral Service Examining Boards, or equivalent examinations, as a requirement for licensure in the other jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).~~

Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1; 93B-15.3.

SECTION .0600 - FUNERAL ESTABLISHMENTS

21 NCAC 34B .0608 APPLICATION FORM FOR FUNERAL ESTABLISHMENT PERMIT AND BRANCH ESTABLISHMENT PERMIT

(a) Applications for a new funeral establishment permit shall be made on forms provided by the Board. ~~The applicant shall furnish the name and address of the establishment; the name or names of the owner or owners; the ownership of the stock if it is owned by a corporation; a description of the preparation room; size of the reposing room; names and license numbers of all part time and full time licensees employed by the establishment; the name and license number of the manager; verification by the manager; and any other information the Board deems necessary as required by law.~~ Board that are made available on the Board's website, ncbfs.org. Applications for a new funeral establishment permit not completed within 90 days following submission to the Board shall be denied. All applications for a new funeral establishment permit shall contain the following:

- (1) The legal name of the individual or entity that owns the funeral establishment;
- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;
- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement, the name of each partner and his or her respective ownership interests;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation, the name of each corporate officer, his or her position, and the respective ownership interests of each person or entity holding an ownership interest in the corporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization and the name of each member and his or her respective percentage of ownership;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) The name and address of any funeral establishment, crematory, cemetery, mutual burial association, or embalming facility under common ownership of the funeral establishment;
- (11) whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a);
- (12) Whether embalming will be performed in an embalming facility located outside of the funeral establishment and, if so, the name and

- address of the location at which embalming will be performed;
- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);
- (14) The facility at which refrigeration of unembalmed human remains on behalf of the funeral establishment will occur, if refrigeration will be performed in an off-site facility;
- (15) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the establishment and whether said licensee is working on a full-time, part-time, or per case basis;
- (16) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC Funeral Rule, 16 C.F.R. Part 453;
- (17) Proof of the applicant's right of occupancy for the premises at which the funeral establishment will be located;
- (18) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (19) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (20) The licensed manager's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board;
- (21) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying for licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and

- (22) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

(b) Upon receipt of an application as set forth in this Rule, the Board shall provide to the individuals identified in Paragraph (a)(19) of this Rule instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h). The individuals shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories. If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check is performed by another vendor, the individuals shall remit payment to the Board payment of actual costs charged by the vendor for performing the criminal background check.

(c) Applications for a new funeral branch establishment permit shall be made on forms provided by the Board that are made available on the Board's website, ncbfs.org. Applications for a new funeral branch establishment permit not completed within 90 days following submission to the Board shall be denied. All applications for a new funeral branch establishment permit shall contain the same information required in Paragraph (a) of this Rule. No branch establishment to which a permit is issued by the Board shall engage in the practice of embalming unless the branch establishment contains a preparation room that is compliant with G.S. 90-210.27A(a).

Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 90-210.27A.

21 NCAC 34B .0610 FUNERAL ESTABLISHMENT PERMIT AND BRANCH ESTABLISHMENT RENEWAL FORM

All funeral establishments and branch establishments ~~holding a funeral establishment permit~~ shall annually submit a renewal application on forms provided by the Board. ~~The applicant shall furnish the name and address of the establishment; ownership of the establishment; license numbers of any owner, partner, officers of the business entity owning establishment; licensees employed by the funeral establishment; name and license number of the manager of the funeral establishment; and any other information the Board deems necessary as required by law. The form must be filed no later than February 1 of each year. Board that are available on the Board's website, ncbfs.org. All renewal applications for a funeral establishment or a branch establishment permit shall contain the following:~~

- (1) The legal name of the individual or entity that owns the funeral establishment;
- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;

- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, the name of each partner and his or her respective ownership interests;
- (7) If owned by a corporation, the name of each corporate officer and his or her position and his or her respective ownership interest;
- (8) If owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (9) Whether the establishment has continuously held a funeral establishment permit since January 1, 1988;
- (10) Whether more than fifty percent of the ownership interest has changed at any time since last year's renewal;
- (11) whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a) and whether any changes have been made to the preparation room since the previous renewal application;
- (12) Whether embalming will be performed in an embalming facility located outside of the funeral establishment and, if so, the name and address of the location at which embalming will be performed;
- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);
- (14) The facility at which refrigeration of unembalmed human remains on behalf of the funeral establishment will occur, if refrigeration will be performed in an off-site facility;
- (15) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the establishment and whether said licensee is working on a full-time, part-time, or per case basis;
- (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (17) Whether, since the previous renewal application, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (18) The licensed manager's notarized signature to certify that:

- (a) he or she has prepared the application and has read the answers;
- (b) the information provided in the application is true;
- (c) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, since the last renewal application, as prescribed by G.S. 143-789; and
- (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.

(19) If requested by the Board, the signature of each owner, partner, manager, member, operator, and officer of the business entity applying for renewal of licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and

(20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

Authority G.S. 90-210.23(a); 90-210.25(d)(3).

21 NCAC 34B .0616 BODY IDENTIFICATION TAGS
A funeral establishment immediately shall place a body identification tag as set forth in G.S. 90-21.29A on a dead human body entering the funeral establishment's physical premises.
 Unused body identification tags shall be kept on the premises of each funeral establishment at all times and are subject to inspection by the Board and its authorized agents.

Authority G.S. 90-210.23(a),(e); 90-210.27A(a)(10); 90-210.29A.

21 NCAC 34B .0617 PRACTICING DURING DISASTERS

- (a) Upon the declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board may waive, for a period not to exceed 120 days following the rescission of the declaration of a state of emergency, any requirement of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706. Only those funeral establishments impacted by and located in a county in which the state of emergency has been declared shall be eligible for a waiver. A funeral establishment that is destroyed by fire, weather event, or other natural disaster is eligible to request a waiver pursuant to G.S. 90-210.27A(a1) of the statutory requirements set forth in G.S. 90-210.27A(a) and (c).
- (b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, to

~~include~~ which is available on the Board's website at ncbfs.org, and ~~shall contain~~ the following:

- (1) name and permit number of the funeral establishment making the waiver request;
- (2) a description of the circumstances giving rise to the request;
- (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency; ~~and~~
- (4) the location at which the licensee's business records shall be maintained and available for inspection by the Board; and
- ~~(4)(5)~~ the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

~~(e) A funeral establishment seeking to extend a waiver in excess of 120 days shall provide a written request and explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an extension request, based on the following criteria:~~

- ~~(1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;~~
- ~~(2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the Board at the time of its initial waiver request; and~~
- ~~(3) the circumstances surrounding the funeral establishment's request for additional time.~~

Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A.

21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES

Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A.

SECTION .0800 – TRANSPORTATION OF DEAD HUMAN BODIES

21 NCAC 34B .0801 DEFINITIONS

For purposes of Section .0800, the following definitions shall apply:

- (1) "Decedent" shall mean any dead human body or remains believed to be human.
- (2) "Disinfect" shall mean a process that eliminates pathogenic microorganisms on inanimate objects using liquid chemicals or wet pasteurization.
- (3) "Impervious" shall mean constructed from material that does not allow another substance to pass through or to penetrate the material.
- (4) "Licensee" shall mean an individual or entity holding any type of licensure from the Board that allows the individual or entity to engage in the removal or transportation of a dead human body. As used in this section, "licensee" shall include employees or authorized

representatives of any person or entity exempt from obtaining a transporter permit pursuant to G.S. 90-210.25(c)(5).

- (5) "Location of origin" shall mean the location from which the licensee is authorized to transport or remove a dead human body.
- (6) "ME" shall mean a local Medical Examiner appointed by the Office of the Chief Medical Examiner, pursuant to G.S. 130A-382.
- (7) "NC OSH" shall mean the North Carolina Occupational Safety and Health Division, North Carolina Department of Labor.
- (8) "OCME" shall mean the Office of the Chief Medical Examiner.
- (9) "OSHA" shall mean the federal Occupational Safety and Health Administration.
- (10) "Permit holder" shall mean an individual who holds a permit issued by the Board to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (11) "Removal vehicle" shall mean a vehicle of a size, dimensions, and specifications capable of removing and transporting, in accordance with G.S. 90-210.25(c)(9), at least one adult human body measuring up to seven feet in length and three hundred pounds in weight.
- (12) "State" shall mean the State of North Carolina.
- (13) "Removal or Transportation" shall mean the removal or transportation of a dead human body, or part thereof.
- (14) "Transporter Permit" shall mean a permit issued to an individual by the Board pursuant to Rule .0802 of this Section to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (15) "Transportation Service" shall mean any business that employs or contracts with individuals to engage in the removal or transportation of a dead human body unless otherwise exempt pursuant to G.S. 90-210.25(c)(5) and (6).
- (16) "Transportation Service Permit" shall mean a permit issued to a Transportation Service pursuant to Rule .0807 of this Section that conducts, maintains, manages, or operates a business engaged in Removal or Transportation.

Authority G.S. 90-210.23(a); 90-210.25(c)(10).

21 NCAC 34B .0802 INITIAL TRANSPORTER PERMIT APPLICATION FORM

(a) Pursuant to G.S. 90-210.25(c)(7), any person desiring to obtain a Transporter Permit from the Board shall make application to the Board. Applications not completed within 90 days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at <http://ncbfs.org>.

- (b) All applications for a Transporter Permit shall contain the following:
- (1) The applicant's full name;
 - (2) The applicant's physical and mailing address of residence;
 - (3) The name, address, and permit number ~~name and address~~ of the Transportation Service ~~Service, if any~~, for which the applicant will work;
 - (4) The applicant's work phone number, home phone number, and cell phone number;
 - (5) The applicant's social security number and sex;
 - (6) The applicant's date and place of birth;
 - (7) The applicant's email address;
 - (8) A copy of the applicant's valid driver's license issued by the State;
 - (9) The make, model, year, and license plate number of the removal vehicle to be used by the applicant;
 - (10) A copy of all liability insurance required for the registration of the removal vehicle to be used by the applicant;
 - (11) A copy of professional liability insurance covering the applicant's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by G.S. 90-210.25(c)(7);
 - (12) Whether the applicant has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
 - (13) Whether the applicant has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
 - (14) Whether OCME ever has terminated the applicant's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
 - (15) Whether the applicant has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) in the preceding two years;
 - (16) The applicant's signature to certify under oath that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;
 - (17) The applicant's signature to certify under oath that he or she has read and understands the statutes and rules relating to the removal or transportation, as well as the standards of

OSHA for universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030; and

(18) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

- (c) Upon receipt of an applicant's application for a Transporter Permit, the Board shall provide to the applicant instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h). The applicant shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories. The applicant shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10).

21 NCAC 34B .0803 TRANSPORTER PERMIT RENEWAL APPLICATION FORM

- (a) To renew a Transporter Permit, the permit holder shall complete and submit to the Board a renewal application on or before February 1 of each calendar year.

- (b) The renewal application shall contain the following:

- (1) The permit holder's full name;
- (2) The permit holder's physical and mailing address of residence;
- (3) The name, address, and permit number ~~name and address~~ of the Transportation Service ~~Service, if any~~, for which the permit holder works;
- (4) The permit holder's work phone number, home phone number, and cell phone number;
- (5) The permit holder's email address;
- (6) A copy of the permit holder's valid driver's license issued by the State;
- (7) A copy of all liability insurance required for the registration of the removal vehicle to be used by the permit holder;
- (8) A copy of professional liability insurance covering the permit holder's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by G.S. 90-210.25(c)(7);
- (9) Whether the make, model, year, and license plate number of the permit holder's removal vehicle has changed since the previous renewal year and, if so, the make, model, year, and license plate number of the removal vehicle currently used by the applicant;
- (10) Whether the permit holder has been convicted of any felony or misdemeanor crimes since the previous renewal application was submitted and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (11) Whether the permit holder has had an occupational or business license denied,

- suspended, or revoked by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the permit holder, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (12) Whether OCME ever has terminated the permit holder's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (13) Whether the permit holder has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) since the previous renewal application was submitted;
- (14) The permit holder's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;
- (15) The permit holder's signature to certify under oath that he or she has read and understands the statutes and rules relating to the removal or transportation, as well as the standards of OSHA for universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030;
- (16) The permit holder's consent to a check of the permit holder's criminal background by the Board; and
- (17) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the application fee is dishonored by the drawee bank for any reason, the Board shall suspend the Transporter Permit until the renewal fees and non-sufficient fund charges are paid.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10).

21 NCAC 34B .0807 INITIAL TRANSPORTATION SERVICE PERMIT APPLICATION FORM

- (a) Pursuant to G.S. 90-210.25(c)(7), any business desiring to obtain a Transportation Service Permit from the Board shall make application to the Board. Applications not completed within 90 days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at <https://ncbfs.org>.
- (b) All applications for a Transportation Service Permit shall contain the following:

- (1) The applicant's full name and Transporter Permit number, if one exists;
- (2) The applicant's email address, physical address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the Transportation Service;

- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (11) A copy of valid driver's licenses issued by the State for all Licensees who will be working for the Transportation Service;
- (12) The address of the location at which Transportation Service business records will be held;
- (13) The make, model, year, and license plate number of all removal vehicles to be used by the Transportation Service and a copy of all liability insurance required for the registration of the removal vehicles to be used by the Transportation Service;
- (14) The names, license or permit type, and license or permit number of each Licensee working for the Transportation Service and whether said Licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the professional liability insurance covering the acts and omissions of all Licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7);
- (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (17) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (18) Whether the Transportation Service or any of its owners, partners, managers, members, operators, or officers has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any

violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;

(19) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners, partners, managers, members, operators, or officers to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;

(20) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;

(21) The notarized signature of the majority owner of the Transportation Service to certify that:

(A) he or she has prepared the application and has read the answers;

(B) the information provided in the application is true;

(C) he or she has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789;

(D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and

(E) he or she has read and understands the statutes and rules relating to the removal or transportation, as well as the standards of OSHA for universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030.

(22) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying for the Transportation Service Permit, consenting to the Board's ability to conduct a background check on his or her criminal history; and

(23) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

(c) Upon receipt of an application for a Transportation Service Permit, the Board shall provide to the individuals identified in Paragraph (b)(22) of this Rule instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h). The individuals shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories. If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check,

money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check is performed by another vendor, the individuals shall remit payment to the Board payment of actual costs charged by the vendor for performing the criminal background check.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10).

21 NCAC 34B .0808 TRANSPORTATION SERVICE PERMIT RENEWAL APPLICATION FORM

(a) To renew a Transportation Service Permit, the permit holder shall complete and submit to the Board a renewal application on or before February 1 of each calendar year.

(b) The renewal application shall contain the following:

(1) The applicant's full name and Transporter Permit number, if one exists;

(2) The applicant's email address, physical address, mailing address, and phone number(s);

(3) The name of the individual or entity that owns the Transportation Service;

(4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;

(5) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;

(6) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;

(7) A copy of valid driver's licenses issued by the State for all Licensees who will be working for the Transportation Service and not previously provided to the Board by the Transportation Service;

(8) The address of the location at which Transportation Service business records will be held;

(9) The make, model, year, and license plate number of all removal vehicles to be used by the Transportation Service and a copy of all liability insurance required for the registration of the removal vehicles to be used by the Transportation Service;

(10) The names, license or permit type, and license or permit number of each Licensee working for the Transportation Service and whether said Licensee is working on a full-time, part-time, or per case basis;

(11) A copy of the professional liability insurance covering the acts and omissions of all Licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7);

- (12) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (13) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes since the last year's renewal application and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (14) Whether the Transportation Service or any of its owners, partners, managers, members, operators, or officers has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the last year's renewal and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (15) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners, partners, managers, members, operators, or officers to provide removal or transportation services on behalf of OCME since the last year's renewal application and, if so, the reasons for said termination, if known;
- (16) Whether, within the last year's renewal application, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (17) The notarized signature of the majority owner of the Transportation Service to certify that:
- (A) he or she has prepared the application and has read the answers;
 - (B) the information provided in the application is true;
 - (C) he or she has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, since the last year's renewal application, as prescribed by G.S. 143-789;
 - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
 - (E) he or she has read and understands the statutes and rules relating to the removal or transportation, as well as the standards of OSHA for universal

precautions and blood-borne pathogens, 29 C.F.R. 1910.1030.

- (18) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying to renew the Transportation Service Permit, consenting to the Board's ability to conduct a background check on his or her criminal history; and

- (19) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the application fee is dishonored by the drawee bank for any reason, the Board shall suspend the Transportation Service Permit until the renewal fees and non-sufficient fund charges are paid.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10).

SUBCHAPTER 34C - CREMATORIES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 34C .0101 ELECTION TO CREMATORY AUTHORITY

Authority G.S. 90-210.122(c); 90-210.134(a).

SUBCHAPTER 34D - PRENEED FUNERAL CONTRACTS

SECTION .0300 - OPERATIONS

21 NCAC 34D .0305 TRANSFER OF TRUST FUNDS TO INSURANCE FUNDED PRODUCT

(a) When, pursuant to G.S. 90-210.61(d), a preneed licensee withdraws preneed funeral funds from an irrevocable preneed funeral trust to purchase an insurance funded product that is irrevocably assigned to the contracting preneed funeral establishment, the preneed licensee shall direct the financial institution that is a party to the preneed funeral contract to make the transfer directly and solely to the substitute insurance company and not mediately to the preneed licensee. The preneed licensee shall obtain the preneed contract purchaser's consent for the conversion on a form prescribed by the Board, which shall contain the following information:

- (1) The name, address, and license number of the preneed establishment serving as trustee for the preneed contract, along with the preneed contract identification number prescribed by the Board;
- (2) The name and address of the financial institution, along with the account number in which the preneed funds are held;
- (3) The name and address of the successor insurance company, to which the preneed funds will be transferred for the purchase of an irrevocably assigned insurance product;
- (4) The name of the preneed contract beneficiary and preneed contract purchaser;

- (5) The dated signature of the preneed contract purchaser or, if the purchaser, is deceased, the preneed contract beneficiary's legal representative, attesting to their consent for the conversion of the irrevocable preneed trust to an irrevocably assigned insurance product; and
- (6) The dated signature of the representative of the financial institution attesting to its payment of the preneed funds to the successor insurance company and the amount of preneed funds so transferred.

(b) The preneed licensee shall file said form with the Board within 10 days following withdrawal of the preneed funeral funds from trust.

Authority G.S. 90-210.69(a); 90-210.68(b).

CHAPTER 46 - PHARMACY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to amend the rule cited as 21 NCAC 46 .1418.

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

Proposed Effective Date: May 1, 2026

Public Hearing:

Date: December 1, 2025

Time: 10:00 a.m.

Location: North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517.

Reason for Proposed Action: *The Board of Pharmacy proposes amending this rule to expand health care facilities' discretion in employing their pharmacy technicians in several ways. These proposed amendments are the culmination of a two-year process of a Board working group that included representatives of a wide variety of health care facility pharmacies, including hospitals, long-term care facilities, hospice and others.*

The rule currently sets out certain functions that can be performed in hospitals by "validating technicians," which was the defined term that the Board used to describe technicians that the Board determined had the knowledge to perform those specific tasks.

First, the industry experts recommended expansion of the tasks that validating technicians may perform under the oversight of a health care facility pharmacist. The amendment proposes to increase the ability of those technicians to confirm that automated devices have functioned as intended in dispensing or preparing drugs, given that the technology has an extremely high accuracy rate, and that the drugs still must be reviewed by a pharmacist as safe and effective for the patient. The amendment further proposes to allow technicians to validate the preparation and packaging of large-batch, low-risk, non-patient-specific products.

Second, the proposed amendment would increase the number of technicians who can serve as validating technicians. At the time of the initial rule, an associate's degree in pharmacy technology was the only available credential with adequate assurances that technicians could perform the tasks set out in the rule. However, the Pharmacy Technician Certification Board has since created certification programs for a variety of technician competencies and tasks. The working group carefully considered the components of those programs and whether (and which of) those programs are adequate preparation for certain tasks. The proposed amendment reflects that judgment. Furthermore, the Pharmacy Technician Certification Board programs are accessible to any technician, rather than only those technicians who have the ability to attend an associate's degree program. North Carolina already leads the country in the number of technicians holding these certifications, and the proposed amendment would recognize their qualifications to perform these tasks.

Third, the current rule is limited to hospital pharmacies and technicians. The proposed amendment would expand to include all health care facilities that are addressed in the relevant section and defined in 21 NCAC 46 .1317. The original rule was limited, as it arose out of a pilot program involving three hospitals. With over fourteen years of experience under the rule, the working group recommended that there were no relevant differences among any of the types of health care facilities.

Comments may be submitted to: Jay Campbell, North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517; email ncboprulemaking@ncbop.org

Comment period ends: December 15, 2025

Procedure for Subjecting a Proposed Rule to Legislative

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

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

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

SECTION .1400 - HOSPITALS: OTHER HEALTH FACILITIES

21 NCAC 46 .1418 HEALTH CARE FACILITY PHARMACY TECHNICIANS SUPERVISION OF UNIT DOSE MEDICATION SYSTEMS

(a) ~~The purpose of this Section is to set out requirements in the event that pharmacists elect to supervise designated pharmacy technicians' validation of stocking and prepackaging functions in acute care hospital pharmacy practice settings as a means of facilitating pharmacists' delivery of clinical services.~~

~~(b) A Hospital's pharmacist manager is responsible for the oversight of all validation of floor stock and unit dose distribution systems, and that responsibility may not be delegated pursuant to 21 NCAC 46 .1411. In the event that the Hospital's pharmacist manager elects to utilize Validating Technicians in the filling of floor stock and unit dose distribution systems, the pharmacist manager shall develop written policies and procedures that:~~

- ~~(1) permit a Validating Technician to validate only the following functions of other registered pharmacy technicians in filling floor stock and unit dose distribution systems for inpatients in a Hospital:~~
 - ~~(A) stocking of patient care unit medication inventories;~~
 - ~~(B) stocking of ancillary drug cabinet inventories;~~
 - ~~(C) stocking of automated dispensing or drug supply devices;~~
 - ~~(D) stocking of emergency kits; and~~
 - ~~(E) prepackaging of prescription drugs within the Hospital pharmacy;~~
- ~~(2) establish the parameters for pharmacist supervision of pharmacy technician validation functions;~~
- ~~(3) establish facility specific training for pharmacy technician validation functions;~~
- ~~(4) establish an ongoing evaluation and assessment program to ensure that pharmacy technician validation functions are performed safely and accurately; and~~
- ~~(5) establish a recordkeeping system that shall permit the identification of the Validating Technician who performs activities authorized by this Rule. Readily retrievable records generated by this system shall be maintained for the period of time specified in 21 NCAC 46 .1414(j)(1) and (2).~~

~~(c) With respect to compounded or admixed prescription drugs (whether sterile or non-sterile), a Validating Technician may validate the filling of floor stock and unit dose distribution systems only after a pharmacist has verified that the compounded or admixed prescription drugs have been prepared correctly.~~

~~(d) This Rule does not authorize a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.~~

~~(e) Validating Technician. For the purposes of this Rule, a "Validating Technician" shall be a pharmacy technician who:~~

- ~~(1) is registered with the Board and trained as specified in G.S. 90-85.15A;~~
- ~~(2) is a certified technician;~~
- ~~(3) is employed by a Health Care Facility pharmacy; and~~
- ~~(4) holds either:~~

~~(A) holds an associate's degree in pharmacy technology conferred by one of the following: either~~

~~(i) an institution within the North Carolina Community College System or University System;~~

~~(ii) (B) an associate's degree in pharmacy technology conferred by an institution accredited by one of the regional accrediting agencies recognized by the United States Department of Education; or~~

~~(iii) (C) an associate's degree in pharmacy technology conferred by a program accredited by the American Society of Health System Pharmacists; and or~~

~~(B) holds a current Advanced Certified Pharmacy Technician (CPhT-Adv) credential from the Pharmacy Technician Certification Board (PTCB), and also holds a current Technician Product Verification Certificate either as part of or in addition to the CPhT-Adv credential. The Subparagraphs in this Rule may require other specific certifications for functions described in those Subparagraphs.~~

- ~~(4) assists pharmacists with the preparation, dispensing and distribution of prescription medications that will be administered by a licensed health care provider to an inpatient in a Hospital under this Rule.~~

(b) A Health Care Facility may utilize Validating Technicians to validate the following functions for a Health Care Facility pharmacy:

- (1) stocking of patient care unit medication inventories;
- (2) stocking of ancillary drug cabinet inventories;
- (3) stocking of automated dispensing or drug supply devices;
- (4) stocking of emergency kits;
- (5) prepackaging of prescription drugs within the Health Care Facility pharmacy;
- (6) selection of the correct dose by an automated medication system that has been stocked and restocked in compliance with 21 NCAC 46 .3404, only in the following circumstances:

- (A) If a pharmacist has performed a Drug Regimen Review to ensure that dispensing the order is safe and effective for the patient, and that the requirements of 21 NCAC 46.1414 have been met; and
- (B) If the order has not changed following the Drug Regimen Review and review for compliance with 21 NCAC 46.1414;
- (7) preparation of a product by an automated compounding device, only in the following circumstances:
- (A) If the technician qualifies as a Validating Technician by virtue of holding the certifications set out in Paragraph (a)(4)(B) of this Rule, in addition to those qualifications, the Validating Technician must hold a current Certified Compounded Sterile Preparation Technician credential from the PTCB. If the technician qualifies as a Validating Technician by virtue of the educational requirements set out in Paragraph (a)(4)(A) of this Rule, the technician is not required to hold this credential;
- (B) A Health Care Facility pharmacist must prepare the automated compounding device to compound the appropriate compounded product; and
- (C) The automated compounding device must automatically measure and compound the components for the compounded product, and must keep and maintain records of all steps in the compounding process; or
- (8) validating the preparation and repackaging by other registered pharmacy technicians of non-sterile low-risk products that are compounded in multi-patient volume and whose composition does not vary by patient. If the technician qualifies as a Validating Technician by virtue of holding the certifications set out in Paragraph (a)(4)(B) of this Rule, in addition to those qualifications, the Validating Technician must hold a current Nonsterile Compounding Certificate from the PTCB, either as part of or in addition to the CPhT-Adv credential. If the technician qualifies as a Validating Technician by virtue of the educational requirements set out in Paragraph (a)(4)(A) of this Rule, the technician is not required to hold this credential.
- (c) If the Health Care Facility elects to utilize Validating Technicians for functions described in this Rule, the pharmacist-manager shall develop written policies and procedures that:
- (1) establish the parameters for pharmacist supervision of pharmacy technician validation functions;
- (2) establish facility-specific training for pharmacy technician validation functions;
- (3) establish an ongoing evaluation and assessment program to ensure that pharmacy technician validation functions are performed safely and accurately; and
- (4) establish a recordkeeping system that shall permit the identification of the Validating Technician who performs activities authorized by this Rule. Readily retrievable records generated by this system shall be maintained for the period of time specified in 21 NCAC 46.1414(j)(1) and (2).
- (d) A Health Care Facility's pharmacist-manager is responsible for the oversight of all validation functions, and that responsibility may not be delegated pursuant to 21 NCAC 46.1411. This Rule does not permit a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.
- ~~(f) Hospital. For the purposes of this Rule, a Hospital is either:~~
- (1) ~~a hospital licensed by the North Carolina Medical Care Commission; or~~
- (2) ~~a psychiatric hospital operated by the Secretary of the Department of Health and Human Services.~~
- ~~(g)(e) Pursuant to G.S. 90-85.15A(c), the Board approves a pharmacist's supervision of more than two pharmacy technicians where the additional technicians are Validating Technicians. This Rule does not relieve the pharmacist-manager of the obligation to request and receive written Board approval for a pharmacist's supervision of more than two pharmacy technicians where the additional technicians are certified pharmacy technicians but are not Validating Technicians.~~
- ~~(h) A pharmacy technician performing validation functions described in this Rule as part of a Board approved 21 NCAC 46.2510 pilot project at Broughton State Hospital or Wake Forest University Baptist Medical Center may continue to perform such functions for a period of three years from this Rule's original effective date, after which time the pharmacy technician must meet all of the requirements specified in Paragraph (e) of this Rule to continue performing such functions.~~

Authority G.S. 90-85.6; 90-85.15A; 90-85.21; 90-85.26; 90-85.32; 90-85.33; 90-85.34.

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to repeal the rule cited as 25 NCAC 01H .0635.

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

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

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: October 30, 2025

Time: 9 a

Location:

<https://ncgov.webex.com/ncgov/j.php?MTID=m743c0aafcecca749e0872ee5ee5d0ba0>

Reason for Proposed Action: Some portions of this rule are inconsistent with the changes in law made by Session Law 2025-34. Specifically, subsections .0635(a) and (c) discuss agencies being able to add additional minimum qualifications to the vacancy announcement. Subsection .0635(a) also specifies that the applicant must meet any additional minimum qualifications added by the agency in this way. This is now inconsistent with Session Law 2025-34, which specifies that the minimum qualifications are set in the class specification, and "Any additional qualifications, knowledge, skills, and abilities listed in the specific vacancy announcement shall be interpreted as management preferences rather than as mandatory minimum qualifications that must be met." N.C.G.S. § 126-14.2(b), as amended by Section 3 of Session Law 2025-34. This inconsistent rule text needs to be repealed.

The remaining text of the rule is unnecessary; subsections (b) and (d) are covered by the Recruitment and Posting of Vacancies Policy.

Repealing Rule .0635 would leave in place the substantive requirements that applicants be selected based on their minimum qualifications. This is because the Recruitment & Posting of Vacancies Policy and the Selection of Applicants Policy cover the same ground, and Section 11 of Session Law 2025-34 provides a rulemaking exception that clearly allows requirements of this type to be stated in policy rather than in rule.

Comments may be submitted to: Denise Mazza, 333 Fayetteville St, Raleigh, NC, 27601, Raleigh, NC 27603; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: December 15, 2025

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

please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01H - RECRUITMENT AND SELECTION

SECTION .0600 - GENERAL PROVISIONS

25 NCAC 01H .0635 MINIMUM QUALIFICATIONS

Authority G.S. 126-4(4).

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to repeal the rule cited as 25 NCAC 01O .0107-.0115, .0207-.0211.

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

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

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: October 30, 2025

Time: 10:00 a.m.

Location:

<https://ncgov.webex.com/ncgov/j.php?MTID=m743c0aafcecca749e0872ee5ee5d0ba0>

Reason for Proposed Action: Section 8 of Session Law 2025-34 provides that the current Administrative Code rules on performance management are repealed. These rules are in Subchapter 01O of Title 25 of the North Carolina Administrative Code. This will allow policies that can be more rapidly changed on the same subject, and the Performance Management Policy will remain in effect. Interim changes to the Performance Management Policy are expected to go before the HR Commission at the December meeting.

Comments may be submitted to: Denise Holton Mazza, 333 Fayetteville St, Raleigh, NC, 27601, Raleigh, NC 27603; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: *December 15, 2025*

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

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

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

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 010 - PERFORMANCE MANAGEMENT SYSTEM

SECTION .0100 - GENERAL PROVISIONS

25 NCAC 010 .0107 PERFORMANCE MANAGEMENT POLICY

Authority G.S. 126-4.

25 NCAC 010 .0108 PERFORMANCE MANAGEMENT COVERED EMPLOYEES

Authority G.S. 126-4.

25 NCAC 010 .0109 PERFORMANCE MANAGEMENT DEFINITIONS

Authority G.S. 126-4.

25 NCAC 010 .0110 PERFORMANCE CYCLE

Authority G.S. 126-4.

25 NCAC 010 .0111 DOCUMENTATION OF PERFORMANCE

Authority G.S. 126-4.

25 NCAC 010 .0112 PERFORMANCE MANAGEMENT RESOURCES AND TRAINING

Authority G.S. 126-4.

25 NCAC 010 .0113 CONFIDENTIALITY AND RECORDS RETENTION

Authority G.S. 126-4.

25 NCAC 010 .0114 PERFORMANCE MANAGEMENT COMPLIANCE

Authority G.S. 126-4.

25 NCAC 010 .0115 PERFORMANCE RATING DISPUTE

Authority G.S. 126-4.

25 NCAC 010 .0207 FREQUENCY OF PERFORMANCE REVIEWS

Authority G.S. 126-4.

25 NCAC 010 .0208 PERFORMANCE PLANNING

Authority G.S. 126-4.

25 NCAC 010 .0209 PERFORMANCE FEEDBACK

Authority G.S. 126-4.

25 NCAC 010 .0210 ADDRESSING UNSATISFACTORY JOB PERFORMANCE

Authority G.S. 126-4.

25 NCAC 010 .0211 ANNUAL PERFORMANCE EVALUATION

Authority G.S. 126-4.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on October 30, 2025 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Bill Nelson (2nd Vice-Chair)
Jeanette Doran
John Hahn
Jeff Hyde
Wyatt Dixon, III

Appointed by House

Jake Parker (Chair)
Paul Powell (1st Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935

RULES REVIEW COMMISSION MEETING DATES

October 30, 2025	December 18, 2025
November 20, 2025	January 29, 2026

AGENDA

RULES REVIEW COMMISSION

Thursday, October 30, 2025, 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 1. Commission for Public Health -10A NCAC 43D .0201, .0202, .0203, .0204, .0205, .0207, .0304, .0410, .0411, .0501, .0702, .0707, .0708, .0709, .0804, .0902, .0904, .0905, .0906, .0907, .0908, .0909, .0911 (Ascher)
 2. Criminal Justice Education and Training Standards Commission – 12 NCAC 09G .0209 (Wiggs)
 3. Private Protective Services Board - 14B NCAC 16 .0701, .0801, .1301, .1401 (Ascher)
 4. Board of Dental Examiners - 21 NCAC 16A .0101; 16F .0111; 16V .0103(Wiggs)
- IV. Review of Log of Filings (Permanent Rules) for rules filed August 21, 2025 through September 20, 2025
 1. Commission for Mental Health/DD/SAS (Wiggs)
 2. Environmental Management Commission (Ascher)
 3. Coastal Resources Commission (Ascher)
 4. Onsite Wastewater Contractors and Inspectors Certification Board (Miller)
 5. State Human Resources Commission (Wiggs)
- V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting
 1. State Board of Education – 16 NCAC 06C .0110 (Wiggs)
- VI. Existing Rules Review
 - Review of Reports
 1. 06 NCAC 01, 02, 04 - Council of State (Ascher)
 2. 10A NCAC 13B, 13C, 13K – Medical Care Commission (Wiggs)
 3. 10A NCAC 47 - Commission for Public Health (Ascher)
 4. 11 NCAC 11, 11 NCAC 19 - Department of Insurance (Wiggs)
 5. 11 NCAC 11F - Commissioner of Insurance (Wiggs)
 6. 25 NCAC 01D - State Human Resources Commission (Ascher)

- Readoptions
 1. 09 NCAC 06C - 911 Board (Ascher)
 2. 10A NCAC 13L, 13M, 13O (Medical Care Commission (Wiggs)
 3. 10A NCAC 97 - Social Services Commission (Ascher)
 4. 15A NCAC 18D - Water Treatment Facility Operators Certification Board (Ascher)
 5. 21 NCAC 61 - Respiratory Care Board (Wiggs)

VII. Commission Business

- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
 - Next meeting: Thursday, November 20, 2025
-

Commission Review
Log of Permanent Rule Filings
August 21, 2025 through September 20, 2025

MENTAL HEALTH/DD/SAS, COMMISSION FOR

The rules in Chapter 26 are general mental health rules. The rules in Subchapter 26E concern the manufacture, distribution, and dispensing of controlled substances including general provisions and registration (.0100); labeling, packaging, and record keeping (.0200); prescriptions (.0300); some miscellaneous provisions (.0400); administrative functions, practices, and procedures (.0500); and controlled substance reporting system (.0600); and intractable epilepsy alternative treatment pilot study (.0700).

Disposal of Unused Controlled Substances from Nursing Home
 Amend*

10A NCAC 26E .0406

The rules in Chapter 27 concern mental health community facilities and services. The rules in Subchapter 27G are from either the department or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services including general information (.0100); operation and management rules (.0200); physical plant rules (.0300); facility licensing procedures (.0400); area program requirements (.0500); area authority or county program monitoring of facilities and services (.0600); accreditation of area programs and services (.0700); waivers and appeals (.0800); general rules for infants and toddlers (.0900); partial hospitalization for individuals who are mentally ill (.1100); psychological rehabilitation facilities for individuals with severe and persistent mental illness (.1200); residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1300); day treatment for children and adolescents with emotional or behavioral disturbances (.1400); intensive residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1500); residential treatment staff secure facilities for children or adolescents (.1700); psychiatric residential treatment facilities for children and adolescents (.1900); specialized community residential centers for individuals with developmental disabilities (.2100); before/after school and summer developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2200); adult developmental and vocational programs for individuals with developmental disabilities (.2300); developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2400); early childhood intervention services (ECIS) for children with an at risk for developmental delays or disabilities, or atypical development and their families (.2500); nonhospital medical detoxification for individuals who are substance abusers (.3100); social setting detoxification for substance abuse (.3200); outpatient detoxification for substance abuse (.3300); residential treatment/rehabilitation for individuals with substance abuse disorders (.3400); outpatient facilities for individuals with substance abuse disorders (.3500); outpatient opioid treatment (.3600); day treatment facilities for individuals with substance abuse disorders (.3700); substance abuse services for DWI offenders (.3800); drug education schools (DES) (.3900); treatment alternatives to street crimes (TASC) (.4000); substance abuse primary prevention services (.4200); therapeutic community (.4300); facility based crises services for individual of all disability groups (.5000); community respite services for individuals of all disability groups (.5100); residential therapeutic (habilitative) camps for children and adolescents of all disability groups (.5200); day activity for individuals of all disability groups (.5400); sheltered workshops for individuals of all disability groups (.5500); supervised living for individuals of all disability groups (.5600); assertive community treatment service (.5700); supportive employment for individuals of all disability groups (.5800); case management for individuals of all disability groups (.5900); inpatient hospital treatment for individuals who have mental illness or substance abuse

disorders (.6000); emergency services for individuals of all disability groups (.6100); outpatient services for individuals of all disability groups (.6200); companion respite services for individuals of all disability groups (.6300); personal assistants for individuals of all disabilities groups (.6400); employment assistance programs (.6500); specialized foster care services (.6600); forensic screening and evaluation services for individuals of all disability groups (.6700); prevention services (.6800); consultation and education services (.6900); local management entity response to complaints (.7000); and target population (.7100).

Medication Units and Mobile Units

10A NCAC 27G .3605

Adopt*

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

Fresh Surface Water Quality Standards for Class B Waters

15A NCAC 02B .0219

Amend*

Exemptions From Surface Water Quality Standards

15A NCAC 02B .0226

Amend*

The rules in Chapter 2 concern environmental management and are promulgated by the Environmental Management Commission or the Department of Environment and Natural Resources. The rules in Subchapter 2L cover groundwater classifications and standards including general considerations (.0100); classifications and groundwater quality standards (.0200); the assignments of underground water classifications (.0300); risk-based assessment and corrective action for petroleum underground storage tanks (.0400); and risk-based assessment and correction action for non-UST petroleum releases (.0500).

Groundwater Quality Standards

15A NCAC 02L .0202

Amend*

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); general permit to allow for temporary structures within the estuarine and ocean AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); emergency general permit, to be initiated at the discretion of the Secretary of the Department of Environment and Natural Resources for replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms, provided all replacement, reconstruction and maintenance excavation activities conform to all current standards (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

<u>Coastal Shorelines</u>	15A	NCAC	07H	.0209
Amend*				
<u>Use Standards for Ocean Hazard Areas: Exceptions</u>	15A	NCAC	07H	.0309
Amend*				
<u>Jockey's Ridge Area of Environmental Concern</u>	15A	NCAC	07H	.0508
Amend*				

ONSITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

The rules in Chapter 39 are from the Onsite Wastewater Contractors and Inspectors Certification Board and include duties and definitions (.0100); certification of onsite wastewater contractors, inspectors, or authorized on-site wastewater evaluators (.0200); onsite wastewater contractor, inspector, or evaluator fees (.0300); certification by examination (.0400); certification renewal (.0500); continuing education requirements (.0600); procedures for disciplinary actions (.0700); onsite wastewater contractor, inspector, evaluator code of ethics (.0800); rulemaking procedures (.0900); NC on-site wastewater inspector standards of practice (.1000); and NC on-site wastewater evaluator standards of practice (.1100).

<u>Definitions</u>	21	NCAC	39	.0101
Readopt with Changes*				
<u>Types of Certification</u>	21	NCAC	39	.0102
Readopt with Changes*				
<u>Annual Reports</u>	21	NCAC	39	.0103
Readopt without Changes*				
<u>Application Requirements for Certification</u>	21	NCAC	39	.0201
Readopt with Changes*				
<u>Business Succession</u>	21	NCAC	39	.0202
Readopt with Changes*				
<u>Schedule of Certification Fees</u>	21	NCAC	39	.0301
Readopt with Changes*				
<u>On-site Wastewater Contractor, Inspector, or Evaluator...</u>	21	NCAC	39	.0401
Readopt with Changes*				
<u>Time and Place of Examination</u>	21	NCAC	39	.0402
Readopt with Changes*				
<u>Conducting and Grading Examinations</u>	21	NCAC	39	.0403
Readopt with Changes*				
<u>Issuance of Certificates</u>	21	NCAC	39	.0404
Readopt with Changes*				
<u>Licensure for Military-Trained Applicant; Licensure for...</u>	21	NCAC	39	.0405
Readopt without Changes*				
<u>Conditions and Limitations for Renewal of Certification</u>	21	NCAC	39	.0501
Readopt without Changes*				
<u>Requirements</u>	21	NCAC	39	.0601
Readopt with Changes*				
<u>Approval of Continuing Education Courses</u>	21	NCAC	39	.0602
Readopt with Changes*				
<u>Recordkeeping</u>	21	NCAC	39	.0604
Readopt with Changes*				
<u>Extension of Time</u>	21	NCAC	39	.0605
Readopt with Changes*				
<u>Revocation, or Suspension of Certification</u>	21	NCAC	39	.0701
Readopt with Changes*				
<u>Certification Following Revocation or Voluntary Surrender...</u>	21	NCAC	39	.0702
Readopt without Changes*				

RULES REVIEW COMMISSION

<u>Penalties</u>	21	NCAC	39	.0703
Readopt without Changes*				
<u>Code of Ethics</u>	21	NCAC	39	.0801
Readopt with Changes*				
<u>Cooperation with Board Inquiry</u>	21	NCAC	39	.0802
Readopt without Changes*				
<u>Delegating to Third-Party Service Providers</u>	21	NCAC	39	.0803
Readopt without Changes*				
<u>Petition for Rule-Making</u>	21	NCAC	39	.0901
Readopt without Changes*				
<u>Request for Declaratory Ruling</u>	21	NCAC	39	.0902
Readopt without Changes*				
<u>Refusal to Issue Declaratory Ruling</u>	21	NCAC	39	.0903
Readopt without Changes*				
<u>Waiver or Extension</u>	21	NCAC	39	.0904
Readopt without Changes*				
<u>Definitions</u>	21	NCAC	39	.1001
Readopt without Changes*				
<u>General Requirements for Contractors and Inspectors</u>	21	NCAC	39	.1002
Readopt with Changes*				
<u>General Exclusions of an Inspection</u>	21	NCAC	39	.1004
Readopt with Changes*				
<u>On-Site Wastewater System Components</u>	21	NCAC	39	.1005
Readopt with Changes*				
<u>Minimum On-Site Wastewater System Inspection</u>	21	NCAC	39	.1006
Readopt with Changes*				
<u>Definitions</u>	21	NCAC	39	.1101
Readopt without Changes*				
<u>General Requirements for Evaluators</u>	21	NCAC	39	.1102
Readopt without Changes*				
<u>General Exclusions for Evaluators</u>	21	NCAC	39	.1103
Readopt without Changes*				
<u>Required Documents for Evaluators</u>	21	NCAC	39	.1104
Readopt without Changes*				

STATE HUMAN RESOURCES COMMISSION

The rules in Subchapter 1I concern service to local government including local government employment policies (.1700); general provisions (.1800); recruitment and selection (.1900); appointment and separation (.2000); compensation (.2100); hours of work and overtime compensation (.2200); disciplinary action, suspension, dismissal and appeals (.2300); and basic requirements for a substantially equivalent personnel system (.2400).

<u>Salary Rates</u>	25	NCAC	01I	.2103
Amend*				

Commission Review
Log of Temporary Rule Filings
October 01, 2025 through October 30, 2025

* Approval Recommended, ** Objection Recommended, *** Other

EDUCATION, STATE BOARD OF

The rules in Chapter 6 concern elementary and secondary education. The rules in Subchapter 6C concern personnel including general provisions (.0100); teacher education (.0200); licensure and educator Preparation Programs (EPPS) (.0300); annuities and pensions (.0400); performance appraisal system (.0500); standards of professional conduct and educator discipline (.0600); and educator employment (.0700).

Qualifications of School Nurses

16 NCAC 06C .0110

Adopt*