

# ***NORTH CAROLINA REGISTER***

**VOLUME 40 • ISSUE 11 • Pages 856 – 972**

**December 1, 2025**

## **I. IN ADDITION**

North Carolina Rate Bureau – Public Notice.....	856
License and Theft Bureau – Notices of License Application Submission .....	857

## **II. PROPOSED RULES**

### **Council of State**

Council of State .....	858 – 859
------------------------	-----------

### **Insurance Department of**

Code Officials Qualification Board .....	859 – 861
--	-----------

### **Occupational Licensing Boards and Commissions**

Medical Board.....	861 – 862
Examiners for Engineers and Surveyors, Board of.....	862 – 863

## **III. EMERGENCY RULES**

### **Insurance, Department of**

Code Officials Qualification Board .....	864 – 865
--	-----------

## **IV. TEMPORARY RULES**

### **Insurance, Department of**

Code Qualification Board .....	866 – 876
--------------------------------	-----------

### **State Board of Education**

State Board of Education .....	876 – 877
--------------------------------	-----------

### **Occupational Licensing Boards and Commissions**

Funeral Service, Board of.....	877 – 896
--------------------------------	-----------

## **V. APPROVED RULES..... 897 – 930**

### **Health and Human Services, Department of**

Mental Health/dd/sas, Commission for

### **Public Safety, Department of**

Private Protective Services Board

### **Environmental Quality, Department of**

Environmental Management Commission

Coastal Resources Commission

### **Occupational Licensing Boards and Commissions**

Onsite Wastewater Contractors and Inspectors Certification Board

## **VI. RULES REVIEW COMMISSION ..... 931 – 972**

### **PUBLISHED BY**

*The Office of Administrative Hearings*

*Rules Division*

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*Melissa Owens Lassiter, Director*

*Brian Liebman, Codifier of Rules*

*Julie B. Eddins, Publications Coordinator*

## **Contact List for Rulemaking Questions or Concerns**

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

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

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

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Raleigh, North Carolina 27603-8005

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984-236-0694

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brian.matteson@ncleg.gov

919-733-4910

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215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

919-715-2893

amy.bason@ncacc.org

NC League of Municipalities

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Baxter Wells

919-715-2925

bwells@nclm.org

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545 Legislative Office Building

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Raleigh, North Carolina 27611

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Chris Saunders, Staff Attorney

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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 <sup>th</sup> day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	03/26/2026	04/01/26	08/28/26
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40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
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40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
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41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027	04/01/27	09/11/27

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



## **EXPLANATION OF THE PUBLICATION SCHEDULE**

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

### **GENERAL**

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

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

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

### **FILING DEADLINES**

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

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

### **NOTICE OF TEXT**

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

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

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

**NORTH CAROLINA RATE BUREAU****PUBLIC NOTICE**

Notice is hereby given pursuant to North Carolina General Statute § 58-36-120 that, on October 30, 2025, the North Carolina Rate Bureau filed for an increase in insurance rates for Dwelling Fire insurance and Dwelling Extended Coverage insurance under its jurisdiction. Public notice of the filings is being published in two newspapers with statewide distribution and in the North Carolina Register. The Commissioner of Insurance may or may not schedule and conduct a hearing with respect to the filing. This information is being posted on the web sites of the North Carolina Rate Bureau and the North Carolina Department of Insurance. The filing only relates to Dwelling insurance policies under the jurisdiction of the North Carolina Rate Bureau and does not affect Homeowners insurance policies or Mobile Homeowners insurance policies.

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: GREAT DAY GOLF CARTS OF OIB LLC DBA GREAT DAY GOLF CARTS

Applicant's Address: 6700 OCEAN HIGHWAY WEST, OCEAN ISLE BEACH, NC 28469

Application Date: 10/21/2025

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

**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 06 - COUNCIL OF STATE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Council of State intends to adopt the rules cited as 06 NCAC 01 .0108-.0114; 02 .0105-.0108; 04 .0103, and .0104.*

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

**Proposed Effective Date:** April 1, 2026

**Public Hearing:**

**Date:** January 13, 2026

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

**Location:** Old Revenue Building, Blue Ridge Training Room #A309, 2 South Salisbury St, Raleigh NC 27601

**Reason for Proposed Action:** *These rules govern the administration of certain Council of State processes. The proposed rules reinstate requirements that were previously codified in Rules 06 NCAC 01 .0101-.0107; 06 NCAC 02 .0101-.0104; and 06 NCAC 04 .0101-.0102.*

**Comments may be submitted to:** Mary Grace Corr, NC Office of State Budget and Management, MSC 20320, Raleigh, NC 27699-0320; phone (984) 236-0601; email [osbmruleanalysis@osbm.nc.gov](mailto:osbmruleanalysis@osbm.nc.gov)

**Comment period ends:** January 30, 2026

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

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

- ☐ State funds affected  
☐ Local funds affected

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

**CHAPTER 01 - DEPARTMENTAL RULES**

**06 NCAC 01 .0108 ADMINISTRATION**

The Council shall be served by a secretary who shall be appointed by the Governor. In the absence of the Governor, the Lieutenant Governor shall preside. In the absence of the Lieutenant Governor, the Council shall be chaired by a member of the Council to be determined by the order in which members are listed in Article III, Section 7 of the North Carolina Constitution.

*Authority North Carolina Constitution, Article III, Section 2,7,8.*

**06 NCAC 01 .0109 PURPOSE**

The Council of State shall function as an executive advisory committee to aid in the establishment and implementation of policy. It shall also act as statutorily mandated.

*Authority North Carolina Constitution, Article III, Section 8.*

**06 NCAC 01 .0110 MEETINGS**

The Council of State shall convene at such times and places, as the Governor shall deem necessary.

*Authority G.S. 147-13.*

**06 NCAC 01 .0111 LOCATION**

The Council of State has no permanent office or staff. Matters to be brought before the Council of State should be submitted to the Council's Secretary through the Office of the Governor unless by statute or specific rule they must first be presented to an executive department for transmittal to the Council.

*Authority G.S. 147-13.*

**06 NCAC 01 .0112 PROXIES**

No proxies will be counted in order to establish a quorum for conducting business.

*Authority G.S. 147-13.*

**06 NCAC 01 .0113 AGENDA**

The agenda for each Council of State meeting shall be compiled by the Council's Secretary. The Secretary is authorized to make sufficient inquiries and request sufficient information to insure that the Council will have adequate information with which to consider any agenda item. On each agenda there shall be an occasion provided for any individual Council of State member to bring before the Council any other matter desired.

*Authority G.S. 147-13.*

**06 NCAC 01 .0114      RECORDS OF MEETINGS**

The minutes of the Council of State meetings shall be kept by the Secretary and shall be compiled into the journal of the Council of State. The journal shall be kept in the Office of the Governor and shall be open to public inspection during regular business hours.

*Authority G.S. 132-1; 147-13.*

**CHAPTER 02 - RULE-MAKING PROCEDURES**

**06 NCAC 02 .0105      PRELIMINARY STEPS FOR  
RULE-MAKING**

In those instances where the Council of State must approve a rule adopted by an executive department or when it adopts a rule itself, proposed text for the rule must be submitted to the Council for review beforehand. The proposed text shall be submitted by the executive department responsible for administering the statute to which the proposed rule relates. The executive department must follow Chapter 150B of the General Statutes on rule-making before submitting its recommendation to the Council. The hearing procedures applicable to that executive department apply. The Council may initiate rule-making in those matters which require its approval.

*Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1.*

**06 NCAC 02 .0106      PETITIONS FOR  
RULE-MAKING HEARINGS**

Whenever any person submits a petition for rule-making relating to matters for which the Council of State must approve or promulgate rules, the chief executive official of the responsible department shall determine if the public interest will be served by granting the request. If the request is denied, the petitioning party may appeal that decision to the Council of State by filing a request for review of the denial decision with the secretary to the Council within 15 days after receipt of the notice of denial. If the Council determines that a hearing would serve the public interest, it may direct the chief executive official of the responsible executive department to designate a hearing officer and conduct a rule-making hearing or the Council itself may conduct a rule-making hearing.

*Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1; 150B-20.*

**06 NCAC 02 .0107      ADOPTION OR APPROVAL OF  
RULES**

Upon completion of the departmental rule-making process, the department will forward proposed rules which must be approved or adopted by the Council, along with a record or minutes of the rule-making hearing and any other written submissions desired, to the Council's secretary for inclusion on the agenda of the Council's next meeting. The Council may request such other information as it deems necessary and appropriate from the department.

*Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1; 147-13.*

**06 NCAC 02 .0108      FILING OF RULES**

Rules adopted by the Council of State are recorded in the journal of the Council and are codified pursuant to the provisions of the North Carolina Administrative Procedure Act with the rules of the executive department responsible for administering the rules and related statutes.

*Authority G.S. 147-13; 150B-21.18; 150B-21.19.*

**CHAPTER 04 - DECLARATORY RULINGS**

**06 NCAC 04 .0103      DECLARATORY RULING  
PROCESS**

Any person substantially affected by a rule approved or adopted by the Council of State may request a declaratory ruling as to either the manner in which the rule applies to a given factual situation, if at all, or as to whether a particular rule of the Council is valid. Such persons may also request either type of declaratory ruling concerning the statute under which the rule was adopted. All requests for declaratory rulings shall be submitted to the executive department responsible for administering the statute to which the rule relates. All such requests shall be in accordance with the administrative procedures of the responsible executive department. The chief executive officer of the responsible executive department shall respond to the request in accord with the applicable administrative procedures of the department. The chief executive officer of the responsible department shall also notify the Council of any such request received and the department's proposed disposition thereof. The Council may, in its discretion, review and amend any such proposed departmental declaratory rulings. It may also take such other action in regard thereto as it deems necessary.

*Authority G.S. 147-13; 150B-4.*

**06 NCAC 04 .0104      RECORDS OF DECLARATORY  
RULINGS**

A record of all declaratory ruling proceedings shall be maintained in the executive department responsible for administering the statute to which the questioned rule relates. The record shall be maintained in accordance with the department's administrative procedures. Also, a record of the dispositions of all such declaratory ruling proceedings shall be kept in the Council journal.

*Authority G.S. 147-13; 150B-4.*

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**TITLE 11 – DEPARTMENT OF INSURANCE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Code Officials Qualification Board intends to amend the rule cited as 11 NCAC 08 .0602.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncosfm.gov/about/rules-and-legislative-reports/rules>

**Proposed Effective Date:** April 1, 2026

**Public Hearing:**

**Date:** January 7, 2026

**Time:** 10:00 a.m.

**Location:** Office of the State Fire Marshal, 1429 Rock Quarry Road, Suite 105 Raleigh, NC 27610

**Reason for Proposed Action:** *The North Carolina Code Officials Qualification Board (COQB) proposes to amend 11 NCAC 08 .0602 by deleting Subparagraph (a) (4), which currently allows applicants for probationary certificates to qualify by achieving a passing grade of at least 70 percent on community college courses for certification in building, electrical, fire, mechanical, or plumbing inspection at Levels I, II, or III. The current provision inadvertently permits an individual to qualify for a probationary Level III certificate—for example, as a Building Inspector—based solely on passing a community college course and without meeting the experience or examination requirements established by the Board for Level I, II, or III standard certificates or ever having earned a Level I or Level II probationary certificate. This has the effect of allowing a newly employed or newly promoted code enforcement official with only a high school diploma or equivalent to perform high-level inspections, including inspections of high-rise buildings and other complex structures in the case of Level III building inspectors, without the training or demonstrated competency required for such work. The Board has determined that this pathway undermines the intent of G.S. 143-151.13 by enabling individuals to bypass the graduated structure of code enforcement certification. The proposed amendment will ensure that probationary certification remains consistent with statutory intent and public safety expectations by removing the community college course grade as a qualifying condition.*

**Comments may be submitted to:** Kyle Heuser, Office of the State Fire Marshal, 1202 Mail Service Center, Raleigh, NC 27699-1202; email [OSFM.Rulemaking@ncdoi.gov](mailto:OSFM.Rulemaking@ncdoi.gov)

**Comment period ends:** January 30, 2026

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

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

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

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

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

**SECTION .0600 - QUALIFICATION  
BOARD-PROBATIONARY CERTIFICATE**

**11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE**

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector, as set forth in the rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted code-enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and jurisdiction specified. A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code for the probationary certificate held. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, licensed architect, licensed contractor, or registered interior designer; or
- (3) possessing one of the education or experience qualifications listed in the rule in this Chapter specific to the area of code enforcement for which the probationary certificate is ~~issued~~; or issued.
- (4) ~~making a passing grade of at least 70 percent on courses for certification in building, electrical, fire, mechanical, or plumbing inspection at~~

~~levels I, II, or III in each area of code enforcement for which the probationary certificate is issued.~~

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(c)(3). A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rules in this Chapter, specific to an area of code enforcement, to qualify for the corresponding standard certificate. A probationary certificate as a residential changeout inspector shall authorize the inspector, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III, or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

*Authority G.S. 143-151.12(1); 143-151.12(2); 143-151.13.*

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rule cited as 21 NCAC 32B .1403.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker>

**Proposed Effective Date:** April 1, 2026

**Public Hearing:**

**Date:** January 29, 2026

**Time:** 11:00 AM

**Location:** The public hearing will be held remotely via teleconference. Telephone Number: 919-518-9840; Conference ID: 805 166 714#

**Reason for Proposed Action:** To allow current North Carolina resident training license ("RTL") holder in good standing to convert their RTL to a full license.

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

**Comment period ends:** January 30, 2026

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

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

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

## SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE

### SECTION .1400 – RESIDENT'S TRAINING LICENSE

#### 21 NCAC 32B .1403 CONVERSION APPLICATION FOR PHYSICIAN LICENSE

(a) A resident training licensee who meets the qualifications listed in this Rule may apply to convert their resident training license to a full, unrestricted physician license.

(b) An applicant seeking to convert shall:

- (1) complete the Board's online application for conversion and attest under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) supply a certified copy of the applicant's birth certificate if the applicant was born in the United States (U.S.) or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of their U.S. citizenship, the applicant must provide information about the applicant's immigration status. Applicants who are not present in the

- U.S. and who do not plan to practice physically in the U.S. shall submit a statement to that effect;
- (4) submit proof that the applicant has completed graduate medical education as required by G.S. 90-9.1 or 90-9.2, as follows:
- (A) A graduate of a medical school approved by LCME, CACMS, or COCA shall have completed at least one year of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA;
- (B) A graduate of a medical school not approved by LCME shall have completed two years of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA; or
- (C) An applicant may satisfy the graduate medical education requirements of Parts (A) or (B) of this Subparagraph by showing proof of current certification by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, or AOA;
- (5) if the applicant applied for a resident training license on the basis of COMLEX or USMLE examination, he or she shall provide proof that that the applicant has taken and passed within three attempts:
- (A) the COMLEX Level 3; or
- (B) the USMLE Step 3.
- (6) create an AMA Physician Profile and, if the applicant is an osteopathic physician, also create an AOA Physician Profile;
- (7) submit a letter from the graduate medical education program director recommending the applicant for full licensure. The letter should indicate the applicant's status in the graduate medical education program and attest that the applicant is currently in good standing with the program or was in good standing at the time of application. The letter should also include information about the applicant's dates of participation in the program; any information pertaining to leaves of absence taken by the applicant; any investigations involving the applicant; any adverse actions taken against the applicant including probations, limitations or special requirements, or disciplinary actions; and any negative reports of the applicant due to behavior.
- (8) pay a non-refundable fee pursuant to G.S. 90-13.1(a).
- (9) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.
- (c) A resident training licensee applying to convert to a full license must satisfy all of the following from the time of submitting an application for a resident's training license:

- (1) no professional liability insurance claim(s) or payments(s);
- (2) no regulatory board complaints, investigations, or actions, including the applicant's withdrawal of a license application;
- (3) no adverse actions by a health care institution as described in G.S. 90-14.13(a);
- (4) no adverse actions taken by a federal agency, the U.S. military, or medical societies;

If the applicant fails to satisfy all of the above, they may submit an application for a physician license under 21 NCAC 32B .1303.

(d) The Board must receive all of the following directly from the primary originating source before it begins processing an application:

- (1) Proof of graduation medical education from the graduate medical education program director;
- (2) Transcripts of examinations scores from the examining authority;
- (3) Proof of board certification from the certifying body, if applicable;
- (4) Physician profile from the AMA, and if applicable, the AOA;
- (5) National Practitioner Data Bank report from the U.S. Department of Health and Human Services; and
- (6) Practitioner profile from the Federation of State Medical Boards.

*Authority G.S. 90-5.1(a)(3); 90-8.1; 90-9.1; 90-9.2; 90-13.1.*

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## CHAPTER 56 - ENGINEERS AND SURVEYORS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Engineers and Surveyors intends to amend the rule cited as 21 NCAC 56 .1602.*

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

**Proposed Effective Date:** *April 1, 2026*

**Public Hearing:**

**Date:** *January 14, 2026*

**Time:** *9:00 AM*

**Location:** *Board Office, 4601 Six Forks Rd., Ste. 310, Raleigh, NC 27609*

**Reason for Proposed Action:** *The Board intends to amend 21 NCAC 56 .1602 to clarify in which documents a surveyor must include the method of area computation.*

**Comments may be submitted to:** *S. Wesley Tripp III, 4601 Six Forks Rd., Ste. 310, Raleigh, NC 27603; phone (919) 791-2000; email wtripp@ncbels.org*

**Comment period ends:** *January 30, 2026*



**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 .1600 – STANDARDS OF PRACTICE FOR  
LAND SURVEYING IN NORTH CAROLINA**

**21 NCAC 56 .1602 SURVEYING PROCEDURES**

(a) A Professional Land Surveyor shall spend the necessary time and effort to make investigation to determine if there are encroachments, gaps, lappages, or other irregularities along each line surveyed. Points may be placed on the line from closed or verified traverses and the necessary investigations made from these points. If these investigations are not made, then the surveyor shall not certify to an actual survey of that line and the plat shall contain the appropriate qualifications in accordance with the rules in this Section.

(b) Any and all visible or determined encroachments or easements on the property being surveyed shall be accurately located and indicated.

(c) With respect to investigation of property boundaries and recorded easements, the surveyor shall examine the most recent deeds and recorded plats adjacent to the subject property as well as all deeds and plats recorded after the date of the deed or plat upon which the survey is being based (the survey reference deed or plat).

(d) Except as provided in Paragraph (e) of the Rule, metal stakes or materials of comparable permanence shall be placed at all corners of the property.

(e) Where a corner falls in a right-of-way, tree, stream, or on a fence post, boulder, stone, or similar object, one or more

monuments or metal stakes shall be placed in the boundary so that the inaccessible point may be located accurately on the ground and the map.

(f) The results of a survey shall be provided to the user of that survey as either a map or a report of survey. The results may be presented in written or graphic form. In either case, the survey shall be factual and understandable to the anticipated user of the map or report. All reference sources shall be identified. Artificial monuments called for in such reports shall be described as having been found in place or set by the surveyor. When no monument is found or set for points described in Paragraph (e) of this Rule, that fact shall be noted.

(g) Tie lines and grid control defined. Where the results of a survey are reported in the form of a plat or a written description, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey, where such monument is within 2000 feet of the subject property, right-of-way, easement or other surveyed entity (i.e., "grid control"). Where the North Carolina grid system coordinates of said monument are on file in the Department of Public Safety, Emergency Management, Geodetic Survey office, the coordinates of both the referenced corner or point and the monument(s) shall be shown in X (easting) and Y (northing) coordinates on the plat or in the written description or document. The coordinates shall be identified as based on "NAD 83," indicating North American Datum of 1983 or as "NAD 27," indicating North American Datum of 1927. The datums of the National Geodetic Survey (NGS) are incorporated by reference including subsequent amendments and editions, and may be accessed free of charge at [www.ngs.noaa.gov](http://www.ngs.noaa.gov). The tie lines to the monuments shall be sufficient to establish true north or grid north bearings for the plat or description if the monuments exist in pairs. Control monuments within a previously recorded subdivision may be used in lieu of grid control. In the interest of bearing consistency with previously recorded plats, existing bearing control may be used where practical. In the absence of grid control, other natural or artificial monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(h) Whenever area is computed and included on a plat, written description, or other document, the surveyor shall state on the plat, description, or document the method of computation shall be stated on the plat, used to compute the area. Area computations by estimation, by planimeter, by scale, or by copying from another source are not acceptable methods, except in the case of tracts containing inaccessible areas.

*Authority G.S. 89C-10; 89C-20.*

**Note from the Codifier:** The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website ([www.ncoah.com/rules](http://www.ncoah.com/rules)) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60<sup>th</sup> day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

## TITLE 11 – DEPARTMENT OF INSURANCE

**Rule-making Agency:** Code Officials Qualification Board

**Rule Citation:** 11 NCAC 08 .0602

**Effective Date:** November 6, 2025

**Findings Reviewed and Approved by the Codifier:** October 29, 2025

**Reason for Action:** The Code Officials Qualification Board has identified an immediate and serious threat to public safety resulting from the operation of 11 NCAC 08 .0602(a)(4). The current rule allows an individual to obtain a probationary Level III inspector certificate solely by achieving a passing grade in a community college course, without having demonstrated any field experience, having passed the Board's standardized examination, or having held a probationary Level I or probationary Level II certificate. This pathway enables individuals to perform inspections on high-rise and other complex structures-occupancies requiring the highest level of technical competency and sophisticated systems without the qualifications necessary to identify critical life-safety hazards. The Board has verified that this outcome is contrary to the statutory purpose of G.S. 143-151.13, which establishes a progressive framework of qualifications to protect public safety through competent code enforcement. Emergency rulemaking is necessary to immediately suspend the use of Paragraph (a)(4) as a qualifying condition for probationary certificates until a permanent amendment can be adopted.

## CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

### SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE

#### 11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector, as set forth in the rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted code-enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period

of the certificate, to hold the position of the type, level, and jurisdiction specified. A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code for the probationary certificate held. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, licensed architect, licensed contractor, or registered interior designer; or
- (3) possessing one of the education or experience qualifications listed in the rule in this Chapter specific to the area of code enforcement for which the probationary certificate is ~~issued; or~~ issued.
- (4) ~~making a passing grade of at least 70 percent on courses for certification in building, electrical, fire, mechanical, or plumbing inspection at levels I, II, or III in each area of code enforcement for which the probationary certificate is issued.~~

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(c)(3). A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rules in this Chapter, specific to an area of code enforcement, to qualify for the corresponding standard certificate. A probationary certificate as a residential changeout inspector shall authorize the inspector, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and working under the direct supervision of a person who possesses, or persons

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## ***EMERGENCY RULES***

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who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III, or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

*Authority G.S. 143-151.12(1); 143-151.12(2); 143-151.13;  
Amended Eff. February 1, 2025; August 1, 2020;  
Emergency Amendment Eff. November 6, 2025.*

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

**TITLE 11 – DEPARTMENT OF INSURANCE**

**Rule-making Agency:** Code Qualification Board

**Rule Citation:** 11 NCAC 08 .0706, 0737, .0738, .0739, .0740, .0741

**Effective Date:** November 7, 2025

**Date Approved by the Rules Review Commission:** October 30, 2025

**Reason for Action:**

The Code Officials Qualification Board (COQB) recently adopted amendments to 11 NCAC 08 .0706 and adopted 11 NCAC 08 .0737 through .0741 as new rules to implement a "dual track" certification system for code officials beginning January 1, 2025. This system provides a "grandfathering" period under which a Level I or Level II code official certified before January 1, 2025 is authorized to inspect different types of structures and systems than a Level I or II code official certified on or after that date.

After the adoption of these rules, the Office of the State Fire Marshal (OSFM) - which provides staff support to the COQB - learned that its current certification database cannot accommodate this dual track certification structure. Specifically, the system cannot assign different scopes of inspection authority to inspectors with the same level designation based on their certification date.

As a result, OSFM has been forced to manually track the certification scopes of newly certified inspectors. Manual tracking presents an immediate and unforeseen threat to the public health, safety, and welfare for several reasons:

1. *Risk of Improper Inspection Assignments* - Without reliable system controls, there is a significant risk that newly certified inspectors could be assigned to perform inspections outside their authorized scope. Such inspections may overlook critical code requirements, leading to unsafe construction, undetected hazards, and potential injury or property damage.
2. *Potential for Incorrect Certifications* - Manual processing increases the likelihood of clerical or data entry errors. An inspector might be issued an incorrect certification level in the database, which could allow them to perform inspections they are not qualified to conduct.
3. *Liability and Enforcement Problems* - If unqualified inspections occur, it could expose local governments and the State to liability for unsafe structures and undermine enforcement actions when improper work is challenged in court.

4. *Loss of Public Confidence* - The inability to accurately certify and track code official qualifications could erode public trust in the building code enforcement system and in the COQB's oversight of inspector competency.

The IT limitation was not known to the Board during the rulemaking process, and OSFM requires time to design a new certification database or procure one from a vendor. Until the technology solution is in place, it is necessary to temporarily amend the affected rules to delay the dual track provisions, thus preventing confusion, error, and unsafe inspection assignments.

Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State's building inspection program.

**TITLE 11 - DEPARTMENT OF INSURANCE**

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

**SECTION .0700 - QUALIFICATION BOARD-STANDARD  
CERTIFICATE**

**11 NCAC 08 .0706 REQUIRED QUALIFICATIONS:  
TYPES AND LEVELS**

(a) Qualification Levels: With respect to all types of code-enforcement officials certified by the Board prior to January 1, ~~2025, 2027~~, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those buildings limited by the occupancy classification for Fire inspectors and by the occupancy classification, number of stories, and square feet (sf) per floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, as shown in Subparagraphs (a)(1) and (a)(2) of this Rule. Code-enforcement officials certified for Level I and II shall be authorized to inspect and approve these buildings until December 31, ~~2030, 2032~~. Any code-enforcement official with a probationary Level I or Level II certificate, who earns a Standard Level I or Level II certificate between January 1, ~~2025, 2027~~ and December 31, ~~2030, 2032~~, shall be qualified to inspect and approve only those buildings shown in Subparagraphs (a)(1) and (a)(2) of this Rule until December 31, ~~2030, 2032~~. As of January 1, ~~2034, 2033~~, code-enforcement officials certified for Level I and Level II shall continue to be certified at those same levels but shall be qualified to inspect and approve only those types of buildings shown in Subparagraph (a)(3) of this Rule. Standard Level III certificates shall be authorized to inspect and approve the types of buildings shown in Subparagraph (a)(3) of this Rule indefinitely.

- (1) Fire inspectors shall be limited to occupancy classifications, Highrise, and plan review as follows, except all Levels include Business,

- Mercantile, Residential, and Utility and Miscellaneous:
- (A) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
  - (B) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. Plan review.
  - (C) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.
- (2) Building, Mechanical, Electrical and Plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows, except for any Level, there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous.
- (A) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage. Single (1) story/3,000 sf, for Hazardous.
  - (B) Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and Hazardous. Multi-story: 3 stories, maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi-unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile.
  - (C) Level III. Unlimited stories and sf per floor.
- (3) With respect to all types of code-enforcement ~~officials~~ officials, except fire inspectors, newly certified by the Board on or after January 1, ~~2025~~, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as follows except for any Level there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous:
- (A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.
  - (B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.
  - (C) Level III inspectors shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure subject to the limitations for the type of inspector.
- (4) With respect to fire inspectors newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as provided in Rule .0741 of this Section.
- (b) Whenever a provision of the rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.
- (c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to Chapter 89C of the North Carolina General Statutes. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the North Carolina State Board of Examiners of Electrical Contractors, or the North Carolina State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, pursuant to Chapter 87 of the North Carolina General Statutes. References to licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are applicable as prescribed by the inspector type and level contained in this Section. Applicants with licenses from other states or countries must provide a copy of their license and documentation to prove that the requirements of the other state or country are at least equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.
- (d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the appropriate occupational licensing board to prove that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the ~~Rules rules~~ in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting ~~association, association. Note: as an~~ ~~for~~ example, Southern Association of Colleges and Schools.

(g) Every applicant for a standard certificate shall:

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate; and
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of or under contract with that city or county jurisdiction; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Office of State Fire Marshal that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and
- (3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board-approved sponsor; and
- (4) make a passing grade of at least 70 percent on courses for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at Levels I, II, or III, unless exempted by 11 NCAC 08 .0707. For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(5) of this Rule. These courses shall be administered and taught by the North Carolina Office of State Fire Marshal and the North Carolina Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and
- (5) make a passing grade of 70 percent on the state examination administered by the Board for each inspector type and level of certification, unless exempted by 11 NCAC 08.0707.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(9); 143-151.13;  
Eff. January 15, 1980;*

*Amended Eff. August 1, 2004; July 18, 2002; February 1, 1991; August 1, 1990; July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. February 1, 2025;*

*Temporary Amendment Eff. November 7, 2025.*

#### **11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III**

(a) A Building Inspector, Level ~~I, (Residential)~~ I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units, in accordance with the provisions of the North Carolina Residential Code.

(b) A Building Inspector, Level ~~II, II~~ (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height, except for hazardous and institutional occupancy classifications.

(c) A Building Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure occupancy classification.

(d) Building Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)(e)~~ Building Inspector, Level I. A standard certificate, Building Inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, residential or building contractor or a registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology;
- (4) A four-year degree from an accredited college or university;
- (5) At least six months of residential inspection experience, with a probationary Level I building inspection certificate, on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III, with a supporting letter from the applicant's supervisor which complies with of Rule .0706(b) of this Section;
- (6) At least one year of residential design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, architect, or

residential or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- (7) At least two years of residential design, construction, or inspection experience while working under a licensed residential contractor;
- (8) At least two years of experience as an owner, manager, supervisor, or qualifier, as that term is defined in G.S. 87-10(b), of a residential construction company, who has a license as a residential contractor, and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company);
- (9) At least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades, or work in building construction, on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;
- (10) At least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of two Level I buildings.

~~(e)~~(f) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, building contractor or registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;
- (4) A four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;
- (5) At least six months of commercial inspection experience with a probationary Level II

building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a standard certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- (6) At least one year of commercial design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (9) At least one year of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.

~~(f)~~(g) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer, architect, or unlimited building contractor with design, construction, or inspection experience on a minimum of two Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction or construction management and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor, at least at the level of supervisor in responsible

- charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
  - (4) At least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
  - (5) At least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
  - (6) At least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;  
Eff. February 1, 2025;  
Temporary Amendment Eff. November 7, 2025.*

**11 NCAC 08 .0738 ELECTRICAL INSPECTOR  
LEVEL I, II AND III**

- (a) An Electrical Inspector, Level I, ~~(Residential)~~ I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve individual residential dwelling units and equipment including its accessory structures and equipment, except for those systems described in Paragraph (b) or (c) of this Rule.
- (b) An Electrical Inspector, Level II, ~~(Commercial)~~ II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve non-residential structures and equipment including common areas of multi-family residential structures, except for those systems described in Paragraph (a) or (c) of this Rule.

(c) An Electrical Inspector, Level III, (Special Systems) shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure and the following special systems:

- (1) Photovoltaic systems
- (2) Electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(d) Electrical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for electrical systems that serve the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)~~(e) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A restricted (one family dwelling) license or license as an electrical contractor;
- (6) At least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) At least one year of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

~~(e)~~(f) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in electrical engineering or electrical construction;



- (3) A four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (4) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (5) An intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section
- (7) At least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed intermediate or unlimited electrical contractor, with a supporting letter from the applicant's supervisor which complies Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

**(g)** Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;
- (2) A four-year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor at least at the level of

- supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) An unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;*

*Eff. February 1, 2025;*

*Temporary Amendment Eff. November 7, 2025.*

#### **11 NCAC 08 .0739 MECHANICAL INSPECTOR LEVEL I, II AND III**

- (a) A Mechanical Inspector, Level ~~I~~, I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code.
- (b) A Mechanical Inspector, Level ~~II~~, ~~(Commercial)~~ II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code.
- (c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the

provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code for any residential or commercial building or structure.

(d) Mechanical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)~~(e) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor;
- (6) At least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
- (7) At least one year of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations on a minimum of two Level I buildings.

~~(e)~~(f) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical construction;
- (3) A four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II

buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;

- (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;
- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.

~~(f)~~(g) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) A four-year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the level of supervisor in

- responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
  - (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
  - (5) At least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
  - (6) At least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
  - (7) At least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

*History Note:* Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;  
 Eff. February 1, 2025;  
Temporary Amendment Eff. November 7, 2025.

**11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III**

- (a) A Plumbing Inspector, Level ~~I~~, I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units in accordance with the provisions of the North Carolina Residential Code, including NFPA 13D residential sprinkler systems.
- (b) A Plumbing Inspector, Level ~~H~~, II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-

- enforcement official duties for commercial buildings up to four stories in height.
- (c) A Plumbing Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure.
  - (d) Plumbing Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.
  - ~~(d)~~(e) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
    - (1) A one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
    - (2) A four-year degree from an accredited college or university;
    - (3) At least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
    - (4) At least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
    - (5) A Class I license as a plumbing contractor;
    - (6) At least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
    - (7) At least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.
  - ~~(e)~~(f) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
    - (1) A license as a professional engineer;
    - (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
    - (3) A four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed

- professional engineer, or licensed Class I plumbing contractor;
- (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (5) A Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.

~~(f)~~(g) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) A four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection

experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor, with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (4) A Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

*History Note:* Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;

*Eff. February 1, 2025;*

*Temporary Amendment Eff. November 7, 2025.*

#### **11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III**

(a) A Fire Inspector, Level I, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of operational permit issuance, field inspection, and related code enforcement activities for existing Assembly (limited to 1 story, 20,000 sf), Business, Mercantile, Residential, Utility and Miscellaneous occupancies, and other existing facilities, premises, and structures within those occupancies as required. A Fire Inspector Level I is not authorized to conduct inspections on high-rise buildings, inspections on new construction, or plan review for any occupancy.

(b) A Fire Inspector, Level II, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and code-enforcement activities for existing building occupancies and new construction. A Fire Inspector, Level II, is limited to Assembly, Business, Educational, Factory-Industrial, Mercantile, Residential, Storage, Utility and Miscellaneous, and other

facilities, premises, and structures within those occupancies as required. A Fire Inspector, Level II, is not authorized to conduct plan review or inspections of high-rise buildings, institutional, or hazardous occupancies.

(c) A Fire Inspector, Level III, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy, and related code-enforcement activities for any existing or new occupancy classification and other facilities, premises, and structures within those occupancies as required.

(d) Fire Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(1) of this Section until December 31, 2032.

~~(d)(e)~~ The level of certification required for buildings with multiple occupancy classifications shall be assigned based on the highest level required as indicated in Paragraphs (a) through (c) of this Rule.

~~(e)(f)~~ Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A one-year diploma in fire science from an accredited college or an equivalent certificate of completion from an apprenticeship or trade school program in fire science;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector Level I, II, or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A license as a fire sprinkler contractor;
- (6) At least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) At least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) At least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or

- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

~~(f)(g)~~ Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) A four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, construction management or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (5) A license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of fire inspection experience including at least one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, with a supporting letter from the applicant's

supervisor which complies with Rule .0706(b) of this Section;

- (8) At least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
- (9) Completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.

~~(g)~~**(h)** Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in civil, architectural, construction management or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed professional engineer, architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector Level III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
- (4) A license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector Level III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor,

two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

- (7) At least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

*History Note:* Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;

*Eff.* February 1, 2025;

*Temporary Amendment Eff.* November 7, 2025.

## TITLE 16 – STATE BOARD OF EDUCATION

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

**Rule Citation:** *16 NCAC 06C .0110*

**Effective Date:** *November 7, 2025*

**Date Approved by the Rules Review Commission:** *October 30, 2025*

**Reason for Action:**

*Session Law 2025-60, Part V, amended G.S. 115C-315 to require the State Board of Education to adopt rules the establish the qualifications and training required to be hired or contracted for as a school nurse. The law as revised prohibits the State Board from requiring a school nurse to obtain a four-year degree, and requires a school nurse to be paid on the state salary schedule established by the State Board if the school nurse meets the following criteria:*

- 1. *The school nurse is a registered nurse licensed under Chapter 90, Article 9A of the General Statutes; and*
- 2. *The school nurse has at least two years of experience serving in a hospital or health clinic.*

*The proposed rule is responsive to the new law while continuing to allow school nurse candidates to qualify under the more rigorous existing State Board policy, which requires a bachelor's degree and certification from the National Board for Certification of School Nurses. In addition to these minimum qualifications, the proposed rule also includes certain training requirements that the school nurse must complete within a certain amount of time of being hired.*

## CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

### SUBCHAPTER 06C - PERSONNEL

#### SECTION .0100 - GENERAL PROVISIONS

**16 NCAC 06C .0110 QUALIFICATIONS OF SCHOOL NURSES**

(a) Any person employed ~~by~~ or contracted to serve as a school nurse in a North Carolina public school shall meet all qualifications established by the State Board of ~~Education~~ Education ("SBE"). At minimum, the person shall:

- (1) Be licensed as a registered nurse under Chapter 90, Article 9A of the General Statutes and have at least two years of experience serving as a nurse in a hospital or health clinic; or
- (2) Be certified by the American Nurses Credentialing Center or the National Board for Certification of School Nurses.

A school nurse who meets either of these qualifications shall be paid under the certified school nurse pay scale as established by the SBE.

(b) Any person employed or contracted to serve as a school nurse in a North Carolina public school shall complete all training requirements established by the SBE. At minimum, the person shall:

- (1) Within six months of starting employment ~~by~~ or a contract ~~by~~ with a PSU, public school unit ("PSU"), complete the School Nurse Orientation Modules offered by the North Carolina Department of Health and Human Services ("DHHS"); and
- (2) Within two years of starting employment ~~by~~ or a contract ~~by~~ with a PSU, complete the School Nurse Roles and Responsibilities course offered by DHHS.

(c) The person shall provide proof of completion of these training requirements to the employing or contracting PSU by the established deadline. If the person completed these requirements prior to employment or contract with the PSU, the person is not required to repeat those requirements so long as proof of completion is provided to the PSU.

(d) Nothing in this Rule shall be construed to prevent a PSU from requiring additional qualifications or training for a school nurse under its employment or ~~contract, or to supersede the qualifications, training, or continuing education requirements for registered nurses under Chapter 90, Article 9A of the General Statutes.~~ contract.

(e) This Rule applies to school nurses initially hired or contracted for on or after July 1, 2025.

*History Note:* Authority G.S. 115C-12(9); 115C-315;  
Temporary Adoption Eff. November 7, 2025.

**Rule Citation:** 21 NCAC 34A .0122, .0201; 34B .0103, .0105-.0107, .0120, .0211, .0310, .0313, .0408, .0502, .0608, .0610, .0616-.0618, .0801-.0803, .0807, .0808; 34C .0101; 34D .0305

**Effective Date:** November 7, 2025

**Date Approved by the Rules Review Commission:** October 30, 2025

**Reason for Action:** S.L. 2025-76 substantially revised the Practice Act for the North Carolina Board of Funeral Service, and certain changes to rules promulgated by the Board are necessary to interpret and implement these revised statutes.

**SUBCHAPTER 34A - BOARD FUNCTIONS**

**SECTION .0100 - GENERAL PROVISIONS**

**21 NCAC 34A .0122 CHARACTER AFFIDAVIT FORM**

*History Note:* Authority G.S. 90-210.23(a); 90-210.26;  
Eff. September 1, 1979;  
Amended Eff. August 1, 2004.  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017~~ 2017;  
Repealed Eff. November 7, 2025.

**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</u>	<u>Establishment</u>	<u>and</u>	<u>Branch</u>	<u>Funeral</u>
<u>Establishment</u>				<u>permit</u>
	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

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

**CHAPTER 34 – BOARD OF FUNERAL SERVICES**

**Rule-making Agency:** Board of Funeral Service

## TEMPORARY RULES

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
<u>Annual renewal</u>	<u>\$ 75.00</u>
<u>Late fee</u>	<u>\$ 50.00</u>
Transportation Service Permit Application	\$200.00
<u>Annual renewal for Individual Transporter or Transportation Service Permit</u>	<u>\$ 75.00</u>
<u>Late fee</u>	<u>\$ 50.00</u>

(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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(f); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a); 90-210.132; Eff. September 1, 1979;*

*Amended Eff. January 1, 1991; July 1, 1988; January 1, 1988; October 1, 1983;  
Recodified from 21 NCAC 34 .0123 Eff. February 7, 1991;  
Amended Eff. December 1, 1993; August 2, 1993; May 1, 1993, July 1, 1991;  
Temporary Amendment Eff. October 1, 1997;  
Amended Eff. August 20, 2014; March 1, 2004; August 1, 1998;  
Readopted Eff. January 8, 2020, 2020;  
Temporary Amendment Eff. November [7-] 17, 2025.*

### SUBCHAPTER 34B - FUNERAL SERVICE

#### SECTION .0100 - RESIDENT TRAINEES

#### 21 NCAC 34B .0103 AUTHORIZED PRACTICE: SUPERVISION

(a) ~~Duly-certified resident~~ Resident trainees in training for funeral service, ~~duly-certified~~ resident trainees in training for funeral ~~directing~~ directing, and ~~duly-certified~~ resident trainees in training for embalming, as defined by G.S. 90-210.20(20), while participating in learning experiences and while supervised by a person licensed by the Board as a funeral service licensee, funeral ~~director~~ director, or embalmer, ~~respectively~~, may assist in the practice of funeral service, funeral ~~directing~~ directing, or ~~embalming~~ 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~~ 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~~ Not have any disciplinary action taken by the ~~Board~~ Board, or the licensing board of any other ~~jurisdiction~~ jurisdiction, to suspend or revoke his or her license during the five years preceding the application.

(c) ~~Duly-certified resident~~ 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~~ 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~~ 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~~ certificate, which is a wallet-sized card issued by the Board to the resident trainee that bears the following:

- (1) The resident trainee's name;
- (2) The resident trainee's registration number;
- (3) The resident trainee's signature;
- (4) The date on which resident trainee was registered with the Board;
- (5) Whether the resident trainee is registered in a traineeship for funeral service, funeral directing or embalming; and
- (6) The name of the resident trainee's supervisor.

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

*Eff. February 1, 1976;*

*Readopted Eff. September 27, 1977;*

*Amended Eff. January 1, 2009; November 1, 2004; August 1, 1998; June 1, 1994;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; 2017;*

*Temporary Amendment Eff. November 7, 2025.*

## **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 ncbfs.org. Applications not completed within thirty (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.

~~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 thirty (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;
- (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 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;
- (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

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. November 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; 2017;  
Temporary Amendment Eff. November 7, 2025.*

## **21 NCAC 34B .0106 EMBALMER TRAINEE APPLICATION FORM**

Applications for registration as an embalmer resident trainee shall be made on forms available on the Board's website at [ncbfs.org](http://ncbfs.org). ~~provided by the Board. The applicant shall furnish the applicant's~~

- 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 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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); Eff. February 1, 1976;*  
*Readopted Eff. September 27, 1977;*  
*Amended Eff. November 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; 2017;*  
*Temporary Amendment Eff. November 7, 2025.*

## **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 thirty (30) days following submission to the Board shall be denied. All applications for registration as an 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;
- (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 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;
- (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 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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Eff. November 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; 2017;  
Temporary Amendment Eff. November 7, 2025.*

**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 the supervisor ~~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-] Rule .0126 of the Subchapter.

(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.

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

*Eff. February 1, 1976;*

*Readopted Eff. September 27, 1977;*

*Amended Eff. January 1, 2009; November 1, 2004; June 1, 1994;*

*August 1, 1988; September 1, 1979;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; 2017;*

*Temporary Amendment Eff. November 7, 2025.*

## 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).

*History Note: Authority G.S. 90-210.20(11); 90-210.23(a); 90-210.25(a)(5);*

*Eff. February 1, 1976;*

*Readopted Eff. September 27, 1977;*

*Amended Eff. February 1, 2009; November 1, 2004; September 1, 1979.*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*

*Amended Eff. April 1, 2024; 2024;*

*Temporary Amendment Eff. November 7, 2025.*

## 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 as set forth in Paragraph (c) of this Rule 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 ninety (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 ncbfs.org. Applications not completed within ninety (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; 453.2;
- (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](http://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.

*History Note: Authority ~~G.S. 90-210.20(h)~~; G.S. 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i); Eff. February 1, ~~2009~~ 2009; Temporary Amendment Eff. November 7, 2025.*

## **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](http://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](http://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 performed, as well as the establishment's licensed manager;
- (E) name of each college or university attended by the application, the dates

- of attendance, and the graduation date and degree(s) obtained, if any;
- (F) 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);
- (G) 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;
- (H) 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;
- (I) 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;
- (J) 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;
- (K) 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;
- (L) 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;
- (M) 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;
- (N) 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;
- (O) 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;
- (P) 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.]~~ 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
- (Q) 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.
- (2) "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.
- (3) "Laws and Rules Examination" shall mean an examination prepared by the Board to evaluate an applicant's knowledge of Articles 13A, 13D, 13E, and 13F of Chapter 90 of the North Carolina General Statutes, Chapter 34 of Title 21 of the North Carolina Administrative Code, ~~and 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, ~~version, and the administrative rules governing the practice~~

~~or professional 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, ~~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 31<sup>st</sup> of each year but not later than February 1<sup>st</sup> 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.

*History Note: Authority G.S. 90-210.25(a)(3a);  
Eff. March 17, 2021, 2021;  
Temporary Amendment Eff. November 7, 2025.*

## 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.

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

*Eff. July 1, 2005;*

*Amended Eff. January 1, 2009;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*

*Amended Eff. March 17, 2021, 2021;*

*Temporary Amendment Eff. November 7, 2025.*

## 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 ninety (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 [2] 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).~~

*History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1; 93B-15.3;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 27, 1977;*  
*Amended Eff. November 1, 2004; September 1, 1979;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. March 17, 2021; 2021;*  
*Temporary Amendment Eff. November 7, 2025.*

## 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](http://ncbfs.org). Applications for a new funeral establishment permit not completed within ninety (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] 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; 453.2;
- (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 [2] 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, ncbsf.org. Applications for a new funeral branch establishment permit not completed within ninety (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).

*History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 90-210.27A;  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. December 1, 2004; August 1, 1988; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017, 2017;  
Temporary Amendment Eff. November 7, 2025.*

**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;
- ~~[(40)]~~(9) Whether the establishment has continuously held a funeral establishment permit since January 1, 1988;
- ~~[(44)]~~(10) Whether more than fifty percent of the ownership interest has changed at any time since last year's renewal;
- (11) ~~[whether]~~ 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);

- ~~[(13)]~~(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;
- ~~[(13)]~~(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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(d)(3); Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. December 1, 2004; September 1, 1979;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017. 2017: Temporary Amendment Eff. November 7, 2025.*

**21 NCAC 34B .0616 BODY IDENTIFICATION TAGS**  
A funeral establishment shall immediately ~~[shall]~~ place a body identification tag as set forth in ~~[G.S. 90-210.29A]~~ G.S. 90-210.29A 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.

*History Note: Authority G.S. 90-210.23(a),(e); 90-210.27A(a)(10); 90-210.29A; Eff. September 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017. 2017: Temporary Amendment Eff. November 7, 2025.*

**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.

~~(c) 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 the circumstances surrounding the funeral establishment's request for additional time.~~

(3)

*History Note: Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A; Eff. September 1, 2017. 2017: Temporary Amendment Eff. November 7, 2025.*

**21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES**

*History Note: Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A; Eff. September 1, 2017. 2017: Repealed Eff. November 7, 2025.*

**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.] "Removal or Transportation."

*History Note: Authority G.S. 90-210.23(a); 90-210.25(c)(10); Eff. February 1, 2025; 2025; Temporary Amendment Eff. November 7, 2025.*

**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 <https://ncbfs.org>; [ncbfs.org](https://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);~~ G.S. 90-210.25(c)(7)f;
- (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,~~ transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and blood-borne ~~pathogens,~~ pathogens found in 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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10); Eff. February 1, 2025- 2025; Temporary Amendment Eff. November 7, 2025.*

**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 available on the Board's website at [ncbfs.org](https://ncbfs.org) 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, 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~~, transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and blood-borne ~~pathogens~~, pathogens found in 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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10); Eff. February 1, 2025- 2025; Temporary Amendment Eff. November 7, 2025.*

**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;

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| <p>(7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;</p> <p>(8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;</p> <p>(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;</p> <p>(10) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;</p> <p>(11) A copy of valid driver's licenses issued by the State for all <del>Licensees</del> <u>licensees</u> who will be working for the Transportation Service;</p> <p>(12) The address of the location at which Transportation Service business records will be held;</p> <p>(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;</p> <p>(14) The names, license or permit type, and license or permit number of each Licensee working for the Transportation Service and whether said <del>Licensee</del> <u>licensees</u> is working on a full-time, part-time, or per case basis;</p> <p>(15) A copy of the professional liability insurance covering the acts and omissions of all <del>Licensees</del> <u>licensees</u> 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);</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> | <p>(20) transportation services on behalf of OCME and, if so, the reasons for said termination, if known; Whether, within the preceding <u>2</u> <del>two</del> years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;</p> <p>(21) The notarized signature of the majority owner of the Transportation Service to certify that:</p> <p>(A) he or she has prepared the application and has read the answers;</p> <p>(B) the information provided in the application is true;</p> <p>(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;</p> <p>(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</p> <p>(E) he or she has read and understands the statutes and rules relating to the removal or <del>transportation</del>, <u>transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter</u>, as well as the standards of OSHA for universal precautions and blood-borne <del>pathogens</del>, <u>pathogens found in 29 C.F.R. 1910.1030</u>.</p> <p>(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</p> <p>(23) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.</p> <p>(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</p> |
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costs charged by the vendor for performing the criminal background check.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10); Temporary Adoption Eff. November 7, 2025.*

**21 NCAC 34B .0808 TRANSPORTION 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~~ 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~~ licensees working for the Transportation Service and whether said ~~Licensee~~ licensees 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~~, transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and

blood-borne ~~pathogens~~, pathogens found in 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.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10); Temporary Adoption Eff. November 7, 2025.*

### **SUBCHAPTER 34C - CREMATORIES**

#### **SECTION .0100 – GENERAL PROVISIONS**

##### **21 NCAC 34C .0101 ELECTION TO CREMATORY AUTHORITY**

*History Note: Authority G.S. 90-210.122(c); 90-210.134(a); Eff. July 1, 1991; Amended Eff. July 1, 2004; Temporary Amendment Eff. June 30, 2005; Amended Eff. April 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017, 2017; Repealed Eff. November 7, 2025.*

### **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 ten (10) days following withdrawal of the preneed funeral funds from trust.

*History Note: Authority G.S. 90-210.69(a); 90-210.68(b); Temporary Adoption Eff. November 7, 2025.*

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**APPROVED RULES**

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

*Rules approved by the Rules Review Commission at its meeting on October 30, 2025.*

**REGISTER CITATION TO THE  
NOTICE OF TEXT****MENTAL HEALTH/DD/SAS, COMMISSION FOR**

<u>Disposal of Unused Controlled Substances from Nursing Home</u>	10A NCAC	26E	.0406*	39:24 NCR
<u>Medication Units and Mobile Units</u>	10A NCAC	27G	.3605*	39:24 NCR

**PRIVATE PROTECTIVE SERVICES BOARD**

<u>Application for Unarmed Security Guard Registration</u>	14B NCAC	16	.0701*	39:15 NCR
<u>Application/Armed Security Guard Firearm Registration Permit</u>	14B NCAC	16	.0801*	39:15 NCR
<u>Application for Unarmed Armored Car Service Guard...</u>	14B NCAC	16	.1301*	39:15 NCR
<u>Application/Armed Armored Car Service Guard Firearm Regis...</u>	14B NCAC	16	.1401*	39:15 NCR

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Fresh Surface Water Quality Standards for Class B Waters</u>	15A NCAC	02B	.0219*	39:17 NCR
<u>Exemptions From Surface Water Quality Standards</u>	15A NCAC	02B	.0226*	39:17 NCR
<u>Groundwater Quality Standards</u>	15A NCAC	02L	.0202	39:09 NCR

**COASTAL RESOURCES COMMISSION**

<u>Coastal Shorelines</u>	15A NCAC	07H	.0209*	39:24 NCR
<u>Use Standards for Ocean Hazard Areas: Exceptions</u>	15A NCAC	07H	.0309*	39:24 NCR

**ONSITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD**

<u>Definitions</u>	21 NCAC	39	.0101*	39:21 NCR
<u>Types of Certification</u>	21 NCAC	39	.0102*	39:21 NCR
<u>Annual Reports</u>	21 NCAC	39	.0103*	39:21 NCR
<u>Application Requirements for Certification</u>	21 NCAC	39	.0201*	39:21 NCR
<u>Business Succession</u>	21 NCAC	39	.0202*	39:21 NCR
<u>Schedule of Certification Fees</u>	21 NCAC	39	.0301*	39:21 NCR
<u>On-site Wastewater Contractor, Inspector, or Evaluator Ex...</u>	21 NCAC	39	.0401*	39:21 NCR
<u>Time and Place of Examination</u>	21 NCAC	39	.0402*	39:21 NCR
<u>Conducting and Grading Examinations</u>	21 NCAC	39	.0403*	39:21 NCR
<u>Issuance of Certificates</u>	21 NCAC	39	.0404*	39:21 NCR
<u>Licensure for Military-Trained Applicant; Licensure for M...</u>	21 NCAC	39	.0405*	39:21 NCR
<u>Conditions and Limitations for Renewal of Certification</u>	21 NCAC	39	.0501*	39:21 NCR
<u>Requirements</u>	21 NCAC	39	.0601*	39:21 NCR
<u>Approval of Continuing Education Courses</u>	21 NCAC	39	.0602*	39:21 NCR
<u>Recordkeeping</u>	21 NCAC	39	.0604*	39:21 NCR
<u>Extension of Time</u>	21 NCAC	39	.0605*	39:21 NCR
<u>Revocation, or Suspension of Certification</u>	21 NCAC	39	.0701*	39:21 NCR
<u>Certification Following Revocation or Voluntary Surrender...</u>	21 NCAC	39	.0702*	39:21 NCR
<u>Penalties</u>	21 NCAC	39	.0703	39:21 NCR
<u>Code of Ethics</u>	21 NCAC	39	.0801*	39:21 NCR

<u>Cooperation with Board Inquiry</u>	21 NCAC	39	.0802*	39:21 NCR
<u>Delegating to Third-Party Service Providers</u>	21 NCAC	39	.0803*	39:21 NCR
<u>Petition for Rule-Making</u>	21 NCAC	39	.0901*	39:21 NCR
<u>Request for Declaratory Ruling</u>	21 NCAC	39	.0902	39:21 NCR
<u>Refusal to Issue Declaratory Ruling</u>	21 NCAC	39	.0903*	39:21 NCR
<u>Waiver or Extension</u>	21 NCAC	39	.0904*	39:21 NCR
<u>Definitions</u>	21 NCAC	39	.1001*	39:21 NCR
<u>General Requirements for Contractors and Inspectors</u>	21 NCAC	39	.1002*	39:21 NCR
<u>General Exclusions of an Inspection</u>	21 NCAC	39	.1004*	39:21 NCR
<u>On-Site Wastewater System Components</u>	21 NCAC	39	.1005*	39:21 NCR
<u>Minimum On-Site Wastewater System Inspection</u>	21 NCAC	39	.1006*	39:21 NCR
<u>Definitions</u>	21 NCAC	39	.1101*	39:21 NCR
<u>General Requirements for Evaluators</u>	21 NCAC	39	.1102*	39:21 NCR
<u>General Exclusions for Evaluators</u>	21 NCAC	39	.1103*	39:21 NCR
<u>Required Documents for Evaluators</u>	21 NCAC	39	.1104*	39:21 NCR

## **TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **10A NCAC 26E .0406 DISPOSAL OF UNUSED CONTROLLED SUBSTANCES FROM NURSING HOME**

A pharmacy that has dispensed controlled substances for inpatient administration to individuals residing in a licensed nursing home shall be responsible for either returning unused controlled substances to its stock, or disposing of and destroying any unused controlled substances in accordance with 21 CFR 1317.05(a) or (c), and other applicable federal regulations governing U.S. Drug Enforcement Administration (DEA) registrant collection, disposal, and destruction of unused controlled substances in licensed nursing homes, including 21 U.S.C. 822(g), 21 CFR 1317.10, 21 CFR 1317.15, 21 CFR 1317.80, 21 CFR 1304.22, and 21 CFR Part 1317 Subpart C. The pharmacy shall keep a record of the disposal and destruction of unused controlled substances available for a minimum of two years. This record of disposal and destruction shall be kept on the Division of Mental Health, Developmental Disabilities, and Substance Use Services (Division) Form entitled "Record of Controlled Substances Destroyed Pursuant to Rule 10A NCAC 26E .0406". This form is available upon request at Drug Control Unit 3008 Mail Service Center Raleigh, NC 27699-3008 or [nccsareg@dhhs.nc.gov](mailto:nccsareg@dhhs.nc.gov). Controlled substances returned to stock must be in a hermetically sealed container or in a pure uncontaminated condition and be identifiable with the original manufacturer's labelling legible. A pharmacy may outsource destruction of the unused controlled substances to a reverse distributor in accordance with 21 CFR 1317.05(a)(2), provided the pharmacy must first verify the reverse distributor is registered with the DEA as a reverse distributor and maintains compliance with all applicable federal and State laws and regulations governing reverse distributors and destruction of unused controlled substances per 21 CFR 1317.15. Pharmacies that are authorized by the DEA as collectors may install, manage, and maintain collection receptacles at nursing homes for the purpose of collection, disposal, and destruction of unused controlled substances from nursing homes, in accordance with 21

CFR 1317.05(c), 21 CFR 1317.40, and other applicable federal regulations governing the use of collection receptacles by authorized pharmacy collectors in nursing homes, including 21 CFR 1301.51, 21 CFR 1316.02, 21 CFR 1317.05(c)(2)(iv), 21 CFR 1317.60, 21 CFR 1317.75, and 21 CFR 1317.80. Compliance with this Rule is subject to audit by the Division Director or their designated representative.

*History Note: Authority G.S. 90-100; 143B-147; Eff. June 30, 1978; Amended Eff. September 15, 1980; May 15, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016; Emergency Amendment Eff. September 30, 2024; Temporary Amendment Eff. January 2, 2025; Amended Eff. November 1, 2025.*

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

#### **(a) Definitions:**

- (1) "Opioid Treatment Program" (hereinafter, OTP) means the same as defined in G.S. 122C-3(25a).
- (2) "Opioid Treatment Program Facility" (hereinafter OTP Facility) means the primary location on the facility license.
- (3) "Opioid Treatment Program Medication Unit" (hereinafter OTP Medication Unit) means the same as defined in G.S. 122C-3(25b).
- (4) "Opioid Treatment Program Mobile Unit" (hereinafter OTP Mobile Unit) means the same as defined in G.S. 122C-3(25c).
- (5) "Division" means the same as defined in G.S. 122C-3(13).

(b) The OTP Facility shall provide any medical, counseling, vocational, educational, and other assessment and treatment

services not provided by the OTP Medication Unit or OTP Mobile Unit.

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

(d) Location and Service Capacity.

- (1) The OTP shall ensure that each OTP Medication Unit and OTP Mobile Unit complies with all applicable State and Federal laws and regulations, including Substance Abuse and Mental Health Services Administration regulations in 42 CFR Part 8 and Federal Drug Enforcement Agency regulations in 21 CFR Parts 1300, 1301, and 1304, governing controlled substances, dispensers of controlled substances, mobile narcotic treatment programs. Each of these Codes is incorporated by reference, including subsequent amendments. Copies are available free of charge at the Division 3001 Mail Service Center, Raleigh, NC 27699-3001; electronic copies are available at no cost at [www.ecfr.gov](http://www.ecfr.gov).
- (2) An OTP with geographically separate OTP Medication Units and OTP Mobile Units shall maintain and provide the location of each unit associated with the OTP.
- (3) The OTP Medication Units and OTP Mobile Units shall operate within a radius of 75 miles from the OTP Facility.
- (4) The OTP shall maintain and provide schedules for the days and hours of operation to meet patient needs.
- (5) The OTP shall establish and implement an operating protocol identifying the number of patients allowed per OTP Medication Unit and OTP Mobile Unit based on staffing ratios.
- (6) The OTP shall establish and implement an operating protocol which includes predetermined location(s), hours of operations, and a daily departure guide and business record of each OTP Mobile Unit's location.

(e) Staffing Requirements. The OTP shall develop and implement governing body policies in accordance with Rule 10A NCAC 27G .0201, which is incorporated by reference, including subsequent amendments, and is available free of charge at the Division 3001 Mail Service Center Raleigh, NC 27699-3001; an electronic copy is available at no cost at [www.oah.nc.gov](http://www.oah.nc.gov). The OTP shall maintain staffing to ensure service delivery at the OTP and any associated OTP Medication Units and OTP Mobile Units in accordance with 42 CFR 8.12(b)(1). Staffing shall include the following:

- (1) The OTP shall have a 1.0 Full-time employee (FTE) Licensed Clinical Addiction Specialist (LCAS), or Licensed Clinical Addiction Specialist-Associate (LCAS-A) per 50 patients. This position can be filled by more than one

LCAS or LCAS-A staff member (ratio 1:50); and

- (2) The OTP shall have 1.0 FTE LCAS, LCAS-A, Certified Alcohol and Drug Counselor (CADC), Certified Alcohol and Drug Counselor Intern (CADC-I), Licensed Clinical Social Worker (LCSW), Licensed Clinical Social Worker – Associate (LCSW-A), Licensed Clinical Mental Health Counselor (LCMHC), Licensed Clinical Mental Health Counselor – Associate (LCMHC-A), Licensed Marriage and Family Therapist (LMFT), Licensed Marriage and Family Therapist – Associate (LMFT-A), Licensed Psychological Associate (LPA), or Licensed Psychologist (LP) for each additional 50 patients in the program (ratio 1:50); and
- (3) The OTP shall have a Medical Director who is a physician licensed to practice medicine in North Carolina and who meets the standards and requirements outlined in 42 CFR 8.2 and 42 CFR 8.12(b).
  - (A) The Medical Director is responsible for ensuring all medical, psychiatric, nursing, pharmacy, toxicology, and other services offered at the OTP and any associated OTP Medication Units and OTP Mobile Units are conducted in compliance with State and Federal laws and regulations pursuant to 42 CFR 8.2.
  - (B) The Medical Director shall be physically present at the OTP a minimum of 4 hours per month to assure regulatory compliance and to carry out those duties assigned to the Medical Director in 42 CFR 8.2 and 42 CFR 8.12(b)(2).
  - (C) The Medical Director shall be responsible for supervision of any practitioner(s), as defined in 42 CFR 8.2, and other medical staff.

(f) Each OTP shall develop and implement a policy regarding the maintenance, location, and retention of records for its OTP Medication Units and OTP Mobile Units, in accordance with State and Federal laws including 42 CFR 8.12(g), G.S. 90-104, Rule 10A NCAC 26E .0202, 21 CFR 1304.24 and 21 CFR 1304.25. G.S. 90-104 and 10A NCAC 26E .0202 are incorporated by reference, including subsequent amendments, and are available free of charge at the Division 3001 Mail Service Center, Raleigh, NC 27699-3001. Electronic copies of the statute are available at [www.ncleg.gov](http://www.ncleg.gov); electronic copies of the Rule are available at no cost at [www.oah.nc.gov](http://www.oah.nc.gov).

(g) Operations and Service Delivery.

- (1) Each OTP Medication Unit and OTP Mobile Unit shall be deemed part of the OTP license and shall be subject to inspections the Department deems necessary to validate

- compliance with all applicable rules, and State and Federal laws referenced herein.
- (2) The OTP shall ensure that its OTP Medication Units and OTP Mobile Units adhere to all State and federal program requirements for Opioid Treatment Programs.
  - (3) Each OTP Medication Unit and OTP Mobile Unit shall establish and implement a written policy and procedure for operations that meets the needs of its patients.
  - (4) The OTP shall establish and implement policies and procedures for a clinical and individualized assessment of patients to receive services at an OTP Medication Unit or OTP Mobile Unit that considers medical and clinical appropriateness and accessibility to patients served.
  - (5) The OTP shall ensure that patients receiving services at an OTP Medication Unit or OTP Mobile Unit receive a minimum of two counseling sessions per month during the first year of continuous treatment and a minimum of one counseling session per month after the first year and in all subsequent years of continuous treatment.
  - (6) Counseling staff shall be available, either in person and on-site or by telehealth, a minimum of five days per week to offer and provide counseling in accordance with the patient's treatment plan or person-centered plan.
  - (7) The OTP shall establish and implement a policy and procedure to determine the appropriateness of telehealth services for a patient that takes into consideration the patient's choice along with the patient's behavior, physical, and cognitive abilities. The patient's verbal or written consent shall be documented when telehealth services are provided.
  - (8) The OTP shall ensure that patients receiving services at an OTP Medication Unit or OTP Mobile Unit receive medical interventions, including naloxone, when medically necessary and in compliance with the patient's treatment plan, person-centered plan, standing orders, or emergency intervention protocols.
  - (9) An OTP and its associated OTP Medication Units and OTP Mobile Units shall ensure that all dosing of medication to patients on the site of the OTP and any associated OTP Medication Units and OTP Mobile Units is directly observed by a Physician, Physician Assistant, Nurse Practitioner, Pharmacist, Registered Nurse, or Licensed Practical Nurse, in accordance with applicable State and Federal Law, including 42 CFR Part 8, and the OTP's Diversion Control Plan.

*Eff. November 1, 2025.*

## **TITLE 14B - DEPARTMENT OF PUBLIC SAFETY**

### **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

- (a) Each employer or his or her designee shall submit an online application for the registration of each employee unarmed security guard to the 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) This 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 application and submitted by uploading the photograph 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;
  - (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
  - (5) 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;
  - (6) a signed SBI release of information form;
  - (7) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this Section, unless a valid statement is on file in the Board's office; and
  - (8) a completed affidavit form and public notice statement form.
- (b) The applicant's copies of the application, affidavit, training certification, and the statement required by Subparagraph (a)(7) of this Rule shall together serve as a temporary registration card. These copies shall be carried by the applicant while performing job duties and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

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

However, if the statement required by Subparagraph (a)(7) of this Rule is already on file with the Board, the applicant does not need to carry or present the statement.

(c) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

*History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11;*

*Eff. June 1, 1984;*

*Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998;*

*December 1, 1995; June 1, 1994; February 1, 1990; May 1, 1988;*

*Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;*

*Amended Eff. November 1, 2017;*

*Readopted Eff. March 1, 2020;*

*Amended Eff. November 1, 2025; September 1, 2024; January 1, 2024; July 1, 2021.*

**14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

(a) Each employer or his or her designee shall submit an online application for the registration of each employee armed security guard to the 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) This 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 application and submitted by uploading the photograph 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;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section;
- (6) a statement signed by a certified trainer that the applicant has completed the training

requirements of Rule .0707 of this Chapter, unless a valid statement is on file in the Board's office;

(7) 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;

(8) a signed SBI release of information form; and

(9) a completed affidavit form and public notice statement form.

(b) The applicant's copy of the application and proof of completion of a Board approved firearms course shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(c) Applications submitted without proof of completion of a Board-approved firearms training course shall not serve as temporary registration cards.

(d) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

*History Note: Authority G.S. 74C-5; 74C-9; 74C-13;*

*Eff. June 1, 1984;*

*Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998;*

*December 1, 1995; February 1, 1990; May 1, 1988; July 1, 1987;*

*Transferred and Recodified from 12 NCAC 07D .0801 Eff. July 1, 2015;*

*Amended Eff. November 1, 2017;*

*Readopted Eff. March 1, 2020;*

*Amended Eff. November 1, 2025; September 1, 2024; July 1, 2021.*

**14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION**

(a) Each employer or his or her designee shall submit an online application for the registration of each employee unarmed security guard to the Board containing the applicant's:

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

(b) This 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 application and submitted by uploading the photograph online with the application submission;
- (3) 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;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) 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;
- (6) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .1307 of this Section unless a valid statement is on file in the Board's office;
- (7) a signed SBI release of information form; and
- (8) a completed affidavit form and public notice statement form.

(c) The applicant's copies of the application, affidavit, training certification, and the statement required by Subparagraph (a)(6) of this Rule shall together serve as a temporary registration card. These copies shall be carried by the applicant while performing job duties and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board. However, if the statement required by Subparagraph (a)(6) of this Rule is already on file with the Board, the applicant does not need to carry or present the statement.

(d) A copy of the statement specified in Subparagraph (a)(6) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

*History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); Eff. January 1, 2013;*

*Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015;*

*Amended Eff. November 1, 2017;*

*Readopted Eff. March 1, 2020;*

*Amended Eff. November 1, 2025; September 1, 2024; July 1, 2021.*

#### **14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT**

(a) Each employer or his or her designee shall submit an online application for the registration of each employee armed security guard to the Board containing the applicant's:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) residence history;
- (4) current employer and employment history;

- (5) date of birth, birth country, state or province, county or parish, and citizenship; and
- (6) driver's license number and state of issuance.

(b) This online submission 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 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 application and submitted by uploading the photograph online with application submission;
- (3) a statement of the result of a statewide criminal history records search 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 60 months;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section;
- (6) a statement signed by a certified trainer that the applicant has completed the training;
- (7) 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;
- (8) a signed SBI release of information form; and
- (9) a completed affidavit form and public notice statement form.

(c) The applicant's copies of the application, affidavit, training certification, and the statements required by Subparagraphs (a)(5) and (a)(6) of this Rule, training certification shall together serve as a temporary registration card. These copies shall be carried by the applicant while performing job duties and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board. However, if the statement required by Subparagraph (a)(6) of this Rule is already on file with the Board, the applicant does not need to carry or present the statement.

(d) Applications submitted without proof of completion of a Board-approved firearms training course shall not serve as temporary registration cards.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

*History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*



*Eff. January 1, 2013;  
Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;  
Amended Eff. November 1, 2017;  
Readopted Eff. March 1, 2020;  
Amended Eff. November 1, 2025; September 1, 2024.*

## **TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **15A NCAC 02B .0219 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS B WATERS**

The following water quality standards shall apply to surface waters that are for primary contact recreation as defined in Rule .0202 of this Section, and are classified as Class B waters. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section also apply to Class B waters.

- (1) The best usage of Class B waters shall be primary contact recreation and any other best usage specified for Class C waters.
- (2) Class B waters shall meet the standards of water quality for outdoor bathing places as specified in Item (3) of this Rule and shall be of sufficient size and depth for primary contact recreation. In assigning the B classification to waters intended for primary contact recreation, the Commission shall consider the relative proximity of sources of water pollution and the potential hazards involved in locating swimming areas close to sources of water pollution and shall not assign this classification to waters in which such water pollution could result in a hazard to public health. Sources of water pollution that preclude any of these uses on either a short-term or long-term basis shall be deemed to violate a water quality standard.
- (3) Quality standards applicable to Class B waters:
  - (a) Sewage, industrial wastes, or other wastes: none shall be allowed that are not treated to the degree of treatment required for the water to be used for primary contact recreation as defined in Rule .0202 of this Section. In determining the degree of treatment required, the Commission shall consider the quality and quantity of the sewage, the wastes involved, and the proximity of such discharges of waste to waters in this class so as to maintain the primary contact recreation use. Discharges in the immediate vicinity of primary contact recreation use areas shall not be allowed if the Director determines that the waste cannot be treated to ensure the protection of primary contact recreation;
  - (b) *Escherichia coli* shall not exceed a geometric mean of 126/100 ml

(colony forming units or most probable number) based on at least five samples taken over a 30 day period. *Escherichia coli* also shall not exceed 274/100 ml (colony forming units or most probable number) in more than 20 percent of the samples examined during such period.

- (4) Wastewater discharges to waters classified as B shall meet the reliability requirements specified in 15A NCAC 02H .0124. Discharges to waters where a primary contact recreational use is determined by the Director to be attainable shall be required to meet water quality standards and reliability requirements to protect this use concurrently with reclassification efforts.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);  
Eff. January 1, 1990;  
Amended Eff. October 1, 1995;  
Readopted Eff. November 1, 2019;  
Amended Eff. November 1, 2025; June 1, 2022.*

### **15A NCAC 02B .0226 EXEMPTIONS FROM SURFACE WATER QUALITY STANDARDS**

Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. In addition, variances from applicable standards shall meet the requirements set forth in 40 CFR 131.14, which is incorporated by reference including subsequent amendments and editions. This material is available free of charge at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-B/section-131.14>. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g), which is incorporated by reference including subsequent amendments and editions. This material is available free of charge at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-B/section-131.10>.

*History Note: Authority G.S. 143-214.1; 143-214.3; 143-215.3(e);  
Eff. October 1, 1995;  
Readopted Eff. November 1, 2019;  
Amended Eff. November 1, 2025.*

### **15A NCAC 02L .0202 GROUNDWATER QUALITY STANDARDS**

- (a) The groundwater quality standards for the protection of the groundwaters of the State are those specified in this Rule. They are the maximum allowable concentrations resulting from any discharge of contaminants to the land or waters of the State, which may be tolerated without creating a threat to human health or which would otherwise render the groundwater unsuitable for its intended best usage.

(b) The groundwater quality standards for contaminants specified in Paragraphs (h) and (i) of this Rule are as listed, except that:

- (1) Where the standard for a substance is less than the practical quantitation limit, the detection of that substance at or above the practical quantitation limit constitutes a violation of the standard. The practical quantitation limit, defined in Rule .0102 of this Subchapter, is a scientific standard pursuant to G.S. 150B-2(8a)(h).
- (2) Where two or more substances exist in combination, the Director shall consider the effects of chemical interactions after consulting with the Division of Public Health and may establish maximum concentrations at values less than those established in accordance with Paragraphs (c), (h), or (i) of this Rule, based on additive toxic effects. In the absence of information to the contrary, in accordance with Paragraph (d) of this Rule, the carcinogenic risks associated with carcinogens present shall be considered additive and the toxic effects associated with non-carcinogens present shall also be considered additive.
- (3) Where naturally occurring substances exceed the established standard, the standard shall be the naturally occurring concentration as established by the Director based upon site-specific conditions.
- (4) Where the groundwater standard for a substance is greater than the Maximum Contaminant Level (MCL), the Director shall apply the MCL as the groundwater standard at any private drinking water well or public water system well that may be impacted.

(c) Except for tracers, the use of which has been permitted by the Division in 15A NCAC 02C .0200, substances that are not naturally occurring and for which no standard is specified in Paragraphs (h) or (i) of this Rule shall not be permitted in concentrations at or above the practical quantitation limit in Class GA or Class GSA groundwaters. Any person may request the Director of the Division of Water Resources modify this requirement by establishing an Interim Maximum Allowable Concentration (IMAC) in accordance with the specific guidelines listed in Subparagraphs (1)-(9) of this Paragraph. In addition, any person may request the Director of the Division of Water Resources to update or remove an existing IMAC in accordance with the specific guidelines listed in Subparagraphs (1)-(9) of this Paragraph. The requestor shall submit relevant toxicological and epidemiological data, study results, and calculations in accordance with Paragraphs (d) and (e) of this Rule. The specific guidelines are as follows:

- (1) The Division shall review the request to determine whether the information submitted is in accordance with Paragraphs (d) and (e) of this Rule.
- (2) If the information submitted is not in accordance with Paragraphs (d) and (e) of this Rule, the Director of the Division of Water

Resources shall request additional information from the requester. If the requester does not provide the additional information necessary to be in accordance with Paragraphs (d) and (e) of this Rule, the Director of the Division of Water Resources shall return the request.

- (3) If the information submitted is in accordance with Paragraphs (d) and (e) of this Rule, at least 30 days prior to establishing, updating, or removing an IMAC for any substance, the Division of Water Resources shall provide public notice and opportunity for comment that an IMAC has been requested to be established, updated, or removed. The public notice shall include:

- (A) the request for the establishment, update, or removal of the IMAC for a substance,
- (B) the level of the proposed IMAC, which is calculated by the Division of Water Resources in accordance with Paragraphs (d) and (e) of this Rule,
- (C) if applicable the level of the existing IMAC, and
- (D) the basis upon which the Division of Water Resources has relied in development of the proposed IMAC establishment, update, or removal.

This notice shall be emailed to interested parties and posted on the Division of Water Resources' website:

<https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/groundwater-imacs>.

- (4) If the Director of the Division of Water Resources finds the establishment, update or removal will not degrade the quality of the groundwaters, will not likely cause or contribute to pollution of the waters of the state, and will be protective of public health, then the Director shall establish, update or remove the IMAC. If the request does not meet the requirements listed in this Subparagraph, the Director of the Division of Water Resources shall return the request. The Director shall establish, update, or remove the IMAC or return the request within 180 calendar days of receipt of a request submitted in accordance with Paragraphs (d) and (e) of this Rule unless the requester agrees, in writing, to a longer period. Failure by the Director to establish, update or remove an IMAC or return the request within 180 days of receipt of a request submitted in accordance with Paragraphs (d) and (e) of this Rule shall be considered a return of the request.
- (5) If the Director of the Division of Water Resources establishes or updates an IMAC, the IMAC shall be posted on the Division of Water Resource's website and the Commission shall

- be notified in writing within 30 calendar days and at the next regularly scheduled Commission meeting that a new IMAC has been established or an existing IMAC has been updated or removed.
- (6) (A) Within 12 months of establishing an IMAC pursuant to this Paragraph, the Director of the Division of Water Resources shall make a recommendation to the Commission whether:
    - (i) a new groundwater standard in place of the IMAC should be established pursuant to this Rule; or
    - (ii) the IMAC should expire.
  - (B) After a recommendation is presented by the Director under Part (A) of this Subparagraph, the Commission shall decide whether rulemaking shall be initiated to adopt a new groundwater standard in place of the IMAC.
  - (C) If the Commission initiates rulemaking to adopt a new groundwater standard in place of the IMAC, then the IMAC shall remain in effect unless it expires under Subparagraph (7) of this Paragraph.
  - (7) An IMAC shall expire upon the earliest of:
    - (A) the date the Commission declines to initiate rulemaking to adopt a new groundwater standard in place of the IMAC under Part (B) of Subparagraph (c)(6);
    - (B) the effective date of a Rule adopted by the Commission establishing a new groundwater standard in place of the IMAC; or
    - (C) after initiating rulemaking pursuant to Part (C) of Subparagraph (c)(6), the date the Commission declines to adopt a new groundwater standard in place of the IMAC.
  - (8) For any IMAC that expires prior to the adoption by the Commission of a new groundwater standard in place of the IMAC, any person may request an IMAC be established again under this Paragraph based on new information in accordance with Paragraphs (d) and (e) of this Rule that was not included in the original IMAC request to the Director or new site information that was not included in the original IMAC request to the Director.
  - (9) The Director of the Division of Water Resources shall provide an annual update to the Commission on the status of pending IMAC requests and any IMACs that have been established, updated or removed during the previous calendar year.
  - (d) Except as provided in Paragraph (f) of this Rule, groundwater quality standards for substances in Class GA and Class GSA groundwaters are established as the least of:
    - (1) Systemic threshold concentration calculated as follows:  $[\text{Reference Dose (mg/kg/day)} \times 70 \text{ kg (adult body weight)} \times \text{Relative Source Contribution (0.10 for inorganics; 0.20 for organics)}] / [2 \text{ liters/day (avg. water consumption)}]$ ;
    - (2) Concentration that corresponds to an incremental lifetime cancer risk of  $1 \times 10^{-6}$ ;
    - (3) Taste threshold limit value;
    - (4) Odor threshold limit value;
    - (5) Maximum contaminant level; or
    - (6) National secondary drinking water standard.
  - (e) The following references, in order of preference, shall be used in establishing concentrations of substances which correspond to levels described in Paragraph (d) of this Rule:
    - (1) Integrated Risk Information System (U.S. EPA);
    - (2) Health Advisories (U.S. EPA Office of Drinking Water);
    - (3) Other health risk assessment data published by the U.S. EPA; or
    - (4) Other relevant, published health risk assessment data, and scientifically valid peer-reviewed published toxicological data.
  - (f) The Commission may establish groundwater standards less stringent than existing maximum contaminant levels or national secondary drinking water standards if it finds, after public notice and opportunity for hearing in accordance with G.S. 150B, that:
    - (1) more recent data published in the EPA health references listed in Paragraph (e) of this Rule results in a standard that is protective of public health, taste threshold, or odor threshold;
    - (2) the standard will not endanger the public health and safety, including health and environmental effects from exposure to groundwater contaminants; and
    - (3) compliance with a standard based on the maximum contaminant level or national secondary drinking water standard would produce substantial hardship without equal or greater public benefit.
  - (g) Groundwater quality standards specified in Paragraphs (h) and (i) of this Rule shall be reviewed by the Division of Water Resources on a triennial basis to consider whether to recommend to the Commission that new or revised groundwater quality standards be adopted in accordance with Paragraphs (d) and (e) of this Rule.

(h) Class GA Standards. Unless otherwise indicated, the standard refers to the total concentration in micrograms per liter ( $\mu\text{g/L}$ ) of any constituent in a dissolved, colloidal, or particulate form that is mobile in groundwater. These standards do not apply to sediment or other particulate matter that is preserved in a groundwater sample as a result of well construction or sampling procedures. The Class GA standards are:

**APPROVED RULES**

Substance	Chemical Abstracts Service (CAS) Registry Number	Standard (µg/L unless otherwise indicated)
Acenaphthene	83-32-9	80
Acenaphthylene	208-96-8	200
Acetic acid	64-19-7	5,000
Acetochlor	34256-82-1	100
Acetochlor ESA	187022-11-3	500
Acetochlor OXA	184992-44-4	500
Acetone	67-64-1	6,000
Acetophenone	98-86-2	700
Acrolein	107-02-8	4
Acrylamide	79-06-1	0.008
Alachlor	15972-60-8	2
Aldrin	309-00-2	0.002
Anthracene	120-12-7	2,000
Antimony	7440-36-0	1
Arsenic	7440-38-2	10
Atrazine and chlorotriazine metabolites	1912-24-9	3
Barium	7440-39-3	700
Benzene	71-43-2	1
Benzo(a)anthracene	56-55-3	0.05
Benzo(a)pyrene	50-32-8	0.005
Benzo(b)fluoranthene	205-99-2	0.05
Benzo(g,h,i)perylene	191-24-2	200
Benzo(k)fluoranthene	207-08-9	0.5
Benzoic acid	65-85-0	30,000
Benzyl alcohol	100-51-6	700
Beryllium	7440-41-7	4
Bis(chloroethyl)ether	111-44-4	0.03
Bis(2-ethylhexyl) phthalate	117-81-7	3
Boron	7440-42-8	700
Bromodichloromethane	75-27-4	0.6
Bromoform	75-25-2	4
Bromomethane	74-83-9	10
n-Butanol	71-36-3	590
sec-Butanol	78-92-2	10,000
n-Butylbenzene	104-51-8	70
sec-Butylbenzene	135-98-8	70
tert-Butylbenzene	98-06-6	70
Butylbenzyl phthalate	85-68-7	1,000
Cadmium	7440-43-9	2
Caprolactam	105-60-2	4,000
Carbofuran	1563-66-2	40
Carbon disulfide	75-15-0	700
Carbon tetrachloride	56-23-5	0.3
Chlordane	12789-03-6	0.1
Chloride	16887-00-6	250,000
Chlorobenzene	108-90-7	50
Chloroethane	75-00-3	3,000
Chloroform	67-66-3	70
Chloromethane	74-87-3	3
2-Chlorophenol	95-57-8	0.4
2-Chlorotoluene	95-49-8	100
4-Chlorotoluene	106-43-4	24
Chromium	7440-47-3	10

**APPROVED RULES**

Chrysene	218-01-9	5
Cobalt	7440-48-4	1
Coliform organisms (total)	No CAS Registry Number	1 per 100 mL
Color	No CAS Registry Number	15 color units
Copper	7440-50-8	1,000
Cyanide (free cyanide)	57-12-5	70
2,4-D (2,4-dichlorophenoxy acetic acid)	94-75-7	70
Dalapon	75-99-0	200
DDD	72-54-8	0.1
DDE	72-55-9	0.1
DDT	50-29-3	0.1
Dibenz(a,h)anthracene	53-70-3	0.005
1,4-Dibromobenzene	106-37-6	70
Dibromochloromethane	124-48-1	0.4
1,2-Dibromo-3-chloropropane	96-12-8	0.04
Dibutyl phthalate	84-74-2	700
Dichloroacetic acid	79-43-6	0.7
1,2-Dichlorobenzene	95-50-1	20
1,3-Dichlorobenzene	541-73-1	200
1,4-Dichlorobenzene	106-46-7	6
Dichlorodifluoromethane	75-71-8	1,000
1,1-Dichloroethane	75-34-3	6
1,2-Dichloroethane	107-06-2	0.4
1,2-Dichloroethene (cis)	156-59-2	70
1,2-Dichloroethene (trans)	156-60-5	100
1,1-Dichloroethylene	75-35-4	350
2,4-Dichlorophenol	120-83-2	0.98
1,2-Dichloropropane	78-87-5	0.6
1,3-Dichloropropene (cis and trans isomers)	542-75-6	0.4
Dieldrin	60-57-1	0.002
Diethylphthalate	84-66-2	6,000
2,4-Dimethylphenol	105-67-9	100
2,4-Dinitrotoluene	121-14-2	0.05
2,6-Dinitrotoluene	606-20-2	0.05
Di-n-octyl phthalate	117-84-0	100
Dinoseb	88-85-7	7
1,4-Dioxane	123-91-1	3
Dioxin (2,3,7,8-TCDD)	1746-01-6	0.0002 ng/L
1,1-Diphenyl	92-52-4	400
Diphenyl ether	101-84-8	180
Diquat	85-00-7	20
Dissolved solids (total)	No CAS Registry Number	500,000
Disulfoton	298-04-4	0.3
Diundecyl phthalate (Santicizer 711)	3648-20-2	100
Endosulfan	115-29-7	40
Endosulfan sulfate	1031-07-8	40
Endothall	145-73-3	100
Endrin, total (includes endrin, endrin aldehyde, and endrin ketone)	72-20-8	2
Epichlorohydrin	106-89-8	4
Ethyl acetate	141-78-6	3,000
Ethylbenzene	100-41-4	600
Ethylene dibromide	106-93-4	0.02
Ethylene glycol	107-21-1	10,000
Fluoranthene	206-44-0	300

**APPROVED RULES**

Fluorene	86-73-7	300
Fluoride	16984-48-8	2,000
Foaming agents	No CAS Registry Number	500
Formaldehyde	50-00-0	600
Gross alpha (adjusted) particle activity (excludes radium-226 and uranium)	12587-46-1	15 pCi/L
Heptachlor	76-44-8	0.008
Heptachlor epoxide	1024-57-3	0.004
Heptane	142-82-5	400
Hexachlorobenzene	118-74-1	0.02
Hexachlorobutadiene	87-68-3	0.4
Hexachlorocyclohexane isomers (technical grade)	608-73-1	0.02
alpha-Hexachlorocyclohexane	319-84-6	0.006
beta-Hexachlorocyclohexane	319-85-7	0.02
gamma-Hexachlorocyclohexane (Lindane)	58-89-9	0.03
Hexafluoropropylene oxide dimer acid (HFPO-DA)	13252-13-6	10 ng/L
n-Hexane	110-54-3	400
Indeno(1,2,3-cd)pyrene	193-39-5	0.05
Iron	7439-89-6	300
Isophorone	78-59-1	40
Isopropyl ether	108-20-3	70
Isopropylbenzene	98-82-8	70
4-Isopropyltoluene	99-87-6	25
Lead	7439-92-1	15
Manganese	7439-96-5	50
Mercury	7439-97-6	1
Methanol	67-56-1	4,000
Methoxychlor	72-43-5	40
Methylene chloride	75-09-2	5
Methyl butyl ketone	591-78-6	40
Methyl ethyl ketone	78-93-3	4,000
Methyl isobutyl ketone	108-10-1	100
Methyl methacrylate	80-62-6	25
1-Methylnaphthalene	90-12-0	1
2-Methylnaphthalene	91-57-6	30
2-Methylphenol	95-48-7	400
3-Methylphenol	108-39-4	400
4-Methylphenol	106-44-5	40
Methyl tert-butyl ether (MTBE)	1634-04-4	20
Naphthalene	91-20-3	6
Nickel	7440-02-0	100
Nitrate (as N)	14797-55-8	10,000
Nitrite (as N)	14797-65-0	1,000
N-nitrosodimethylamine	62-75-9	0.0007
Oxamyl	23135-22-0	200
Pentachlorophenol	87-86-5	0.3
Petroleum aliphatic carbon fraction class (C5 – C8)	No CAS Registry Number	400
Perfluorooctanoic acid (PFOA)	335-67-1	0.001 ng/L
Perfluorooctane sulfonic acid (PFOS)	1763-23-1	0.7 ng/L
Petroleum aliphatic carbon fraction class (C9 – C18)	No CAS Registry Number	700
Petroleum aliphatic carbon fraction class (C19 – C36)	No CAS Registry Number	10,000

**APPROVED RULES**

Petroleum aromatics carbon fraction class (C9 – C22)	No CAS Registry Number	200
pH	No CAS Registry Number	6.5 - 8.5 (no unit)
Phenanthrene	85-01-8	200
Phenol	108-95-2	30
Phorate	298-02-2	1
n-Propylbenzene	103-65-1	70
Propylene glycol	57-55-6	100,000
Pyrene	129-00-0	200
Selenium	7782-49-2	20
Silver	7440-22-4	20
Simazine	122-34-9	4
Strontium	7440-24-6	2,000
Styrene	100-42-5	70
Sulfate	14808-79-8	250,000
1,2,4,5-Tetrachlorobenzene	95-94-3	2
1,1,2,2-Tetrachloroethane	79-34-5	0.2
1,1,1,2-Tetrachloroethane	630-20-6	1
Tetrachloroethylene (PCE)	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	200
Thallium	7440-28-0	2
Tin (inorganic forms)	7440-31-5	2,000
Toluene	108-88-3	600
Toxaphene	8001-35-2	0.03
2,4,5-TP (Silvex)	93-72-1	50
1,2,4-Trichlorobenzene	120-82-1	70
1,1,1-Trichloroethane	71-55-6	200
1,1,2-Trichloroethane	79-00-5	0.6
Trichloroethylene (TCE)	79-01-6	3
Trichlorofluoromethane	75-69-4	2,000
2,4,5-Trichlorophenol	95-95-4	63
2,4,6-Trichlorophenol	88-06-2	4
1,2,3-Trichloropropane	96-18-4	0.005
1,2,4-Trimethylbenzene	95-63-6	400
1,3,5-Trimethylbenzene	108-67-8	400
Vanadium	7440-62-2	7
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	200,000
Vinyl chloride	75-01-4	0.03
Xylenes	1330-20-7	500
Zinc	7440-66-6	1,000

(i) Class GSA Standards. The standards for this class are the same as those for Class GA except as follows:

- (1) chloride: allowable increase not to exceed 100 percent of the natural quality concentration; and
- (2) dissolved solids (total): 1,000,000 µg/L.

(j) Class GC Standards.

- (1) The concentrations of substances that, at the time of classification, exceed the standards applicable to Class GA or GSA groundwaters shall not be caused to increase, nor shall the concentrations of other substances be caused to exceed the GA or GSA standards as a result of further disposal of contaminants to or beneath the surface of the land within the boundary of the area classified GC.
- (2) The concentrations of substances that, at the time of classification, exceed the standards applicable to GA or GSA groundwaters shall not be caused to migrate as a result of activities within the boundary of the GC classification, so as to violate the groundwater or surface water quality standards in adjoining waters of a different class.
- (3) Concentrations of specific substances, that exceed the established standard at the time of classification, are listed in Section .0300 of this Subchapter.

*History Note:* Authority G.S. 143-214.1; 143-214.2; 143-215.3(a)(1); 143-215.3(a)(4); 143B-282(a)(2); 150B-2(8a)(h); 150B-19(6);  
*Eff. June 10, 1979;*  
*Amended Eff. November 1, 1994; October 1, 1993; September 1, 1992; August 1, 1989;*  
*Temporary Amendment Eff. June 30, 2002;*  
*Amended Eff. August 1, 2002;*  
*Temporary Amendment Expired February 9, 2003;*  
*Amended Eff. April 1, 2013; January 1, 2010; April 1, 2005;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*  
*Amended Eff. April 1, .2022;*  
*Amended Eff. November 1, 2025.*

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**15A NCAC 07H .0209 COASTAL SHORELINES**

(a) Description. The Coastal Shorelines category includes the estuarine shorelines and public trust shorelines Area of Environmental Concern (AEC).

- (1) Estuarine shorelines AEC are those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality described in 15A NCAC 03Q .0202 for a distance of 75 feet landward. For those estuarine shorelines immediately contiguous to waters classified as Outstanding Resource Waters (ORW) by the Environmental Management Commission (EMC), the estuarine shoreline AEC shall extend to 575 feet landward from the normal high water level or normal water level, unless the Coastal Resources Commission establishes the boundary at a greater or lesser extent following required public hearing(s) within the affected county or counties.
- (2) Public trust shorelines AEC are those non-ocean shorelines immediately contiguous to public trust areas, as defined in Rule 07H .0207(a) of this Section, located inland of the dividing line between coastal fishing waters and inland fishing waters as set forth in that agreement and extending 30 feet landward of the normal high water level or normal water level.

(b) Significance. When the Commission or the Department evaluate a project in the Coastal Shoreline AECs, such as permitting, variance requests, or federal consistency reviews, they shall consider efforts to avoid and minimize the impacts to the following:

- (1) The quality of estuarine and ocean life,
- (2) Shore front erosion and flooding,
- (3) The productivity of the natural environments, such as those which support commercial and sport fisheries, and

- (4) Features that provide important habitat areas for fish and wildlife, such as wetlands, flood plains, bluff shorelines, mud and sand flats, and forested shorelines.

(c) Management Objectives. All shoreline development shall be compatible with the dynamic nature of coastal shorelines as well as the values and the management objectives of the estuarine and ocean system. Included in management objectives are the necessity to conserve and manage the important natural features of the estuarine and ocean system so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing these shorelines so as to maximize their benefits to the estuarine and ocean system and the people of North Carolina.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. These uses shall be limited to those types of development activities that will not be detrimental to the public trust rights and the biological and physical functions of the estuarine and ocean system. Every effort shall be made by the permit applicant to avoid or minimize adverse impacts of development to estuarine and coastal systems through the planning and design of the development project. To ensure a project avoids and minimizes adverse impacts, development shall comply with the following standards:

- (1) All development projects, proposals, and designs shall preserve natural barriers to erosion, including peat marshland, resistant clay shorelines, and cypress-gum protective fringe areas adjacent to vulnerable shorelines.
- (2) All development projects, proposals, and designs shall limit the construction of impervious surfaces and areas not allowing natural drainage to only so much as is necessary to service the primary purpose or use for which the lot is to be developed. Impervious surfaces shall not exceed 30 percent of the AEC area of the lot, unless the applicant can demonstrate, through innovative design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. Redevelopment of areas exceeding the 30 percent impervious surface limitation shall be permitted if impervious areas are not increased and the applicant designs the project to comply with the rule to the maximum extent feasible.



- (3) All development projects, proposals, and designs shall comply with the following mandatory standards of the North Carolina Sedimentation Pollution Control Act of 1973 pursuant to G.S. 113A-50 through 113A-67:
  - (A) All development projects, proposals, and designs shall provide for a buffer zone along the margin of the estuarine water that is sufficient to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing development.
  - (B) No development project proposal or design shall propose an angle for graded slopes or fill that is greater than an angle that can be retained by vegetative cover or other erosion-control devices or structures.
  - (C) All development projects, proposals, and designs that involve uncovering more than one acre of land shall plant a ground cover sufficient to restrain erosion within 30 working days of completion of the grading; unless the project involves clearing land for the purpose of forming a reservoir later to be inundated.
- (4) Development shall not have a significant adverse impact on estuarine and ocean resources. Significant adverse impacts include development that would directly or indirectly impair water quality increase shoreline erosion, alter coastal wetlands or Submerged Aquatic Vegetation (SAV), deposit spoils waterward of normal water level or normal high water, or cause degradation of shellfish beds.
- (5) Development shall not interfere with existing public rights of access to, or use of, navigable waters or public resources.
- (6) No public facility shall be permitted if such a facility is likely to require public expenditures for maintenance and continued use, unless it can be shown that the public purpose served by the facility outweighs the required public expenditures for construction, maintenance, and continued use.
- (7) Development shall not cause irreversible damage to valuable, historic architectural or archaeological resources as documented by the local historic commission or the North Carolina Department of Natural and Cultural Resources.
- (8) Established common-law and statutory public rights of access to the public trust lands and waters in estuarine areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the use of the accessways.
- (9) Within the AECs for shorelines contiguous to waters classified as ORW by the EMC, no CAMA permit shall be approved for any project that would be inconsistent with rules adopted by the CRC, EMC or MFC for estuarine waters, public trust areas, or coastal wetlands. For development activities not covered by specific use standards, no permit shall be issued if the activity would, based on site-specific information, degrade the water quality or outstanding resource values.
- (10) Within the Coastal Shorelines category (estuarine and public trust shoreline AECs), new development shall be located a distance of 30 feet landward of the normal water level or normal high water level, with the exception of the following:
  - (A) Water-dependent uses as described in Rule 07H .0208(a)(1) of this Section;
  - (B) Pile-supported signs (in accordance with local regulations);
  - (C) Post- or pile-supported fences;
  - (D) Elevated, slatted, wooden boardwalks exclusively for pedestrian use and six feet in width or less. The boardwalk may be greater than six feet in width if it is to serve a public use or need;
  - (E) Crab Shedders, if uncovered with elevated trays and no associated impervious surfaces except those necessary to protect the pump;
  - (F) Decks/Observation Decks limited to slatted, wooden, elevated and unroofed decks that shall not singularly or collectively exceed 200 square feet;
  - (G) Grading, excavation and landscaping with no wetland fill except when required by a permitted shoreline stabilization project. Projects shall not increase stormwater runoff to adjacent estuarine and public trust waters;
  - (H) Development over existing impervious surfaces, provided that the existing impervious surface is not increased;
  - (I) Where application of the buffer requirement would preclude placement of a residential structure with a footprint of 1,200 square feet or less on lots, parcels and tracts platted prior to June 1, 1999, development shall be permitted within the buffer as required in Subparagraph (d)(10) of this Rule, providing the following criteria are met:
    - (i) Development shall minimize the impacts to the buffer and reduce runoff by limiting land disturbance to only so much as is necessary to

- construct and provide access to the residence and to allow installation or connection of utilities, such as water and sewer; and
  - (ii) The residential structure development shall be located a distance landward of the normal high water or normal water level equal to 20 percent of the greatest depth of the lot. Existing structures that encroach into the applicable buffer area may be replaced or repaired consistent with the criteria set out in 15A NCAC 07J .0210 and .0211; and
- (J) Where application of the buffer requirement set out in Subparagraph (d)(10) of this Rule would preclude placement of a residential structure on an undeveloped lot platted prior to June 1, 1999 that are 5,000 square feet or less that does not require an on-site septic system, or on an undeveloped lot that is 7,500 square feet or less that requires an on-site septic system, development shall be permitted within the buffer if all the following criteria are met:
  - (i) The lot on which the proposed residential structure is to be located, is located between:
    - (I) Two existing waterfront residential structures, both of which are within 100 feet of the center of the lot and at least one of which encroaches into the buffer; or
    - (II) An existing waterfront residential structure that encroaches into the buffer and a road, canal, or other open body of water, both of which are within 100 feet of the center of the lot;
  - (ii) Development of the lot shall minimize the impacts to the buffer and reduce runoff by limiting land disturbance to
    - only so much as is necessary to construct and provide access to the residence and to allow installation or connection of utilities;
    - (iii) Placement of the residential structure and pervious decking shall be aligned no further into the buffer than the existing residential structures and existing pervious decking on adjoining lots;
    - (iv) The first one and one-half inches of rainfall from all impervious surfaces on the lot shall be collected and contained on-site in accordance with the design standards for stormwater management for coastal counties as specified in 15A NCAC 02H .1005. The stormwater management system shall be designed by an individual who meets applicable State occupational licensing requirements for the type of system proposed and approved during the permit application process. If the residential structure encroaches into the buffer, then no other impervious surfaces shall be allowed within the buffer; and
    - (v) The lots shall not be adjacent to waters designated as approved or conditionally approved shellfish waters by the Shellfish Sanitation Section of the Division of Marine Fisheries of the Department of Environmental Quality.
- (e) The buffer requirements in Paragraph (d) of this Rule shall not apply to Coastal Shorelines where the EMC has adopted rules that contain buffer standards.
- (f) Specific Use Standards for ORW Coastal Shorelines.
  - (1) Within the AEC for estuarine and public trust shorelines contiguous to waters classified as ORW by the EMC, all development projects, proposals, and designs shall limit the built upon area in the AEC to no more than 25 percent or any lower site specific percentage as adopted by the EMC as necessary to protect the exceptional water quality and outstanding resource values of the ORW, and shall:

- (A) provide a buffer zone of at least 30 feet from the normal high water line or normal water line; and
  - (B) otherwise be consistent with the use standards set out in Paragraph (d) of this Rule.
- (2) Single-family residential lots that would not be buildable under the low-density standards defined in Subparagraph (f)(1) of this Rule may be developed for single-family residential purposes so long as the development complies with those standards to the maximum extent possible.
- (g) Urban Waterfronts.
  - (1) Definition. Urban Waterfronts are waterfront areas, not adjacent to ORW, in the Coastal Shorelines category that lie within the corporate limits of any municipality duly chartered within the 20 coastal counties of the state. In determining whether an area is an urban waterfront, the following criteria shall be met:
    - (A) the area lies wholly within the corporate limits of a municipality; and
    - (B) the area has a central business district or similar commercial zoning classification where there are mixed land uses, and urban level services, such as water, sewer, streets, solid waste management, roads, police and fire protection, or in an area with an industrial or similar zoning classification adjacent to a central business district.
  - (2) Significance. When the Commission or the Department evaluate a project in Urban Waterfronts, such as permitting, variance requests, or federal consistency reviews, they shall consider efforts to avoid and minimize the impacts to the following:
    - (A) The cultural, historical, and economic significance of the area,
    - (B) Maritime traditions and longstanding development patterns,
    - (C) Planning and stormwater management, and
    - (D) The local aesthetics.
  - (3) Management Objectives. To provide for the continued cultural, historical, aesthetic and economic benefits of urban waterfronts. Activities such as in-fill development, reuse and redevelopment facilitate efficient use of already urbanized areas and reduce development pressure on surrounding areas, in an effort to minimize the adverse cumulative environmental effects on estuarine and ocean systems. While recognizing that opportunities to preserve buffers are limited in highly developed urban areas, they are encouraged where practical.
- (4) Use Standards:
  - (A) The buffer requirement pursuant to Subparagraph (d)(10) of this Rule shall not apply to development within Urban Waterfronts that meets the following standards:
    - (i) The development shall be consistent with the locally adopted land use plan;
    - (ii) Impervious surfaces shall not exceed 30 percent of the AEC area of the lot. Impervious surfaces may exceed 30 percent if the applicant can demonstrate, through a stormwater management system design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. The stormwater management system shall be designed by an individual who meets any North Carolina occupational licensing requirements for the type of system proposed and approved during the permit application process. Redevelopment of areas exceeding the 30 percent impervious surface limitation shall be permitted if impervious areas are not increased and the applicant designs the project to comply with the intent of the rule to the maximum extent feasible; and
    - (iii) The development shall meet all state stormwater management requirements as required by the EMC;
  - (B) Non-water dependent uses over estuarine waters, public trust waters and coastal wetlands shall be allowed only within Urban Waterfronts as set out below.
    - (i) Existing structures over coastal wetlands, estuarine waters or public trust areas may be used for commercial non-water dependent purposes. Commercial, non-water dependent uses shall be limited to restaurants and retail services. Residential uses, lodging and new

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|-------|---|--------|--|
|       | parking areas shall be prohibited.  |        | measured from the bottom of the decking;   |
| (ii)  | For the purposes of this Rule, existing enclosed structures may be replaced or expanded vertically provided that vertical expansion does not exceed the original footprint of the structure, is limited to one additional story over the life of the structure, and is consistent with local requirements or limitations. | (VII)  | shall have no more than six feet of any dimension extending over coastal wetlands;   |
| (iii) | New structures built for non-water dependent purposes are limited to pile-supported, single-story, unenclosed decks and boardwalks, and shall meet the following criteria:  | (VIII) | shall not interfere with access to any riparian property and shall have a minimum setback of 15 feet between any part of the structure and the adjacent property owners' areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the structure commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development; |
|       | (I) shall provide for enhanced public access to the shoreline;  |        |  |
|       | (II) may be roofed but solid walls and permanent windows are prohibited. Non-permanent enclosures shall be limited to materials that are consistent with this Rule and shall be non-permanent and attached to the structure in a manner that allows removal;  |        |  |
|       | (III) the decks and boardwalks shall not have permanent or attached heating or air conditioning;  |        |  |
|       | (IV) shall require no filling of coastal wetlands, estuarine waters or public trust areas;  |        |  |
|       | (V) shall not extend more than 20 feet waterward of the normal high water level or normal water level;  |        |  |
|       | (VI) shall be elevated at least three feet over the wetland substrate as  |        |  |

- (IX) shall be consistent with the US Army Corps of Engineers setbacks along federally authorized waterways;
- (X) shall have no significant adverse impacts on fishery resources, water quality or adjacent wetlands and there shall be no alternative that would avoid wetlands. Significant adverse impacts include the development that would impair water quality standards, increase shoreline erosion, alter coastal wetlands or Submerged Aquatic Vegetation (SAV), deposit spoils waterward of normal water level or normal high water level, or cause degradation of shellfish beds;
- (XI) shall not degrade waters classified as SA or High Quality Waters or ORW as defined by the EMC;
- (XII) shall not degrade Critical Habitat Areas or Primary Nursery Areas as defined by the NC Marine Fisheries Commission; and
- (XIII) shall not pose a threat to navigation.

*Amended Eff. April 1, 2019; March 1, 2010; April 1, 2008; August 1, 2002;*  
*Readopted Eff. July 1, 2020;*  
*Amended Eff. November 1, 2025.*

**15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS**

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; and
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the Ocean Hazard Area setback requirements of Rule .0306(a) of this Section would preclude placement of a structure in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach Areas, the structure shall be permitted seaward of the applicable setback line if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune at

*History Note: Authority G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-124;*  
*Eff. September 1, 1977;*  
*Amended Eff. April 1, 2001; August 1, 2000; August 3, 1992;*  
*December 1, 1991; May 1, 1990; October 1, 1989;*  
*Temporary Amendment Eff. October 15, 2001 (exempt from 270 day requirement-S.L. 2000-142);*  
*Temporary Amendment Eff. February 15, 2002 (exempt from 270 day requirement-S.L. 2001-494);*

- the lowermost point along the profile of the dune's slope;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section;
- (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
  - (B) The total floor area of the structure shall be no more than 2,500 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;
  - (C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and
  - (D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.
- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.
- (c) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:
- (1) piers providing public access; and
  - (2) maintenance and replacement of existing state-owned bridges, and causeways and accessways to such bridges.
- (d) Replacement or construction of a pier house associated with an ocean pier shall be permitted if each of the following conditions is met:
- (1) The ocean pier provides public access for fishing and other recreational purposes whether on a commercial, public, or nonprofit basis;
  - (2) Commercial, non-water dependent uses of the ocean pier and associated pier house shall be limited to restaurants and retail services. Residential uses, lodging, and parking areas shall be prohibited;
  - (3) The pier house shall be limited to a maximum of two stories;
  - (4) A new pier house shall not exceed a footprint of 5,000 square feet and shall be located landward of mean high water;
  - (5) A replacement pier house may be rebuilt not to exceed its most recent footprint or a footprint of 5,000 square feet, whichever is larger;
  - (6) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
  - (7) If the pier has been destroyed or rendered unusable, replacement or expansion of the associated pier house shall be permitted only if the pier is being replaced and returned to its original function.
- (e) In addition to the development authorized under Paragraph (d) of this Rule, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and small-scale erosion control measures that do not interfere with natural oceanfront processes, shall be permitted in the Ocean Hazard Area along those portions of shoreline that exhibit features characteristic of an Estuarine Shoreline. Such features include the presence of wetland vegetation, and lower wave energy and erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, small-scale is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 15A NCAC 07K .0203.

(f) Transmission lines necessary to transmit electricity from an offshore energy-producing facility may be permitted provided that each of the following conditions is met:

- (1) The transmission lines are buried under the ocean beach, nearshore area, and primary and frontal dunes, all as defined in Rule .0305 of this Section, in such a manner so as to ensure that the placement of the transmission lines involves no alteration or removal of the primary or frontal dunes; and
- (2) The design and placement of the transmission lines shall be performed in a manner so as not to endanger the public or the public's use of the beach.

(g) Existing stormwater outfalls as of the last amended date of this rule within the Ocean Hazard AEC that are owned or maintained by a State agency or local government, may be extended oceanward subject to the provisions contained within 15A NCAC 07J .0200. Outfalls may be extended below mean low water and may be maintained in accordance with 15A NCAC 07K .0103. Shortening or lengthening of outfall structures within the authorized dimensions, in response to changes in beach width, is considered maintenance under 15A NCAC 07K .0103. Outfall extensions may be marked with signage and shall not prevent pedestrian or vehicular access along the beach. This Paragraph does not apply to existing stormwater outfalls that are not owned or maintained by a State agency or local government.

*History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124;*

*Eff. February 2, 1981;*

*Amended Eff. April 1, 2020; June 1, 2010; February 1, 2006; September 17, 2002 pursuant to S.L. 2002-116; August 1, 2000; August 1, 1998; April 1, 1996; April 1, 1995; February 1, 1993; January 1, 1991; April 1, 1987;*

*Readopted Eff. December 1, 2020;*

*Amended Eff. November 1, 2025; August 1, 2022.*

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

### **CHAPTER 39 - ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION**

#### **21 NCAC 39 .0101 DEFINITIONS**

In addition to the terms defined in Article 5 of Chapter 90A of the General Statutes, the following definitions apply to the Rules in this Chapter:

- (1) "Authorized On-Site Wastewater Evaluator" means the same as defined in G.S. 130A-336.2(a); hereafter referred to as "evaluator".
- (2) "Building being constructed" means construction of a site-built single family residence constructed pursuant to Article 1, Chapter 87 of the General Statutes.
- (3) "College course" means a semester unit or quarter unit-based instruction given at a college

or university that is relevant to on-site wastewater contractor or point-of-sale inspector activities, and is pre-approved by the board as set out in Rule .0602 of this Chapter.

- (4) "Course or Activity" means any course or activity with a purpose and objective that maintains, improves, or expands skills and knowledge relevant to the practice of on-site wastewater contractor or point-of-sale inspector activities and is pre-approved in accordance with G.S. 90A-79(b) and Rule .0602 of this Section.
- (5) "Evaluation" shall include the following information:

- (a) wastewater characteristics;
- (b) design unit;
- (c) design capacity;
- (d) design volume;
- (e) criteria for the design, installation, operation, maintenance and performance of wastewater collection, treatment and disposal systems;
- (f) soil morphology and drainage;
- (g) topography and landscape position;
- (h) depth to seasonally high water table, rock and water impeding formations;
- (i) proximity to water supply wells, shellfish waters, estuaries, marshes, wetlands, areas subject to flooding, streams, lakes, swamps and other bodies of surface or groundwaters;
- (j) Density of wastewater collection, treatment and disposal systems in a geographical area;
- (k) Other factors that, in the opinion of the evaluator, affect the operation and performance of wastewater collection, treatment and disposal systems; and
- (l) Any other information that may be required by G.S. 130A-335(e).

- (6) "Introduction course" means a class required to be eligible to apply for certification.
- (7) "Licensed soil scientist" means an individual licensed in accordance with Chapter 89F of the General Statutes.
- (8) "Notice of Intent to Construct" means, at a minimum, that information required by G.S. 130A-336.2(b) and is provided as a form as set forth in Rule .1102 of this Chapter.
- (9) "Personally supervise" means to direct and control all on-site wastewater contractor, point-of-sale inspector, or private compliance inspector activities during the time those activities are being conducted.
- (10) "Point-of-sale inspector" means a person who performs an inspection of an on-site wastewater system as part of a real estate transaction.
- (11) "Private compliance inspector" means the same as defined in G.S. 90A-71(10).

- (12) "Professional development hour" or "PDH" means an hour of instruction or presentation and is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.
- (13) "Repair" means construction activity or alteration to an existing on-site wastewater system that is necessary to comply with a Construction Authorization for a repair permit issued by the Local Health Department or through the Authorized On-Site Wastewater Evaluator option pursuant to G.S. 130A-336.2.
- (14) "Seal" means the seal required by G.S. 130A-336.2(d)(2) for certified Authorized On-Site Wastewater Evaluator.

- (15) "Subordinate" means the same as defined in G.S. 89F-3(10).

*History Note: Authority G.S. 90A-71; 90A-72; 90A-74; 130A-336.2;*  
*Eff. February 1, 2011;*  
*Amended Eff. January 1, 2016; January 1, 2013;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021;*  
*Readopted Eff. November 1, 2025.*

## **21 NCAC 39 .0102 TYPES OF CERTIFICATION**

(a) The levels of certification for on-site wastewater contractors are as follows:

Level	Description of Activities
II	Single Septic Tank, Conventional (Gravel) Gravity System
IV	Grade II, plus: Dual pumps or Dual Siphons, Low-Pressure Dispersal, Flow Equalization, and any system requiring ground water lowering with a pump, Systems of > 1500 gdp, Multiple Off-Site Systems, Industrial Process Wastewater, Residential Wastewater Treatment Systems (RWTS), TS-I and TS-II System, Drip Dispersal Systems, and Wastewater Reuse Systems or any Pretreatment Component.

(b) Point-of-sale inspectors and private compliance inspectors are certified to inspect all on-site wastewater systems referenced in Paragraph (a) of this Rule.

(c) Evaluators certified by the Board pursuant to G.S. 130A-336.2(a) shall comply with the standards set forth in G.S. 130A-336.2.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;*  
*Eff. February 1, 2011;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. June 1, 2021;*  
*Readopted Eff. November 1, 2025.*

## **21 NCAC 39 .0103 ANNUAL REPORTS**

(a) On or before October 31 of each year, the Board shall prepare and file reports required pursuant to G.S. 93B-2. The Board shall file reports in the manner requested by the receiving agency or committee.

(b) The Board shall maintain an escrow account. Fees tendered during a period of suspension under G.S. 93B-2(d) shall be deposited into this escrow account.

*History Note: Authority G.S. 90A-74; 93B-2;*  
*Eff. July 1, 2019;*  
*Readopted Eff. November 1, 2025.*

## **21 NCAC 39 .0201 APPLICATION REQUIREMENTS FOR CERTIFICATION**

(a) Applications for certification shall be submitted on forms provided by the Board.

- (1) Applications for a contractor or point-of-sale inspector shall include:
- (A) Applicant's name;
  - (B) Company address;

- (C) Phone number;
- (D) Date of birth;
- (E) Email address, if available;
- (F) Company or employer name and address;
- (G) Company phone number;
- (H) County where company is located;
- (I) If the certification is for contractor or point-of-sale inspector;
- (J) The contractor certification level, if applicable;
- (K) Certification number, if renewal;
- (L) Required certification fee, as specified in Rule .0301 of this Chapter;
- (M) Dates, locations, hours, and providers of required education and training;
- (N) Applicant signature;
- (O) Copy of Applicant's Social Security Card issued by the United States Social Security Administration,



- bearing Applicant's name and Social Security Number;
- (P) Grade Level IV or point-of-sale Inspector verification of experience requirements as specified in G.S. 90A-77;
- (Q) Copy of attendance certificate for required education received within 12 months of date of application; and
- (R) Exam application.
- (2) Applications for evaluator shall include:
- (A) Applicant's name;
- (B) Company address;
- (C) Phone number;
- (D) Date of birth;
- (E) Email address, if available;
- (F) Company or employer name and address;
- (G) Company phone number;
- (H) County where company is located;
- (I) Required certification fee, as specified in Rule .0301 of this Chapter;
- (J) Copy of attendance certificate for required education received within 12 months of date of application;
- (K) Copy of current Errors and Omission Policy declaration page, as required by G.S. 130A-336.2;
- (L) Copy of current General Liability Policy declarations page, as required by G.S. 130A-336.2;
- (M) Copy of current Soil Scientist License pursuant to Chapter 89F;
- (N) Verification of minimum of five years' experience in on-site wastewater soil science;
- (O) Applicant signature;
- (P) Copy of Applicant's Social Security Card issued by the United States Social Security Administration, bearing Applicant's name and Social Security Number; and
- (Q) Exam application.
- (3) Applications for private compliance inspector shall include:
- (A) Applicant's name;
- (B) Company address;
- (C) Phone number;
- (D) Date of birth;
- (E) Email address, if available;
- (F) Company or employer name and address;
- (G) Company phone number;
- (H) County where company is located;
- (I) Required certification fee, as specified in Rule .0301 of this Chapter;
- (J) Copy of attendance certificate for required education received within 12 months of date of application;
- (K) Copy of current Errors and Omission Policy and General Liability Policy declaration page, as required by G.S. 130A-337(a2)(2);
- (L) The name and address of the places at which applicant worked as a certified contractor, evaluator, subsurface operator, or registered environmental health specialist with experience in on-site wastewater matters for at least five years, along with the dates during which the applicant performed such work;
- (M) Applicant signature;
- (N) Copy of Applicant's Social Security Card issued by the United States Social Security Administration, bearing Applicant's name and Social Security Number; and
- (O) Exam application.
- (b) Applications for renewal shall be submitted annually on forms provided by the Board and shall include:
- (1) Certification holder's name;
- (2) Company name;
- (3) Company address;
- (4) Certification number(s)
- (5) Copy of required continuing education documentation;
- (6) Annual renewal fee, as specified in Rule .0301 of this Chapter;
- (7) Current copies of all required insurance declarations pages;
- (8) Evaluators will also submit a current copy of their Licensed Soil Scientist license; and
- (9) Applicant signature.
- (c) Incomplete applications and applications not accompanied by the fee as set forth in Rule .0301 of this Chapter shall not be processed and shall be returned to the applicant.
- (d) Upon approval of an initial application pursuant to the requirements of this Chapter, the Board shall schedule an applicant to take the required examination.
- (e) In cases where the applicant is ineligible for examination as set forth in G.S. 90A-77, the applicant shall be notified by letter and advised of the reason for ineligibility.
- (f) Applicants who have supplied false information must wait 12 months before resubmitting an application for certification or renewal and must forfeit all fees paid.
- History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 93B-14; 130A-336.2; Eff. February 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 1, 2021; Readopted Eff. November 1, 2025.*
- 21 NCAC 39 .0202 BUSINESS SUCCESSION**
- (a) A person shall be certified by the Board pursuant to G.S. 90A-77(c) upon:

- (1) Providing the Board documentation of supervision by and full-time employment with a Board certified contractor or point-of-sale inspector for the past three years;
- (2) Providing the Board three affidavits from local health departments as defined by G.S. 130A-34, engineers, or customers describing the applicant's involvement with the installation of on-site wastewater systems;
- (3) Providing the Board with an application for certification, including appropriate initial fees;
- (4) Providing the Board with proof of attendance at approved continuing education courses for a minimum of two years; and
- (5) Passing the applicable test for the certification requested.

*History Note: Authority G.S. 90A-74; 90A-77;  
Eff. January 1, 2013;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0301 SCHEDULE OF CERTIFICATION FEES**

(a) Application fees are as follows:

Grade Level	Initial Fee	Renewal Fee
II	\$200.00	\$75.00
IV	\$300.00	\$75.00
Point-of-Sale Inspector Certification	\$200.00	\$75.00
On-site Wastewater Evaluator	\$300.00	\$100.00
Private Compliance Inspector	\$300.00	\$100.00

(b) Application fees shall not be pro-rated.

(c) The fee for re-instatement of a revoked or suspended certification is five hundred dollars (\$500.00).

(d) The fee for certificate replacement or duplication is twenty-five dollars (\$25.00).

(e) The fee for late renewal is twenty-five dollars (\$25.00). This fee is charged if the renewal request is received after November 15.

(f) The fee for each returned check is twenty-five dollars (\$25.00).

(g) All fees are non-refundable.

*History Note: Authority G.S. 25-3-506; 90A-72(a); 90A-74; 90A-75; 90A-77(f); 90A-78(b); 130A-336.2;*

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0401 ON-SITE WASTEWATER CONTRACTOR, POINT-OF-SALE INSPECTOR, PRIVATE COMPLIANCE INSPECTOR, OR EVALUATOR EXAMINATIONS**

(a) On-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator examinations shall be standardized statewide and include the topics described in G.S. 90A-77(a)(7).

(b) The exam questions shall be specific to the certification being sought by the applicant.

(c) Any applicant seeking multiple certifications shall take and pass each exam specific to the certifications being sought.

(d) Each applicant shall obtain a passing score of at least 70 percent as a requirement of certification. Results of the examination shall be reported as either "pass" or "fail."

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;*

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0402 TIME AND PLACE OF EXAMINATION**

(a) The Board may schedule on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator examinations in addition to the required examinations pursuant to G.S. 90A-77. Additional examinations may be scheduled by the Board if the Board determines that the three scheduled examinations are insufficient due to the number of applicants for examination or the time between examinations. Information regarding the date, time, and place of all exams shall be made available on the Board's web site or upon request.

(b) The Board shall notify each applicant filing for examination in writing of the date, time, and place of the examination.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0403 CONDUCTING AND GRADING EXAMINATIONS**

(a) Examinations shall be conducted and graded under the supervision of a representative of the Board.

(b) Applicants shall identify themselves by way of a driver's license or other form of photographic identification issued by a state or federal government agency containing an identification number and the government-issued identification number appearing on the identification shall be recorded.

(c) Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any

purpose other than with an examination supervisor during an examination. Applicants shall not deliberately disrupt the quiet and orderly administration of an examination in any manner. Violation of this Paragraph is cause for dismissal from the examination, invalidation of examination scores, denial of certification and revocation of certification if the person is certified.

(d) No electronics, reference materials, or bags shall be possessed by applicants in an examination area.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-81;

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Readopted Eff. November 1, 2025.*

#### **21 NCAC 39 .0404 ISSUANCE OF CERTIFICATES**

(a) After an examination grading, the applicant shall be informed in writing by Board staff as to the results of his or her examination. The Board shall not respond to requests for exam results.

(b) Upon successful completion of the examination and all requirements for certification the applicant shall be issued a certification card.

(c) Questions by the applicant concerning the examination must be made in writing to the Board within six months of the date of notification of exam results.

(d) An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his or her examination in the presence of one or more Board members or Board staff at a location approved by the Board.

(e) Each certified on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator shall be assigned a unique certification number. Certification numbers are not transferable and shall not be used by another onsite wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator.

(f) Upon certification by the Board, each evaluator shall be issued a seal by the Board.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 130A-336.2;

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

#### **21 NCAC 39 .0405 LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE**

(a) Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license upon the applicant's satisfying the following conditions:

- (1) Submit a complete Application for Certification, as required by Rule .0201 of this Chapter.
- (2) Submit a license fee in accordance with G.S. 90A-75 and Rule .0301 of this Chapter;

(3) Provide documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2);

(4) For evaluator, provide documentation from the N.C. Board for Licensing of Soil Scientists that demonstrates that requirements set out in G.S. 89F-10 have been satisfied; and

(5) Provide documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of an occupational license in North Carolina at the time the act was committed.

(b) Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license upon the applicant's satisfying the following conditions:

(1) Submit a complete Application for Certification, as required by Rule .0201 of this Chapter.

(2) Submit a license fee in accordance with G.S. 90A-75 and Rule .0301 of this Chapter;

(3) Submit documentation demonstrating that the applicant is married to an active member of the U.S. military;

(4) Provide documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2);

(5) For evaluator, provide documentation from the N.C. Board for Licensing of Soil Scientists that demonstrates that requirements set out in G.S. 89F-10 have been satisfied; and

(6) Provide documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of an occupational license in North Carolina at the time the act was committed.

*History Note:* Authority: G.S. 90A-74; 90A-75; 93B-15.1; 130A-336.2;

*Eff. April 1, 2014;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

#### **21 NCAC 39 .0501 CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS**

(a) Certifications shall expire on December 31 of each year.

(b) A renewal shall not be granted if the applicant's certification is suspended or revoked until the period for such suspension or revocation has expired.

(c) Certified individuals under this program shall notify the Board in writing within 30 days of any changes to their name, company name, company address, phone number, or email address.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78;

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0601 REQUIREMENTS**

(a) Every certified on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator shall obtain Professional Development Hours (PDH) units before each renewal of his or her certification, as described in the following table:

Level	Annual PDH Units Required
II	3
IV	6
Point-of-Sale Inspector	6
Certification Holders of Both Contractor Grade Level and Point-of-Sale Inspector	6
Evaluator	12
Private Compliance Inspector	12

(b) The certified on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator shall select courses and activities that have been approved as set out in Rule .0602 of this Chapter.

(c) Only PDH approved by the Board pursuant to Rule .0602 shall qualify as continuing education required to renew a certification, as set forth in G.S. 90A-78.

(d) Each on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator shall attend at least 85 percent of the class in order to receive credit. Any attendee present for less time shall not receive credit for the class. The class provider or authorized representative shall certify by affidavit or attestation that each class attendee meets the requirement of this Paragraph.

(e) PDH received annually in excess of required PDH shall not be carried forward for future requirements.

(f) PDH shall expire fifteen months after completion.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 130A-336.2;

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016; January 1, 2013;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

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**21 NCAC 39 .0602 APPROVAL OF CONTINUING EDUCATION COURSES**

(a) All continuing education courses shall be approved by the Board before PDH can be granted.

(b) Providers must submit all continuing education courses to the Board to be approved on an annual basis.

(c) The Board shall approve courses in accordance with G.S. 90A-79 that instruct on on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator activities and that enhance a contractor's, point-of-sale inspector's, private compliance inspector's, or evaluator's knowledge of construction, installation, repair, evaluation or inspection of wastewater systems. The Board shall determine which courses

and activities result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator activities. Providers may request approval of courses or activities from the Board by obtaining and completing a form available on the Board's website ([www.ncowcib.info](http://www.ncowcib.info)) that provides the following information:

- (1) Course content;
- (2) Course schedule;
- (3) Level of instruction provided such as Level II, IV, point-of-sale inspector, private compliance inspector, or evaluator;
- (4) Qualifications of instructors including both education and experience; and
- (5) Materials provided, field experiences, and other activities available in connection with the course(s).

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 130A-336.2;

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0604 RECORDKEEPING**

Each contractor, point of sale inspector, private compliance inspector, or evaluator shall maintain records of any completed PDH courses including the following:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speaker's name, and PDH credits earned; or
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 130A-336.2;

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0605 EXTENSION OF TIME**

(a) The Board shall grant an on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator an extension of time to complete continuing education (CE) requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:

- (1) written request for extension; and
- (2) documentation that the requestor is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

(b) The Board shall grant an on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator an extension of time to complete CE requirements if he or she has a disability or illness that prevents him or her from complying with CE requirements. In order to receive the waiver, the requestor shall provide the Board with the following:

- (1) written request for waiver; and
- (2) a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA) that describes the requestor's disability or illness and explains how the disability or illness prevents the contractor, point-of-sale inspector, private compliance inspector, or evaluator from complying with the Board's CE requirements.

(c) Where on a case-by-case basis the Board determines that due to an undue hardship (such as natural disaster or illness of family member) the contractor, point-of-sale inspector, or private compliance inspector, evaluator could not comply with the Board's CE requirements, the contractor, point-of-sale inspector, private compliance inspector, or evaluator shall be granted an extension of time in which to obtain the required CE credits. To be considered for an extension of time, a requestor shall submit the following:

- (1) written request for extension; and
- (2) documentation that supports the reason for the extension.

(d) The Board shall grant a waiver of CE requirements upon submission of documentation that a contractor, point-of-sale inspector, private compliance inspector, or evaluator is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CE credits were required.

(e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year. Prior to the expiration of the extension of time, a contractor, point-of-sale inspector, private compliance inspector, or evaluator may request an additional extension in accordance with this Rule. Except as set out in Paragraph (a) of this Rule, the Board shall grant no more than two consecutive extensions.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 93B-15; 130A-336.2;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

#### **21 NCAC 39 .0701 REVOCATION OR SUSPENSION OF CERTIFICATION**

(a) The Board may revoke or suspend the certification of an on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator in accordance with the provisions of G.S. 90A-80, 90A-81, and Article 3A of Chapter of 150B of the General Statutes. For holders of multiple certifications, the Board may revoke or suspend either or all certifications.

(b) Following a revocation or suspension, a certificate holder shall relinquish his or her certificate or seal by submission to the

Board of the original certificate or seal and a notarized statement of relinquishment within 30 days of revocation or suspension.

(c) The Board may restrict the certificate of an on-site wastewater contractor, point-of-sale inspector, or evaluator upon receiving a complaint and making a finding that the evidence tends to show that the certificate holder has violated G.S. 90A-81(a). Written notice of the restriction that limits the ability of the certificate holder, in whole or in part, to supervise or conduct the construction, installation, repair, evaluation, or inspection of on-site wastewater systems shall be delivered in accordance with the provisions of service in G.S. 150B-42. A copy of the letter shall be kept in the on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator's file. The on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator shall be given the opportunity to request a hearing by submission of a rebuttal, which shall be placed into the file with the Board. The Board shall receive the letter of rebuttal within 30 days of the on-site wastewater contractor, point-of-sale inspector, private compliance inspector, or evaluator's receipt of the notice of restriction. Upon receipt of a certificate holder's rebuttal, the Board shall provide the certificate holder with an opportunity for a hearing by issuing a notice of hearing pursuant to G.S. 150B-38(d).

*History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81; 130A-336.2;*

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

#### **21 NCAC 39 .0702 CERTIFICATION FOLLOWING REVOCATION OR VOLUNTARY SURRENDER OF CERTIFICATION**

(a) If a certification is revoked or voluntarily surrendered the person may not apply for a new certification for a period of 12 months from the date the certification is revoked or voluntarily surrendered.

(b) An individual whose certification was revoked or voluntarily surrendered may apply to the Board for reinstatement after the 12 month period has ended.

(c) An individual applying for reinstatement must meet all the requirements for a new applicant as specified in Article 5 of G.S. 90A and the rules adopted by the Board.

(d) Applicants denied reinstatement by the Board may appeal the decision pursuant to the procedures for an administrative hearing contained in G.S. 150B, Article 3A.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;*

*Eff. February 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Readopted Eff. November 1, 2025.*

#### **21 NCAC 39 .0703 PENALTIES**

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;  
*Eff. February 1, 2011;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Repealed Eff. November 1, 2025.*

**21 NCAC 39 .0801 CODE OF ETHICS**

- (a) Contractors, point-of-sale inspectors, private compliance inspectors, and evaluators shall at all times recognize their primary obligation is to protect the public in the performance of their professional duties and shall conduct the practice of those duties in a manner that protects the public health, safety and welfare.
- (b) Professional opinions expressed by contractors, point-of-sale inspectors, private compliance inspector, or evaluators in the discharge of their duties shall only be based on their education and experience.
- (c) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall disclose any information about the results of an inspection or evaluation without the approval of the client for whom the inspection or evaluation was performed, or the client's designated representative, except as required by law.
- (d) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.
- (e) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall accept or offer commissions or allowances, directly or indirectly, from or to other parties dealing with the client in connection with work for which the licensee is responsible.
- (f) No contractor, point-of-sale inspector, private compliance inspector, or evaluator shall provide an appraisal nor express an opinion of the market value of the inspected property during an inspection or in the inspection report.
- (g) Before the execution of a contract to perform an on-site wastewater system point-of-sale inspection, a point-of-sale inspector shall disclose to the client any interest the point-of-sale inspector has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the inspector may be called upon to perform.
- (h) Before the execution of a contract to perform, construct, or repair an on-site wastewater system installation, a contractor shall disclose to the client any interest a contractor has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the installation work that the contractor may be called upon to perform.
- (i) Before the execution of a contract to perform an on-site wastewater system evaluation, an evaluator shall disclose to the client any interest the evaluator has in a business that may affect the client. No evaluator shall allow his or her interest in any business to affect the quality or results of the evaluation work that the evaluator may be called upon to perform. Pursuant to G.S. 130A-336.2(d)(1), the evaluator shall not form a direct business relationship with any technology.

- (j) Before execution of a contract to perform an on-site wastewater system private compliance inspection, the private compliance inspector shall disclose to the client any interest the private compliance inspector has in a business that may affect the client. No private compliance inspector shall allow his or her interest in any business to affect the quality or results of the private compliance inspection that the private compliance inspector may be called upon to perform.
- (k) Contractors shall not knowingly or willfully install a non-permitted system.
- (l) Contractors shall not knowingly or willfully install a system or any part of a system other than what is specified in the permit.
- (m) Contractors, point-of-sale inspectors, private compliance inspector, and evaluators shall not engage in false or misleading advertising, documentation, and reporting or otherwise misrepresent any matters to the public.
- (n) Contractors, point-of-sale inspectors, private compliance inspector, and evaluators shall discharge their duties in accordance with Article 5 of Chapter 90A of the North Carolina General Statutes and the rules of the Board.
- (o) No point-of-sale inspector shall subcontract with another point-of-sale inspector for an on-site wastewater system inspection without the knowledge and signed consent of the client.
- (p) The contractor shall be the responsible party for an on-site wastewater system installation or repair that is permitted through the local health department or evaluator.
- (q) The evaluator shall be responsible for the work conducted by a subordinate.
- (r) The evaluator shall not perform any of the functions performed by a professional engineer for engineered wastewater systems described in G.S. 130A-336.1.
- (s) Evaluators who fail to comply with G.S. 89F-19 and have their soil scientist license revoked or suspended shall also have their authorization as an evaluator revoked or suspended.
- (t) Employees of a local health department or DHHS shall not construct, install, evaluate, inspect, or repair, or offer to construct, install, evaluate, inspect, or repair, onsite wastewater systems outside of their employment with a local health department or DHHS.
- (u) Evaluators shall not perform duties of contractors, point-of-sale inspectors, or private compliance inspectors on any system on which they are the evaluator.
- (v) The private compliance inspector shall be responsible for the work conducted by a subordinate.

*History Note:* Authority G.S. 90A-70; 90A-72; 90A-74; 130A-336.2;  
*Eff. November 1, 2011;*  
*Amended Eff. January 1, 2016;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*  
*Amended Eff. July 1, 2021; June 1, 2021;*  
*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0802 COOPERATION WITH BOARD INQUIRY**

The Board has the power and duty to conduct investigations to determine whether violations of Article 5 of Chapter 90A of the General Statutes have occurred or may be occurring, or whether

grounds exist for disciplining persons certified under Article 5 of Chapter 90A of the General Statutes. A certificate holder shall respond to any such inquiry made by the Board within 21 days from the date the inquiry was received by the certificate holder.

*History Note: Authority G.S. 90A-74(6) and (9); 90A-80; Eff. July 1, 2019; Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0803 DELEGATING TO THIRD-PARTY SERVICE PROVIDERS**

(a) If a certificate holder delegates service requested by a client to another certificate holder, the delegating certificate holder must give notice to the client on or before the date of service.  
 (b) The certificate holder who delegates service as set forth in this Rule accepts responsibility for the quality and competency of the delegated services when the delegating certificate holder either receives payment for the delegated services or signs an evaluation or inspection report related to the delegated services.

*History Note: Authority G.S. 90A-74(6); Eff. July 1, 2019; Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0901 PETITION FOR RULE-MAKING**

(a) Any person submitting a petition to adopt, amend, or repeal a rule by the Board shall address a petition to the Chairman at the Board office as follows: Post Office Box 132, Lawsonville, North Carolina 27022.  
 (b) The petition shall contain the following:  
     (1) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment;  
     (2) a statement of the effect of the requested rule change; and  
     (3) the name and address of the petitioner.  
 (c) The petition may contain the following:  
     (1) the reason for the proposal; or  
     (2) any data supporting the rule proposal.

*History Note: Authority G.S. 90A-74; 150B-20; Eff. July 1, 2019; Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0902 REQUEST FOR DECLARATORY RULING**

All requests for a declaratory ruling shall contain the following information:

- (1) the name, address, and telephone number of the person making the request;
- (2) the statute or rule to which the request relates; and
- (3) a statement describing the manner in which the person has been or may be aggrieved by the statute or rule.

If a hearing is desired, the request shall so state and shall include the reason a hearing is desired.

*History Note: Authority G.S. 90A-74; 150B-4(a); Eff. July 1, 2019;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0903 REFUSAL TO ISSUE DECLARATORY RULING**

The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1) when the Board has issued a decision in a contested case that interprets the law or rule at issue in the request for declaratory ruling;
- (2) when the facts underlying the request for a ruling on a rule were considered at the time of the adoption of the rule in question; or
- (3) when the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Authority G.S. 90A-74; 150B-4; Eff. July 1, 2019; Readopted Eff. November 1, 2025.*

**21 NCAC 39 .0904 WAIVER OR EXTENSION**

The Board may waive or extend any rule in this Chapter that is not statutorily required if a certificate holder submits to the Board a written request. Factors the Board shall use in determining whether to grant the waiver or extension are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver or extension;
- (5) notice to and opposition by the public;
- (6) need for the waiver or extension; and
- (7) previous requests for waivers or extensions submitted from the requesting party.

*History Note: Authority G.S. 90A-74; 150B-19(6); Emergency Adoption Eff. May 20, 2020; Temporary Adoption Eff. July 24, 2020; Eff. June 1, 2021; Readopted Eff. November 1, 2025.*

**21 NCAC 39 .1001 DEFINITIONS**

As used in this Section:

- (1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, high water, fire, freezing, or other unsafe conditions.
- (2) "Component" means a readily accessible and observable part of an on-site wastewater system.
- (3) "Cross connection" means any physical connection or arrangement between potable water and the on-site wastewater system or any other source of contamination.
- (4) "Dangerous or adverse situations" means situations that pose a threat of injury to the

- inspector, or those situations that require the use of special protective clothing or safety equipment, such as personal protection equipment.
- (5) "Describe" means to create a written report of a condition found within the system or any observed component of the inspected system.
  - (6) "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened by other means that would not be taken apart or removed by a homeowner or operator in the course of normal household maintenance.
  - (7) "Enter" means to go into an area to inspect all readily accessible, readily openable, and readily visible components.
  - (8) "Hydraulic Load Test" means the introduction of water or waste water into a system for the purposes of mimicking the system's peak flows.
  - (9) "Inflow" means extraneous water directly entering a component, such as via a sump pump, foundation drain, condensate line, or infiltration.
  - (10) "Normal operating controls" means certified operator or homeowner-operated devices.
  - (11) "Normal wear and tear" means superficial blemishes or defects that do not interfere with the functionality of the component or system.
  - (12) "Operate" means to cause systems or equipment to function.
  - (13) "Readily accessible" means approachable or enterable for inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.
  - (14) "Readily openable access panel" means a panel provided for homeowner or certified operator maintenance and operation that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed for inspection. This definition is limited to those wastewater system components not blocked by stored items, furniture, building components or landscaping.
  - (15) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a probe, flashlight, or mirror.
  - (16) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar parts used to carry water off a roof and away from a building.
  - (17) "Shut down" means a condition or conditions wherein a piece of equipment or system cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.

- (18) "Statement of responsibility" means a signed and dated document, from the contractor to the system owner, that acknowledges the requirements of the onsite wastewater system specified by the evaluator.
- (19) "Structural component" means a wastewater system component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads), such as a control panel support, septic tank, D-box, or manifold.

*History Note: Authority G.S. 90A-71; 90A-74; 130A-336.2; Eff. October 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 1, 2021; Readopted Eff. November 1, 2025.*

## **21 NCAC 39 .1002 GENERAL REQUIREMENTS FOR CONTRACTORS AND POINT-OF-SALE INSPECTORS**

(a) Point-of-sale inspectors shall:

- (1) Provide to the client or the client's representative a written contract, signed by both the client or client's representative and the point-of-sale inspector, before the on-site wastewater system inspection is performed that:
  - (A) States that the on-site wastewater system inspection is conducted in accordance with Rules .1004, .1005, and .1006 of this Section; and
  - (B) Describes what services shall be provided and their cost;
- (2) Obtain written permission from the owner or owner's representative to perform the inspection;
- (3) Inspect readily openable and accessible installed systems and components listed in Rule .1005 of this Section;
- (4) Submit a written report to the client or client's representative within 10 business days of the inspection that:
  - (A) Describes those systems and components required to be described in Rules .1005 through .1006 of this Section;
  - (B) States which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting. Failure to locate the system or components for inspection or "could not locate" shall not be the same as "not visible." If the system or component is not located, the written report shall state the failure to locate



- the system or components for inspection or "could not locate;"
- (C) States any systems or components inspected that do not function as intended or harm the wastewater treatment system;
- (D) States whether the condition reported requires repair or subsequent observation, or warrants further evaluation by the local health department. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and refer the recipient to the local health department or a certified on-site wastewater contractor; and
- (E) States the name, license number, and signature of the certified point-of-sale inspector;
- (5) Maintain records for a period of seven years.
- (b) Contractors that contract with an owner of a system permitted by an evaluator in accordance with G.S. 130A-336.2 shall:
  - (1) Submit to the evaluator and Board the insurance declaration page verifying errors and omissions, liability, or other coverage, as appropriate for the system designed, prior to commencing installation;
  - (2) Be responsible for all aspects of the construction and installation of the wastewater system and its components, including adherence to specifications and any special inspections that are prepared, signed, and sealed by the evaluator; and
  - (3) Submit a dated and signed statement of responsibility to the owner of the wastewater system, prior to commencement of work.

*History Note:* Authority G.S. 90A-71; 90A-72; 90A-74; 130A-336.2;

*Eff. October 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. June 1, 2021;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .1004 GENERAL EXCLUSIONS FOR CONTRACTORS AND POINT-OF-SALE INSPECTORS**

- (a) Point-of-sale inspectors shall not be required to report on:
  - (1) Life expectancy of any component or system;
  - (2) The causes of the need for a repair;
  - (3) The methods, materials, and costs of corrections;
  - (4) The suitability of the property for any specialized use;
  - (5) The market value of the property or its marketability;

- (6) The advisability or inadvisability of purchase of the property; or
- (7) Normal wear and tear to the system.
- (b) Point-of-sale inspectors shall not be required to:
  - (1) Identify property lines;
  - (2) Offer warranties or guarantees of any kind;
  - (3) Calculate the strength, adequacy, or efficiency of any system or component;
  - (4) Operate any system or component that does not respond to normal operating controls;
  - (5) Move vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or debris that obstructs access to or visibility of the system and any related components;
  - (6) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including toxins, carcinogens, noise, and contaminants in the building or in soil, water, and air;
  - (7) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
  - (8) Predict future condition, including failure of components;
  - (9) Project operating costs of components;
  - (10) Evaluate acoustical characteristics of any system or component; or
  - (11) Inspect equipment or accessories that are not listed as components to be inspected in this Section.
- (c) Point-of-sale inspectors, private compliance inspectors, and Contractors shall not:
  - (1) Offer or perform any act or service contrary to Article 5 of G.S. 90A or the rules of this Chapter; or
  - (2) Offer or perform engineering, architectural, plumbing, electrical, pesticide or any other job function requiring an occupational license in the jurisdiction where the inspection, installation, or repair is taking place, unless the on-site wastewater system point-of-sale inspector, private compliance inspector, or contractor holds a valid occupational license in that field, in which case the point-of-sale inspector, private compliance inspector, or contractor shall inform the client that the point-of-sale inspector, private compliance inspector, or contractor is so licensed.

*History Note:* Authority G.S. 90A-72; 90A-74;

*Eff. October 1, 2011;*

*Amended Eff. January 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .1005 ON-SITE WASTEWATER SYSTEM COMPONENTS**

(a) When inspecting an on-site wastewater system, the point-of-sale inspector shall inspect and describe the following in a report as set forth in Rule .1002 of this Chapter:

- (1) any part of the system located more than five feet from the primary structure that is part of the operations permit;
- (2) septic tanks;
- (3) pump tanks;
- (4) distribution devices;
- (5) dispersal fields;
- (6) treatment units;
- (7) control panels;
- (8) any other components required as part of on-site wastewater system permit, including drainage; and
- (9) any vegetation and grading with respect only to their effect on the condition of the system or system components.

(b) The point-of-sale inspector shall:

- (1) uncover tank lids and distribution devices so as to gain access, unless blocked as described in Rule .1004(b)(5) of this Section. The distribution box may remain covered if the point-of-sale inspector has an alternate method of observing its condition;
- (2) probe system components where deterioration is suspected;
- (3) report the methods used to inspect the on-site wastewater system;
- (4) open readily accessible and readily openable components as defined in Rule .1001 of this Chapter;
- (5) report signs of abnormal or harmful water entry into or out of the system or components; and
- (6) conduct the inspection using the rules promulgated under Article 11 of Chapter 130A, as set forth in Subchapter 18E of Title 15A of the North Carolina Administrative Code, in effect at the time of the initial construction or renovation of the system, whichever occurs later, and any subsequent installation or replacement of any system or component of the system.

(c) The point-of-sale inspector shall not be required to:

- (1) conduct dosing volume calculations;
- (2) evaluate soil conditions beyond saturation or ponding;
- (3) evaluate for the presence or condition of buried fuel storage tanks;
- (4) evaluate the system for proper sizing, design, or use of approved materials pursuant to Article 11 of Chapter 130A and the rules promulgated therefrom, as set forth in Subchapter 18E of Title 15A of the North Carolina Administrative Code; or
- (5) perform a hydraulic load test on the system.

*History Note: Authority G.S. 90A-72; 90A-74;*

*Eff. October 1, 2011;*

*Amended Eff. January 1, 2013;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*

*Amended Eff. July 1, 2019;*

*Readopted Eff. November 1, 2025.*

**21 NCAC 39 .1006 MINIMUM ON-SITE WASTEWATER SYSTEM POINT-OF-SALE INSPECTION**

(a) The point-of-sale inspector shall obtain, evaluate, describe, or determine the following during the inspection:

- (1) Advertised number of bedrooms as stated in the realtor Multiple Listing Service information or by a sworn statement of owner or owner's representative; and
- (2) Designed system size (gallons per day or number of bedrooms) as stated in available local health department information, such as the current operation permit or the current repair permit.

(b) The point-of-sale inspector shall obtain, evaluate, describe, or determine the following during the inspection:

- (1) Requirement for a certified subsurface water pollution control system operator pursuant to G.S. 90A-44, current certified operator's name, and most recent performance, operation, and maintenance reports (if applicable and available);
- (2) Type of water supply, such as well, spring, public water, or community water;
- (3) Location of septic tank and septic tank details:
  - (A) Distance from house or other structure;
  - (B) Distance from well, if applicable;
  - (C) Distance from water line, if applicable and readily visible;
  - (D) Distance from property line, if said property lines are known;
  - (E) Distance from finished grade to top of tank or access riser;
  - (F) Presence and type of access risers;
  - (G) Condition of tank lids;
  - (H) Condition of tank baffle wall;
  - (I) Water level in tank relative to tank outlet;
  - (J) Condition of outlet tee;
  - (K) Presence and condition of outlet filter, if applicable;
  - (L) Presence and extent of roots in the tank;
  - (M) Evidence of tank leakage;
  - (N) Evidence of inflow non-permitted connections, such as from downspouts or sump pumps;
  - (O) Connection present from house to tank;

- (P) Connection present from tank to next component;
- (Q) Date tank was last pumped, if known; and
- (R) Percentage of solids (sludge and scum) in tank;
- (4) Location of pump tank and pump tank details:
  - (A) Distance from house or other structure;
  - (B) Distance from well or spring, if applicable;
  - (C) Distance from water line, if applicable;
  - (D) Distance from property line, if said property lines are known;
  - (E) Distance from finished grade to top of tank or access riser;
  - (F) Distance from septic tank;
  - (G) Presence and type of access risers;
  - (H) Condition of tank lids;
  - (I) Location of control panel;
  - (J) Condition of control panel;
  - (K) Audible and visible alarms (as applicable) work;
  - (L) Pump turns on, and effluent is delivered to next component; and
  - (M) Lack of electricity at time of inspection prevented complete evaluation;
- (5) Location of dispersal field and dispersal field details:
  - (A) Type of dispersal field;
  - (B) Distance from property line, if said property lines are known;
  - (C) Distance from septic tank and also pump tank if a pump tank exists;
  - (D) Number of lines;
  - (E) Length of lines;
  - (F) Evidence of past or current surfacing at time of inspection;
  - (G) Evidence of traffic over the dispersal field;
  - (H) Vegetation, grading, and drainage with respect only to their effect on the condition of the system or system components; and
  - (I) Confirmation that system effluent is reaching the drainfield; and
- (6) Conditions that prevented or hindered the inspection or determination of Subparagraphs (b)(1) through (b)(5) of this Rule.

(c) If a client declines to allow a tank to be pumped, the inspection form shall contain the statement:

"Client requesting this inspection has been advised that for a complete inspection to be performed, the tank needs to be pumped. Client has declined to have the tank pumped at inspection and hereby acknowledges they have so declined." A space shall be provided for the client signature and date.

(d) The point-of-sale inspector shall not:

- (1) Insert any tool, probe, or testing device inside pump system control panels; or
- (2) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary control panels.

*History Note: Authority G.S. 90A-72; 90A-74; Eff. October 1, 2011; Amended Eff. January 1, 2016; April 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Readopted Eff. November 1, 2025.*

## **21 NCAC 39 .1101 DEFINITIONS**

As used in this Section:

- (1) "Accepted wastewater dispersal system" means as defined in G.S. 130A-343.
- (2) "Authorized inspector" or "Independent inspector" means an individual employed or contracted by an evaluator to observe and direct the construction of the wastewater system designed, planned, and specified by the evaluator.
- (3) "Notice of intent to construct" has the same definition as that set forth in Rule .0101(8) of this Chapter.
- (4) "Special inspection" means any continuous or intermittent inspection or visitation performed by the evaluator at the construction site on behalf of the owner.

*History Note: Authority G.S. 90A-74; 130A-336.2; Eff. June 1, 2021; Readopted Eff. November 1, 2025.*

## **21 NCAC 39 .1102 GENERAL REQUIREMENTS FOR EVALUATORS**

In addition to the duties set forth in G.S. 130A-336.2, evaluators shall:

- (1) Provide a "notice of intent to construct" to the owner of a proposed wastewater system, so the owner can submit it to the local health department that has jurisdiction over the location of the proposed wastewater system. A "notice of intent to construct" shall contain the following:
  - (a) whether the notice is intended for a new system, expansion of a system, repair of a system, relocation of a system, or relocation of repair area;
  - (b) the name, mailing address, telephone number, and email address of the site owner or their legal representative;
  - (c) the name, mailing address, telephone number, email address, and certification number of the evaluator;
  - (d) the address of the site location, including the county;

- (e) the tax parcel identification number, subdivision lot, or block number of property of the site location;
- (f) the following information about the wastewater system identified in the notice:
  - (i) the type;
  - (ii) the daily design flow;
  - (iii) whether the system is a saprolite system;
  - (iv) whether a subsurface operator is required; and
  - (v) whether the water supply type is a private well, public water supply, spring, or other water supply type;
- (g) the following information about the facility at the site location:
  - (i) whether the facility is a residential site and, if so, the number of bedrooms and the maximum number of occupants;
  - (ii) whether the facility is a business site and, if so, the type of business and basis for flow;
  - (iii) whether the facility is for public assembly and, if so, the type of public assembly and the basis for flow;
- (h) a copy of the plat or site plan;
- (i) a copy of an evaluation of soil and site feature by a Licensed Soil Scientist;
- (j) an attestation by the individuals identified in Sub-items 1(b) and 1(c) of this Rule that the information set forth in the notice is accurate and complete;
- (k) an attestation by the individual identified in Sub-items 1(c) of this Rule that he or she has adhered to the laws and rules governing onsite wastewater systems in the State;
- (l) the date the notice will expire;
- (m) the dated signature of individuals identified in Sub-items 1(b) and 1(c) of this Rule; and
- (n) the dated signature of the local health department representative.

- (2) Prepare a signed and sealed statement of special inspections as set forth in G.S. 130A-336.2;
- (3) Notify the owner if the system constitutes a water pollution control system, as defined by 15A NCAC 08G .0102(31), for which the owner is required to enter into a contract with a water pollution control system operator certified pursuant to Part 1 of Article 3 of Chapter 90A of the General Statutes; and
- (4) Maintain a signed and dated copy of the operation and management program that was provided to the system owner and all inspection reports for a period of seven years.

*History Note: Authority G.S. 130A-336.2;  
Eff. June 1, 2021;  
Readopted Eff. November 1, 2025.*

**21 NCAC 39 .1103 GENERAL EXCLUSIONS FOR EVALUATORS**

Evaluators shall not:

- (1) Offer or perform any act or service contrary to Article 5 of G.S. 90A, G.S. 130A-336.2, or the rules of this Chapter; or
- (2) Offer or perform engineering, architectural, plumbing, electrical, pesticide or any other job function requiring an occupational license in the jurisdiction where the evaluation, inspection, installation, or repair is taking place, unless the evaluator holds a valid occupational license in that field, in which case the evaluator shall inform the client that the evaluator is so licensed.

*History Note: Authority G.S. 130A-336.2;  
Eff. June 1, 2021;  
Readopted Eff. November 1, 2025.*

**21 NCAC 39 .1104 REQUIRED DOCUMENTS FOR EVALUATORS**

Evaluators shall provide the owner with procedures for the final submittal of information to the local health department at the post-construction conference as set forth in G.S. 130A-336.2(k).

*History Note: Authority G.S. 90A-74; 130A-336.2;  
Eff. June 1, 2021;  
Readopted Eff. November 1, 2025.*

*This Section contains information for the meeting of the Rules Review Commission 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 (2<sup>nd</sup> 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

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Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935

**RULES REVIEW COMMISSION MEETING DATES**

December 18, 2025	February 26, 2026
January 29, 2026	March 3, 2026

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**RULES REVIEW COMMISSION MEETING  
MINUTES****October 30, 2025**

The Rules Review Commission met on Thursday, October 30, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, John Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Bill Nelson, and Jake Parker were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Christopher Miller, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

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

The Chairman notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Permanent Rules from the Coastal Resources Commission, Temporary rules from the Code Officials Qualification Board, and reports for the Council of State.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes from the September 25, 2025 meeting. There were none, and the minutes were unanimously approved as distributed.

**FOLLOW-UP MATTERS****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, and .0911 - The Commission unanimously voted to further extend the period of review for these Rules to the November meeting.

**Criminal Justice Education and Training Standards Commission**

12 NCAC 09G .0209 was withdrawn at the request of the agency. No action was required by the Commission.

**Private Protective Services Board**

Prior to the review of the rules from the Private Protective Services Board, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

14B NCAC 16 .0701, .0801, .1301, and .1401 were approved.

**LOG OF FILINGS (PERMANENT RULES)****Commission for Mental Health/DD/SAS**

10A NCAC 26E .0406 and 10A NCAC 27G .3605 were unanimously approved.

**Environmental Management Commission**

15A NCAC 02B .0219, .0226, and 02L .0202 were unanimously approved.

**Coastal Resources Commission**

15A NCAC 07H .0209 and .0309 were unanimously approved.

The Commission unanimously voted to object to 15A NCAC 07H .0508. Specifically, the Commission objected to the Rule for failing to meet the standard in G.S. 150B-21.9(a)(3), because elements of the detailed description in Paragraph (a) were not reasonably necessary to implement or interpret an enactment of the General Assembly.

Elly Young with the Department of Justice and representing the agency, addressed the Commission.

**Onsite Wastewater Contractors and Inspectors Certification Board**

21 NCAC 39 .0101, .0102, .0103, .0201, .0202, .0301, .0401, .0402, .0403, .0404, .0405, .0501, .0601, .0602, .0604, .0605, .0701, .0702, .0703, .0801, .0802, .0803, .0901, .0902, .0903, .0904, .1001, .1002, .1004, .1005, .1006, .1101, .1102, .1103, and .1104 were unanimously approved.

**State Human Resources Commission**

25 NCAC 01I .2103 was withdrawn at the request of the agency. No action was required by the Commission.

**LOG OF FILINGS (TEMPORARY RULES)****Code Officials Qualification Board**

11 NCAC 08 .0706, .0737, .0738, .0739, .0740, and .0741 were unanimously approved.

Nicholas Sorensen with the agency addressed the Commission.

**State Board of Education**

Prior to the review of the Rule from the State Board of Education, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the Rule because of a potential conflict of interest.

16 NCAC 06C .0110 was approved.

**Board of Funeral Service**

21 NCAC 34A .0122, .0201; 34B .0103, .0105, .0106, .0107, .0120, .0211, .0310, .0313, .0408, .0502, .0608, .0610, .0616, .0617, .0618, .0801, .0802, .0803, .0807, .0808; 34C .0101; and 34D .0305 were unanimously approved.

**Existing Rules Review****Council of State**

06 NCAC 01, 02, 04 - The agency did not complete the required review. Pursuant to G.S. 150B-21.3A(b), all rules included in these reports automatically expired at the Rules Review Commission meeting on October 30, 2025, and will be removed from the Code. No action was required by the Commission.

**Medical Care Commission**

10A NCAC 13B, 13C, 13K – The Commission unanimously approved the report as submitted by the agency.

**Commission for Public Health**

10A NCAC 47 - The Commission unanimously approved the report as submitted by the agency.

**Department of Insurance**

11 NCAC 11, 19 – The Commission unanimously approved the report as submitted by the agency.

**Commissioner of Insurance**

11 NCAC 11F - The Commission unanimously approved the report as submitted by the agency.

**State Human Resources Commission**

25 NCAC 01D - The Commission unanimously approved the report as submitted by the agency.

**Readoptions****Rural Electrification Authority**

04 NCAC 08 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

**Department of Information Technology**

09 NCAC 06A, 06B, 06D – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than February 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**911 Board**

09 NCAC 06C – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

**Department of Health and Human Services**

10A NCAC 05 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**DHHS - Division of Aging and Adult Services**

10A NCAC 06A-06K, 06Q – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Social Services Commission**

10A NCAC 06P, 06R, 06S, 06T, 06U, 06W, 06X – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Child Care Commission**

10A NCAC 09 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**Medical Care Commission**

10A NCAC 13L, 13M, 13O – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**DHHS - Division of Mental Health/DD/SAS**

10A NCAC 27, 28 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

**Social Services Commission**

10A NCAC 97 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Water Treatment Facility Operators Certification Board**

15A NCAC 18D – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than June 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Department of Revenue**

17 NCAC 06 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than March 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Board of Examiners in Optometry**

21 NCAC 42 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Respiratory Care Board**

21 NCAC 61 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than February 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

**Request for extension of the 2024 - 2027 Periodic Review Schedule**

10A NCAC 17 – The RRC voted to grant an extension of the 2024 - 2027 Periodic Review Schedule. The report has been extended for review from the December 2025 meeting to the January 2026 meeting, with a filing deadline of December 20, 2025. Commissioner Doran voted against the extension.

Commission counsel led a discussion on incorporating materials from the Code of Federal Regulations and the United States Code into rules proposed by agencies. This discussion will be continued at a future meeting.

The meeting adjourned at 10:45 a.m.

The next regularly scheduled meeting of the Commission is Thursday, November 20, 2025, at 10:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Jake Parker, Chair



**October 30, 2025**

Rules Review Commission  
Meeting  
Please **Print** Legibly

Name	Agency
Elly Young	NC DOJ
Holly Cardoza	NC DOS - CT Standards
Julie Ventaloro	OSBM
Emily Wilky	NCDOT
M Schilling	NC DOJ
CHRIS VENTALORO	NC DEQ
Meghan Lock	NC DOJ - CT standards
Catherine Lee	NCBFS / NCOW CIB
Sarah Taulb	NCDOT
Loretta Pease Bunch	OSBM
Jennifer Everett	DEQ
Elizabeth Korn	DEQ
Bridget Shelton	DEQ
Jeffrey Gray	PPSRB
Creighton Knight	NCBFS
Shannah Black	DHSR
Ashley Snyder	Labor
Helen Indi	TUT
Alisha Benjamin	TDI

**Rules Review Commission Meeting October 30, 2025**

**Via WebEx**

<b>Name</b>	<b>Agency</b>
Steven Brown	ncdor.gov
Heather Freeman	nc.gov
Kimberly Mallady	dhhs.nc.gov
Cheryl Johnson	dhhs.nc.gov
Devon Horine	dhhs.nc.gov
Elizabeth Liebig	deq.nc.gov
Brian Liebman	oah.nc.gov
Laura Lansford	ncdor.gov
Alison Keisler	dhhs.nc.gov
Ann Wall	sosnc.gov
Ryan Collins	dpi.nc.gov
Karen Higgins	deq.nc.gov
Wilhemina Baker	dhhs.nc.gov
Julie Peck	dhhs.nc.gov
Angela Willis	deq.nc.gov
Daniel Govoni	deq.nc.gov
Jonathan Howell	deq.nc.gov
Angela McLeod	Commerce.nc.gov
Blake Thomas	nc.gov
Virginia Niehaus	dhhs.nc.gov
Sharon Martin	Commerce.nc.gov
Stella Bailey	dhhs.nc.gov
Julie Eddins	oah.nc.gov
Andrea Clinkscales	nc.gov
Sarah Tackett	nc.gov
Brittany DeArmitt	deq.nc.gov
Catherine Blum	deq.nc.gov
Raj Premakumar	dhhs.nc.gov
Alyssa Morrissey	ncchamber.com
Janice K Peterson	ncoptometry.org
Lucas Barroso-Giachetti	terracon.com
Joonu Coste	ncdoj.gov
Angela Ellis	ncbon.com
Larry Ascher	
Raj.Premakumar@dhhs.nc.gov	dhhs.nc.gov
Hope Ascher	
Cliff Isaac	nchba.org
Marilyn Smalls	abc.nc.gov
Marionna Poke-Stewart	dhhs.nc.gov
Sorensen, Nicholas	NCDOJ.GOV
Pamela Morrison, NC SOTA Coordinator	dhhs.nc.gov
Genevieve Kaplan	stateside.com
Bill Croft, NCRCB Exec Director	ncrcb.org

Elizabeth Pope	ncswboard.gov
Joseph Starling	ncdoi.gov
Renee Metz	abc.nc.gov
Lisa Jackson	dhhs.nc.gov

**MEMORANDUM OF ABSTENTION FROM**  
**PARTICIPATION IN OFFICIAL ACTION**  
**RULES REVIEW COMMISSION**

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from  
taking any verbal or written action, including voting, on the agenda item regarding  
Private Protective Services Board and  
State Board of Education.

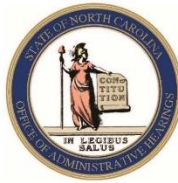
I have abstained because a potential conflict of interest in  
each matter.

This the 30 day of October, 2025.

Cheryl C. Rountiff

Signature of Commission Member

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



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Angie McLeod

**Sent via email to: [angie.mcleod@commerce.nc.gov](mailto:angie.mcleod@commerce.nc.gov)**

Re: Readoption deadline for 04 NCAC 08

Dear Ms. McLeod:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **January 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC Determination  
Periodic Rule Review  
March 27, 2025  
APO Review: May 28, 2025  
Rural Electrification Authority  
Total: 13

RRC Determination: Necessary

04	NCAC 08	.0101
04	NCAC 08	.0102
04	NCAC 08	.0107
04	NCAC 08	.0201
04	NCAC 08	.0202
04	NCAC 08	.0206
04	NCAC 08	.0301
04	NCAC 08	.0302
04	NCAC 08	.0304
04	NCAC 08	.0306
04	NCAC 08	.0313
04	NCAC 08	.0401
04	NCAC 08	.0404



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Deborah Greene, Department of Information Technology

**Sent via email only to: [deborah.greene@nc.gov](mailto:deborah.greene@nc.gov)**

Re: Readoption deadline for 09 NCAC 06 A, B, and D

Dear Ms. Greene,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **February 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
February 27, 2025  
APO Review: April 30, 2025  
Information Technology, Department of  
Total: 83

RRC Determination: Necessary

09 NCAC 06A .0101	09 NCAC 06B .0902	09 NCAC 06B .1207
09 NCAC 06A .0102	09 NCAC 06B .1001	09 NCAC 06B .1301
09 NCAC 06A .0104	09 NCAC 06B .1002	09 NCAC 06B .1302
09 NCAC 06B .0101	09 NCAC 06B .1003	09 NCAC 06B .1304
09 NCAC 06B .0103	09 NCAC 06B .1004	09 NCAC 06B .1305
09 NCAC 06B .0201	09 NCAC 06B .1005	09 NCAC 06B .1401
09 NCAC 06B .0202	09 NCAC 06B .1006	09 NCAC 06B .1402
09 NCAC 06B .0204	09 NCAC 06B .1030	09 NCAC 06D .0101
09 NCAC 06B .0301	09 NCAC 06B .1031	09 NCAC 06D .0102
09 NCAC 06B .0302	09 NCAC 06B .1101	09 NCAC 06D .0103
09 NCAC 06B .0303	09 NCAC 06B .1102	09 NCAC 06D .0104
09 NCAC 06B .0304	09 NCAC 06B .1103	
09 NCAC 06B .0305	09 NCAC 06B .1104	
09 NCAC 06B .0306	09 NCAC 06B .1105	
09 NCAC 06B .0307	09 NCAC 06B .1106	
09 NCAC 06B .0308	09 NCAC 06B .1107	
09 NCAC 06B .0309	09 NCAC 06B .1108	
09 NCAC 06B .0313	09 NCAC 06B .1109	
09 NCAC 06B .0314	09 NCAC 06B .1110	
09 NCAC 06B .0315	09 NCAC 06B .1111	
09 NCAC 06B .0316	09 NCAC 06B .1112	
09 NCAC 06B .0401	09 NCAC 06B .1113	
09 NCAC 06B .0404	09 NCAC 06B .1114	
09 NCAC 06B .0405	09 NCAC 06B .1115	
09 NCAC 06B .0501	09 NCAC 06B .1116	
09 NCAC 06B .0502	09 NCAC 06B .1117	
09 NCAC 06B .0503	09 NCAC 06B .1118	
09 NCAC 06B .0504	09 NCAC 06B .1119	
09 NCAC 06B .0505	09 NCAC 06B .1120	
09 NCAC 06B .0601	09 NCAC 06B .1121	
09 NCAC 06B .0602	09 NCAC 06B .1201	
09 NCAC 06B .0603	09 NCAC 06B .1202	
09 NCAC 06B .0701	09 NCAC 06B .1203	
09 NCAC 06B .0703	09 NCAC 06B .1204	
09 NCAC 06B .0801	09 NCAC 06B .1205	
09 NCAC 06B .0901	09 NCAC 06B .1206	





**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Amanda Reeder, 911 Board

**Sent via email only to: amanda.reeder@nc.gov**

Re: Readoption deadline for 09 NCAC 06C

Dear Ms. Reeder,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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[www.oah.nc.gov](http://www.oah.nc.gov)

RRC DETERMINATION  
PERIODIC RULE REVIEW  
February 27, 2025  
APO Review: April 30, 2025  
911 Board  
Total: 38

RRC Determination: Necessary

09 NCAC 06C .0101	09 NCAC 06C .0404
09 NCAC 06C .0102	09 NCAC 06C .0405
09 NCAC 06C .0103	
09 NCAC 06C .0104	
09 NCAC 06C .0105	
09 NCAC 06C .0106	
09 NCAC 06C .0107	
09 NCAC 06C .0108	
09 NCAC 06C .0109	
09 NCAC 06C .0110	
09 NCAC 06C .0111	
09 NCAC 06C .0112	
09 NCAC 06C .0113	
09 NCAC 06C .0114	
09 NCAC 06C .0201	
09 NCAC 06C .0202	
09 NCAC 06C .0203	
09 NCAC 06C .0204	
09 NCAC 06C .0205	
09 NCAC 06C .0206	
09 NCAC 06C .0207	
09 NCAC 06C .0208	
09 NCAC 06C .0209	
09 NCAC 06C .0210	
09 NCAC 06C .0211	
09 NCAC 06C .0212	
09 NCAC 06C .0213	
09 NCAC 06C .0214	
09 NCAC 06C .0215	
09 NCAC 06C .0216	
09 NCAC 06C .0301	
09 NCAC 06C .0305	
09 NCAC 06C .0306	
09 NCAC 06C .0401	
09 NCAC 06C .0402	
09 NCAC 06C .0403	



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Misty Piekaar, Department of Health and Human Services

**Sent via email only to: [Misty.Piekaar@dhhs.nc.gov](mailto:Misty.Piekaar@dhhs.nc.gov)**

Re: Readoption deadline for 10A NCAC 05

Dear Ms. Piekaar,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **May 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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[www.oah.nc.gov](http://www.oah.nc.gov)

RRC Determination  
 Periodic Rule Review  
 March 27, 2025  
 APO Review: May 28, 2025  
 Health and Human Services, Department of  
 Total: 95

RRC Determination: Necessary

10A	NCAC 05A	.0101	10A	NCAC 05E	.0121	10A	NCAC 05I	.0201
10A	NCAC 05A	.0201	10A	NCAC 05E	.0122	10A	NCAC 05I	.0202
10A	NCAC 05A	.0202	10A	NCAC 05E	.0201	10A	NCAC 05I	.0203
10A	NCAC 05B	.0201	10A	NCAC 05F	.0101	10A	NCAC 05I	.0204
10A	NCAC 05C	.0203	10A	NCAC 05F	.0102	10A	NCAC 05I	.0205
10A	NCAC 05C	.0204	10A	NCAC 05F	.0201	10A	NCAC 05J	.0101
10A	NCAC 05C	.0205	10A	NCAC 05F	.0202	10A	NCAC 05J	.0201
10A	NCAC 05C	.0208	10A	NCAC 05F	.0301	10A	NCAC 05J	.0202
10A	NCAC 05C	.0210	10A	NCAC 05F	.0302	10A	NCAC 05J	.0203
10A	NCAC 05C	.0301	10A	NCAC 05F	.0303	10A	NCAC 05J	.0204
10A	NCAC 05C	.0303	10A	NCAC 05F	.0401	10A	NCAC 05J	.0205
10A	NCAC 05C	.0304	10A	NCAC 05F	.0402	10A	NCAC 05J	.0206
10A	NCAC 05C	.0305	10A	NCAC 05F	.0403	10A	NCAC 05J	.0207
10A	NCAC 05C	.0306	10A	NCAC 05F	.0404	10A	NCAC 05J	.0208
10A	NCAC 05C	.0403	10A	NCAC 05F	.0501	10A	NCAC 05J	.0209
10A	NCAC 05C	.0404	10A	NCAC 05F	.0502	10A	NCAC 05J	.0210
10A	NCAC 05D	.0101	10A	NCAC 05F	.0503	10A	NCAC 05J	.0211
10A	NCAC 05D	.0102	10A	NCAC 05F	.0601	10A	NCAC 05J	.0212
10A	NCAC 05D	.0103	10A	NCAC 05F	.0602	10A	NCAC 05L	.0101
10A	NCAC 05D	.0104	10A	NCAC 05F	.0603	10A	NCAC 05L	.0102
10A	NCAC 05D	.0201	10A	NCAC 05F	.0701	10A	NCAC 05L	.0103
10A	NCAC 05D	.0202	10A	NCAC 05F	.0702	10A	NCAC 05M	.0101
10A	NCAC 05D	.0301	10A	NCAC 05F	.0703	10A	NCAC 05M	.0102
10A	NCAC 05D	.0303	10A	NCAC 05F	.0704			
10A	NCAC 05D	.0401	10A	NCAC 05F	.0705			
10A	NCAC 05D	.0402	10A	NCAC 05F	.0706			
10A	NCAC 05D	.0501	10A	NCAC 05F	.0801			
10A	NCAC 05D	.0502	10A	NCAC 05F	.0802			
10A	NCAC 05D	.0601	10A	NCAC 05F	.0803			
10A	NCAC 05D	.0602	10A	NCAC 05G	.0101			
10A	NCAC 05E	.0101	10A	NCAC 05G	.0201			
10A	NCAC 05E	.0102	10A	NCAC 05G	.0202			
10A	NCAC 05E	.0103	10A	NCAC 05G	.0203			
10A	NCAC 05E	.0104	10A	NCAC 05G	.0301			
10A	NCAC 05E	.0105	10A	NCAC 05G	.0302			
10A	NCAC 05E	.0106	10A	NCAC 05I	.0101			



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Misty Piekaar

**Sent via email to: [mistv.piekaar@dhhs.nc.gov](mailto:mistv.piekaar@dhhs.nc.gov)**

Re: Readoption deadline for 10A NCAC 06A-06K, 06Q

Dear Ms. Piekaar:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC Determination  
 Periodic Rule Review  
 April 24, 2025  
 APO Review: June 25, 2025  
 HHS - Aging and Adult Services, Division of  
 Total: 70

RRC Determination:

10A	NCAC 06A	.0101	10A	NCAC 06E	.0303
10A	NCAC 06A	.0102	10A	NCAC 06E	.0304
10A	NCAC 06A	.0103	10A	NCAC 06E	.0401
10A	NCAC 06A	.0104	10A	NCAC 06E	.0402
10A	NCAC 06A	.0201	10A	NCAC 06E	.0403
10A	NCAC 06A	.0301	10A	NCAC 06F	.0101
10A	NCAC 06A	.0302	10A	NCAC 06F	.0201
10A	NCAC 06A	.0303	10A	NCAC 06F	.0202
10A	NCAC 06A	.0304	10A	NCAC 06F	.0203
10A	NCAC 06A	.0305	10A	NCAC 06G	.0101
10A	NCAC 06A	.0306	10A	NCAC 06G	.0102
10A	NCAC 06A	.0308	10A	NCAC 06G	.0201
10A	NCAC 06A	.0309	10A	NCAC 06G	.0202
10A	NCAC 06A	.0310	10A	NCAC 06G	.0203
10A	NCAC 06B	.0101	10A	NCAC 06G	.0204
10A	NCAC 06B	.0201	10A	NCAC 06G	.0205
10A	NCAC 06B	.0202	10A	NCAC 06H	.0101
10A	NCAC 06B	.0203	10A	NCAC 06H	.0201
10A	NCAC 06B	.0204	10A	NCAC 06H	.0202
10A	NCAC 06C	.0101	10A	NCAC 06H	.0203
10A	NCAC 06C	.0102	10A	NCAC 06I	.0101
10A	NCAC 06C	.0201	10A	NCAC 06I	.0102
10A	NCAC 06C	.0202	10A	NCAC 06I	.0201
10A	NCAC 06C	.0203	10A	NCAC 06I	.0202
10A	NCAC 06C	.0204	10A	NCAC 06I	.0203
10A	NCAC 06D	.0101	10A	NCAC 06J	.0101
10A	NCAC 06D	.0102	10A	NCAC 06K	.0101
10A	NCAC 06D	.0103	10A	NCAC 06K	.0201
10A	NCAC 06D	.0201	10A	NCAC 06K	.0202
10A	NCAC 06D	.0202	10A	NCAC 06K	.0203
10A	NCAC 06D	.0203	10A	NCAC 06K	.0204
10A	NCAC 06D	.0204	10A	NCAC 06K	.0205
10A	NCAC 06D	.0205	10A	NCAC 06K	.0206
10A	NCAC 06D	.0206	10A	NCAC 06Q	.0101
10A	NCAC 06E	.0301			
10A	NCAC 06E	.0302			



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Misty Piekaar

**Sent via email to: [mistv.piekaar@dhhs.nc.gov](mailto:mistv.piekaar@dhhs.nc.gov)**

Re: Readoption deadline for 10A NCAC 06P, 06R, 06S, 06T, 06U, 06W, 06X

Dear Ms. Piekaar:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **August 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
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**RULES REVIEW COMMISSION**

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RRC Determination  
Periodic Rule Review  
April 24, 2025  
APO Review: June 25, 2025  
Social Services Commission  
Total: 118

**RRC Determination: Necessary**

10A	NCAC 06P	.0101	10A	NCAC 06R	.0802	10A	NCAC 06S	.0602
10A	NCAC 06P	.0201	10A	NCAC 06R	.0803	10A	NCAC 06S	.0603
10A	NCAC 06P	.0301	10A	NCAC 06R	.0804	10A	NCAC 06S	.0604
10A	NCAC 06P	.0401	10A	NCAC 06R	.0805	10A	NCAC 06S	.0605
10A	NCAC 06P	.0402	10A	NCAC 06R	.0806	10A	NCAC 06S	.0606
10A	NCAC 06P	.0501	10A	NCAC 06R	.0901	10A	NCAC 06S	.0607
10A	NCAC 06P	.0502	10A	NCAC 06R	.0902	10A	NCAC 06T	.0201
10A	NCAC 06R	.0101	10A	NCAC 06R	.0903	10A	NCAC 06T	.0202
10A	NCAC 06R	.0102	10A	NCAC 06R	.0904	10A	NCAC 06T	.0203
10A	NCAC 06R	.0201	10A	NCAC 06R	.0905	10A	NCAC 06T	.0204
10A	NCAC 06R	.0301	10A	NCAC 06R	.0906	10A	NCAC 06T	.0205
10A	NCAC 06R	.0302	10A	NCAC 06R	.0907	10A	NCAC 06T	.0206
10A	NCAC 06R	.0303	10A	NCAC 06R	.0908	10A	NCAC 06U	.0101
10A	NCAC 06R	.0304	10A	NCAC 06S	.0101	10A	NCAC 06U	.0102
10A	NCAC 06R	.0305	10A	NCAC 06S	.0102	10A	NCAC 06U	.0103
10A	NCAC 06R	.0306	10A	NCAC 06S	.0201	10A	NCAC 06U	.0104
10A	NCAC 06R	.0307	10A	NCAC 06S	.0202	10A	NCAC 06U	.0105
10A	NCAC 06R	.0401	10A	NCAC 06S	.0203	10A	NCAC 06U	.0106
10A	NCAC 06R	.0402	10A	NCAC 06S	.0204	10A	NCAC 06V	.0101
10A	NCAC 06R	.0403	10A	NCAC 06S	.0301	10A	NCAC 06V	.0201
10A	NCAC 06R	.0501	10A	NCAC 06S	.0302	10A	NCAC 06V	.0301
10A	NCAC 06R	.0502	10A	NCAC 06S	.0401	10A	NCAC 06V	.0401
10A	NCAC 06R	.0503	10A	NCAC 06S	.0402	10A	NCAC 06V	.0501
10A	NCAC 06R	.0504	10A	NCAC 06S	.0403	10A	NCAC 06V	.0502
10A	NCAC 06R	.0505	10A	NCAC 06S	.0404	10A	NCAC 06W	.0104
10A	NCAC 06R	.0506	10A	NCAC 06S	.0405	10A	NCAC 06W	.0105
10A	NCAC 06R	.0507	10A	NCAC 06S	.0501	10A	NCAC 06W	.0106
10A	NCAC 06R	.0508	10A	NCAC 06S	.0502	10A	NCAC 06W	.0107
10A	NCAC 06R	.0509	10A	NCAC 06S	.0503	10A	NCAC 06W	.0108
10A	NCAC 06R	.0510	10A	NCAC 06S	.0504	10A	NCAC 06W	.0109
10A	NCAC 06R	.0601	10A	NCAC 06S	.0505	10A	NCAC 06W	.0110
10A	NCAC 06R	.0602	10A	NCAC 06S	.0506	10A	NCAC 06X	.0101
10A	NCAC 06R	.0701	10A	NCAC 06S	.0507	10A	NCAC 06X	.0201
10A	NCAC 06R	.0702	10A	NCAC 06S	.0508	10A	NCAC 06X	.0202
10A	NCAC 06R	.0703	10A	NCAC 06S	.0509	10A	NCAC 06X	.0203
10A	NCAC 06R	.0801	10A	NCAC 06S	.0601	10A	NCAC 06X	.0204



10A	NCAC 06X	.0205	10A	NCAC 06X	.0208	10A	NCAC 06X	.0211
10A	NCAC 06X	.0206	10A	NCAC 06X	.0209	10A	NCAC 06X	.0212
10A	NCAC 06X	.0207	10A	NCAC 06X	.0210	10A	NCAC 06X	.0213
10A	NCAC 06X	.0214						



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Julie Peck, Childcare Commission

**Sent via email only to: [julie.peck@dhhs.nc.gov](mailto:julie.peck@dhhs.nc.gov)**

Re: Readoption deadline for 10A NCAC 09

Dear Ms. Peck,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **September 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

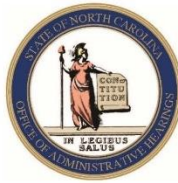
*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC Determination  
Periodic Rule Review  
March 27, 2025  
APO Review: May 28, 2025  
Child Care Commission  
Total: 177

RRC Determination: Necessary	10A	NCAC 09	.0903
10A NCAC 09 .0102	10A	NCAC 09	.1001
10A NCAC 09 .0201	10A	NCAC 09	.1002
10A NCAC 09 .0204	10A	NCAC 09	.1003
10A NCAC 09 .0205	10A	NCAC 09	.1004
10A NCAC 09 .0301	10A	NCAC 09	.1005
10A NCAC 09 .0302	10A	NCAC 09	.1101
10A NCAC 09 .0304	10A	NCAC 09	.1102
10A NCAC 09 .0403	10A	NCAC 09	.1103
10A NCAC 09 .0508	10A	NCAC 09	.1104
10A NCAC 09 .0509	10A	NCAC 09	.1105
10A NCAC 09 .0510	10A	NCAC 09	.1106
10A NCAC 09 .0511	10A	NCAC 09	.1301
10A NCAC 09 .0513	10A	NCAC 09	.1401
10A NCAC 09 .0514	10A	NCAC 09	.1402
10A NCAC 09 .0515	10A	NCAC 09	.1403
10A NCAC 09 .0516	10A	NCAC 09	.1702
10A NCAC 09 .0601	10A	NCAC 09	.1703
10A NCAC 09 .0604	10A	NCAC 09	.1704
10A NCAC 09 .0605	10A	NCAC 09	.1706
10A NCAC 09 .0606	10A	NCAC 09	.1707
10A NCAC 09 .0607	10A	NCAC 09	.1708
10A NCAC 09 .0608	10A	NCAC 09	.1709
10A NCAC 09 .0701	10A	NCAC 09	.1710
10A NCAC 09 .0703	10A	NCAC 09	.1711
10A NCAC 09 .0704	10A	NCAC 09	.1712
10A NCAC 09 .0710	10A	NCAC 09	.1713
10A NCAC 09 .0711	10A	NCAC 09	.1714
10A NCAC 09 .0713	10A	NCAC 09	.1715
10A NCAC 09 .0714	10A	NCAC 09	.1716
10A NCAC 09 .0801	10A	NCAC 09	.1718
10A NCAC 09 .0802	10A	NCAC 09	.1719
10A NCAC 09 .0803	10A	NCAC 09	.1720
10A NCAC 09 .0804	10A	NCAC 09	.1721
10A NCAC 09 .0806	10A	NCAC 09	.1722
10A NCAC 09 .0901	10A	NCAC 09	.1723
10A NCAC 09 .0902	10A	NCAC 09	.1724

10A	NCAC 09	.1725	10A	NCAC 09	.2504
10A	NCAC 09	.1726	10A	NCAC 09	.2505
10A	NCAC 09	.1727	10A	NCAC 09	.2506
10A	NCAC 09	.1728	10A	NCAC 09	.2508
10A	NCAC 09	.1729	10A	NCAC 09	.2509
10A	NCAC 09	.1730	10A	NCAC 09	.2510
10A	NCAC 09	.1801	10A	NCAC 09	.2513
10A	NCAC 09	.1802	10A	NCAC 09	.2611
10A	NCAC 09	.1803	10A	NCAC 09	.2612
10A	NCAC 09	.1804	10A	NCAC 09	.2613
10A	NCAC 09	.2001	10A	NCAC 09	.2614
10A	NCAC 09	.2002	10A	NCAC 09	.2615
10A	NCAC 09	.2003	10A	NCAC 09	.2616
10A	NCAC 09	.2004	10A	NCAC 09	.2701
10A	NCAC 09	.2005	10A	NCAC 09	.2702
10A	NCAC 09	.2101	10A	NCAC 09	.2703
10A	NCAC 09	.2102	10A	NCAC 09	.2704
10A	NCAC 09	.2201	10A	NCAC 09	.2801
10A	NCAC 09	.2202	10A	NCAC 09	.2802
10A	NCAC 09	.2203	10A	NCAC 09	.2806
10A	NCAC 09	.2204	10A	NCAC 09	.2809
10A	NCAC 09	.2205	10A	NCAC 09	.2817
10A	NCAC 09	.2206	10A	NCAC 09	.2818
10A	NCAC 09	.2207	10A	NCAC 09	.2819
10A	NCAC 09	.2209	10A	NCAC 09	.2820
10A	NCAC 09	.2213	10A	NCAC 09	.2821
10A	NCAC 09	.2214	10A	NCAC 09	.2822
10A	NCAC 09	.2215	10A	NCAC 09	.2823
10A	NCAC 09	.2216	10A	NCAC 09	.2824
10A	NCAC 09	.2318	10A	NCAC 09	.2825
10A	NCAC 09	.2401	10A	NCAC 09	.2827
10A	NCAC 09	.2402	10A	NCAC 09	.2828
10A	NCAC 09	.2403	10A	NCAC 09	.2829
10A	NCAC 09	.2404	10A	NCAC 09	.2830
10A	NCAC 09	.2405	10A	NCAC 09	.2831
10A	NCAC 09	.2406	10A	NCAC 09	.2901
10A	NCAC 09	.2407	10A	NCAC 09	.2902
10A	NCAC 09	.2408	10A	NCAC 09	.2903
10A	NCAC 09	.2409	10A	NCAC 09	.2904
10A	NCAC 09	.2410	10A	NCAC 09	.2905
10A	NCAC 09	.2411	10A	NCAC 09	.3001
10A	NCAC 09	.2501	10A	NCAC 09	.3002
10A	NCAC 09	.2502	10A	NCAC 09	.3003
10A	NCAC 09	.2503	10A	NCAC 09	.3005

10A	NCAC 09	.3006
10A	NCAC 09	.3007
10A	NCAC 09	.3008
10A	NCAC 09	.3009
10A	NCAC 09	.3010
10A	NCAC 09	.3011
10A	NCAC 09	.3012
10A	NCAC 09	.3013
10A	NCAC 09	.3014
10A	NCAC 09	.3015
10A	NCAC 09	.3016
10A	NCAC 09	.3017
10A	NCAC 09	.3101
10A	NCAC 09	.3102
10A	NCAC 09	.3103
10A	NCAC 09	.3104



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Shanah Black

**Sent via email to: Shanah.Black@dhhs.nc.gov**

Re: Readoption deadline for 10A NCAC 13L, 13M, 13O

Dear Mrs. Black:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **May 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

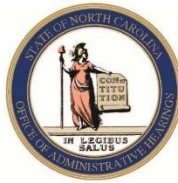
John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
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Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC Determination  
Periodic Rule Review  
April 24, 2025  
APO Review: June 25, 2025  
Medical Care Commission  
Total: 15

RRC Determination: Necessary

10A	NCAC 13L	.0101
10A	NCAC 13L	.0201
10A	NCAC 13L	.0202
10A	NCAC 13L	.0203
10A	NCAC 13L	.0204
10A	NCAC 13L	.0301
10A	NCAC 13L	.0302
10A	NCAC 13L	.0303
10A	NCAC 13M	.0101
10A	NCAC 13M	.0201
10A	NCAC 13O	.0101
10A	NCAC 13O	.0102
10A	NCAC 13O	.0201
10A	NCAC 13O	.0202
10A	NCAC 13O	.0301



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Denise Baker

**Sent via email to: [denise.baker@dhhs.nc.gov](mailto:denise.baker@dhhs.nc.gov)**

Re: Readoption deadline for 10A NCAC 27E, 27F, 27H, 27I

Dear Ms. Baker:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), **Subchapters 27E, 27F, 27H, and 27I** of the rules listed in the attachment shall be readopted by the agency no later than **January 1, 2031**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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**RULES REVIEW COMMISSION**

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RRC Determination  
Periodic Rule Review  
March 27, 2025  
APO Review: May 28, 2025  
Mental Health/DD/SAS, Commission for  
Total: 85

**RRC Determination: Necessary**

10A	NCAC 27E	.0101	10A	NCAC 27H	.0308	10A	NCAC 28A	.0206
10A	NCAC 27E	.0102	10A	NCAC 27H	.0309	10A	NCAC 28A	.0207
10A	NCAC 27E	.0103	10A	NCAC 27H	.0401	10A	NCAC 28A	.0208
10A	NCAC 27E	.0104	10A	NCAC 27H	.0402	10A	NCAC 28A	.0209
10A	NCAC 27E	.0105	10A	NCAC 27H	.0403	10A	NCAC 28A	.0210
10A	NCAC 27E	.0106	10A	NCAC 27H	.0404	10A	NCAC 28A	.0211
10A	NCAC 27E	.0107	10A	NCAC 27H	.0405	10A	NCAC 28A	.0212
10A	NCAC 27E	.0108	10A	NCAC 27H	.0406	10A	NCAC 28A	.0301
10A	NCAC 27E	.0201	10A	NCAC 27H	.0407	10A	NCAC 28A	.0302
10A	NCAC 27F	.0101	10A	NCAC 27H	.0601	10A	NCAC 28A	.0303
10A	NCAC 27F	.0102	10A	NCAC 27H	.0602	10A	NCAC 28A	.0304
10A	NCAC 27F	.0103	10A	NCAC 27H	.0603	10A	NCAC 28A	.0305
10A	NCAC 27F	.0104	10A	NCAC 27H	.0604	10A	NCAC 28A	.0306
10A	NCAC 27F	.0105	10A	NCAC 27H	.0605			
10A	NCAC 27H	.0101	10A	NCAC 27H	.0606			
10A	NCAC 27H	.0102	10A	NCAC 27H	.0607			
10A	NCAC 27H	.0103	10A	NCAC 27I	.0401			
10A	NCAC 27H	.0104	10A	NCAC 27I	.0402			
10A	NCAC 27H	.0105	10A	NCAC 27I	.0403			
10A	NCAC 27H	.0106	10A	NCAC 27I	.0404			
10A	NCAC 27H	.0107	10A	NCAC 27I	.0601			
10A	NCAC 27H	.0108	10A	NCAC 27I	.0602			
10A	NCAC 27H	.0201	10A	NCAC 27I	.0603			
10A	NCAC 27H	.0202	10A	NCAC 27I	.0604			
10A	NCAC 27H	.0203	10A	NCAC 27I	.0605			
10A	NCAC 27H	.0204	10A	NCAC 27I	.0606			
10A	NCAC 27H	.0205	10A	NCAC 27I	.0607			
10A	NCAC 27H	.0206	10A	NCAC 27I	.0608			
10A	NCAC 27H	.0207	10A	NCAC 27I	.0609			
10A	NCAC 27H	.0301	10A	NCAC 28A	.0101			
10A	NCAC 27H	.0302	10A	NCAC 28A	.0102			
10A	NCAC 27H	.0303	10A	NCAC 28A	.0201			
10A	NCAC 27H	.0304	10A	NCAC 28A	.0202			
10A	NCAC 27H	.0305	10A	NCAC 28A	.0203			
10A	NCAC 27H	.0306	10A	NCAC 28A	.0204			
10A	NCAC 27H	.0307	10A	NCAC 28A	.0205			



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Misty Piekaar, Social Services Commission

**Sent via email only to: [Misty.Piekaar@dhhs.nc.gov](mailto:Misty.Piekaar@dhhs.nc.gov)**

Re: Readoption deadline for 10 NCAC 97

Dear Ms. Piekaar,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **August 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC DETERMINATION  
 PERIODIC RULE REVIEW  
 February 27, 2025  
 APO Review: April 30, 2025  
 Social Services Commission  
 Total: 92

RRC Determination: Necessary

10A NCAC 97A .0101	10A NCAC 97C .0104	10A NCAC 97C .0507
10A NCAC 97B .0101	10A NCAC 97C .0105	10A NCAC 97C .0601
10A NCAC 97B .0102	10A NCAC 97C .0106	10A NCAC 97C .0602
10A NCAC 97B .0103	10A NCAC 97C .0107	10A NCAC 97C .0603
10A NCAC 97B .0201	10A NCAC 97C .0108	10A NCAC 97C .0604
10A NCAC 97B .0202	10A NCAC 97C .0109	10A NCAC 97C .0605
10A NCAC 97B .0203	10A NCAC 97C .0110	10A NCAC 97C .0606
10A NCAC 97B .0301	10A NCAC 97C .0111	10A NCAC 97C .0701
10A NCAC 97B .0302	10A NCAC 97C .0112	10A NCAC 97C .0702
10A NCAC 97B .0401	10A NCAC 97C .0113	10A NCAC 97C .0801
10A NCAC 97B .0402	10A NCAC 97C .0201	10A NCAC 97C .0901
10A NCAC 97B .0403	10A NCAC 97C .0202	10A NCAC 97C .1001
10A NCAC 97B .0404	10A NCAC 97C .0203	10A NCAC 97C .1002
10A NCAC 97B .0405	10A NCAC 97C .0204	10A NCAC 97C .1003
10A NCAC 97B .0406	10A NCAC 97C .0205	10A NCAC 97C .1004
10A NCAC 97B .0501	10A NCAC 97C .0206	10A NCAC 97C .1005
10A NCAC 97B .0502	10A NCAC 97C .0207	10A NCAC 97C .1101
10A NCAC 97B .0602	10A NCAC 97C .0208	10A NCAC 97C .1201
10A NCAC 97B .0603	10A NCAC 97C .0209	10A NCAC 97C .1202
10A NCAC 97B .0604	10A NCAC 97C .0210	10A NCAC 97C .1301
10A NCAC 97B .0701	10A NCAC 97C .0211	10A NCAC 97C .1302
10A NCAC 97B .0702	10A NCAC 97C .0301	10A NCAC 97D .0101
10A NCAC 97B .0801	10A NCAC 97C .0302	
10A NCAC 97B .0802	10A NCAC 97C .0307	
10A NCAC 97B .0803	10A NCAC 97C .0308	
10A NCAC 97B .1001	10A NCAC 97C .0401	
10A NCAC 97B .1002	10A NCAC 97C .0402	
10A NCAC 97B .1003	10A NCAC 97C .0403	
10A NCAC 97B .1004	10A NCAC 97C .0404	
10A NCAC 97B .1101	10A NCAC 97C .0501	
10A NCAC 97B .1102	10A NCAC 97C .0502	
10A NCAC 97B .1103	10A NCAC 97C .0503	
10A NCAC 97C .0101	10A NCAC 97C .0504	
10A NCAC 97C .0102	10A NCAC 97C .0505	
10A NCAC 97C .0103	10A NCAC 97C .0506	



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Jennifer Everett, Water Treatment Facilities Operator Certification Board

**Sent via email only to: [jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)**

Re: Readoption deadline for 15A NCAC 18D

Dear Ms. Everett,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **June 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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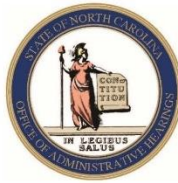
RRC DETERMINATION  
PERIODIC RULE REVIEW  
May 29, 2025

APO Review: July 30, 2025

Water Treatment Facility Operators Certification Board  
Total: 19

RRC Determination: Necessary

15A NCAC 18D .0103  
15A NCAC 18D .0105  
15A NCAC 18D .0201  
15A NCAC 18D .0202  
15A NCAC 18D .0203  
15A NCAC 18D .0205  
15A NCAC 18D .0206  
15A NCAC 18D .0301  
15A NCAC 18D .0303  
15A NCAC 18D .0304  
15A NCAC 18D .0307  
15A NCAC 18D .0308  
15A NCAC 18D .0309  
15A NCAC 18D .0401  
15A NCAC 18D .0404  
15A NCAC 18D .0501  
15A NCAC 18D .0508  
15A NCAC 18D .0601  
15A NCAC 18D .0701



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Steven Brown, Department of Revenue

**Sent via email only to: Steven.Brown@ncdor.gov**

Re: Readoption deadline for 17 NCAC 06

Dear Mr. Brown,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the October 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC Determination  
 Periodic Rule Review  
 May 29, 2025  
 APO Review: July 30, 2025  
 Revenue, Department of  
 Total: 60

RRC Determination: Necessary

17	NCAC 06B	.0102	17	NCAC 06B	.4003
17	NCAC 06B	.0104	17	NCAC 06B	.4004
17	NCAC 06B	.0106	17	NCAC 06B	.4005
17	NCAC 06B	.0107	17	NCAC 06B	.4006
17	NCAC 06B	.0109	17	NCAC 06B	.4101
17	NCAC 06B	.0112	17	NCAC 06B	.4103
17	NCAC 06B	.0113	17	NCAC 06C	.0107
17	NCAC 06B	.0114	17	NCAC 06C	.0108
17	NCAC 06B	.0115	17	NCAC 06C	.0112
17	NCAC 06B	.0116	17	NCAC 06C	.0117
17	NCAC 06B	.0119	17	NCAC 06C	.0119
17	NCAC 06B	.0607	17	NCAC 06C	.0120
17	NCAC 06B	.3203	17	NCAC 06C	.0123
17	NCAC 06B	.3204	17	NCAC 06C	.0124
17	NCAC 06B	.3206	17	NCAC 06C	.0126
17	NCAC 06B	.3402	17	NCAC 06C	.0201
17	NCAC 06B	.3404	17	NCAC 06C	.0203
17	NCAC 06B	.3406	17	NCAC 06C	.0204
17	NCAC 06B	.3501	17	NCAC 06D	.0102
17	NCAC 06B	.3503	17	NCAC 06D	.0201
17	NCAC 06B	.3513	17	NCAC 06D	.0207
17	NCAC 06B	.3521	17	NCAC 06D	.0208
17	NCAC 06B	.3527	17	NCAC 06D	.0209
17	NCAC 06B	.3528	17	NCAC 06D	.0210
17	NCAC 06B	.3529			
17	NCAC 06B	.3714			
17	NCAC 06B	.3716			
17	NCAC 06B	.3723			
17	NCAC 06B	.3724			
17	NCAC 06B	.3804			
17	NCAC 06B	.3901			
17	NCAC 06B	.3902			
17	NCAC 06B	.3903			
17	NCAC 06B	.3904			
17	NCAC 06B	.3905			
17	NCAC 06B	.3906			



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Johnny Loper

**Sent via email to: [jloper@loper-law.com](mailto:jloper@loper-law.com)**

Re: Readoption deadline for 21 NCAC 42

Dear Mr. Loper:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **May 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC Determination  
 Periodic Rule Review  
 March 27, 2025  
 APO Review: May 28, 2025  
 Optometry, Board of Examiners in  
 Total: 74

RRC Determination: Necessary

21	NCAC 42A	.0101	21	NCAC 42K	.0205
21	NCAC 42A	.0102	21	NCAC 42K	.0301
21	NCAC 42A	.0105	21	NCAC 42K	.0401
21	NCAC 42B	.0101	21	NCAC 42K	.0402
21	NCAC 42B	.0103	21	NCAC 42K	.0501
21	NCAC 42B	.0107	21	NCAC 42K	.0502
21	NCAC 42B	.0108	21	NCAC 42K	.0503
21	NCAC 42B	.0110	21	NCAC 42K	.0504
21	NCAC 42B	.0112	21	NCAC 42K	.0601
21	NCAC 42B	.0113	21	NCAC 42K	.0602
21	NCAC 42B	.0114	21	NCAC 42K	.0603
21	NCAC 42B	.0201	21	NCAC 42K	.0701
21	NCAC 42B	.0202	21	NCAC 42K	.0702
21	NCAC 42B	.0203	21	NCAC 42K	.0703
21	NCAC 42B	.0204	21	NCAC 42K	.0704
21	NCAC 42B	.0302	21	NCAC 42L	.0101
21	NCAC 42B	.0303	21	NCAC 42L	.0102
21	NCAC 42B	.0304	21	NCAC 42L	.0103
21	NCAC 42B	.0305	21	NCAC 42L	.0104
21	NCAC 42C	.0102	21	NCAC 42L	.0105
21	NCAC 42C	.0104	21	NCAC 42L	.0106
21	NCAC 42C	.0105	21	NCAC 42L	.0107
21	NCAC 42D	.0102	21	NCAC 42L	.0108
21	NCAC 42E	.0101	21	NCAC 42L	.0109
21	NCAC 42E	.0102	21	NCAC 42L	.0110
21	NCAC 42E	.0103	21	NCAC 42L	.0111
21	NCAC 42E	.0104	21	NCAC 42L	.0112
21	NCAC 42E	.0201	21	NCAC 42L	.0113
21	NCAC 42E	.0203	21	NCAC 42L	.0114
21	NCAC 42E	.0301	21	NCAC 42L	.0115
21	NCAC 42E	.0302	21	NCAC 42L	.0116
21	NCAC 42K	.0101	21	NCAC 42M	.0101
21	NCAC 42K	.0102	21	NCAC 42M	.0102
21	NCAC 42K	.0201	21	NCAC 42M	.0103
21	NCAC 42K	.0202	21	NCAC 42M	.0104
21	NCAC 42K	.0203	21	NCAC 42M	.0105
21	NCAC 42K	.0204	21	NCAC 42M	.0106



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

October 30, 2025

Dr. William Croft, Executive Director

**Sent via email to: [bcroft@ncrcb.org](mailto:bcroft@ncrcb.org)**

Re: Readoption deadline for 21 NCAC 61

Dear Mr. Croft:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on October 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **February 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
RRC Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
June 26, 2025  
APO Review: August 27, 2025  
Respiratory Care Board  
Total: 40

RRC Determination: Necessary

21 NCAC 61 .0101	21 NCAC 61 .0713
21 NCAC 61 .0103	21 NCAC 61 .0714
21 NCAC 61 .0104	21 NCAC 61 .0801
21 NCAC 61 .0201	21 NCAC 61 .0901
21 NCAC 61 .0202	
21 NCAC 61 .0203	
21 NCAC 61 .0204	
21 NCAC 61 .0205	
21 NCAC 61 .0301	
21 NCAC 61 .0302	
21 NCAC 61 .0303	
21 NCAC 61 .0305	
21 NCAC 61 .0306	
21 NCAC 61 .0307	
21 NCAC 61 .0308	
21 NCAC 61 .0309	
21 NCAC 61 .0310	
21 NCAC 61 .0401	
21 NCAC 61 .0501	
21 NCAC 61 .0502	
21 NCAC 61 .0504	
21 NCAC 61 .0601	
21 NCAC 61 .0602	
21 NCAC 61 .0604	
21 NCAC 61 .0701	
21 NCAC 61 .0702	
21 NCAC 61 .0703	
21 NCAC 61 .0704	
21 NCAC 61 .0705	
21 NCAC 61 .0706	
21 NCAC 61 .0707	
21 NCAC 61 .0708	
21 NCAC 61 .0709	
21 NCAC 61 .0710	
21 NCAC 61 .0711	
21 NCAC 61 .0712	

**LIST OF APPROVED PERMANENT RULES**

**October 30, 2025 Meeting**

**MENTAL HEALTH/DD/SAS, COMMISSION FOR**

<u>Disposal of Unused Controlled Substances from Nursing Home</u>	10A NCAC	26E	.0406
<u>Medication Units and Mobile Units</u>	10A NCAC	27G	.3605

**PRIVATE PROTECTIVE SERVICES BOARD**

<u>Application for Unarmed Security Guard Registration</u>	14B NCAC	16	.0701
<u>Application/Armed Security Guard Firearm Registration Permit</u>	14B NCAC	16	.0801
<u>Application for Unarmed Armored Car Service Guard Registr...</u>	14B NCAC	16	.1301
<u>Application/Armed Armored Car Service Guard Firearm Regis...</u>	14B NCAC	16	.1401

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Fresh Surface Water Quality Standards for Class B Waters</u>	15A NCAC	02B	.0219
<u>Exemptions From Surface Water Quality Standards</u>	15A NCAC	02B	.0226
<u>Groundwater Quality Standards</u>	15A NCAC	02L	.0202

**COASTAL RESOURCES COMMISSION**

<u>Coastal Shorelines</u>	15A NCAC	07H	.0209
<u>Use Standards for Ocean Hazard Areas: Exceptions</u>	15A NCAC	07H	.0309

**ONSITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD**

<u>Definitions</u>	21 NCAC	39	.0101
<u>Types of Certification</u>	21 NCAC	39	.0102
<u>Annual Reports</u>	21 NCAC	39	.0103
<u>Application Requirements for Certification</u>	21 NCAC	39	.0201
<u>Business Succession</u>	21 NCAC	39	.0202
<u>Schedule of Certification Fees</u>	21 NCAC	39	.0301
<u>On-site Wastewater Contractor, Inspector, or Evaluator Ex...</u>	21 NCAC	39	.0401
<u>Time and Place of Examination</u>	21 NCAC	39	.0402
<u>Conducting and Grading Examinations</u>	21 NCAC	39	.0403
<u>Issuance of Certificates</u>	21 NCAC	39	.0404
<u>Licensure for Military-Trained Applicant; Licensure for M...</u>	21 NCAC	39	.0405
<u>Conditions and Limitations for Renewal of Certification</u>	21 NCAC	39	.0501
<u>Requirements</u>	21 NCAC	39	.0601
<u>Approval of Continuing Education Courses</u>	21 NCAC	39	.0602
<u>Recordkeeping</u>	21 NCAC	39	.0604
<u>Extension of Time</u>	21 NCAC	39	.0605
<u>Revocation, or Suspension of Certification</u>	21 NCAC	39	.0701
<u>Certification Following Revocation or Voluntary Surrender...</u>	21 NCAC	39	.0702
<u>Penalties</u>	21 NCAC	39	.0703
<u>Code of Ethics</u>	21 NCAC	39	.0801
<u>Cooperation with Board Inquiry</u>	21 NCAC	39	.0802
<u>Delegating to Third-Party Service Providers</u>	21 NCAC	39	.0803
<u>Petition for Rule-Making</u>	21 NCAC	39	.0901
<u>Request for Declaratory Ruling</u>	21 NCAC	39	.0902
<u>Refusal to Issue Declaratory Ruling</u>	21 NCAC	39	.0903

<u>Waiver or Extension</u>	21 NCAC 39 .0904
<u>Definitions</u>	21 NCAC 39 .1001
<u>General Requirements for Contractors and Inspectors</u>	21 NCAC 39 .1002
<u>General Exclusions of an Inspection</u>	21 NCAC 39 .1004
<u>On-Site Wastewater System Components</u>	21 NCAC 39 .1005
<u>Minimum On-Site Wastewater System Inspection</u>	21 NCAC 39 .1006
<u>Definitions</u>	21 NCAC 39 .1101
<u>General Requirements for Evaluators</u>	21 NCAC 39 .1102
<u>General Exclusions for Evaluators</u>	21 NCAC 39 .1103
<u>Required Documents for Evaluators</u>	21 NCAC 39 .1104

**LIST OF APPROVED TEMPORARY RULES**  
**October 30, 2025 Meeting**

**CODE OFFICIALS QUALIFICATION BOARD**

<u>Required Qualifications</u>	11 NCAC 08 .0706
<u>Building Inspector Level I, II and III</u>	11 NCAC 08 .0737
<u>Electrical Inspector Level I, II and III</u>	11 NCAC 08 .0738
<u>Mechanical Inspector Level I, II and III</u>	11 NCAC 08 .0739
<u>Plumbing Inspector Level I, II and III</u>	11 NCAC 08 .0740
<u>Fire Inspector Level I, II and III</u>	11 NCAC 08 .0741

**EDUCATION, STATE BOARD OF**

<u>Qualifications of School Nurses</u>	16 NCAC 06C .0110
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**FUNERAL SERVICE, BOARD OF**

<u>Character Affidavit Form</u>	21 NCAC 34A .0122
<u>Fees and Other Payments</u>	21 NCAC 34A .0201
<u>Authorized Practice: Supervision</u>	21 NCAC 34B .0103
<u>Funeral Director Trainee Application Form</u>	21 NCAC 34B .0105
<u>Embalmer Trainee Application Form</u>	21 NCAC 34B .0106
<u>Funeral Service Trainee Application Form</u>	21 NCAC 34B .0107
<u>Trainee Final Affidavit Form</u>	21 NCAC 34B .0120
<u>National Board Certificate</u>	21 NCAC 34B .0211
<u>Practice of Funeral Service or Funeral Directing Not as a...</u>	21 NCAC 34B .0310
<u>Procedures for Provisional Licensure</u>	21 NCAC 34B .0313
<u>Continuing Education Program</u>	21 NCAC 34B .0408
<u>Application Form and Equivalent Examinations for Reciproc...</u>	21 NCAC 34B .0502
<u>Application Form for Funeral Establishment Permit</u>	21 NCAC 34B .0608
<u>Funeral Establishment Permit Renewal Form</u>	21 NCAC 34B .0610
<u>Body Identification Tags</u>	21 NCAC 34B .0616
<u>Practicing During Disasters</u>	21 NCAC 34B .0617
<u>Practicing During Emergencies</u>	21 NCAC 34B .0618
<u>Definitions</u>	21 NCAC 34B .0801
<u>Initial Permit Application Form</u>	21 NCAC 34B .0802
<u>Permit Renewal Application Form</u>	21 NCAC 34B .0803
<u>Initial Transportation Service Permit Application Form</u>	21 NCAC 34B .0807

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***RULES REVIEW COMMISSION***

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<u>Transportation Service Permit Renewal Application Form</u>	21 NCAC	34B	.0808
<u>Election to Crematory Authority</u>	21 NCAC	34C	.0101
<u>Transfer of Trust Funds to Insurance Funded Product</u>	21 NCAC	34D	.0305