

NORTH CAROLINA

REGISTER

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PUBLISHED BY

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Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings

Rules Division

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Raleigh, North Carolina 27603

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Raleigh, North Carolina 27601

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NORTH CAROLINA REGISTER
 Publication Schedule for January 2026 – December 2026

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/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
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
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
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
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
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

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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

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: Adam Trailers Inc

Applicant's Address: 206 Gienow Road Rural Retreat, VA. 24368

Application Date: 12/03/2025

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

Roger L. Dalton

Elizabeth K. Dalton

Carolyn Dye

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: LIBERTY INDUSTRIES INVESTMENTS LLC

Applicant's Address: 130 E CEMETERY RD, FILLMORE, IN 46128

Application Date: DECEMBER 3, 2025

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

MICHAEL G TESO, JR - PRESIDENT

North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: Triple Crown Trailers LLC

Applicant's Address: 4251 s Pine Ave Ocala, FL 34480

Application Date: 12/05/2025

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

Joshua Diez

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: TRIPLE CROWN TRAILERS NC, LLC

Applicant's Address: 1400 16th Street NE
Hickory, NC 28601

Application Date: 12/04/2025

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

MARTY L. LORICK, MEMBER

**NARROW THERAPEUTIC INDEX DRUGS DESIGNATED BY THE NORTH
CAROLINA SECRETARY OF HUMAN RESOURCES**

Pursuant to N.C.G.S. §90-85.27(4a), this is a revised publication from the North Carolina Board of Pharmacy of narrow therapeutic index drugs designated by the North Carolina Secretary of Human Resources upon the advice of the State Health Director, North Carolina Board of Pharmacy, and North Carolina Medical Board.

Carbamazepine: all oral dosage forms
Cyclosporine: all oral dosage forms
Digoxin: all oral dosage forms
Ethosuximide
Levothyroxine sodium tablets
Lithium (including all salts): all oral dosage forms
Phenytoin (including all salts): all oral dosage forms
Procainamide
Theophylline (including all salts): all oral dosage forms
Warfarin sodium tablets
Tacrolimus: all oral dosage forms

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 02 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Agriculture intends to readopt without substantive changes the rules cited as 02 NCAC 31A .0101, .0102; and 31C .0101-.0104.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncagr.gov/divisions/legal-affairs/rules/legal-affairs-proposed-rules>

Proposed Effective Date: May 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than January 17th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.

Reason for Proposed Action: Required readoption, as part of the periodic review process required by G.S. 150B-21.3A

Comments may be submitted to: Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (984) 236-4509; email rulesreview@ncagr.gov

Comment period ends: March 3, 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 (>= \$1,000,000)
 Approved by OSBM
 No fiscal note required

CHAPTER 31 - AGRICULTURAL HALL OF FAME

SUBCHAPTER 31A - PURPOSE

02 NCAC 31A .0101 CREATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 31A .0102 ENSHRINEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 31C - ELIGIBILITY

02 NCAC 31C .0101 QUALIFICATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 31C .0102 FIELD OF ACTIVITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 31C .0103 WRITTEN STATEMENT ON CANDIDATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 31C .0104 RECIPIENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Agriculture intends to readopt with substantive changes the rules cited as 02 NCAC 38 .0102, .0203, .0701, and readopt without substantive changes the rules cited as 02 NCAC 38 .0101, .0201, .0202, .0204, .0205, .0301, .0401, .0501, .0502, .0504, .0505, .0507, .0508, .0601-.0604, .0702-.0705, and .0801-.0804.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncagr.gov/divisions/legal-affairs/rules/legal-affairs-rules>

Proposed Effective Date: *May 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than January 17th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.*

Reason for Proposed Action: *Required readoption, as part of the periodic review process required by G.S. 150B-21.3A*

Comments may be submitted to: *Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (984) 236-4509; email rulesreview@ncagr.gov*

Comment period ends: *March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 38 - CONSUMER STANDARDS

SECTION .0100 - PURPOSE AND DEFINITIONS

02 NCAC 38 .0101 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "A.N.S.I." means the American National Standards Institute, Inc.
- (2) "Basket" as used in 02 NCAC 38 .0500 means any container, sheet, or box used in tobacco auction warehouses.

- (3) "Board" means the North Carolina Board of Agriculture.
- (4) "Condemned Equipment" means equipment that is permanently out of service.
- (5) "Director" or "Director of Weights and Measures" means the Director of the Standards Division of the North Carolina Department of Agriculture.
- (6) "N.I.S.T." means the National Institute of Standards and Technology.
- (7) "N.C.W.M." means the National Conference Council on Weights and Measures.
- (8) "Rejected Equipment" means equipment that is incorrect, which is considered susceptible ~~of~~ to proper repair.
- (9) "Weight(s) and/or Measure(s)" means all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

Authority G.S. 81A-1.

SECTION .0200 - APPROVAL OF WEIGHING AND MEASURING DEVICES

02 NCAC 38 .0201 ADOPTION BY REFERENCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0202 WEIGHING AND MEASURING DEVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0203 TYPE APPROVAL OF WEIGHING AND MEASURING DEVICES

- (a) Each type or model or pattern or design of weight or measure or weighing or measuring device intended for use in trade in this state, generally known as commercial use, shall first be submitted or demonstrated by the manufacturer for the purpose of approval, and be approved by the Director of the Standards Division at Raleigh, North Carolina, or such other place as agreed upon, in accordance with National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices". The expense incurred in obtaining approval shall be borne by the manufacturer in accordance with G.S. 81A-10.
- (b) The Director may accept in lieu of the requirement in (a) of this Rule, a Certificate of Conformance issued by the National Conference Council of Weights and Measures.

Authority G.S. 81A-2.

02 NCAC 38 .0204 RECORD OF APPROVED WEIGHING AND MEASURING DEVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0205 REPAIRS TO REJECTED WEIGHING DEVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - PACKAGE AND LABELING REQUIREMENTS

02 NCAC 38 .0301 ADOPTION BY REFERENCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - METHOD OF SALE OF COMMODITIES

02 NCAC 38 .0401 ADOPTION BY REFERENCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - LEAF TOBACCO

02 NCAC 38 .0501 TOBACCO OFFERED FOR SALE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0502 BASKETS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0504 WEIGHING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0505 VARIATIONS IN WEIGHT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0507 VIOLATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0508 CUSTODIAN OF TOBACCO (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - SALE OF PETROLEUM PRODUCTS

02 NCAC 38 .0601 RETAIL MOTOR FUEL DISPENSERS/HALF-PRICING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0602 METRIC SALES OF RETAIL MOTOR FUEL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0603 PRICE AND VOLUME CONSISTENCY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 38 .0604 PRICE POSTING/CASH DISCOUNTS FOR RETAIL MOTOR FUEL SALES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - STANDARDS FOR STORAGE, HANDLING AND INSTALLATION OF LP GAS

02 NCAC 38 .0701 ADOPTION BY REFERENCE

The following are incorporated by reference, including subsequent amendments and editions, as standards for storage, handling and installation of liquefied petroleum gas:

(1) National Fire Protection Association, document NFPA 58 "Liquefied Petroleum Gas Code," with the following additions and exceptions:

(a) "Firm Foundation" means that the foundation material has a level top surface, rests on solid ground, is constructed of a masonry material or wood treated to prevent decay by moisture rot, and will not settle, careen or deteriorate;

(b) No person shall use liquefied petroleum gas as a source of pressure in lieu of compressed air in spray guns or other pressure operated equipment, except that liquefied petroleum gas may be used as a source of pressure for operating internal valves and emergency shutoff valves;

(c) Piping, tubing, or regulators shall be considered well supported when they are rigidly fastened in their intended position;

(d) At bulk storage installations, the bulkhead and the plant piping on the hose side of the bulkhead shall be designed and constructed so that an application of force from the hose side will not result in damage to the plant piping on the tank side of the bulkhead. In addition, the bulkhead shall incorporate a means, for instance, mechanical or pneumatic, to automatically close emergency valves in the event of a pull away;

(e) As an alternative to the requirement for a fire safety analysis, the owner, or his designee, of an LP-gas facility which utilizes individual storage containers in excess of 4,000 gallons water capacity, storage containers interconnected through the liquid withdrawal outlets of the containers with an aggregate water capacity in excess of 4,000 gallons, or storage containers interconnected through the vapor withdrawal outlets of the containers with an aggregate capacity in excess of 6,000 gallons, shall, for all installations of containers of such capacity or for additions to an existing LP-gas facility which result in containers in excess of such capacity, meet with fire officials for the jurisdiction in which the facility is located in order to:

(i) review potential exposure to fire hazards to or from real property which is adjacent to such facility;

(ii) identify emergency access routes to such facility; and

(iii) review the equipment and emergency shut-down procedures for the facility.

The owner of such facility or his designee shall document in writing the time, date and place of such meeting(s), the participants in the meeting, and the discussions at the meeting in order to provide a written record of the meeting. This documentation shall be made available to the Department not later than 60 days after installation of the new or additional containers. Compliance with the availability requirement shall be met by having a copy of the documentation kept on site or at the owner's office and available for review by NCDA&CS inspection personnel as soon as it is requested. This meeting, review, and documentation shall be repeated when the North Carolina Department of Agriculture and Consumer Services determines that the plant design has changed or that potential exposures have significantly changed, so as to increase the likelihood of injury.

(f) An LP-gas facility which utilizes storage containers that are interconnected through the vapor withdrawal outlets of the containers only with an aggregate water capacity in excess of 4,000 gallons, but not in excess of 6,000 gallons, is exempt from the requirements of a fire safety analysis; and

(g) A fire safety analysis as described in NFPA 58 may be prepared by the owner of an LP-Gas facility or by an employee of such owner in the course of the employee's employment, and the Department shall not require that it be prepared, approved, or sealed by a professional engineer. Note: This is in keeping with a formal interpretation (F.I. No.: 58-01-2) by the technical committee for Liquefied Petroleum Gases issued by the National Fire Protection Association on November 7, 2001, with an effective date of November 27, 2001. However, the North Carolina Board of Examiners

(h) for Engineers and Surveyors regulates the practice of engineering, and has taken the position that the preparation of a fire safety analysis constitutes the practice of engineering.

The posting of "No Smoking" signs in areas where LP-gas is transferred, dispensed, or stored is recognized as an effective means to control sources of ignition where specified.

(i) Training records for each employee whose job requires the transfer and/or handling of LP-gas as a part of their assigned duties shall be stored or accessible onsite for inspectors.
Training records shall at minimum include the following:

(i) title of the training;

(ii) brief description of the training/topics covered;

(iii) the trainer's name;

(iv) the name of the employee being trained and;

(v) the date of the training.

The record must be signed by both the trainer and the trainee to acknowledge the successful completion of the training. In addition, a post-training assessment should be administered to gauge the trainee's comprehension and the scored results included in their training record.

(j) Where the end of the hose or dispensing nozzle can be extended to violate separation requirements in NFPA 58 Table 6.7.2.1, section 4.10(3), or section 6.28.3.10.2 (2024 edition), points of transfer shall be designated where the end of the hose or dispensing nozzle may be connected to a container for transfers. Such points of transfer shall meet the separation requirements specified in this table or these sections. The designated areas shall be easily identifiable by staff. Training documentation for these designated areas for staff shall be available onsite for inspectors.

(2) National Fire Protection Association document NFPA 54, "National Fuel Gas Code," with the addition that underground service piping shall rise above ground immediately (within six inches of wall) before entering a building.

(3) National Fire Protection Association, document NFPA 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages," Chapter 12 (in 2008 2024 Edition) as it applies to LP-Gas

dispensers for motor vehicle fuel along with dispensers for other motor vehicle fuels.

Copies of NFPA 54, NFPA 58 and NFPA 30A are available for inspection in the Office of the Director of the Standards Division. ~~They NPA 30A and NFPA 58 may be obtained at a cost of fifty-four dollars and fifty cents (\$54.50) one hundred fifty-seven dollars (\$157.00) and for two hundred and forty-six dollars (\$246.00) each for NFPA 54 and NFPA 58 and for forty-two dollars (\$42.00) for NFPA 30A (March 2014 prices); 54, plus shipping, by contacting National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269, by calling them at 617-770-3000 or 800-344-3555, or by accessing them on the Internet at www.nfpa.org/catalog.~~

Authority G.S. 119-55.

**02 NCAC 38 .0702 METERS ON TANK TRUCKS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**02 NCAC 38 .0703 LP GAS INSPECTION REPORT
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**02 NCAC 38 .0704 APPROVED THIRD PARTY
TESTING LABORATORIES (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

**02 NCAC 38 .0705 NOTIFICATION FOR
DISCONNECTION OF SERVICE (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

SECTION .0800 - LIQUID FERTILIZERS

**02 NCAC 38 .0801 ADOPTION BY REFERENCE
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**02 NCAC 38 .0802 APPROVAL FOR ANHYDROUS
AMMONIA INSTALLATIONS (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**02 NCAC 38 .0803 METERS FOR LIQUID
FERTILIZERS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

**02 NCAC 38 .0804 USE OF APPLICATOR TANKS
AS MEASURING DEVICES (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

* * * * *

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Agriculture intends to readopt without substantive changes the rules cited as 02 NCAC 46 .0101, and .0102.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncagr.gov/divisions/legal-affairs/legal-affairs-rules>

Proposed Effective Date: *May 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than January 17th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.*

Reason for Proposed Action: *Required readoption, as part of the periodic review process required by G.S. 150B-21.3A*

Comments may be submitted to: *Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (984) 236-4509; email rulesreview@ncagr.gov*

Comment period ends: *March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 46 - GRAIN DEALERS

**02 NCAC 46 .0101 DEFINITION (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**02 NCAC 46 .0102 INFORMATION REQUIRED
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of State Fire Marshal intends to amend the rules cited as 11 NCAC 05A .0901-0912.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncosfm.gov/about/rules-and-legislative-reports/rules#OSFM-4074>

Proposed Effective Date: May 1, 2026

Public Hearing:

Date: January 27, 2026

Time: 11:00 a.m.

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

Reason for Proposed Action: The proposed amendments to 11 NCAC 05A .0900 update and clarify the minimum standards used to determine public protection classifications for fire districts across the State. The revisions modernize terminology, add definitions needed for consistency with current practices, and align the rules with the North Carolina Fire Suppression Rating Schedule. Several rules are reorganized for clarity, and language throughout the Section has been revised to provide more precise guidance for fire departments seeking certification or inspection under the 9S program. These amendments also update apparatus and equipment requirements, incorporate NFPA standards by reference in a more comprehensive manner, and clarify expectations related to training, staffing, and response capabilities. The amendments strengthen the inspection framework by updating re-inspection timelines, specifying documentation and recordkeeping standards, and refining the process for evaluating non-compliance. They add requirements to ensure maintenance of critical records, including apparatus maintenance logs, SCBA testing, criminal history checks, and incident reports. The rules governing reporting of Aqueous Film Forming Foam (AFFF) have been updated for accuracy and consistency with statutory reporting requirements. The revisions also clarify expectations for fire departments with multiple stations, those operating in extended rural districts, and those utilizing automatic vehicle location systems for dispatch. Overall, the proposed rule changes are intended to improve the accuracy, transparency, and enforceability of the 9S inspection process. By updating technical requirements, aligning procedures with current operational realities, and improving the clarity of the standards applied during inspections, these amendments will support more consistent ratings statewide and enhance public safety through clearer requirements for fire department readiness and performance.

Comments may be submitted to: Kyle Heuser, 1429 Rock Quarry Road, Raleigh, NC 27610; phone (919) 647-0100; email OSFM.Rulemaking@ncdoi.gov

Comment period ends: March 3, 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 (>= \$1,000,000)
 Approved by OSBM
 No fiscal note required

CHAPTER 05 - OFFICE OF STATE FIRE MARSHAL

SUBCHAPTER 05A - FIRE AND RESCUE

SECTION .0900 – PUBLIC PROTECTION CLASSIFICATIONS FOR FIRE DISTRICTS

11 NCAC 05A .0901 DEFINITIONS

As used in this Subchapter:

- (1) "9S Inspection" means an inspection conducted by the Office of State Fire Marshal (OSFM) to ensure compliance with the requirements of this Section in order to receive a public protection classification rating.
- (2) "Automatic Aid" means assistance dispatched automatically by contractual agreement between two communities or fire districts to all structure fires.
- (3) "Eligible Firefighter" means all persons 18 years of age or older who are firefighters as defined by G.S. 58-86-2.
- (4) "Engine" means a motorized vehicle meeting the requirements of NFPA 1901, "Standard for Automotive Fire Apparatus."
- (5) "Fire Department" means an organization established or organized under applicable State and local laws, for the purpose of limiting, reducing, or preventing damage or personal injury caused by fire or other emergency.
- (6) "Fire Districts" or "Insurance Districts" means an area within a city, town, municipality, or county that is established in order to provide fire prevention and fire suppression services.
- (7) "Fire Station" means a building for the housing of fire department apparatus and personnel, a certified engine and personnel.

(8) "Gallons Per Minute" or "GPM" means the volume of water flow from a hose, hydrant, or other fire suppression apparatus.

(9) "Insurance Services Office" or "ISO" means the Insurance Services Office, Inc.

(10) "North Carolina Fire Suppression Rating Schedule" or "NCFRS" shall mean the current edition of the ISO Fire Suppression Rating Schedule.

(9)(11) "Pounds Per Square Inch" or "PSI" means the pressure a gas or liquid exerts on the walls of its container.

(10)(12) "Public Protection Classification" or "PPC" means a rating given to fire districts or insurance districts throughout the State on their ability to provide fire prevention and fire suppression services to affected areas within its jurisdictional boundaries.

(13) "Response District" means an area within a city, town, municipality to which a fire department responds in order to provide fire prevention and fire suppression services.

(11)(14) "Road Miles" are the miles that a fire apparatus will travel from a fire station to an emergency scene.

(12)(15) "Rural Fire District" means a fire district that is outside the jurisdictional boundaries of a city, town, or municipality and is established pursuant to G.S. Chapter 69, Article 3A or G.S. Chapter 153A, Article 11 of the General Statutes.

(14)(16) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred area, area due to the result of a fire.

(14)(17) "Tanker" means a fire truck/engine an apparatus designed to carry water to fires, whether equipped with or without a pump to dispense the water.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0902 PURPOSE

(a) This Section establishes standards for insurance public protection classifications for fire districts throughout the State.

(b) Fire districts in all rural areas of the State and in cities with populations of 100,000 or fewer according to the most recent annual population estimates certified by the State Budget Officer shall be inspected by the Department OSFM in accordance with the requirements of this Section. All other fire districts in the State shall be inspected by the Insurance Services Office ("ISO") in accordance with this Section.

(c) A "PPC 1" is the best rating, and a "PPC 10" indicates that the fire district does not meet the minimum protection requirements.

(d) A fire district that meets the certification requirements set forth in this Section shall be given a public protection classification of "PPC 9S."

(e) A fire district that meets the certification requirements set forth in this Section, but contains properties within its

jurisdictional limits that are more than five but within six road miles from a responding fire station, shall be given a public protection classification rating of "PPC 9E."

(f) If a fire district contains some properties within its jurisdictional limits that meet the requirements of a certain PPC rating, and some properties within its jurisdictional limits that meet the requirements of another PPC rating, the fire district may receive a split rating.

(g) To receive a public protection classification better than a "PPC 9S," a fire district must meet the requirements of this Section and the North Carolina Fire Suppression Rating Schedule ("NCFRS"). Schedule.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0903 RATING OF FIRE DISTRICTS

(a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the following information:

- (1) The name of the fire district;
- (2) The name of the entity that operates the fire district (e.g., city, town, county, or non-profit corporation);
- (3) The name of the person in charge of the entity that operates the fire district; Note: as an example, the president of the board of directors of the fire district, county manager, or city manager;
- (4) The name and title of the Fire Chief or his or her designee; Chief;
- (5) The physical address of the location of every fire station utilized by the fire department;
- (6) The mailing address of the fire department;
- (7) The Federal (FEIN) Tax ID number of the fire department;
- (8) Copies of any contracts with a local government body to provide fire protection; and
- (9) A Geographic Information System ("GIS") computer-generated map of the fire district, and documentation of the approval of the map by the local governing body if applicable.

(b) A fire department may contract with more than one unit of government to provide fire protection. In addition, a local unit of government may contract with more than one fire department to provide fire protection.

(c) 9S Re-Inspections. Fire departments shall be re-inspected by OSFM, OSFM at least every 10-seven years and shall be notified by OSFM of such 9S re-inspection in writing at least 30 days in advance. In addition, upon receipt of information alleging noncompliance with this Section that is reviewed and verified by OSFM, OSFM shall perform unannounced re-inspections of fire departments.

(d) New Station Inspection. A fire department may request a certification inspection for any new additional station that the fire department seeks to include in the rating of its fire district. Before OSFM will conduct the inspection, the fire department must provide the following:

- (1) Proof of Certificate of Occupancy; and

(2) If the fire department is adding to their rated insurance district with an additional station or making any changes to the insurance response district lines, new maps and approvals in accordance with Subparagraph (a)(9) of this Rule.

(e) Merging of fire departments. When two or more fire departments merge into one fire department, OSFM shall conduct a 9S inspection. Before the inspection will be conducted, the fire departments must provide to OSFM the information requirements of required by Paragraph (a) of this Rule.

(f) Unless otherwise approved pursuant to Paragraph (g) of this Rule, a fire district may not extend more than five road miles from a responding fire station.

(g) A rural fire district may extend its boundaries to more than five road miles but within six road miles from a responding fire department if, in addition to the requirements of Paragraph (a) of this Rule, if the fire department enters a written automatic aid contract with another jurisdiction that requires the responding party to respond with at least one piece of fire apparatus capable of carrying at least 1,000 gallons of water. water and the extension is approved by the board of county commissioners of the county to which the rural fire district is extended.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-83-1.

11 NCAC 05A .0904 FACILITIES

(a) A fire station shall be provided with A fire department shall have heating for all-weather protection of apparatus. apparatus at every fire station.

(b) If a fire department has multiple fire stations, each fire station shall not be more than 10 road miles from another fire station within the fire district.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT

(a) Engines. All stations shall have at least one engine that is that:

(1) Is Constructed constructed in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus"; 1901; and

(2) Annually undergoes a fire pump performance test, as identified in NFPA 1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(3)(A) of this Rule shall satisfy this requirement; and

(2)(3) Is Equipped equipped with the following:

(A) A pump certified by an independent third-party certification organization that is accredited for inspection and testing systems on fire apparatus in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus." 1901.

(B) A pump rated at not less than 750 GPM at 150 PSI net pump pressure.

(C) A tank with at least a 300-gallon capacity.

(D) Two 200-foot pre-connected hose lines, with a diameter of 1 ½ inches, 1 ¾ inches, or 2 inches, with nozzles that have a minimum flow of 95 GPM.

(E) At least 20 feet of hard-suction hose in a size to flow the capacity of the engine, or at least 15 feet of soft-suction hose with a diameter of at least four inches.

(F) Four self-contained breathing apparatus (SCBA) in proper working condition. (SCBA). A SCBA shall be considered in proper working condition if the facepiece, back frame and harness, cylinder, hoses, low air alarms, regulators, and accessories are tested and operational in accordance with manufacturer's recommendations. The SCBA's shall be certified in accordance with NFPA 1981, "Standard on Open Circuit Self Contained Breathing Apparatus (SCBA) for Emergency Services." To the extent practicable, SCBAs shall comply with NFPA 1981.

(G) Four spare SCBA cylinders.

(H) One roof ladder at least 12 feet long.

(I) One extension ladder at least 24 feet long.

(J) One folding ladder.

(K) One pike-head axe.

(L) One flat-head axe.

(M) One forcible entry tool.

(N) One pike pole or plaster hook at least 6 feet long.

(O) Two portable, rechargeable hand lights suitable for use in hazardous conditions in accordance with NFPA 70, "National Electrical Code."

(P) 100 feet of utility rope, at least ½ inch in diameter.

(Q) Two 20 pound, 20-pound, class BC portable extinguishers.

(R) One 2½-gallon water extinguisher.

(S) One first aid kit.

(T) One bolt cutter at least 14 inches long.

(U) One two-way radio assigned to the apparatus.

(V) One traffic vest for each riding position. position or a minimum of two traffic vests if the fire department has issued a traffic vest to all members.

(b) Tankers. If a station has a tanker, the tanker shall:

(1) Be equipped with at least 1,000 gallons of water.

(2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.

(3) Be properly baffled in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus." 1901.

(4) Be equipped with one traffic vest for each riding ~~position, position or a minimum of two traffic vests if the fire department has issued a traffic vest to all members.~~

(c) Protective Clothing. Each eligible firefighter shall be provided protective ~~clothing~~ clothing pursuant to NFPA 1851, "Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting," including: Protective clothing provided to eligible firefighters should, to the extent practicable, comply with the requirements of NFPA 1851 and shall include the following:

(1) Helmet.

(2) Coat.

(3) Pants.

(4) Boots.

(5) Gloves.

(6) Hoods.

(d) A fire station shall inspect all equipment inventory monthly, and document the inspection.

(e) A fire station shall perform maintenance on engines and tankers in accordance with manufacturers recommendations, and maintain logs documenting all such maintenance.

(f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with NFPA 1911, "Standard for the Inspection, Maintenance, Testing, and Retirement of In Service Emergency Vehicles." 1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this Rule shall satisfy this requirement.

(d) Fire departments shall ensure that all apparatus are registered and insured.

(g)(e) All NFPA standards referenced in this Rule Section are ~~herein~~ hereby incorporated by reference, including subsequent amendments and editions. Copies of these standards are available for public inspection at the Department, or may be viewed online for free at the National Fire Protection Association website at <http://www.nfpa.org>.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0906 STAFFING LEVELS

(a) Fire Station.

(1) Each fire department shall maintain a minimum of 15 eligible firefighters on its roster.

(2) Notwithstanding Subparagraph (a)(1) of this Rule, a fire department may maintain fewer than 15 eligible firefighters on its roster, provided that the fire department complies with the requirements of 11 NCAC 05A .0909(a) and

(b) with respect to responding to all structure fires.

(2)(3) Each fire department shall provide a roster containing the names and ~~date~~ dates of birth of all eligible firefighters. A report submitted to the North Carolina State Firefighters' Association pursuant to G.S. 58-86-25 constitutes compliance with this Subparagraph. Each fire department shall provide current workers compensation insurance certifications for all of its eligible firefighters.

(3)(4) Firefighters under the age of 18 will not be counted for purposes of meeting the requirements of this Rule.

(4)(5) Firefighters under the age of 18 will not be counted for purposes of meeting the requirements of this Rule.

(b) Additional Fire Stations: ~~Fire~~ fire departments that operate more than one station shall have four ~~additional personnel for each additional station~~ ensure that firefighters operating at each additional station respond to incidents within its rated five or six mile radius in the fire district.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; S.L. 2017-167.

11 NCAC 05A .0907 TRAINING

(a) Eligible firefighters shall attend at least 36 hours of training ~~annually in the previous 12 months~~ in the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency medical services training may be counted toward the 36-hour training requirement.

(b) Fire departments shall provide ~~at least four hours of training per month~~ for a total of 48 hours of training per year.

(c) Within one year of appointment, the fire chief of each fire department shall complete a class on management of fire department operations and records approved by the State Fire and Rescue Commission Commission, in accordance with G.S. 58, Article 78.

(d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS

(a) Fire departments shall utilize ~~the~~ a Public Service Answering Point (PSAP) established pursuant to G.S. 143B, Article 15, Part 10, NCFSRS Section 107 D, to receive 911 calls and dispatching, 24 hours per day, ~~7~~ seven days per week.

(b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities, or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an acceptable means of ~~notification~~ notification, unless the paging system is owned by the authority having jurisdiction.

(c) In jurisdictions utilizing Automatic Vehicle Location (AVL) systems, the fire department that is responsible for the fire district shall be dispatched, along with the closest unit recommendation of the AVL systems. In accordance with 11 NCAC 05A .0903(g), if a jurisdiction is utilizing AVL for unit dispatch in a six-mile

district, it shall ensure that an apparatus with a minimum of 1,000 gallons of water is dispatched as required by the automatic aid protocols.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0909 RESPONSE TO STRUCTURE FIRES

(a) Each fire department shall ensure the response of at least four of its eligible firefighters and one engine to all structure fires. The fire chief may be one of the four responding members.

(b) A fire department with fewer than 15 eligible firefighters on its roster shall ensure the response of at least six of its eligible firefighters. The fire chief may be one of the six responding members.

(b)(c) The fire department responding to a structure fire shall have a plan to provide a minimum flow of 200 GPM for 20 minutes within five minutes of the first arriving engine.

(d) Each fire department shall maintain incident reports related to response to structure fires for a minimum of five years.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

11 NCAC 05A .0910 INCIDENT REPORTING

~~(a) In addition to the requirements of this Rule regarding the storage and deployment of Aqueous Film Forming Foam (AFFF), when a fire department responds to a fire, the fire chief shall ensure that a fire incident report is completed using software that complies with the current version of the National Fire Incident Reporting System (NFIRS).~~

~~(b)(a) A fire department shall keep records on dates, times, and locations of all fires to which the fire department responded using software that complies with the current version of the NFIRS, compatible with the records management system maintained by OSFM.~~

~~(b)(b) In addition to the requirements of this Rule regarding reporting the storage and deployment of Aqueous Film Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an incident report is completed using software compatible with the records management system maintained by OSFM.~~

(c) All reports shall be submitted to OSFM as soon as practicable. In no event shall reports be submitted to OSFM within later than 120 90 days of from incident occurrence.

(d) When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief or fire marshal of the authority having jurisdiction within 48 hours of the incident to the Office of State Fire Marshal, OSFM.

(e) In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has been created at the following website: <https://www.ncosfm.gov/fire-rescue/ratings-and-inspections/afff-foam>. <https://www.ncosfm.gov>. This online reporting portal consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.

(f) The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information regarding

AFFF inventory for their fire department is entered into the online database:

- (1) The number of trucks at each department that carry AFFF, and the fire station or other location, including street address, where each truck is located.
- (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each truck.
- (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire department at a fire station or other location, including the street address where the AFFF is stored.
- (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could be removed from inventory for disposal, including the street address where the AFFF is stored.
- (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a photograph includes an electronic image produced by the camera of an electronic device. The information entered in the online database shall be updated annually in accordance with G.S. 58-82B-5.

(g) When a fire department responds to a fire, conducts training involving AFFF foam in any quantity, or has an accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of the incident or the training event, including the following:

- (1) The date, time, and location, including street address and GPS coordinates, where AFFF was involved, the trade name, and CAS number of the AFFF used.
- (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total concentration of foam.
- (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency response actions intended to protect property or public safety, training, or an accidental spill.

(h) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g) of this Rule.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-79-1; 58-79-45; 58-82-5; 58-82-10; 58-82B-5; 58-82B-10; S.L. 2021-180, s. 8.10(i).

11 NCAC 05A .0911 RECORDS

(a) A fire department shall maintain the following records for 36 months: months for inspection by OSFM:

- (1) Apparatus maintenance logs and equipment inventory for in service engines and tankers, in accordance with 11 NCAC 05A .0905. tankers. A fire station shall inspect all in service engine

and tanker equipment inventory monthly and document the inspection.

(2) Apparatus equipment inventory checks for all in-service engines and tankers, in accordance with 11 NCAC 05A .0905.

(3)(2) Fire pump performance tests, in accordance with 11 NCAC 05A .0905. tests. A fire department shall perform a fire pump performance test on at least one engine annually, in accordance with NFPA 1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of 11 NCAC 05A .0905 shall satisfy the requirement.

(4)(3) Training records for all eligible firefighters, in accordance with 11 NCAC 05A .0907. firefighters. Training records shall include the dates, topics, hours, and personnel in attendance.

(5)(4) The AFFF inventory and usage reports created in accordance with 11 NCAC 05A .0910.

(5) Records evidencing monthly functional testing of the components of the fire department's SCBA.

(6) Evidence of completion of criminal history record checks for each applicant over the age of 18, in accordance with G.S. 143B-1209.24.

(b) A fire department shall maintain incident reports related to response to structure fires for a minimum of five years in accordance with 11 NCAC 05A .0907.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-82-5; 58-82-10; 58-82B-5; 58-82B-10.

11 NCAC 05A .0912 NON-COMPLIANCE

(a) Upon completion of an inspection, the OSFM inspector representative will review the inspection results with the fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.

(b) A non-compliant fire department shall have a period of 30 15 days from the date of the inspection to submit a written corrective action plan to OSFM. The corrective action plan shall address each deficiency found in the inspection and the corrective action the fire department will take in response to the deficiency. If a non-compliant fire department fails to provide a written corrective action plan to OSFM within 15 days from the date of the inspection, OSFM shall consult with the governing body that contracts for the fire district and place the fire department on probation until the fire department provides the written corrective action plan to OSFM, for a period not to exceed three months. If the fire department fails to provide the written corrective action plan to OSFM by the end of the three-month probation period, OSFM shall designate the fire department as "PPC10" (non-certified). Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have six months to become compliant. If the fire department remains non-compliant after the expiration of the six-month corrective action period, OSFM shall

~~consult with the entity that operates the fire district and place the fire department on probation until the fire department becomes compliant, for a period not to exceed six months. If the fire department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).~~

(c) Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have three months to become compliant. If the fire department remains non-compliant after the expiration of the three-month corrective action period, OSFM shall consult with the governing body that contracts for the fire district and place the fire department on probation until the fire department becomes compliant, for a period not to exceed six months. Upon completion of the probationary period, OSFM shall re-inspect the fire department for compliance. If the fire department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).

(d) Notwithstanding the provisions of Paragraph (c) of this Rule, a non-compliant fire department that is determined to be non-compliant based on its failure to ensure four eligible firefighters respond to all structure fires shall have a period of 15 days from the date of inspection to submit a written action plan to OSFM and six months from the date of providing the written corrective action plan to OSFM to become compliant. If no structure fires occur in the fire department's fire district within the six-month period following submission of a written corrective action plan to OSFM, OSFM shall re-inspect the fire department for compliance after an additional six months.

Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25.

* * * * *

Notice is hereby given in accordance with G.S. 150B-21.2 that the Code Officials Qualification Board intends to amend the rules cited as 11 NCAC 08 .0706 and .0707.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncosfm.gov/about/rules-and-legislative-reports/rules#CodeOfficialsQualificationBoard-4075>

Proposed Effective Date: May 1, 2026

Public Hearing:

Date: January 27, 2026

Time: 10:00 a.m.

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

Reason for Proposed Action: The Board is proposing amendments to 11 NCAC 08 .0706 and .0707 to support the implementation of a new Law and Administration Examination developed by the Board. Currently, a limited number of law and administration questions are embedded within the trade-specific state examinations. The Board has determined that administering a dedicated Law and Administration Examination will provide a clearer and more consistent assessment of applicants' knowledge of the legal framework, administrative procedures, and code-

enforcement responsibilities that apply across all inspection disciplines.

These amendments require all applicants for standard certification, including comity applicants, to achieve a passing score on the Board's standalone Law and Administration Examination. Establishing this uniform requirement improves the consistency of qualifications among code-enforcement officials, strengthens applicants' understanding of the legal and administrative duties associated with the profession, and separates general legal knowledge from the discipline-specific technical testing.

Comments may be submitted to: Kyle Heuser, 1429 Rock Quarry Road, Suite 105, Raleigh, NC 27610; phone (919) 647-0100; email OSFM.Rulemaking@ncdoi.gov

Comment period ends: March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

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, 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, 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, 2027 and December 31, 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, 2032. As of January 1, 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, except 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 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 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. Note: as an 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 the state law and administration examination administered by the Board, unless exempted by 11 NCAC 08 .0707; and

(4)(5) 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)(6) make a passing grade of at least 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.

Authority G.S. 143-151.12(1); 143-151.12(9); 143-151.13.

11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES

(a) Licensed Architect, Licensed General Contractor, Licensed Plumbing or Heating Contractor, Licensed Electrical Contractor, Licensed Professional Engineer. Applicants under this Paragraph shall be currently registered or licensed (as of June 13, 1977) by the State of North Carolina as an architect, a general contractor, a plumbing or heating contractor, an electrical contractor, or a professional engineer to receive certification. The standard certificate shall authorize the person to practice as a qualified code-enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(b) Certified Code-Enforcement Official From Another State. Pursuant to G.S. 143-151.14(a), the Board may issue a standard certificate to any person who who:

(1) holds a currently valid certificate as a qualified code-enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants, under Article 9C of Chapter 143 of the North Carolina General Statutes, and all applicable administrative rules governing code-enforcement officials; and

(2) passes makes a passing grade of at least 70 percent on a state examination in the area and level of the standard certificate sought; sought; and

(3) makes a passing grade of at least 70 percent on the state law and administration examination administered by the Board.

The standard certificate shall authorize the person to practice as a qualified code enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the area and level of the state examination passed by the applicant and the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(c) Certified Code-Enforcement Official with International Code Council (ICC) Certification. Pursuant to G.S. 143-151.14(b), the Board may issue a standard certificate to any person who who:

(1) is certified as a qualified code-enforcement official in good standing by the International Code Council where standards and examinations are acceptable to the Board and not lower than those required of North Carolina applicants, under Article 9C of Chapter 143 of the North Carolina General Statutes and all applicable administrative rules governing code-enforcement officials; and

(2) passes makes a passing grade of at least 70 percent on a state examination in the area and level of the standard certificate sought; sought; and

(3) makes a passing grade of at least 70 percent on the state law and administration examination administered by the Board.

The standard certificate shall authorize the person to practice as a qualified code enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the area and level of the state examination passed by the applicant and the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(d) Comity Applicants. Comity applicants as set out in Paragraphs (b) and (c) of this Rule shall meet the experience requirements specified in the rule in this Chapter specific to the area and level of code enforcement sought to be eligible for comity consideration. The successful completion of Comity applicants must complete a short course required by G.S. 143-151.14(c) concerning the State Building Code rules and code enforcement administration must be completed within three years to maintain any standard certificate issued due to comity. Standard certificates issued under comity shall expire if the required course is not completed within the three-year period. The standard certificate issued to the comity applicant shall authorize the comity applicant to practice as a qualified code-enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the area and level of the state examination passed by the applicant and the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(e) Applicants may submit other experience in the design, construction, installation or inspection of buildings and electrical, mechanical, plumbing, and fire systems for consideration as other special circumstances meeting the Board's requirements. The Board's Qualification and Evaluation Committee shall consider such experience on a case-by-case basis and make a recommendation to the Board.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; 143-151.14.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Criminal Justice Education and Training Standards Commission intends to repeal the rules cited as 12 NCAC 09B .0601-.0608 and readopt with substantive changes the rules cited as 12 NCAC 09E .0107 and 09G .0305.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>

Proposed Effective Date: July 1, 2026

Public Hearing:

Date: March 3, 2026

Time: 2:00PM

Location: Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/commission-meeting-information/>

Reason for Proposed Action: *To repeal rules that are no longer in use. To update requirements for law enforcement officers who fail to complete annual firearms qualification. To update requirements for recertification of correctional and probation/parole officers with a break in service.*

Comments may be submitted to: Holly Cardoza, 1700 Tryon Park Dr. Garner, NC 27529; phone (919) 661-5991; email hcardoza@ncdoj.gov

Comment period ends: March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0600 - CERTIFICATION OF POSTSECONDARY CRIMINAL JUSTICE EDUCATION PROGRAMS

12 NCAC 09B .0601 PURPOSE

~~(a) The purpose of the certification of postsecondary criminal justice education programs is to:~~

- ~~(1) officially recognize those academic institutions that have established minimum requirements as set forth by the Criminal Justice Education and Training Standards Commission;~~
- ~~(2) improve the quality of criminal justice education in North Carolina; and~~
- ~~(3) advance the standards approved by the Commission as set forth in Section .0600 of this Subchapter.~~

~~(b) The certification of postsecondary criminal justice education programs is strictly voluntary. Criminal justice education programs in postsecondary institutions will not be required to comply with rules as outlined in Section .0600 of this Subchapter.~~

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0602 ESTABLISHMENT OF PROGRAM EVALUATION COMMITTEE

~~The Program Evaluation Committee is a standing subcommittee of the Education and Training Committee of the commission. The Program Evaluation Committee shall be composed of two members appointed by the North Carolina Criminal Justice Association, according to its by laws, and three members who shall be commission members to include the North Carolina Criminal Justice Association's representative to the Commission.~~

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0603 LEVELS OF APPROVAL

~~(a) An institution operating a postsecondary criminal justice program not currently meeting all of the criteria for certification as contained in the "Certification Guidelines Manual for Postsecondary Criminal Justice Programs" may apply to the Commission for Candidate Status. This category also applies to institutions that have not graduated a regular class but have a program under way which appears to meet most of the criteria.~~

~~(b) The "Certification Guidelines Manual For Postsecondary Criminal Justice Programs" as published by the Commission is hereby adopted by reference and shall not include any subsequent amendments, to provide specific information about the postsecondary criminal justice education certification process as administered by the Commission. Copies of this publication may be inspected at the office of the agency.~~

*Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149*

Raleigh, North Carolina 27602
and may be obtained at cost from the Standards Division.
(e) Programs awarded certification will be entitled to all rights and recognitions by the Commission. These include any benefits provided by the Commission to certified programs. Programs in this status must have graduated a class.

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0604 SELF STUDY

(a) There must be a systematic plan to conduct evaluative activities on an on going basis. Self evaluation is a continuing obligation of the institution offering a criminal justice program. The self evaluation must include, as a minimum, a specific response to each guideline for approval as outlined in the "Certification Manual". Supplementary materials may be appended to the report if they clarify the response(s).
(b) The self study may be conducted utilizing a recent institutional self study conducted within the past three years or one currently underway for the Southern Association of Colleges and Universities accreditation or re accreditation. Care should be taken to appropriately supplement materials used in the Southern Association self study with information required specifically for certification by the Commission, as found in the self evaluation report forms.
(c) A Visiting Team may be required. It will use the self evaluation as the primary evaluation instrument during the site visit.
(d) Five copies of the completed self evaluation report and five copies of the college catalog must be submitted to the Commission's Program Evaluation Committee for the Visiting Team and Committee use.

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0605 INSTITUTIONAL VISITATION

(a) After copies of the completed self evaluation report have been received by the Program Evaluation Committee, the institution will make arrangements for a team to visit the institution, if a team visit is called for.
(b) Duties and composition of the Visiting Team are outlined in the "Certification Guidelines Manual".
(c) Visits will normally be one day in duration, but for planning purposes, each application and self evaluation report will be examined to estimate the length of the visit.
(d) Team activities during the visit will include the following:

- (1) review of the goals and objectives of the program;
- (2) preliminary, interim, and closing conferences with the program administrator;
- (3) conferences with faculty groups, individual faculty members, and support personnel;
- (4) conferences with administrative officers of the institution;
- (5) discussions with criminal justice officials served by the program;
- (6) conferences with students and graduates, if possible;

- (7) visits to appropriate school facilities and resources;
- (8) review of appropriate records; and
- (9) upon completion of the visit, the team will conduct an exit interview with appropriate institutional representatives.

(e) On site arrangements will be conducted in the following manner:

- (1) The institution will provide those documents, reports, and other material requested by the Program Evaluation Committee prior to the site visitation.
- (2) The institution will provide lodging, meals, and transportation for the Program Evaluation Committee.
- (3) The institution will make arrangements for a convenient office or conference room, as well as secretarial and other support services.

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0606 APPLICATION PROCEDURES

(a) The chief academic officer of an institution will direct a letter to the Commission indicating an intent to seek certification.
(b) The Commission shall furnish the institution with an application form and a copy of the relevant procedures.
(c) The filing of an application seeking certification does not assume eventual certified status, nor should there be an implication that an official form of recognition or approval has been granted.

Note: An institution may publish the following statement:
"NAME _____ OF
INSTITUTION)
has applied for certification to the North Carolina Criminal Justice Education and Training Standards Commission Program Evaluation Committee. At this time, certification has not been granted."
(d) Upon receipt of the application, the Program Evaluation Committee shall furnish the institution with a copy of the self evaluation report forms.
(e) The institution shall conduct its self study in accordance with the self evaluation report forms. Three procedural options exist for conducting the self study:

- (1) An institution may choose to utilize, in conjunction with the self evaluation report forms, materials from recent Southern Association of Colleges and Universities accreditation efforts. The Program Evaluation Committee will take into account the age of these materials in its decision making. Following submission of these materials, site visitations may be conducted.
Alternatively, anticipating an upcoming accreditation by the Southern Association of Colleges and Universities, an institution may conduct the self study and submit it requesting tentative certification. If the Program Evaluation Committee determines the self study appears to meet certification criteria,
- (2)

the institution will be granted tentative certification.

(3) Alternatively, the entire process may be independent of the Southern Association of Colleges and Universities. The institution conducts its self study, submits the document and a site visit is conducted.

(4) The Program Evaluation Committee will review submitted materials for completeness and ~~prima facie~~ evidence of eligibility. If ~~prima facie~~ evidence of eligibility exists, the Program Evaluation Committee may direct the appointment of a visiting team and shall notify the institution. In the event that the Program Evaluation Committee determines a lack of ~~prima facie~~ evidence for eligibility, the institution shall be notified in writing by certified mail with return receipt requested.

(5) Site visitation may be conducted if ~~prima facie~~ evidence of eligibility exists. The site visit may be foregone when evidence clearly supports certification.

(6) An institution shall be notified in writing of the date its certification application is being considered by the Program Evaluation Committee and shall have the right to representation for the purpose of answering questions or clarifying issues under consideration.

(7) The Program Evaluation Committee will render a decision regarding certification at its next regularly scheduled meeting. An institution will be notified of such a decision within thirty days by certified mail with return receipt requested.

(8) In light of the program's announced objectives and standards and the report of the visiting team, the Program Evaluation Committee may recommend to the Education and Training Committee of the commission any of the following actions:

- (1) certify or re-certify with or without stipulations to include probation;
- (2) defer action subject to conditions; or
- (3) deny or revoke certification.

(9) In the case of disapproval an institution may appeal in accordance with the appeal procedures outlined in Rule .0608 of this Section. If no appeal is received, or if the appeal is denied, appropriate recommendations are forwarded to the Commission.

(10) The Education and Training Committee shall determine whether or not to recommend certification to the Commission based upon the report of the Program Evaluation Committee. An institution may appeal the Education and Training Committee's decision under the provisions of North Carolina General Statute 150B.

(m) When certification is awarded, the Commission shall notify the institution, program, and the public as follows:

- (1) As soon as possible, the chairman of the Commission shall send a formal letter and certificate to the institution's chief executive officer, enclosing a copy of the Commission's decision.
- (2) Data in the self evaluation report, the team report, and the supplementary reports are confidential and are not shared with the members of the North Carolina Criminal Justice Association, the press, or the public, except as may be required by government regulations. If data are used for statistical purposes, individual

programs and schools shall not be identified with any particular data.

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0607 PROCEDURAL CONSIDERATIONS

(a) Candidate Status:

- (1) An institution will be eligible to remain in Candidate Status for no more than four years after the date that the application is received.
- (2) If at any time during the four year period it is considered that the institution is not making reasonable progress toward meeting criteria for approval, the Program Evaluation Committee will withdraw Candidate Status and notify the institution in writing. The notification will set forth the reasons for the Program Evaluation Committee's withdrawal of status, and give notice of procedures for appeal.

(b) Certified Status:

- (1) Programs in this status will be re-certified at such time as the institution is scheduled for reaccreditation by the Southern Association of Colleges and Universities, or at the end of a ten year period, at the discretion of the institution. The Commission reserves the right to withdraw certification or to place an institution on probationary status at such time as evidence is brought to the Commission's attention indicating substantial failure to meet or maintain criteria for certification. The program shall remain in this status until certification is restored or revoked by the Commission. An institution will be given a reasonable period of time to rectify the problem. This period of time shall not exceed two years.
- (2) The Commission should be informed of significant program changes. Where the changes alter the nature and scope of the program, or appear to the Commission to be detrimental, the Commission may require a reevaluation of the program.
- (3)

Authority G.S. 17C-6(b)(10).

12 NCAC 09B .0608 APPEAL PROCEDURES

(a) If the Program Evaluation Committee renders an adverse decision other than deferral of action, the institution shall have the right to appeal as outlined in this Section. If the institution wishes to contest a deferral decision, it may bring such complaint before the Program Evaluation Committee and request notification of its decision. The institution may then appeal as outlined in Paragraphs (b) and (c) of this Rule.

(b) If the institution does not appeal the decision of the Program Evaluation Committee with regard to certification, it may reapply for certification after one year from the denial of certification.

(c) If the institution wishes to appeal the recommendation of the Program Evaluation Committee, it may rebut said

~~recommendation before the Education and Training Committee of the commission in the following manner:~~

- (1) ~~The institution shall notify the chairman of the commission in writing of its desire to rebut the Program Evaluation Committee's decision within ten days of the receipt of notification by the Program Evaluation Committee.~~
- (2) ~~The chairman of the commission shall forward the request for rebuttal to the Chairman of the Education and Training Committee who shall schedule a Program Evaluation Committee hearing at the earliest possible time for consideration of the appeal.~~
- (3) ~~Should the institution wish to appeal the decision of the Education and Training Committee, it may do so under the provisions of North Carolina General Statute 150B.~~
- (4) ~~The Education and Training Committee recommendation and report from the hearing held under North Carolina General Statute 150B shall then be made to the Commission at its next regularly scheduled meeting.~~

Authority G.S. 17C-6(b)(10).

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING QUALIFICATION

(a) Where an officer is employed with an agency that establishes a higher standard for annual ~~in-service~~ firearms ~~training qualification~~ than those specified in this Subchapter and the officer has failed to meet the requirements of the employing agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule for continued certification. Prior to transfer to another agency, the officer shall meet the requirements of this Rule.

(b) Upon notification to the Division via Form F-9B 'Report of Non-Compliance of Mandatory In-Service Training' that an officer has failed to meet the requirements for ~~in-service~~ annual firearms ~~training and~~ qualification as specified in 12 NCAC 09E .0106(a) .0106 of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B is located on the Commission's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2>.

(c) The Division shall rescind the suspension indicated in Paragraph (b) of this Rule upon receipt from an agency representative of Form F-9C 'Return to Duty Request', indicating the suspended officer has completed the ~~in-service~~ annual firearms ~~training and~~ qualification pursuant to 12 NCAC 09E .0106(a) and (b). (c). Form F-9C is located on the Commission's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2>.

(d) ~~The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement Training" course to complete the training pursuant to 12 NCAC 09B .0205(b)(5)(B). Such enrollment and successful completion must occur within the calendar year of the suspension of law enforcement officer certification.~~

(e) ~~Failure to enroll and successfully complete the training pursuant to 12 NCAC 09B .0205(b)(5)(B) within the calendar year of the suspension of certification shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.~~

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS

12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION

(a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Adult Correction for less than three years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0208 (excluding 12 NCAC 09G .0208(4) .0208(5)) and 12 NCAC 09G .0209 (excluding 12 NCAC 09G .0209(4) .0209(5)), but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0411, .0411 and .0412.

(b) Previously certified corrections officers with less than one year of service who have completed the applicable basic training course pursuant to 12 NCAC 09G .0411 and .0412, and who have been separated from the North Carolina Department of Adult Correction for more than three years, but less than five years, upon their return shall complete the verification of employment standards and shall complete the following:

- (1) the appropriate abbreviated course of instruction focused on current standards of the North Carolina Department of Adult Correction (NCDAC), delivered by the NCDAC Office of Staff Development and Training; and except where:
 - (A) previously certified corrections officers who have been separated for less than three years will not be required to complete the state corrections examination;
 - (B) previously certified corrections officers who have been separated between three years and five years will be required to successfully pass the state corrections examination; and
- (2) the mandatory firearms classroom training and achieves achieve a passing qualification score on the firearms range qualification with the agency duty weapon(s).

(c) Applicants pursuant to Paragraph (b) will be allowed to remediate one failure under each Subparagraph (b)(1) and (b)(2) of this Rule, but, upon a second failure, will be required to complete the entire commission approved basic training for correctional or probation/parole officers pursuant to 12 NCAC 09G .0411 and .0412, before being eligible for certification.

Authority G.S. 17C-2; 17C-6; 17C-10.

* * * * *

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 10B .0101, .0106, .0107, and repeal the rules cited as 12 NCAC 10B .0104, and .0105.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/?s=Proposed+Rule+Amendment>

Proposed Effective Date: May 1, 2026

Public Hearing:

Date: January 20, 2026

Time: 9:00 a.m.

Location: 1700 Tryon Park Dr., Raleigh NC 27610

Reason for Proposed Action: 12 NCAC 10B .0101 - This amendment clarifies that the staff supporting the Commission is located at the named address.

12 NCAC 10B .0106 - This amendment makes a grammatical correction.

12 NCAC 10B .0107 - This amendment makes grammatical corrections.

12 NCAC 10B .0104 - This rule will be repealed as it is no longer necessary.

12 NCAC 10B .0105 - This rule will be repealed as it is no longer necessary.

Comments may be submitted to: Robin Pendergraft, 1700 Tryon Park Dr, Raleigh, NC 27610; phone (919) 779-8213; email rpendergraft@ncdoj.gov

Comment period ends: March 3, 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 (>= \$1,000,000)
 Approved by OSBM
 No fiscal note required

CHAPTER 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

12 NCAC 10B .0101 LOCATION

The staff supporting the N.C. Sheriffs' Education and Training Standards Commission is established within the Department of Justice and is located at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

North Carolina Sheriffs' Education and Training Standards Commission

Post Office P.O. Box 629
Raleigh, North Carolina 27602
Telephone (919) 779-8213

Authority G.S. 17E-6.

12 NCAC 10B .0104 SHERIFFS' STANDARDS DIVISION

The Sheriffs' Standards Division of the North Carolina Department of Justice shall administer such programs as are assigned to it by the Commission, including the standards set forth in these Rules. The Division shall present to the Commission for its adoption administrative procedures for those programs of certification and accreditation and may create appropriate forms for application for and administration of those programs.

Authority G.S. 17E-6.

12 NCAC 10B .0105 ADMINISTRATIVE HEARING PROCEDURES

(a) Administrative hearings in contested cases conducted by the Commission or an administrative law judge, (as authorized in G.S. 150B-40) shall be governed by:

(1) procedures set out in Article 3A of G.S. 150B;
(2) insofar as relevant, the Rules of Civil Procedure as contained in G.S. 1A-1;
(3) insofar as relevant, the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the

~~Rules Volume of the North Carolina General Statutes.~~

(b) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced materials as provided by G.S. 150B-21.6. Copies of these Rules may be obtained from the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447 at a cost of three dollars and forty cents (\$3.40) per copy at the time of amendment of this Rule.

(c) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding Administrative Law Judge in Title 26, Chapter 3 of the North Carolina Administrative Code.

(d) An applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

Authority G.S. 17E-9(b); 150B-20; 150B-21.6; 150B-38(h); 150B-40.

12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR RULE MAKING RULEMAKING

In addition to the procedures set out in G.S. 150B-20, Petitions for Rule Making Rulemaking shall be submitted to the Commission and shall contain:

- (1) petitioner's name, address and telephone number;
- (2) a draft of the proposed rule or rule change;
- (3) the reason for its proposal;
- (4) the effect of the proposal on existing rules or decisions;
- (5) data supporting the proposal;
- (6) practices likely to be affected by the proposal; and
- (7) a list or description of persons likely to be affected by the proposed rule.

Authority G.S. 150B-20.

12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS

(a) In addition to the procedures set out in G.S. 150B-4, Petitions for Declaratory Rulings petitions for declaratory rulings shall be submitted to the Commission and shall contain:

- (1) petitioner's name, address and telephone number;
- (2) the statute(s), rule(s) statutes, rules, or both to which the request relates;
- (3) all facts and information which are relevant to the request;
- (4) a concise statement of the manner in which petitioner has been aggrieved;
- (5) a draft of the Declaratory Ruling declaratory ruling sought by petitioner.

specified outcome is sought by petitioner); petitioner;

(6) practices likely to be affected by the Declaratory Ruling; declaratory ruling;

(7) a list or description of persons likely to be affected by the Declaratory Ruling; declaratory ruling; and

(8) a statement as to whether the petitioner desires to present oral argument (not to exceed 30 minutes), to the Commission prior to its decision.

(b) The Commission may shall refuse to issue a Declaratory Ruling declaratory ruling when:

- (1) the petition does not comply with Paragraph (a) of this Rule;
- (2) the Commission has previously issued a Declaratory Ruling declaratory ruling on substantially similar facts;
- (3) the Commission has previously issued a Final Agency Decision final agency decision in a contested case on substantially similar facts;
- (4) the facts underlying the request for a Declaratory Ruling declaratory ruling were specifically considered at the time of the adoption of the rule in question; or
- (5) the subject matter of the request is involved in pending litigation.

Authority G.S. 150B-4.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10A .1601 and 10H .1801.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.gov/hunting/regulations/proposed-regulations>

Proposed Effective Date: July 1, 2026

Public Hearing:

Date: February 12, 2026

Time: 2:00PM

Location: Virtual public hearing via Zoom, pre-registration is required: https://ncwildlife.org.zoomgov.com/webinar/register/WN_oWmeEi2uQTyYbPlt0gtmLw or join by telephone toll free: (833) 568-8864, Webinar ID: Webinar ID 160 891 2461

Reason for Proposed Action: The proposed amendments will help the agency generate revenue to address funding issues related to increased operating costs exacerbated by inflation and increased demand for agency services. The proposed rule amendments increase fees for all licenses, permits, stamps, and certifications the Wildlife Resources Commission issues and

administers, by the total increase in the Consumer Price Index for All Urban Consumers since the last fee increase (3.4%), rounded up to the next whole dollar, as allowed by Paragraph (e) of 113-270.1B.

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

Comment period ends: March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10A - WILDLIFE RESOURCES COMMISSION

SECTION .1600 - WILDLIFE RESOURCES COMMISSION FEES

15A NCAC 10A .1601 LICENSE FEES

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

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

- (1) Resident Annual Combination Hunting and Inland Fishing License - \$42.00. \$44.00.
- (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$14.00. \$15.00.

(3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$14.00. \$15.00.

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

- (1) Annual Sportsman License - \$63.00. \$66.00.
- (2) Infant Lifetime Sportsman License - \$252.00. \$261.00.
- (3) Youth Lifetime Sportsman License - \$441.00. \$456.00.
- (4) Adult Resident Lifetime Sportsman License - \$630.00. \$652.00.
- (5) Nonresident Lifetime Sportsman License - \$1,511.00. \$1,563.00.
- (6) Age 70 Resident Lifetime Sportsman License - \$19.00. \$20.00.
- (7) Resident Disabled Veteran Lifetime Sportsman License - \$126.00. \$131.00.
- (8) Resident Totally Disabled Lifetime Sportsman License - \$126.00. \$131.00.

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

- (1) Resident State Hunting License - \$30.00. \$32.00.
- (2) Lifetime Resident Comprehensive Hunting License - \$315.00. \$326.00.
- (3) Controlled Hunting Preserve Hunting License - \$27.00. \$28.00.
- (4) Resident Annual Comprehensive Hunting License - \$47.00. \$49.00.
- (5) Nonresident State Hunting Licenses:
 - (A) Season License - \$119.00. \$124.00.
 - (B) Ten-Day License - \$95.00. \$99.00.
- (6) Falconry Hunting License - \$30.00. \$32.00.

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

- (1) Resident Big Game Hunting License - \$17.00. \$18.00.
- (2) Nonresident Bear Hunting License - \$284.00. \$294.00.
- (3) Bear Management Stamp - \$14.00. \$15.00.
- (4) Nonresident Big Game Hunting License:
 - (A) Season License - \$119.00. \$124.00.
 - (B) Ten-Day License - \$95.00. \$99.00.
- (5) Bonus Antlerless Deer License - \$14.00. \$15.00.
- (6) Game Land License - \$19.00. \$20.00.
- (7) Falconry License - \$14.00. \$15.00.
- (8) Migratory Waterfowl Hunting License - \$17.00. \$18.00.
- (9) Resident American Alligator License - \$297.00. \$308.00.
- (10) Nonresident American Alligator License - \$594.00. \$615.00.
- (11) Resident Elk License - \$594.00. \$615.00.
- (12) Nonresident Elk License - \$1,188.00. \$1,229.00.

(f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S. 113-270.4:

(1) Resident Hunting and Fishing Guide License - ~~\$19.00~~ \$20.00.

(2) Nonresident Hunting and Fishing Guide License - ~~\$189.00~~ \$196.00.

(g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:

(1) Resident State Trapping License - ~~\$38.00~~ \$40.00.

(2) Resident Lifetime Trapping License - ~~\$357.00~~ \$370.00.

(3) Nonresident State Trapping License - ~~\$158.00~~ \$164.00.

(h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the Commission, as set forth in G.S. 113-271:

(1) Resident State Inland Fishing License - ~~\$30.00~~ \$32.00.

(2) Lifetime Resident Comprehensive Inland Fishing License - ~~\$315.00~~ \$326.00.

(3) Nonresident State Inland Fishing License - ~~\$54.00~~ \$56.00.

(4) Short-Term Inland Fishing License:

(A) Resident 10-day Inland Fishing License - ~~\$11.00~~ \$12.00.

(B) Nonresident 10-day Inland Fishing License - ~~\$28.00~~ \$29.00.

(5) Age 70 Resident Lifetime Inland Fishing License - ~~\$19.00~~ \$20.00.

(6) Resident Disabled Veteran Lifetime Inland Fishing License - ~~\$14.00~~ \$15.00.

(7) Resident Totally Disabled Lifetime Inland Fishing License - ~~\$14.00~~ \$15.00.

(8) Special Landholder and Guest Fishing License - ~~\$126.00~~ \$131.00.

(9) Mountain Heritage Trout Waters Three-Day Fishing License - ~~\$10.00~~ \$11.00.

(i) The following shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:

(1) Resident Special Device License - ~~\$95.00~~ \$99.00.

(2) Nonresident Special Device License - ~~\$630.00~~ \$652.00.

(j) The non-refundable fees fee for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be ~~\$12.00~~ \$13.00.

(k) The following non-refundable fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:

(1) Captivity License for Holding - ~~\$60.00~~ \$63.00.

(2) Captivity License for Rehabilitation - ~~\$12.00~~ \$13.00.

(l) The following non-refundable fees shall apply to dealer licenses issued by the Commission as set forth in G.S. 113-273:

(1) Resident Fur-dealer License - ~~\$76.00~~ \$79.00.

(2) Nonresident Fur-dealer License - ~~\$378.00~~ \$391.00.

(3) Fur-dealer Station License - ~~\$152.00~~ \$158.00.

(4) Controlled Hunting Preserve Operator License - ~~\$119.00~~ \$124.00.

(5) Controlled Hunting Preserve Rabbit Operator License - ~~\$30.00~~ \$32.00.

(6) Game Bird Propagation License - ~~\$12.00~~ \$13.00.

(7) Furbearer Propagation License - ~~\$33.00~~ \$35.00.

(8) Taxidermy License - ~~\$60.00~~ \$63.00.

(9) Taxidermy Cervid Certification - ~~\$6.00~~ \$7.00.

(10) Wildlife Control Agent License - ~~\$60.00~~ \$63.00.

(11) Wildlife Control Technician Certification - ~~\$30.00~~ \$32.00.

(12) Alligator Control Agent Certification - ~~\$30.00~~ \$32.00.

(m) The following non-refundable fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:

(1) Possession Permit - ~~\$12.00~~ \$13.00.

(2) Exportation or Importation Permit - ~~\$12.00~~ \$13.00.

(3) Trophy Wildlife Sale Permit - ~~\$12.00~~ \$13.00.

(4) Endangered Species Permit - ~~\$12.00~~ \$13.00.

(5) Field Trial Permit - ~~\$12.00~~ \$13.00.

(n) Unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:

(1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - ~~\$82.00~~ \$85.00.

(2) Annual Resident Unified Inland/Coastal Recreational Fishing License - ~~\$49.00~~ \$51.00.

(3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:

(A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$347.00~~ \$359.00.

(B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$567.00~~ \$587.00.

(C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$851.00~~ \$880.00.

(D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$1,952.00~~ \$2,019.00.

(E) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$38.00~~ \$40.00.

(F) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$139.00~~ \$144.00.

(G) Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License - ~~\$139.00~~ \$144.00.

(4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - ~~\$567.00~~ \$587.00.

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

- (1) Annual Resident Coastal Recreational Fishing License - \$19.00. \$20.00.
- (2) Annual Nonresident Coastal Recreational Fishing License - \$38.00. \$40.00.
- (3) Ten-Day Resident Coastal Recreational Fishing License - \$8.00. \$9.00.
- (4) Ten-Day Nonresident Coastal Recreational Fishing License - \$14.00. \$15.00.
- (5) Infant Lifetime Coastal Recreational Fishing License - \$126.00. \$131.00.
- (6) Youth Lifetime Coastal Recreational Fishing License - \$189.00. \$196.00.
- (7) Resident Adult Lifetime Coastal Recreational Fishing License - \$315.00. \$326.00.
- (8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$630.00. \$652.00.
- (9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$19.00. \$20.00.
- (10) Resident Disabled Veteran Coastal Recreational Fishing License - \$14.00. \$15.00.
- (11) Resident Totally Disabled Coastal Recreational Fishing License - \$14.00. \$15.00.

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

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .1800 – COMMERCIAL ACTIVITY PERMITTING

15A NCAC 10H .1801 GENERAL REQUIREMENTS AND FEES

(a) The rules in this Section apply to commercial permits issued by the Wildlife Resources Commission.

(b) The use of Wildlife Resources Commission property, as defined by G.S. 113-129, by an individual or business for profit or benefit is unlawful, unless the individual or business using the property for an unlicensed activity first obtains a commercial permit as provided by this Rule.

(c) The following definitions shall apply to all rules in this Section:

- (1) "Benefit" means the exchange of money, goods, services, or the growth or promotion of a business or organization.
- (2) "Commercial activity" means an unlicensed activity for which individuals pay to participate or use equipment and that takes individuals or groups to Commission property for participation in the unlicensed activity, the purpose of which is financial gain or benefit of the commercial business.
- (3) "Commercial business" means any individual or business using Commission property for financial gain or benefit.

- (4) "Commercial permit" means either a commercial use permit or event permit for otherwise unlicensed activities.
- (5) "Commission property" means Wildlife Resources Commission property as defined in G.S. 113-129(18).
- (6) "Commercial use" means the use of Commission property for financial gain or benefit.
- (7) "Commercial use permit" means a permit that allows for the commercial use of Wildlife Resources Commission property.
- (8) "Event" means an organized gathering of more than 10 people on Commission property where money is exchanged for participation in an unlicensed activity.
- (9) "Event permit" means a permit that allows for the use of Commission property for a one-time event.
- (10) "Unlicensed activity" means any outdoor activity that the Commission does not regulate through a Commission-issued license or permit.

(d) Application for a commercial permit shall be made online at www.ncwildlife.org or at Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

- (1) the applicant's name, address, telephone number;
- (2) name of business, company, or organization;
- (3) type of commercial activity or event;
- (4) dates of activity or event;
- (5) locations of commercial activity or event; and
- (6) certificate of insurance; and
- (7) for event permits, the number of individuals anticipated to partake in the event.

(e) The fee for a commercial use permit shall be one hundred and four dollars (\$104.00). (\$100.00). The fee for an event permit shall be based on the number individuals participating in the event, including event participants, volunteers, staff, and spectators. The event permit fee schedule is as follows:

- (1) ten to 100 individuals - \$50; \$52;
- (2) one hundred and one to 250 individuals - \$100; \$104;
- (3) two hundred and fifty-one to 500 individuals - \$150; \$156;
- (4) five hundred and one to 1000 individuals - \$200; \$207; and
- (5) over 1000 individuals - \$250. \$259.

(f) In addition to the commercial permit fee, a fee of three dollars (\$3.00) per individual participating in the permitted activity on Commission property shall be required and remitted to the Commission no more than 30 days after the event for which the permit was acquired or every quarter other month during the year for which the commercial use permit is valid.

(g) Unless authorized by the Commission, commercial permit holders and their patrons shall not block access or prevent others from entering or exiting any Commission property.

(h) Commercial permits are non-transferable between individuals, businesses, or companies and a separate permit is required for each commercial activity or event.

(i) The Commission may deny permits or issue permit requirements for use of its property based on the time of year, holidays, safety concerns, biological impacts, compatibility of requested activity with intended use of an area or property, failure to adhere to the conditions set forth in these Rules and Commission planned or sponsored events.

(j) Unless a more limited duration is designated on the permit, a commercial use permit shall be valid from January 1 through December 31 of the same year. An event permit shall be valid for the duration of the event and expires at its conclusion.

(k) Records of commercial activities shall be available for inspection by representatives of the Commission upon request and during normal operating hours.

(l) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a permit holder's commercial permit, if the permit holder violates any rules set forth by the Commission in this Subchapter or any conditions of the permit.

Authority G.S. 113-134; 113-264.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Board of Education intends to adopt the rule cited as 16 NCAC 06C .0610, amend the rules cited as 16 NCAC 06C .0334, .0336- .0342, .0344, .0346, .0349, .0350, .0360-.0363, repeal the rules cited as 16 NCAC 06C .0354, .0355, .0357, and readopt with substantive changes the rules cited as 16 NCAC 06C .0101, .0102, .0202, .0301, .0302, .0304-.0308, and .0313.

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

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.dpi.nc.gov/about-dpi/state-board-education/rulemaking-information>

Proposed Effective Date: July 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Contact Ryan Collins via email (ryan.collins@dpi.nc.gov) or USPS mail (6301 Mail Service Center Raleigh, NC 27699-6301).

Reason for Proposed Action: Chapter 115C, Article 17E of the North Carolina General Statutes requires the State Board of Education to adopt rules for the issuance, renewal, and extension of all professional educator licenses. The State Board has continuously updated and maintained its licensure policies to reflect current law and State Board priorities but has not updated its corresponding rules. In addition, there are 11 rules related to licensure that must be re-adopted by June 2026 under the periodic

review process required by G.S. 150B-213A. The proposed rules are a comprehensive re-write of existing State Board rules on licensure intended to align them with current law and State Board policy, provide clarity, and comply with the Administrative Procedure Act. The proposed rules primarily codify existing policy and practice but include a small number of substantive changes. The Professional Standards and Practices Commission voted to recommend the rules to the State Board on November 13, 2025, and the State Board voted to propose the rules on December 4, 2025.

Comments may be submitted to: Tom Tomberlin, 6301 Mail Service Center, Raleigh, NC 27699-6301; email thomas.tomberlin@dpi.nc.gov

Comment period ends: March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06C PUBLIC SCHOOL PERSONNEL

SECTION .0100 - GENERAL PROVISIONS QUALIFICATIONS OF PUBLIC SCHOOL PERSONNEL

16 NCAC 06C .0101 DEFINITIONS

As used in this Subchapter: Section, the following definitions apply:

- (1) "Convicted" or "Conviction" means and includes the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly

constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or

(e) a plea of no contest, nolo contendere, or the equivalent.

(2) "Institution of higher education" (IHE) means a senior college or university.

(3) "Instructional personnel" means all teachers as defined by G.S. 115C-325, with the exception of supervisors, and non-teaching principals, assistant principals, social workers, counselors and psychologists. The term includes principals, assistant principals, or counselors who teach any part of the day, librarians and instructional aides, except that:

(a) aides are not included for the purpose of applying Rule .0403 of this Subchapter; and

(b) aides are not included for the purpose of applying Rule .0301 of this Subchapter.

(1) "Certified personnel" means a person who is employed in a position that requires either:

(a) A license issued by the State Board of Education; or

(b) Certification by the State Board of Education on the State Salary Schedule.

(2) "Classified personnel" means an employee of a public school unit who does not hold a professional educator license.

(3) "Fiscal year" means a calendar year beginning on July 1 of one year and ending on June 30 of the following year.

(4) "License" has the same meaning as the term "certificate" as used in 16 NCAC 1A .0001(2), means a professional educator license issued by the State Board of Education in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.

(5) "National Teachers' Examination" (NTE) means the standard examination adopted by the SBE pursuant to G.S. 115C-284(e), 115C-296 and 115C-315(d).

(6) "Other personnel" means those persons not included within the definition of instructional personnel.

(5) "Non-certified personnel" means a person employed by a public school unit in a position that requires neither a license issued by the State Board of Education nor certification by the SBE on the State Salary Schedule.

(7)(6) "Part-time employee" means a person employed for at least 20 hours per week, week but fewer than the number of hours per week of a full-time employee in a similar position.

(8)(7) "Permanent employee" means a person who is not a student enrolled in the school system who is employed: employed by a local board of education for more than 30 hours per week for at least six months.

(a) other than on an interim basis, to fill a position which is to become permanent if current needs and funds continue; or

(b) for at least six months under one contract, to replace one or more employees who are on leave without pay.

(9) "Professional public school employee" means and includes:

(a) teachers;

(b) administrators (superintendents, assistant or associate superintendents, principals, assistant principals, and supervisors); and

(c) education specialists (counselors, school social service workers, curriculum instructional specialists, school psychologists, and media personnel).

(10) "Renewal credit" means credit earned by a certificated employee for certificate renewal purposes.

(11)(8) "SACS" "SACSCOC" means the Southern Association of Colleges and Schools. Schools Commission on Colleges.

(12) "Substitute" means a person who holds a teacher's certificate, or who is a college graduate, or who has been determined by a local board to be capable of performing the duties of a substitute teacher.

(13) "Teacher education program" means the curriculum, instructional resources and faculty that contribute to the quality of instruction and the acquisition of knowledge, skills and competencies required for professional personnel to perform effectively in the public schools.

(9) "State Salary Schedule" means the salary schedule for teachers and other public school personnel administered by the State Board of Education in accordance with G.S. 115C-12(9)a. and 115C-12(16).

(10) "Teacher" is defined in G.S. 115C-270.1(5).

Authority N.C. Constitution, Article IX, Sec. 5; G.S. 115C-12; 115C-269.1; 115C-270.1; 115C-284.1.

**16 NCAC 06C .0102 NATURE OF LICENSURE
QUALIFICATIONS OF TEACHERS**

(a) The SBE shall exercise its licensing authority through the department in two general areas:

(+) The SBE shall consider for approval the teacher education programs of IHEs that belong to the SACS and that meet the requirements of Rule .0202 of this Subchapter. The SBE shall award

or deny approval to teacher education programs by the process described in 16 NCAC 6C .0202.

(2) The SBE shall award licenses to individuals who desire to obtain employment as a professional public school employees and who meet the requirements of Section .0300 of this Subchapter. The SBE shall act on personnel license requests according to the process contained in 16 NCAC 6C .0301.

(b) The SBE shall base its approval on the requirements that are in effect at the time the IHE or the individual applies for approval. Except as otherwise provided by law, any person employed as a teacher in a North Carolina public school shall hold or be qualified to hold a teacher license issued by the State Board of Education in accordance with Section .0300 of this Subchapter. For purposes of this Rule, "teacher" is defined in G.S. 115C-270.1(5).

Authority G.S. 115C-284(c); 115C-296; 115C-315(d); 115C-12(9); 115C-295.

**SECTION .0200 – TEACHER EDUCATION
PROFESSIONAL EDUCATOR PREPARATION AND
TRAINING**

**16 NCAC 06C .0202 APPLICATION FOR
APPROVAL; CRITERIA DEFINITIONS**

(a) Each IHE that seeks approval for any teacher education program must file with the department a preliminary application.

(b) The IHE shall engage in self study in accordance with the existing National Council for Accreditation of Teacher Education (NCATE)/state or the Teacher Education Accreditation Council (TEAC)/state protocol agreement.

(c) When the IHE has completed all preparation phases of the self study, the department shall send a visitation committee to verify the reports for all specialty areas for which approval is sought.

(d) The SBE shall notify IHEs that are denied approval of the reasons for denial. The IHE may reapply after it has corrected the conditions that led to the denial of approval.

(e) Each approved IHE shall continually review its programs. The SBE shall annually monitor student performance based upon required examinations and progression toward continuing licensure. The IHE may request or the SBE may conduct a re-evaluation at any time.

(f) During the final year of the current approval period, the IHE shall arrange for a re approval committee visit.

(g) The SBE must approve any revisions to approved programs.

(h) The SBE must approve each teacher education program before an IHE may recommend its graduates for licensure. In making recommendations to the SBE and in determining the approval status of an IHE teacher education program and its specialty area program, such as mathematics or science, the state evaluation committee and the SBE, respectively, shall weigh the following criteria:

(1) SACS accreditation of the IHE;

(2) either:

(A) full accreditation or accreditation with stipulations of the professional education unit by the NCATE at the basic and advanced levels, as appropriate; or

(B) full accreditation or provisional accreditation of the program(s) by TEAC;

(3) all IHE specialty area program reports at the undergraduate and graduate levels;

(4) evidence that the IHE requires at least a 2.50 grade point average on a 4.00 scale for formal admission into teacher education;

(5) evidence that during the two preceding consecutive years, 70% of the graduates of the IHE have passed the NTE/PRAXIS exams administered by the Educational Testing Service to measure an applicant's academic and professional preparation and required for licensure;

(6) evidence that during the two preceding consecutive years, 95% of the graduates of the IHE employed by public schools in the State have earned a continuing license as provided by Rule .0304 of this Subchapter; and

(7) evidence that faculty members assigned by the IHE to teach undergraduate or graduate methods courses or to supervise field experiences for prospective teachers hold valid North Carolina teachers' licenses in the area(s) of their assigned responsibilities.

As used in this Section, the following definitions apply:

(1) "Administrator preparation program" or "APP" is defined in G.S. 115C-284.1(a).

(2) "Approved EPP" is defined in G.S. 115C-269.1(1).

(3) "Authorized EPP" is defined in G.S. 115C-269.1(2).

(4) "Beginning teacher" means a professional educator who holds a license other than a Continuing Professional License or a Limited License.

(5) "Clinical educator" is defined in G.S. 115C-269.1(4).

(6) "Clinical intern" or "intern" is defined in G.S. 115C-269.1(5).

(7) "Clinical internship" or "internship" is defined in G.S. 115C-269.1(6).

(8) "Clinical mentor" or "mentor" is defined in G.S. 115C-269.1(7).

(9) "Clinical residency" or "residency" is defined in G.S. 115C-269.1(8).

(10) "Clinical resident" is defined in G.S. 115C-269.1(9).

(11) "Educator preparation program" or "EPP" is defined in G.S. 115C-269.1(10).

(12) "EVAAS" means the Education Value-Added Assessment System.

(13) "Field experience" is defined in G.S. 115C-269.1(11).

(14) "Field supervisor" is defined in G.S. 115C-269.1(12).

- (15) "Initially authorized EPP" is defined in G.S. 115C-269.1(13).
- (16) "License" is defined in 16 NCAC 06C .0101(4).
- (17) "NCEES" means the North Carolina Educator Evaluation System.
- (18) "Partner school" is defined in G.S. 115C-269.1(14).
- (19) "Recognized EPP" is defined in G.S. 115C-269.1(15).

Authority G.S. 115C-12(9)a.; 115C-296(b); N.C. Constitution, Article IX, s. 5; G.S. 115C-12(9); 115C-269.1; 115C-270.1.

SECTION .0300 – CERTIFICATION LICENSURE

16 NCAC 06C .0301 GENERAL INFORMATION DEFINITIONS

- (a) Any person who desires to obtain employment from a LEA in a professional position shall apply for and obtain a license from the department. Each applicant shall file an application together with an official transcript(s), a recommendation by a designated official of the approved IHE where preparation was completed, and the licensure fee specified in G.S. 115C-296(a2).
- (b) The department shall evaluate each application and its supporting documentation and shall notify each applicant of the action it takes.
- (c) An applicant who desires to upgrade, renew or add new fields to a license shall supply documentation to the department that supports the desired action.
- (d) A class "A" teaching license may be changed from early childhood, intermediate, middle grades or secondary to either of the other categories upon the applicant's completion of the program for the license. An applicant who secures credit as provided in Rule .0302 of this Section for new subject or teaching fields may have these fields added to a teaching license.
- (e) The department shall base the effective date of a license on the date the applicant completed the educational program requirements for the license. For applicants who completed these requirements before the current fiscal year in which the application is processed, the effective date shall be July 1. For applicants who have completed these requirements within the current fiscal year in which the application is processed, the effective date shall be the date the applicant completed the requirements. Every license shall expire on June 30 unless it is renewed or extended in accordance with the provisions of this Section. A provisional license issued pursuant to Rule .0305(e) of this Section shall be valid for one year. A lateral entry license issued pursuant to Rule .0305(b) of this Section shall be valid for two years. The initial license issued pursuant to Rule .0304(e)(1) of this Section shall be valid for three years. The continuing license issued pursuant to Rule .0304(e)(2) of this Section shall be valid for five years.
- (f) Any licensed person may apply to the department on forms that it shall furnish for a duplicate license, in the event the original is lost, or for the change of the applicant's name.
- (g) Professional personnel may be assigned only to areas in which the individual holds a license, a provisional license, endorsement or provisional endorsement as required by the department. The LEA may assign any licensed teacher who is the best qualified to

teach remedial courses, regardless of license area. This provision shall not apply to any vocational license that has been restricted by the department as a part of completing licensure requirements. As used in this Section, the following definitions apply:

- (1) "Administrator" is defined in G.S. 115C-270.1(1).
- (2) "Administrator license" is defined in 115C-270.20(b)(1).
- (3) "Administrator preparation program" or "APP" is defined in G.S. 115C-284.1(a).
- (4) "Applicant" means a person applying for any of the licensure services listed in 16 NCAC 06C .0371.
- (5) "Beginning teacher" is defined in 16 NCAC 06C .0201(4).
- (6) "Continuing education unit" or "CEU" means credit earned by a professional educator for the purpose of renewing the educator's license. One CEU shall consist of either:
 - (a) Two-thirds of a semester credit hour from an institution of higher education; or
 - (b) Ten clock hours of professional development programming.
- (7) "Continuing professional license" or "CPL" means a five-year, renewable license issued to an applicant or professional educator who meets the relevant requirements established by this Section.
- (8) "Educator preparation program" or "EPP" is defined in G.S. 115C-269.1(10).
- (9) "Emergency license" or "EL" is defined in 115C-270.20(a)(2).
- (10) "EVAAS" means the Education Value-Added Assessment System.
- (11) "Initial professional license" or "IPL" means a three-year, nonrenewable license issued to an applicant or professional educator who meets the relevant requirements established by this Section.
- (12) "Jurisdiction" means any of the following:
 - (a) A state, territory, or federal district of the United States.
 - (b) A foreign country or political subdivision thereof.
- (13) "License" is defined in 16 NCAC 06C .0101(4).
- (14) "License area" means a grade level, content area, or specialization in which a license authorizes the licensee to practice.
- (15) "Licensure examination requirements" means the standardized examination requirements adopted by the State Board of Education pursuant to G.S. 115C-270.15 for each license classification.
- (16) "Lifetime license" is defined in 115C-270.20(d).
- (17) "Limited license" is defined in 115C-270.20(a)(4a).

(18) "Out-of-state applicant" means any applicant who completed an educator preparation program or administrator preparation program with a principal place of business outside of North Carolina. This includes international preparation programs.

(19) "Out-of-state exam" means a standardized examination recognized by the licensing authority of a jurisdiction outside North Carolina that is designed to demonstrate an applicant's academic and professional preparation in license area and the passage of which is necessary to be issued a renewable license in that jurisdiction.

(20) "Provisional assistant principal license" is defined in 115C-270.20(b)(2).

(21) "Renewal cycle" means the five-year period between each renewal of a CPL.

(22) "Residency license" is defined in 115C-270.20(a)(5).

(23) "State Salary Schedule" is defined in 16 NCAC 06C .0101(9).

(24) "Student services personnel" is defined in G.S. 115C-270.1(4).

(25) "Student services personnel license" is defined in 115C-270.20(b1).

(26) "Teacher" is defined in G.S. 115C-270.1(5).

Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5; 115C-12(9); 115C-270.1; 115C-270.5; 115C-270.15; 115C-270.20.

16 NCAC 06C .0302 CREDIT GENERAL LICENSURE REQUIREMENTS

(a) The department shall compute all credit for licensure, including residence, extension and correspondence credit, in semester hours. The department shall compute credit for relicensing or renewal purposes in quarter hours. A quarter hour shall have the value of two thirds of a semester hour.

(b) The department may accept extension and correspondence credit earned from an IHE that has been accredited by a national or regional accrediting authority such as SACS at the class "A" license level and below, for purposes of renewal, adding a teaching subject and removing deficiencies. The department shall allow no more than six semester hours of correspondence credit per certificate action. For purposes of upgrading undergraduate licenses, a maximum of 10 of the 30 semester hours required for raising the license to the next higher level may be extension and correspondence credit. The IHE that has been approved under Rule .0202 of this Subchapter shall accept all credits applying to graduate licenses and licenses in the special services areas, including all licenses above the "A" level.

(c) When a person earns credits in more than one IHE before obtaining a degree, the person shall transfer the credit to an IHE that has been approved under Rule .0202 of this Subchapter that the person has attended or expects to attend. The person must be enrolled in a teacher education curriculum at the IHE that has been approved under Rule .0202 of this Subchapter.

(d) A person may use credit used for renewal or reinstatement of a license of lower rank toward upgrading a license.

(e) The department shall retain all credits submitted to it. The department shall not return transcripts nor furnish certified copies of credits to applicants.

(a) Except as otherwise provided by law, any person employed as a professional educator in a North Carolina public school shall hold or be qualified to hold a professional educator license issued by the State Board of Education in accordance with this Section.

(b) The State Board of Education shall issue the following classifications of professional educator licenses:

(1) Teacher

(2) Administrator

(3) Student Services Personnel

(c) Each license issued by the State Board of Education shall include the following information:

(1) The grade levels, content areas, and specializations for which the applicant shall be eligible for employment.

(2) The applicant's years of professional experience.

(3) The applicant's degree level, which shall be based on the highest degree issued to the applicant by an educator preparation program.

(d) For any license that requires the applicant to complete an educator preparation program, the EPP must either be recognized by the State Board of Education or by the equivalent licensing authority in the state, country, or other jurisdiction in which the EPP maintains its principal place of business.

(e) The State Board of Education shall issue a license once the applicant submits a complete license application. An application is considered complete when the applicant has:

(1) Submitted all information, documentation, and credentials required by 16 NCAC 06C .0334, thereby demonstrating qualification for the license;

(2) Paid the relevant application fee, as prescribed by 16 NCAC 06C .0371; and

(3) If applicable, been cleared from any investigation conducted by the Superintendent of Public Instruction pursuant to 16 NCAC 06C .0603.

(f) A complete application for one of the licensure services specified in 16 NCAC 06C .0371, except for license renewal, must be submitted to the SBE by April 15 of a given fiscal year to guarantee processing of the application prior to the end of the fiscal year. If a complete application is submitted after April 15 and the SBE does not approve the application prior to the end of the fiscal year, a PSU employing the applicant may not use State or federal funds for the purpose of paying the applicant's salary for that fiscal year.

(g) Every license shall expire on June 30 of the calendar year in which it is set to expire, unless it is renewed, extended, or converted to another type of license in accordance with this Section.

Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5; 115C-12(9); 115C-218.90; 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.30; 115C-295.

**16 NCAC 06C .0304 LICENSE PATTERNS TEACHER
LICENSE**

(a) Licenses shall indicate grade levels, content areas and specializations for which the professional shall be eligible for employment.

(b) Licenses shall be of the following types:

(1) Teacher. The license shall entitle the holder to teach in some designated area of specialization at the elementary, middle, or secondary level. There shall be four levels of preparation:
(A) bachelor's degree (A level);
(B) master's degree (G level);
(C) sixth year (AG level); and
(D) doctorate (DG level).

The teacher license shall further be categorized as prekindergarten B K, elementary K 6, middle grades 6 9, secondary 9 12, special subjects K 12, or work force development.

(2) Administrator/supervisor. The holder may serve in generalist and program administrator roles such as superintendent, assistant or associate superintendent, principal, assistant principal or curriculum instructional specialist. There shall be three levels of preparation:
(A) master's degree;
(B) sixth year; and
(C) doctorate.

A person shall be eligible to serve as a superintendent without qualifying for or holding a license as long as the person has earned at least a bachelor's degree from a regionally accredited college or university and has a minimum of five years leadership or managerial experience that the employing local board of education considers relevant to the position of superintendent.

(3) Student services area. The holder may provide specialized assistance to the learner, the teacher, the administrator and the education program in general. This category shall include school counseling, school social work, school psychology, audiology, speech language pathology, and media. There shall be three levels of preparation as in the case of the administrator/supervisor, except that school psychology shall be restricted to the sixth year or doctorate levels and school social work may be earned at the bachelor's level.

(e) The department shall base license classification on the level and degree of career development and competence. There shall be two classifications of licenses:

(1) The Standard Professional License I, which shall be valid for three years, shall allow the holder to begin practicing the profession on an independent basis in North Carolina. To be issued a Standard Professional License I, the individual must complete a teacher education program approved in accordance with these Rules and meet the federal requirement to be designated "highly qualified."
(2) The Standard Professional License II shall authorize professional school service on an

ongoing basis, subject to renewal every five years.

(a) A teacher license shall entitle the licensee to teach in license area(s) indicated on the license.
(b) Except as provided in Paragraph (e) below, to qualify for a teacher license, an applicant must have completed an educator preparation program at one of the following levels:

(1) Bachelor's Degree (A-Level)
(2) Master's Degree (M – Level)
(3) Specialist Degree (S – Level)
(4) Doctoral Degree (D – Level)

(c) An applicant is only eligible for a license at the highest degree level at which the applicant completed an EPP; however the applicant may qualify for graduate salary pay under 16 NCAC 06C .0369.

(d) An applicant with a high school diploma (or equivalent) or associate's degree (V-Level) may be issued a teaching license in the following license areas, provided the applicant meets all other requirements provided by this Section:

(1) Career and Technical Education
(2) Junior Reserve Officer Training Corps
(3) Safety and Driver Education

(e) Each teacher license shall be classified as one of the following based on the applicant's qualifications, in accordance with the corresponding rule:

(1) Initial Professional License, as provided in 16 NCAC 06C .0336.
(2) Continuing Professional License, as provided in 16 NCAC 06C .0337.
(3) Residency License, as provided in 16 NCAC 06C .0338.
(4) Limited License, as provided in 16 NCAC 06C .0340.
(5) Permit to Teach, as provided in 16 NCAC 06C .0341.
(6) Emergency License, as provided in 16 NCAC 06C .0342.
(7) International Faculty License, as provided in 16 NCAC 06C .0346.
(8) Lifetime License, as provided in 16 NCAC 06C .0349.
(9) Provisional License, as provided in 16 NCAC 06C .0308.

(f) Each teacher license shall be classified as one or more of the following based on the license area(s) in which it entitles the applicant to teach:

(1) Elementary
(A) Elementary (Kindergarten – Grade 6)
(B) Birth – Kindergarten
(C) Pre-School Add-On
(D) Reading (Kindergarten – Grade 6)
(E) Math (Kindergarten – Grade 6) Add-On
(F) Science (Kindergarten – Grade 6) Add-On
(G) Special Education: General Curriculum (Kindergarten – Grade 6)
(H) Special Education: Adapted Curriculum (Kindergarten – Grade 6)

	The Pre-School, Math (Kindergarten – Grade 6), and Science (Kindergarten – Grade 6) classifications shall not be issued as standalone licenses but shall only be added to an existing license consistent with 16 NCAC 06C .0307. The Pre-School Add-On shall only be issued to an applicant with an existing license in Elementary Education, Special Education, or Family and Consumer Sciences – General.	(V) Greek (Ancient) (W) Greek (Modern) (X) Hebrew (Y) Hindi (Z) Italian (AA) Korean (BB) Latin (CC) Portuguese (DD) Swahili (EE) Turkish
(2)	Middle Grades (Grade 6 – Grade 9) (A) <u>Language Arts</u> (B) <u>Mathematics</u> (C) <u>Science</u> (D) <u>Social Studies</u>	(5) Exceptional Children (Kindergarten – Grade 12) (A) <u>Exceptional Children: General Curriculum</u> (B) <u>Exceptional Children: Adapted Curriculum</u> (C) <u>Learning Disabled</u> (D) <u>Cross Categorical (Mildly/Moderately Disabled)</u> (E) <u>Severely/Profoundly Disabled</u> (F) <u>Mentally Disabled</u> (G) <u>Academically or Intellectually Gifted</u> (H) <u>Deaf and Hard of Hearing</u> (I) <u>Visually Impaired</u> (J) <u>Behaviorally/Emotionally Disabled</u>
(3)	Secondary (Grade 9 – Grade 12) (A) <u>English</u> (B) <u>Mathematics</u> (C) <u>Science</u> (D) <u>Earth Science</u> (E) <u>Biology</u> (F) <u>Physics</u> (G) <u>Chemistry</u> (H) <u>Social Studies</u> (I) <u>Political Science</u> (J) <u>Geography</u> (K) <u>History</u> (L) <u>Economics</u> (M) <u>Sociology</u> (N) <u>Anthropology</u> (O) <u>Bible</u> (P) <u>French</u> (Q) <u>Spanish</u> (R) <u>German</u> (S) <u>Japanese</u> (T) <u>Russian</u> (U) <u>Latin</u> (V) <u>Other World Language</u>	(6) Career and Technical Education (A) <u>Agriculture Education</u> (B) <u>Aviation Education</u> (C) <u>Business, Finance, and Information Technology Education</u> (D) <u>Career Development Coordinator</u> (E) <u>Career Development Facilitator</u> (F) <u>Computer Science and Information Technology Education</u> (G) <u>CTE Local Course Option</u> (H) <u>Curriculum & Instructional Management Coordinator</u> (I) <u>Family and Consumer Sciences – General</u> (J) <u>Family and Consumer Sciences – Apparel</u> (K) <u>Family and Consumer Sciences – Child Development and Family Studies</u> (L) <u>Family and Consumer Sciences – Food Nutrition and Culinary Arts</u> (M) <u>Family and Consumer Sciences – Interior Design</u> (N) <u>Health Sciences Education – Registered Nurse</u> (O) <u>Health Sciences Education – Non-Registered Nurse</u> (P) <u>Health Sciences Education – Biotechnology</u> (Q) <u>Marketing Education</u> (R) <u>Special Populations Coordinator</u> (S) <u>Technology, Engineering, and Design Education</u>
(4)	Special Subjects (Kindergarten – Grade 12) (A) <u>Art</u> (B) <u>Music</u> (C) <u>Dance</u> (D) <u>Theater Arts</u> (E) <u>Health Specialist</u> (F) <u>Physical Education</u> (G) <u>Health and Physical Education</u> (H) <u>Safety and Driver Education</u> (I) <u>Speech Communication</u> (J) <u>Reading</u> (K) <u>Junior Reserve Officer Training Corps</u> (L) <u>English as a Second Language</u> (M) <u>American Sign Language</u> (N) <u>French</u> (O) <u>Spanish</u> (P) <u>German</u> (Q) <u>Japanese</u> (R) <u>Russian</u> (S) <u>Arabic</u> (T) <u>Cherokee</u> (U) <u>Chinese</u>	

(T) Technology, Engineering, and Design Education – Digital Design / Animation and Game Art Design

(U) Trade and Industrial Education – Collision Repair

(V) Trade and Industrial Education – Automotive Services

(W) Trade and Industrial Education – Construction

(X) Trade and Industrial Education – Drafting

(Y) Trade and Industrial Education – Welding

(Z) Trade and Industrial Education – Manufacturing

(AA) Trade and Industrial Education – Digital Media

(BB) Trade and Industrial Education – Public Safety

semester hours of coursework completed within the last 5 years.

(2) A person who holds a lateral entry license shall complete a program that includes the following components:

(A) completion of an approved teacher education program in the area of licensure at a college or university or completion of a program of study outlined by the RALC;

(B) attaining a passing score on the PRAXIS subject exam(s) during the first two school years of holding the lateral entry license if the exam was not the basis of qualifying for the license;

(C) completion of a staff development program that includes a two week training course prior to beginning the work assignment;

(D) completion of six semester hours of course work in the approved program each school year;

(E) successful completion of at least a three year initial licensure program in the lateral entry license area; and

(F) completion of all the requirements of this Subparagraph within three years of becoming eligible for a lateral entry license and the recommendation of the IHE or RALC for a non-provisional (clear) license.

(3) Individuals who possess five or more years of experience considered relevant by the employing LEA and who satisfy testing requirements for the licensure area within the first year of teaching shall be issued an initial license upon:

(A) completion of the NC TEACH modules or the equivalent through an approved teacher education program: 1) The Teacher, The Learner, and The School; 2) Diversity; 3) Content Area Pedagogy;

NOTE: The NC TEACH modules are offered and administered through North Carolina colleges and universities that have approved teacher education preparation programs.

(B) completion of the NC TEACH module on Instructional Technology or its equivalent through an approved teacher education program, community college, or through professional development offered by the employing LEA; and

(C) completion of one year of successful teaching as verified by the employing LEA.

(4) The employing LEA shall commit in writing to:

(A) provide a two week pre work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end of grade and end of course testing;

(B) assign the person a mentor on or before the first day on the job;

(C) provide working conditions that are similar to those for novice teachers;

(D) give regular focused feedback to the person for improving instruction; and

(E) assist the person in accessing prescribed course work and professional development opportunities.

(e) A person who is qualified to hold at least a class "A" teaching license may be issued additional areas of licensure on a provisional basis as needed by LEAs. The person must satisfy deficiencies for full licensure at the rate of six semester hours per year. The person must complete this yearly credit before the beginning of the following school year and the credit must be directly applicable to the provisional area(s). The person must complete all credit requirements by the end of the fifth year of provisional licensure.

(d) The Department shall issue an emergency license to persons who hold at least a baccalaureate degree but who do not qualify for a lateral entry license. The emergency license shall be valid for one year and may not be renewed. When it requests an emergency license for a person, the LEA must document that no appropriately licensed professionals or persons who are eligible for a lateral entry license are available to accept the position.

(1) To be eligible for an emergency license, the person must have attained a bachelor's degree from a regionally accredited IHE and be recommended by the employing LEA.

(2) A person who holds an emergency license shall complete a program that includes the following components:

(A) The employing LEA shall commit in writing to:

(i) provide a two week pre work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end of grade and end of course testing;

(ii) assign the person a mentor on or before the first day on the job;

(iii) provide working conditions that are similar to those for novice teachers;

(iv) give regular focused feedback to the person for improving instruction; and

(v) assist the person in obtaining a teaching license.

(B) The person shall complete a staff development program that includes a two week training course prior to beginning the work assignment.

(C) The LEA shall provide the person with on going support designed to enhance the person's classroom teaching performance.

(a) An administrator license shall entitle the licensee to serve in general and program administrator roles, as provided by this Rule. To qualify for an administrator license, an applicant shall meet the requirements of G.S. 115C-270.20(b)(1) and other applicable requirements provided by this Rule.

(b) Each administrator license shall be classified as one of the following:

(1) Superintendent

(2) Principal

(3) Curriculum Instructional Specialist

(4) Instructional Technology Specialist

(5) Career and Technical Education Director

(6) Exceptional Children Program Administrator

(c) To qualify for a superintendent license, an applicant must complete an administrator preparation program at the specialist or doctoral degree level. A superintendent license shall entitle the licensee to serve as a superintendent, associate superintendent, or assistant superintendent in a local school administrative unit. To serve as the superintendent of a local school administrative unit, a person shall:

(1) Hold a principal license and superintendent license issued by the State Board of Education; or

(2) Hold a bachelor's degree or higher from a regionally accredited institution of higher education and five years of leadership or managerial experience deemed relevant by the local board of education that intends to hire the person. The SBE shall verify that any such person holds these credentials prior to employment by the local board. Employment as a local superintendent pursuant to this Subparagraph shall not entitle a person to a superintendent license for which the person would not otherwise qualify, but the local board may use State funds to pay the person's salary.

(d) To qualify for an Exceptional Children program administrator license, an applicant shall meet one of the following sets of credentials:

(1) Option 1

(A) An M-Level license or higher in an Exceptional Children license area, or an S-Level license or higher in school psychology;

(B) Three credit hours of graduate degree-level coursework each in of the areas

of school administration, curriculum development, and supervision; and

(C) Satisfaction of any applicable licensure examination requirements.

(2) Option 2

(A) An M-Level license or higher in school administration or curriculum instruction;

(B) Nine credit hours of coursework in the area Exceptional Children; and

(C) Satisfaction of any applicable licensure examination requirements.

(e) To qualify for any other administrator license, an applicant shall have completed an administrator preparation program at one of the following levels:

(1) Master's Degree (M – Level)

(2) Specialist Degree (S – Level)

(3) Doctoral Degree (D – Level)

For a principal license, the master's degree must be in School Administration, Educational Leadership, or another education-related field.

(f) An applicant is only eligible for a license at the highest degree level at which the applicant completed an EPP or APP; however, the applicant may qualify for graduate salary pay under 16 NCAC 06C .0369.

(g) An applicant for an administrator license must satisfy any applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempts the examination(s) at least once during the first year of licensure.

(1) If an applicant satisfies the examination requirements prior to initial application for an administrator license, the State Board of Education shall issue the applicant a continuing professional license.

(2) If an applicant does not satisfy the examination requirements prior to initial application for an administrator license but otherwise meets the qualifications for the license, the State Board of Education shall issue the applicant an initial professional license.

(h) Any person employed as an assistant principal in PSU must hold either a principal license or a provisional assistant principal license issued in accordance with 16 NCAC 06C .0308(g).

(i) Notwithstanding other provisions of this Section, in the event a principal position becomes vacant in the middle of a school year, a local board of education may hire a retired principal or retired assistant principal to serve as an interim principal for the remainder of the school year, even if that person's principal license has expired.

History Note: 115C 12(9)a; 115C 271(a); N.C. Constitution, Article IX, s. 5; G.S. 115C-12(9); 115C-154; 115C-270.1; 115C-270.5; 115C-270.20; 115C-271; 115C-284; 115C-284.1;

**16 NCAC 06C .0306 LICENSE ENDORSEMENT
STUDENT SERVICES PERSONNEL LICENSE**

Within the operation of programs approved under Rule .0202 of this Subchapter, IHEs may recommend persons who qualify for full licensure for an endorsement to that license. The department shall issue an endorsement based on a minimum of 18 hours in a specific content area where these hours are specifically related to that license area. License endorsements shall be restricted to less than half time teaching assignments.

(a) A student services personnel license shall entitle the licensee to provide specialized assistance to students, teachers, and administrators.

(b) Each student services personnel license shall be classified as one of the following:

(1) School Counselor

(2) School Social Worker

(3) School Psychologist

(4) Media Coordinator

(c) Except as otherwise provided by this Rule, to qualify for a student services personnel license, an applicant must have completed an educator preparation program at one of the following levels:

(1) Master's Degree (M – Level)

(2) Specialist Degree (S – Level)

(3) Doctoral Degree (D – Level)

(d) An applicant is only eligible for a license at the highest degree level at which the applicant completed an EPP; however, the applicant may qualify for graduate salary pay under 16 NCAC 06C .0369.

(e) A school social worker license shall require preparation at the bachelor's degree level ("A-Level") or higher.

(f) A school psychologist license shall require preparation at the specialist or doctoral degree level. The credential of Nationally Certified School Psychologist ("NCSP") issued by the National Association of School Psychologists shall entitle a holder of that credential to a continuing professional license.

(g) In order to serve as a school audiologist, a person shall hold a doctoral degree in audiology and an audiology license issued by the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists ("NCBOESLPA"). A person who obtained a master's degree in audiology prior to October 1, 2007, shall be exempt from the doctoral degree requirement provided that the person remains continuously licensed by the NCBOESLPA.

(h) In order to serve as a school speech-language pathologist, a person shall hold a master's or doctoral degree in speech-language pathology and a speech-language pathology license issued by the NCBOESLPA.

(i) An applicant for a student services personnel license must satisfy any applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempts the examination(s) at least once during the first year of licensure.

(1) If an applicant satisfies the examination requirements prior to initial application for a student services personnel license, the State Board of Education shall issue the applicant a continuing professional license.

(2) If an applicant does not satisfy the examination requirements prior to initial application for a student services personnel license but otherwise meets the qualifications for the license, the State Board of Education shall issue the applicant an initial professional license.

Authority G.S. 115C-12(9)(a); N.C. Constitution, Article IX, s. 5; 90-294; 90-295; 115C-12(9); 115C-270.5; 115C-270.20.

**16 NCAC 06C .0307 LICENSE RENEWAL
ADDITIONAL TEACHING AREAS**

(a) Licenses shall be valid for a period of five years from the effective date of issuance. Holders must renew their licenses within each five-year period. The Department shall apply license renewal credit to the person's license field(s) and professional duties.

(b) The Department shall base renewal or reinstatement of a license on 15 units of renewal credit. A unit of credit shall be equal to one quarter hour or two thirds of a semester hour of IHE college or university credit, 10 hours of professional development, or one school year of teaching experience.

(c) Effective July 1, 2007, school administrators shall earn at least five renewal credits during each renewal cycle that focus on the principal's role in teacher effectiveness, teacher evaluations, teacher support programs, teacher leadership, teacher empowerment, and teacher retention.

(d) Currently employed personnel shall maintain an individual growth plan. These persons may obtain renewal credit for the following activities:

- (1) college or university credit;
- (2) teaching experience (one unit for each year);
- (3) earning National Board for Professional Teaching Standards certification or completion of the National Board for Professional Teaching Standards certification process, which shall result in fifteen units of renewal credit;
- (4) completing National Board for Professional Teaching Standards certification renewal, which shall result in five units of renewal credit;
- (5) completion of activities that meet the following criteria based upon one unit of renewal credit per 10 clock hours:
 - (A) the activity shall be delivered in a minimum of 10 clock hours over time with on the job application, feedback, and follow up;
 - (B) the activity shall have identified goals and objectives that are designed to increase knowledge or skills in the person's license area or job assignment;
 - (C) the activity shall include focused content and instruction that are sequenced to develop specified competencies of a specific population;
 - (D) the activity shall be conducted by instructional personnel approved by the sponsoring school unit or employer; and
 - (E) the activity shall include a focused evaluation designed to gauge the change in learner knowledge or skill and to guide the development of future programs;

(6) independent study of no more than five units of renewal credit per five year renewal period which meets the following criteria:

- (A) teachers and other licensed personnel help to develop local independent study procedures which the superintendent shall keep on file and periodically send to each licensed employee; and
- (B) the employee and the superintendent or his or her designee shall plan the experience in advance, including identification of competencies to be acquired and an evaluation to determine satisfactory achievement of those competencies.

(e) LEAs and governing boards of schools shall assure that all local courses, workshops and independent study activities which do not carry IHE credit meet the standards contained in this Rule.

(f) LEAs may develop an alternative license renewal plan that is competency based and results oriented. The plan must describe the connection among professional development, the school improvement plan, and the individual's license area or job responsibilities through processes such as peer review and annual evaluation. The plan may waive specific hour requirements that a licensed employee must meet and focus instead on knowledge and skill acquired by participants. The plan must include outcome measures and must be submitted to the Department for review in advance of its implementation.

(g) LEAs must adopt a procedure to determine the appropriateness of credit in advance of renewal activities. In determining appropriateness the LEA must consider direct relationship to critical job responsibilities, school improvement plans, and SBE strategic priorities to properly establish credit for the activity. Each LEA must report on participation in and effectiveness of professional development to the North Carolina Professional Teaching Standards Commission on an annual basis.

(h) Persons who hold a North Carolina license but who are not currently employed in the public schools or by governing boards of nonpublic schools may earn renewal credit in college or university credit activities, or local courses and workshops on the same basis as currently employed persons. The Department shall evaluate the appropriateness of the credits based on their direct relationship to the license field, the suitability of the content level, and the requirements set out in Paragraph (d) of this Rule.

(a) An applicant may request to add a new license area to an existing IPL or CPL. An applicant may only add a license area to an IPL if the applicant has met the licensure examination requirements for the initial license area. To qualify for additional areas on a teaching license, the applicant shall:

- (1) Satisfy the applicable licensure examination requirements for that license area; or
- (2) Complete 24 credit hours of coursework from an institution of higher education in the license area and obtains a grade of C or better in each course. This option shall not be available for a teacher license in Elementary Education or Exceptional Children: General Curriculum.

(b) The State Board of Education shall not add additional teaching license areas pursuant to Paragraph (a) of this Rule to the following license classifications:

- (1) Permit to Teach
- (2) Emergency License
- (3) Residency License
- (4) Limited License
- (5) Provisional License
- (6) International Faculty License
- (7) Career and Technical Education – Restricted License

Authority G.S. 115C-12(9)(a); N.C. Constitution, Article IX, s. 5; 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20.

16 NCAC 06C .0308 EXPIRED PROVISIONAL

LICENSE

~~All expired licenses shall be invalid until reinstated. An applicant must earn a minimum of 15 units of credit during the five year period immediately preceding the date of application for reinstatement to be eligible for reinstatement. A reinstated license shall be valid for a five year period that begins from the date of completion of the required credits.~~

(a) The governing body of a public school unit that has hired or intends to hire an applicant may request that the State Board of Education issue a provisional license or add-on teaching area to an applicant who satisfies the applicable requirements below and whose work assignment is in the area for which the provisional license is sought. Except where otherwise specified below, a provisional license shall expire after five years unless the provisional licensee satisfies all requirements to transition or "clear" the provisional license to a full license. Provisional licenses for administrators and student services personnel are limited to those listed below.

(b) Teaching Provisional Add-On

- (1) To qualify for a provisional add-on teaching area, an applicant must first hold an IPL or CPL.
- (2) To clear a provisional teacher license, the applicant must either:
 - (A) Satisfy an applicable licensure examination requirements for the provisional license area; or
 - (B) Complete 24 hours of coursework at an accredited institution of higher education in the provisional license area.

(c) School Counselor Provisional License

- (1) To qualify for a provisional school counselor license, the applicant must have completed a bachelor's degree or higher, be enrolled in a school counselor EPP, and have completed either:
 - (A) 24 credit hours of coursework in the school counselor EPP; or
 - (B) A master's degree from an accredited institution of higher education in one of the following counseling areas: addiction; career; clinical mental

health; clinical rehabilitation; college counseling and student affairs; marriage, couple, and family; or rehabilitation.

(2) To clear a provisional school counselor license, the applicant must complete a school counselor EPP and satisfy any applicable licensure examination requirements within three years of the effective date of the provisional license.

(d) School Social Worker Provisional License

- (1) To qualify for a provisional school social worker license, the applicant must have completed a bachelor's degree, master's degree, specialist degree, or doctoral degree in social work and be enrolled in a school social worker EPP.
- (2) To clear a provisional school social worker license, the applicant must complete a school social worker EPP and satisfy any applicable licensure examination requirements.

(e) School Psychologist Provisional License

- (1) To qualify for a provisional school psychologist license, the applicant must have completed all requirements of a specialist or doctoral degree except for the thesis or internship.
- (2) To clear a provisional school psychologist license, the applicant must complete a school psychologist EPP and satisfy any applicable licensure examination requirements.

(f) Media Coordinator Provisional License

- (1) To qualify for a provisional media coordinator license, the applicant must either:
 - (A) Hold an A-Level teacher license;
 - (B) Have a bachelor's degree or higher in media; or
 - (C) Have completed 18 credit hours of graduate degree coursework applicable to a media coordinator EPP.
- (2) To clear a provisional media coordinator license, the applicant must complete a media coordinator EPP and satisfy any applicable licensure examination requirements.

(g) Assistant Principal

- (1) To qualify for a provisional assistant principal license, the applicant must be employed by a local board of education and meet one of the following criteria:
 - (A) The local board has determined that there is a shortage of persons who hold or are qualified to hold a principal license, and the applicant enrolls in an administrator preparation program ("APP") by the end of the first year of the provisional license.
 - (B) The applicant is enrolled in an APP and is participating in an internship required by the APP.
- (2) A provisional assistant principal license is valid for one year and may be renewed twice. The

applicant must complete the APP and satisfy any applicable licensure examination requirements by the end of the third year of the provisional license.

(3) A provisional assistant principal license shall entitle the licensee to serve only as an assistant principal, not a principal.

(h) Curriculum and Instructional Specialist

(1) To qualify for a provisional curriculum and instructional specialist license, the applicant must hold an M-Level teacher license and have at least five years of teaching experience in the content area in which the applicant is serving as a specialist.

(2) To clear a provisional curriculum and instructional specialist license, the applicant must complete a curriculum and instructional specialist EPP and satisfy any applicable licensure examination requirements.

(i) Exceptional Children Program Administrator

(1) To qualify for a provisional exceptional children program administrator license, the applicant must hold one of the following:

(A) M-Level teacher license in an Exceptional Children area.

(B) Curriculum and instructional specialist license.

(C) Principal license.

(D) Superintendent license.

(E) School psychologist license.

(2) To clear a provisional exceptional children program administrator license, the applicant must satisfy the requirements of 16 NCAC 06C .0305(d).

Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5; G.S. 115C-12(9); 115C-154; 115C-270.1; 115C-270.5; 115C-270.20; 115C-271; 115C-284; 115C-284.1.

16 NCAC 06C .0313 CRIMINAL HISTORY CHECKS LICENSE ENDORSEMENTS

(a) An LEA may obtain criminal history checks on applicants for employment as provided in G.S. 115C-332 and on applicants and current employees as provided in G.S. 114-19.2(a).

(b) An LEA shall not make any employment decision based solely upon the criminal history check (computer printout) provided by the Department of Justice whether provided pursuant to G.S. 115C-332 or G.S. 114-19.2(a). An LEA shall obtain from the repository of the record a certified copy of the applicant's or employee's conviction or shall consult with legal counsel prior to making a final employment decision based on the conviction.

(c) An LEA shall maintain data from a criminal history check from Department of Justice in paper format only, in a locked, secure place, separate from the individual's personnel file. Only those officials who have been designated by the local board of education as having a need to know the results of a criminal history check may obtain access to the records. Certified copies of records of convictions are public records and need not be maintained in accordance with this Rule.

(d) In the event that the LEA discovers as a result of a criminal history check from Department of Justice that any applicant or employee who possesses a license issued by the SBE has a criminal history, the LEA shall notify in writing the SBE office of legal counsel and shall submit to that office a certified copy of the record of conviction or convictions or information of where to obtain the record of conviction, including the person's name, criminal case number and the county of conviction. The office of legal counsel may initiate license revocation as appropriate.

(e) Nothing in this Rule is intended to prohibit suspension with or without pay or demotion or dismissal pursuant to the provisions of G.S. 115C-325 without any requirement that there be actual conviction of a crime.

(a) An applicant may request an endorsement to a teacher license if the applicant has passed a minimum of 18 credit hours at an institution of higher education in one of the following content areas:

(1) Psychology

(2) Journalism

(3) K-12 Computer Education

(b) An endorsement may only be added to an IPL or CPL.

(c) A licensee who is issued an endorsement in any of these content areas may teach that content area full-time.

History Note: G.S. 115C-12(9); 115C-270.5; 115C-270.20.

16 NCAC 06C .0334 DEFINITIONS LICENSE APPLICATION

The following definitions apply throughout this Section unless the context indicates otherwise:

(1) Ratings on the domains of the North Carolina Educator Evaluation System (NCEES) are in order of quality (lowest to highest) as follows: Not Demonstrated, Developing, Proficient, Accomplished, and Distinguished.

(2) "Accomplished" means a teacher who, on the most recent summative evaluation, has received ratings of accomplished or higher on three of the five standards or accomplished on one standard of an abbreviated evaluation, which must include Standard 4.

(3) "Accredited" or "Regionally Accredited" means an EPP has received accreditation from a national accrediting body (the Council for the Accreditation of Educator Preparation (CAEP) or the Association for Advancing Quality in Educator Preparation (AAQEP)) or received accreditation from a regional accrediting body (Higher Learning Commission (HLC), Middle States Commission on Higher Education (MSCHE), New England Commission of Higher Education (NECHE), Northwest Commission on Colleges and Universities (NWCCU), Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), WASC Senior College and University Commission (WSCUC))

(4) "Beginning Teacher Support Program" means a program that provides ongoing support for teachers entering the profession.

(5) "Beginning teacher" means a teacher who is within his or her first three years of teaching.

(6) "Career and Technical Education (CTE) Restricted License" means a three year license that requires educators to have related work experience for the CTE program area as well as a related degree from a regionally accredited college or university unless it is a high school diploma level license. CTE Restricted License holders are restricted to teaching only in the area of licensure and additional non-CTE license areas may not be added to the license.

(7) "CPL" means a Continuing Professional License.

(8) "Distinguished" means a teacher who, on the most recent summative evaluation, has received ratings of distinguished on three of the five standards or on one of distinguished on one for abbreviated evaluations, which must include Standard 4.

(9) "ECCG" means Exceptional Children General Curriculum.

(10) "ELED" means Elementary Education.

(11) "EPP" means an Educator Preparation Program.

(12) "In State Applicant" means an applicant for licensure who received training and a recommendation from a North Carolina approved Educator Preparation Program (EPP).

(13) "IPL" means an Initial Professional License.

(14) "Junior Reserve Officer Training Corps (JROTC) License" means a license that is issued to a former military service person to teach the federally sponsored school program which is designed to instill in students the values of citizenship, service to the United States, personal responsibility and a sense of accomplishment.

(15) "NCDPI" or "DPI" means the North Carolina Department of Public Instruction.

(16) "NCEES" means the North Carolina Educator Evaluation System.

(17) "NCSBE" or "SBE" means the North Carolina State Board of Education.

(18) "Out of State Applicant" means an applicant for licensure who receives training and a recommendation from an approved Educator Preparation Program (EPP) in another state or country regardless of residency.

(19) "PEPSC" means the Professional Educator Preparation and Standards Commission.

(20) "Permit to Teach License" means a one year nonrenewable license issued to individuals who do not qualify for any other type of license.

(21) "Praxis" means the Praxis Core Academic Skills for Educators assessment.

(22) "Proficient" means a teacher has received ratings of proficient or higher on three of the five standards on the most recent summative evaluation, or on Standards 1 and 4 for teachers on an Abbreviated Evaluation.

(23) "Provisional License" means an educator license that is valid for one year and can be extended for up to five years for a teaching and student services licensure area or three years for school counseling and assistant principals at the request of an LEA.

(24) "Regional Assistance Licensing Center" or "RALC" is a State Board of Education authorized educational entity that serves as an extension of the Department of Public Instruction licensure section to review transcripts and prescribe plans of study leading to licensure for lateral entry, CTE restricted, and provisional license holders.

(25) "Student Services" means any non-instructional personnel providing specialized assistance to students, teachers, administrators, or the education program in general. Student services personnel include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.

(a) Any applicant for a professional educator license shall complete an application that includes the following information and credentials for the applicant:

(1) Full Legal Name.

(2) United States Social Security Number.

(3) Date of Birth.

(4) Physical Mailing Address.

(5) Telephone Number.

(6) Personal Email Address.

(7) Educational credentials, including:

(A) Official transcripts for any degree obtained from an IHE or EPP; and

(B) Documentation, signed by an official authorized by the EPP to provide such information, verifying that the applicant has completed an EPP for the classification of license sought by the applicant.

(8) A statement and supporting documentation disclosing the following information:

(A) Any prior suspension or revocation of a professional certificate or license issued by an occupational licensing board in North Carolina or any other state; and

(B) Any criminal history not previously expunged in accordance with Chapter 15A, Article 5 of the General Statutes, including pending or dismissed charges; deferred prosecution agreements or similar prosecutorial agreements, the terms of which have

not yet been fulfilled by the applicant; and convictions, as defined in 16 NCAC 06C .0601(2).

(9) Proof of any current and valid educator license or certificate issued by another state, if applicable.

(10) Proof of certification by the National Board for Professional Teaching Standards, if applicable.

(11) If the applicant is seeking experience credit for prior work experience, documentation that the applicant meets the applicable requirements in 16 NCAC 06C .0364, .0365, .0366, 0.367, or 0.368.

(12) Documentation of performance on any applicable licensure examination requirements.

(b) The applicant shall pay the applicable application fee as defined in 16 NCAC 06C .0371.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20.

16 NCAC 06C .0336 LICENSE LEVELS FOR A NORTH CAROLINA EDUCATOR LICENSE INITIAL PROFESSIONAL LICENSE

(a) In order to qualify for a North Carolina educator license, an applicant must meet all educational requirements appropriate for the license level issued, as prescribed by a North Carolina State Board of Education approved Educator Preparation Program, and must hold a diploma or degree at the designated level or higher.

(b) The five levels of professional educator licenses available in North Carolina are as follows:

(1) "V" which requires a High School Diploma or Associates Degree and is only appropriate for Career and Technical Education (CTE) and Junior Reserve Officer Training Corps (JROTC) licenses;

(2) "A" which requires a Bachelor's Degree;

(3) "M" which requires a Master's Degree;

(4) "S" which requires a Specialist or Advanced Degree; and

(5) "D" which requires a Doctorate Degree.

(a) To qualify for an initial professional educator license, an applicant must either:

(1) Have completed a recognized EPP in North Carolina and be recommended by the EPP for the requested license;

(2) Hold a current residency license and be recommended by the EPP for the requested license;

(3) Have completed an EPP based outside of North Carolina; or

(4) Hold a clear license or its equivalent issued by a jurisdiction outside of North Carolina and have fewer than three years of licensed teaching experience in that jurisdiction.

(b) The governing body of a public school unit may request an IPL for an applicant under its employment if the applicant has completed all academic requirements, field experience, clinical experience, and other requirements for a recognized EPP in North

Carolina but has not satisfied the applicable licensure examination requirements. Under these circumstances, the recommendation of the EPP is not required.

(c) An IPL shall entitle the licensee to practice as an independent professional educator in North Carolina.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20; 115C-295.

16 NCAC 06C .0337 BASIC ENTITY DATA TO APPLY FOR A NORTH CAROLINA EDUCATOR LICENSE INITIAL PROFESSIONAL EDUCATOR LICENSE CONTINUING PROFESSIONAL LICENSE

All applicants for a North Carolina educator license shall provide the following basic entity data through the North Carolina Department of Public Instruction's secure, online licensure system:

(1) Social Security Number;

(2) Full legal name;

(3) Date of birth;

(4) Mailing address;

(5) Telephone number; and

(6) Non-school email address.

(a) To qualify for a continuing professional teacher license, an applicant must:

(1) Hold an initial professional educator license or residency license in North Carolina;

(2) Satisfy the applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempted the examination(s) at least once during the first year of licensure;

(3) Have a least three years of licensed teaching experience; and

(4) Have completed a Beginning Teacher Support Program, as provided in 16 NCAC 06C .0381, unless the applicant either:

(A) Has at least three years of licensed teaching experience outside of North Carolina; or

(B) Previously held a CPL that reverted to an IPL in accordance with 16 NCAC 06C .0360(c).

(b) To qualify for a continuing professional administrator or student services personnel license, an applicant must:

(1) Satisfy the applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempted the examination(s) at least once during the first year of licensure; and

(2) Meet other requirements for the license provided by this Section.

(c) To qualify for a CPL based on possession of a clear license in another jurisdiction, an applicant must meet the requirements of 16 NCAC 06C .0344(c).

(d) A CPL shall entitle the licensee to practice as an independent professional educator in North Carolina.

(e) Notwithstanding Rules .0360–.0363 of this Section, a CPL shall remain in effect for five years after the licensee retires from full-time employment as a professional educator.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-15; 115C-270.20; 115C-295.

16 NCAC 06C .0338 LICENSURE TRANSACTION CHECKLIST TO APPLY FOR A NORTH CAROLINA EDUCATOR LICENSE RESIDENCY LICENSE

In addition to basic entity data required by Rule .0337 of this Section, any applicant applying for a North Carolina educator license shall provide documentation to complete the licensure transaction checklist, which includes the following:

- (1) Statement of applicant, which is an attestation of applicant regarding previous criminal conviction or adverse action taken against a professional license, and supporting documents if applicable;
- (2) Education as provided by Rule .0336 of this Section;
- (3) File attachments to support statements made on the licensure application;
- (4) All official degree dated transcripts;
- (5) Verification by institution form and any applicable valid and current out of state educator license;
- (6) Work Authorization, if applicable;
- (7) National Board Certification, if applicable;
- (8) Effectiveness data as defined by Rule .0354 of this Section, if applicable;
- (9) Experience forms, if applicable;
- (10) Test scores, if applicable; and
- (11) Licensure Fees as provided for by Rule .0371 of this Section.

(a) The governing body of a public school unit or an eligible nonpublic school may request a residency license for an applicant under its employment if the applicant meets the requirements of G.S. 115C-270.20(a)(5) and has either:

- (1) Completed at least 24 hours of coursework in the content area for which the license is sought; or
- (2) Passed the applicable licensure examination requirements for that content area.

For purposes of this Rule, an "eligible nonpublic school" is defined in G.S. 115C-270.20(a)(5)a.2.

(b) A person who holds or previously held a residency license shall not be eligible for a permit to teach or an emergency license.

(c) A person who previously held a lateral entry license issued by the SBE under G.S. 115C-297 (repealed by S.L. 2017-189) but did not convert that license to a CPL prior to its expiration shall qualify for a residency license in the same license area if the person:

- (1) Meets the requirements of G.S. 115C-270.20(a)(5); and
- (2) Has passed the applicable licensure examination requirements for that content area.

(d) To renew a residency license, the PSU governing body or eligible nonpublic school employing the applicant shall provide documentation to the SBE that the applicant:

- (1) Is enrolled in a recognized educator preparation program;
- (2) Is employed as a teacher in the public school unit or eligible nonpublic school;
- (3) Acquired at least six months of teaching experience during the preceding school year; and
- (4) Completed 10 days of professional development, as described in Rule .0339 of this Section, in the first year of the residency license.

(e) If an applicant fails to renew a residency license for the second or third year, the residency license shall expire. A PSU governing body or eligible nonpublic school that hires the applicant within three years of the effective date of the initial residency license may request that the SBE reinstate the license, provided that the license has not already been renewed twice and the PSU or eligible nonpublic school employing provides documentation that the applicant is employed by the PSU governing body or eligible nonpublic school employing and enrolled in a recognized educator preparation program.

(f) To convert a residency license to an IPL or a CPL, the applicant shall:

- (1) Meet the requirements for an IPL in Rule .0336 or a CPL in Rule .0337 of this Section; and
- (2) Be recommended by the EPP that prepared the licensee.

If the applicant satisfies the above requirements by June 30 of the third year of the license, the IPL or CPL shall be effective July 1 of the next fiscal year. If the applicant fails to satisfy the requirements by this date, the residency license shall expire and the IPL or CPL shall be effective on the date the applicant satisfies the requirements.

(g) The governing body of a public school unit or eligible nonpublic school employing may request a residency license in an additional license area for an applicant under its employment if the applicant holds a clear and unencumbered license in another license area, provided that the applicant meets the requirements of G.S. 115C-270.20(a)(5) for each of the requested areas.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.25; 115C-295.

16 NCAC 06C .0339 REQUIREMENTS TO BE ISSUED A CONTINUING PROFESSIONAL LICENSE FOR AN EDUCATOR RESIDENCY LICENSE PROFESSIONAL DEVELOPMENT REQUIREMENTS

In addition to the requirements set forth in G.S. 115C-270.20(a)(1), an applicant seeking a Continuing Professional License (CPL) shall:

- (1) hold a current teaching license in North Carolina or another state;
- (2) pass the North Carolina licensure exam(s) associated with the license area or a comparable exam if from another state; and

(3) Submit effectiveness data as described in Rule .0354 of this Section, if the applicant is from out of state.

(a) A public school unit that employs a teacher holding a residency license shall, within the teacher's first year on the license, provide the teacher with at least three hours of field experience before the teacher begins teaching in the classroom and at least 10 hours of field experience over the course of the year. The field experience requirement can be fulfilled while the teacher holds a permit to teach or an emergency license in advance of the first year of the residency license.

(b) For purposes of this rule, "field experience" means opportunities to observe, practice, and demonstrate knowledge and skills in a classroom setting in the presence of students. Field experience may include experience prior to clinical residency, as defined in G.S. 115C-269.1(8).

(c) The PSU shall provide the teacher with 10 days of professional development, within the teacher's first year on the license, that includes training on the following topics:

- (1) The mission statement, policies, and procedures of the PSU.
- (2) The mission and policies of the State Board of Education.
- (3) Services and professional development opportunities available to the teacher.
- (4) The process for obtaining a CPL.
- (5) The guidelines for optimal working conditions for all beginning teachers developed by the State Board of Education in accordance with G.S. 115C-300.1(b).
- (6) EVAAS.
- (7) The North Carolina Standard Course of Study, including end-of-grade and end-of-course testing requirements.
- (8) The PSU curriculum.
- (9) Lesson planning.
- (10) Classroom structure and organization designed to maximize student learning.
- (11) Classroom management, including:
 - (A) Positive management of student behavior;
 - (B) Effective communication for defusing and de-escalating disruptive or dangerous behavior; and
 - (C) Safe, appropriate, and legal use of seclusion and restraint.
- (12) Identification and education of children with disabilities.

(d) The PSU may, in the alternative, satisfy the professional development requirements of Paragraph (c) of this Rule by requiring the teacher to complete the following:

- (1) The North Carolina Effective Teacher Training;
- (2) Training on evidence-based practices as defined in 20 U.S.C. 7801(21)(A);
- (3) Training on the Whole School, Whole Community, Whole Child Framework promulgated by the United States Centers for Disease Control and Prevention;

(4) Training on positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive and dangerous behavior; and

(5) Enrollment in any other training for classroom teachers required by the General Statutes or State Board of Education rules, such as the Science of Reading.

For teachers holding a residency license, emergency license, or permit to teach, the PSU shall provide at least eight hours of training in Subparagraphs (d)(2) through (d)(5) of this Rule before the teacher enters the classroom.

(e) The PSU may provide all 10 days of professional development pursuant to Paragraphs (c) or (d) of this Rule during the preservice period before the teacher enters the classroom or may provide five days of professional development during the preservice period with the remaining five days taking place throughout the teacher's first year on the residency license.

Authority G.S. 115C-12; 115C-12(9); 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25; 115C-300.1.

16 NCAC 06C .0340 REQUIREMENTS TO BE ISSUED AN INITIAL PROFESSIONAL LICENSE FOR AN EDUCATOR LIMITED LICENSE

In addition to the requirements set forth in G.S. 115C-270.20(a)(3), to be issued an Initial Professional License (IPL), an applicant shall submit the following information:

- (1) official degree dated transcripts;
- (2) recommendation by the EPP or approval by the SBE; and
- (3) any applicable valid and current out-of-state educator license.

If an applicant is seeking direct approval from the SBE, the hiring or employing Local Education Agency shall submit an application. The SBE shall approve the applicant if he or she has completed all the academic, field, clinical, and professional requirements for licensure as prescribed for program completion by his or her cooperating EPP, except passing licensure exams.

- (a) The governing body of a public school unit may request a limited license for an applicant under its employment if the applicant meets the requirements of G.S. 115C-270.20(a)(4a). A limited license may only be issued for teaching license areas, not for administrator or student services personnel license areas.
- (b) A person who previously held a lateral entry license issued by the SBE under G.S. 115C-297 (repealed by S.L. 2017-189) and satisfies all the requirements for an IPL or a CPL except that the person has not passed the licensure examination requirements for that license area shall qualify for a limited license if:

- (1) The person is currently employed by the PSU governing body; and
- (2) The PSU governing body submits to the SBE an affidavit, signed by the local superintendent (or equivalent chief executive officer) and the principal of the applicant's school, stating that the person is currently employed by the PSU governing body, the applicant is an effective teacher, and the PSU governing body will

encourage the applicant to pursue and IPL or CPL.

(c) To renew a limited license, the PSU governing body employing the licensee shall submit to the SBE an affidavit, signed by the licensee's supervising principal and the local superintendent (or equivalent chief executive officer), attesting to the following:

- (1) The licensee is currently employed by the PSU governing body.
- (2) The licensee is an effective teacher.
- (3) The PSU will encourage the licensee to pursue a CPL.

(d) To renew a limited license, the licensee shall demonstrate that licensee meets or exceeds expected growth, as measured by EVAAS, based on such data that is available at the time application. If a licensee has more than one year of growth data, the SBE shall take the average of growth data to determine whether the licensee met or exceeded expected growth. Data shall be limited to the years since the limited license was first issued or its most recent prior renewal. The SBE shall not consider EVAAS data from the 2019-2020 or 2020-2021 school year when considering a request to renew a limited license.

(e) Except for military servicemembers and spouses covered by 16 NCAC 06C .0350, a person holding a limited license may not transfer that limited license from one PSU to another.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20; 115C-25.

16 NCAC 06C .0341 REQUIREMENTS TO BE ISSUED A RESIDENCY LICENSE PERMIT TO TEACH

(a) To be issued a Residency License (RL) at the request of a local board of education pursuant to G.S. 115C-270.20(a)(5), an applicant must meet all SBE requirements appropriate for the license as follows:

- (1) Submit official degree dated transcripts;
- (2) Be employed by a LEA;
- (3) Have either completed 24 hours of coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the SBE; and
- (4) Be enrolled in a SBE approved EPP.

(b) The information required by Paragraph (a) of this Rule, other than the official degree dated transcripts, must be verified on the Residency License form by the LEA and EPP.

(a) The governing body of a public school unit may request a permit to teach for an applicant under its employment if the applicant:

- (1) Holds at least a bachelor's degree; and
- (2) Has never been issued any other North Carolina professional educator license.

(b) A permit to teach shall be valid until June 30 of the fiscal year for which it was requested. A permit to teach cannot be extended or renewed.

(c) A person who holds or previously held any other type of license issued by the SBE shall not be eligible for a permit to teach.

(d) For the purpose of certification for pay on the State Salary Schedule, a permit to teach shall be issued at the same level as that of a person who holds a bachelor's degree (A-Level) teacher license with zero years of experience, regardless of the applicant's education level or prior work experience.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20.

16 NCAC 06C .0342 REQUIREMENTS TO ADD A PROVISIONAL TEACHING AREA TO A NORTH CAROLINA EDUCATOR EMERGENCY LICENSE

(a) A provisional license to teach in a licensure area may be added as described in Rule .0344 of this Section to a Continuing Professional License (CPL), Initial Professional License (IPL), and Career and Technical Education (CTE) Restricted license issued at the license levels A, M, S, or D as described in Rule .0336 of this Subchapter.

(b) To "clear" a teaching provisional license, an educator must pass required licensure exams or complete 24 coursework hours for the licensure area.

(c) To "clear" a student services or assistant principal provisional license, an educator must complete an approved licensure program.

(d) CTE Restricted licensees must clear provisionally added license area(s) by meeting State Board of Education requirements.

(a) The governing body of a public school unit may request an emergency license for an applicant under its employment if the applicant:

- (1) Holds at least a bachelor's degree that includes at least 18 hours of coursework relevant to the licensure area for which the applicant has been hired to teach;
- (2) Has not completed a recognized educator preparation program in that licensure area; and
- (3) Does not qualify for a residency license.

(b) A person who holds or previously held a residency license shall not be eligible for an emergency license in the same license area.

(c) An emergency license shall be valid until June 30 of the fiscal year for which it was requested. An Emergency License cannot be extended or renewed.

(d) For the purpose of certification for pay on the State Salary Schedule, an emergency license shall be issued at the same level as that of a person who holds a bachelor's degree (A-Level) teacher license, but the applicant may qualify for graduate degree pay under 16 NCAC 06C .0369 or experience credit under 16 NCAC 06C .0364-.0367.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20.

16 NCAC 06C .0344 REQUIREMENTS TO BE ISSUED A PROVISIONAL LICENSE FOR STUDENT

SERVICES PERSONNEL AND TEACHERS OUT-OF-STATE APPLICANTS

(a) To be issued a Provisional License, an applicant shall complete all State Board of Education (SBE) requirements for the license areas as follows:

(1) School Counselor Licensee shall:

- (A) Be enrolled in an accredited school counselor preparation program and have completed a minimum of 24 graduate semester hours of that program with completion of remaining requirements within three years; or have completed a master's degree in addiction; career; clinical mental health; clinical rehabilitation; college counseling and student affairs; marriage, couple, and family counseling; or rehabilitation counseling from a regionally accredited college or university and be enrolled in an accredited school counselor preparation program to complete additional master's level courses needed to add school counseling specialization with completion of remaining requirements within three years;
- (B) Submit official degree dated transcripts to document verification of a bachelor's degree; and
- (C) Be employed by an LEA.

(2) School Social Work Licensee shall:

- (A) Be employed by an LEA;
- (B) Have completed a bachelor's, master's, specialist, or doctoral degree in social work; and
- (C) Submit official degree dated transcripts.

(3) Media Coordinator Licensee shall:

- (A) Be employed by an LEA;
- (B) Obtain an "A" level teaching license or bachelor's degree in media or have completed 18 graduate semester hours applicable toward a school media coordinator program; and
- (C) Submit official degree dated transcripts.

(4) School Psychology Licensee shall:

- (A) Be employed by an LEA;
- (B) Have completed all program requirements at the graduate level except for the thesis or internship and submit written confirmation from the college or university at which the individual has matriculated concurrent with the individual's employment; and
- (C) Submit official degree dated transcripts.

(5) Curriculum and Instructional Specialist Licensee shall:

- (A) Be employed by an LEA;
- (B) Obtain a Master's level teaching license and have a minimum of five years of teaching experience in that license area
- (C) Submit official degree dated transcripts.

(6) Exceptional Children Program Administrator Licensee shall:

- (A) Be employed by an LEA;
- (B) Obtain a Master's level license in an exceptional children's area, curriculum instruction, or school administration, or graduate level license in school psychology; and
- (C) Submit official degree dated transcripts.

(7) Teaching Area Licensee shall be employed by an LEA.

(b) A Provisional license for a Student Services Licensee may be issued at a degree level other than that required for the Educator Preparation Program (EPP) recommendation.

(a) An out-of-state applicant with fewer than three years of licensed professional educator experience may qualify for an initial professional license. To qualify for an IPL, the applicant must either:

- (1) Hold a license in the corresponding license area(s) in a jurisdiction outside of North Carolina; or
- (2) Have completed an educator preparation program recognized by the jurisdiction in which the EPP has its principal place of business.

(b) An out-of-state applicant who qualifies for an IPL in either Elementary Education or Special Education: General Curriculum must satisfy the applicable North Carolina licensure examination requirements by the end of the third year of licensure, regardless of whether the applicant passed an out-of-state exam in those areas. An out-of-state applicant who qualifies for an IPL in any other license area must either:

- (1) Achieve a passing score on an out-of-state exam for that license area in the examining jurisdiction; or
- (2) Satisfy the applicable licensure examination requirements before or during the third year of licensure, provided that the applicant attempted the examination(s) at least once during the first year of licensure.

(c) An out-of-state applicant with more than three years of licensed professional educator experience may qualify for a continuing professional license. To qualify for an CPL, the applicant must meet both of the following criteria:

- (1) The applicant holds a clear license issued under the licensing authority of a jurisdiction other than North Carolina. For purposes of this Rule, a "clear license" means a professional educator license or its equivalent that:

(A) Is in good standing with the licensing authority that issued the license;
(B) Is renewable by the licensing authority that issued the license;
(C) Has not been revoked or had discipline imposed by the other jurisdiction;
(D) Does not have an investigation relating to unprofessional conduct pending in any state relating to the license; and
(E) Has not been voluntarily surrendered while under investigation for unprofessional conduct in any state.

(2) The applicant holds a certification from the National Board for Professional Teaching Standards or the licensure requirements of the other jurisdiction are substantially similar to those in North Carolina. For purposes of this Rule, "substantially similar" means that the other jurisdiction required the applicant to, at minimum:

(A) Complete an educator preparation program recognized by the state in which the EPP is located; and
(B) Achieve a passing score on an out-of-state exam in the other jurisdiction. The applicant must achieve a passing score on the applicable exam for each license area which licensure is sought under 16 NCAC 06C .0304(c).

(d) To meet the qualifications for either an IPL or CPL based on achieving a passing score on an out-of-state exam, the applicant must present evidence of the exam results at the time of initial application for a license in North Carolina.

(e) An out-of-state applicant who qualifies for a teacher license under either Paragraph (a) or (c) of this Rule may request to add an additional teaching license area to that license based solely on achieving a passing score on an out-of-state exam in that license area in the other jurisdiction, provided the applicant submits evidence of the exam results at the time of initial application for a North Carolina license. If the out-of-state applicant seeks to add an additional teaching license area after being issued a North Carolina license, the applicant must follow the requirements of 16 NCAC 06C .0307.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-105.25; 115C-270.5; 115C-270.20; 22 C.F.R. 62.2; 22 C.F.R. 62.24.

16 NCAC 06C .0349 COMPARABILITY OF OUT-OF-STATE LICENSURE EXAMS LIFETIME LICENSE

(a) An out-of-state licensure exam shall be considered comparable to the North Carolina State Board of Education (SBE) approved licensure exam if:

(1) The out-of-state licensure exam satisfied one component of the licensure process in that state at the time the exam was taken; and
(2) The out-of-state applicant demonstrates a score on the exam that meets or exceeds the passing score, or range of scores, established by the test developer.

(b) An out-of-state applicant for the initial professional license (IPL) or continuing professional license (CPL) shall meet the SBE required exam score when comparable testing is the same test code and produced by the same test developer.

(a) An applicant may request that State Board of Education convert a continuing professional license to a lifetime license if the applicant holds a current CPL and has either:

(1) 30 or more years of creditable service with the North Carolina Teachers' and State Employees' Retirement System; or
(2) 30 or more years of combined experience as a licensed teacher, administrator, or student services personnel employed in one or more North Carolina PSUs.

(b) An applicant for a lifetime license is not required to complete continuing education credits for the renewal period immediately preceding the date upon which the SBE converts the CPL to a lifetime license, provided the applicant meets all other qualifications for the lifetime license. Nothing in this Paragraph shall be construed to prohibit a PSU from requiring the holder of a lifetime license to complete continuing education or other professional development activities as a condition of employment.

(c) A lifetime license shall remain effective for the duration of the licensee's natural life unless the license is suspended or revoked in accordance with Section .0600 of this Subchapter.

Authority G.S. ~~115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.15; 115C-270.20.~~

16 NCAC 06C .0350 DURATION OF INITIAL PROFESSIONAL LICENSE SPECIAL LICENSE PROVISIONS FOR ACTIVE-DUTY SERVICEMEMBERS AND SPOUSES

(a) An IPL issued pursuant to G.S. 115C 270.20(a)(3) and Rule .0340 of this Section shall begin July 1 of the fiscal year the license is issued and end June 30 of the third year following.

(b) An IPL may be extended to allow an individual to accrue sufficient teaching experience to convert to a CPL, provided that all testing requirements for converting to a CPL have been met as referenced in Rule .0339 of this Section.

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

- (1) "Active duty" is defined in 10 U.S.C. 101(d)(1).
- (2) "Armed forces" is defined in 10 U.S.C. 101(a)(4).
- (3) "Covered license" means a professional educator license or its equivalent that:
 - (A) Is in good standing with the licensing authority that issued the license;
 - (B) Has not been revoked or had discipline imposed by any jurisdiction;
 - (C) Does not have an investigation relating to unprofessional conduct pending in any jurisdiction relating to the license; and
 - (D) Has not been voluntarily surrendered while under investigation for unprofessional conduct in any jurisdiction.
- (4) "Military orders" is defined in 50 U.S.C. 3955(i)(1).
- (5) "Military service" is defined in 50 U.S.C. 3911(2).
- (6) "Servicemember" is defined in 50 U.S.C. 3911(1).

(b) To be employed by a public school unit in any position requiring a license issued by the State Board of Education and be certified for pay on the State Salary Schedule, an active duty servicemember whose assigned duty station is in North Carolina, or the spouse of the servicemember, must either:

- (1) Qualify and apply for a North Carolina license in accordance with this Section; or

(2) Obtain recognition of a covered license in accordance with the Veteran Auto and Education Improvement Act of 2022.

(c) If a servicemember or the spouse of a servicemember holds a covered license in another jurisdiction and relocates to North Carolina because the servicemember receives military orders for military service in North Carolina, the covered license shall be recognized in North Carolina for the license areas covered by the license. To obtain recognition, the servicemember or spouse shall submit an application that includes:

- (1) Proof of the relevant military orders.
- (2) If the applicant is the spouse of a servicemember, a copy of the marriage certificate.
- (3) A notarized affidavit affirming, under penalty of law, that:
 - (A) The applicant is the person described and identified in the application;
 - (B) All statements made in the application are true and correct and complete;
 - (C) The applicant has read and understands the requirements to receive a professional educator license in North Carolina and the license area(s) in which they are entitled to practice under this Rule;
 - (D) The applicant certifies that the applicant meets and shall comply with the requirements in Part (c)(3)(C) of this Rule; and
 - (E) The applicant is in good standing in all States in which the applicant holds or has held a license.

(d) The State Board of Education shall continue to recognize the out-of-state license until the expiration of the military orders or June 30 of the fiscal year in which the orders expire, whichever is later. To continue working as a licensed professional educator after such date, the servicemember or spouse must qualify and apply for a North Carolina professional educator license under this Section.

(e) Notwithstanding any other rule to the contrary, if a servicemember or the spouse of a servicemember submits out-of-state exam scores as part of an application for a North Carolina license, those scores need not be from the same jurisdiction in which the applicant completed an EPP or APP.

(f) If a servicemember is called to active duty or issued military orders to relocate to a jurisdiction outside of North Carolina during a time that the servicemember or the spouse of the servicemember is pursuing a residency license under 16 NCAC 06C .0338, the three-year timeframe for completing an EPP and fulfilling other requirements to obtain an IPL or CPL shall be held in abeyance until the servicemember returns to North Carolina and the servicemember or spouse returns to employment in a North Carolina public school.

(g) Notwithstanding G.S. 115C-270.20(4a), if a servicemember or the spouse of a servicemember who holds a limited license and is employed by a local board of education relocates to another part of North Carolina pursuant to military orders and obtains

employment with a different local board of education, the limited license shall remain valid for the new employment assignment.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20; 10 U.S.C. 101; 50 U.S.C. 3911; 50 U.S.C. 3955; 50 U.S.C. 4025a.

**16 NCAC 06C .0354 EVIDENCE OF TEACHER
EFFECTIVENESS FOR AN OUT-OF-STATE
APPLICANT SEEKING A CONTINUING
PROFESSIONAL LICENSE**

**16 NCAC 06C .0355 LICENSURE TESTING
REQUIREMENTS FOR OUT-OF-STATE APPLICANTS
WITH FEWER THAN THREE YEARS OF TEACHING
EXPERIENCE**

**16 NCAC 06C .0357 REQUIREMENTS TO BE
ISSUED AN INTERNATIONAL FACULTY LICENSE**

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25.

**16 NCAC 06C .0360 APPLICANT ELIGIBILITY TO
BE ISSUED A LIFETIME LICENSE LICENSE
RENEWAL FOR TEACHERS**

Administrator and student support licenses are not eligible for the Lifetime License; however, administrators and other student-support professionals are eligible for a Lifetime License in an approved teaching area provided they have met the 30 year requirement pursuant to G.S. 115C-270.20(a)(4).

(a) Each teacher holding a CPL must renew that license every five years.

- (1) Teachers in Pre-Kindergarten through Grade 5 must complete eight CEUs during each renewal cycle consisting of the following:
 - (A) Three CEUs in the teacher's license area, consistent with 16 NCAC 06C .0385(3) and (4).
 - (B) Three CEUs related to literacy, as described in G.S. 115C-270.30(b)(2).
 - (C) Two general CEUs that are germane to the K-12 educational environment.
- (2) Teachers in Grades 6 through 12 must complete eight CEUs during each renewal cycle consisting of the following:
 - (A) Four CEUs in the license area, consistent with 16 NCAC 06C .0385(3) and (4).
 - (B) Four general CEUs that are germane to the K-12 educational environment.

(b) Each teacher shall maintain a professional development plan and participate in professional development activities aligned with the North Carolina Professional Teaching Standards, codified at 16 NCAC 06C .0385. Teachers employed by a local board of education must have evidence of a rating of at least "proficient" on the teacher's most recent annual evaluation in NCEES to renew a CPL. For purposes of this Rule, "proficient" shall be defined as achieving a rating of "Proficient" or higher on three of the five North Carolina Professional Teaching Standards

as measured by the teacher's annual evaluation, including a rating of "Proficient" on Standard 4.

(c) Notwithstanding Paragraph (b) of this Rule, if a teacher employed by a local board of education possesses a current CPL, is in the final year of a renewal cycle, and was not deemed proficient on the teacher's most recent annual evaluation, the local school administrative unit ("LSAU") may place the teacher on a mandatory improvement plan in accordance with G.S. 115C-333.1(b) so that the teacher can renew the teacher's license.

- (1) If the LSAU places the teacher on a mandatory improvement plan and the teacher otherwise meets the requirements for licensure, the State Board of Education shall issue the teacher an IPL.
- (2) The term of the mandatory improvement plan shall be 90 instructional days for teachers in schools that are identified as low performing under G.S. 115C-105.37 and 60 instructional days for teachers in all other schools.
- (3) At the conclusion of the three-year term of the IPL, the teacher may apply for a CPL if the teacher meets the requirements of 16 NCAC 06C .0360, including completion of the required CEUs. The LSAU may require additional continuing education of the teacher in accordance with the deficiencies demonstrated on the teacher's annual evaluation.
- (4) If a teacher meets the criteria in Paragraph (a) of this Rule but is not placed on a mandatory improvement plan by the employing LSAU, the teacher's license shall expire at the end of the renewal cycle. A teacher whose license expires under these circumstances shall be eligible to apply for an IPL 30 days after receipt of notice of expiration from the State Board of Education.
- (5) The reversion of a teacher's license from a CPL to an IPL shall not be construed as a demotion in rank or result in a reduction of the teacher's salary.

(d) A member of the General Assembly shall be exempt from the continuing education requirements provided by this rule during any renewal cycle in which the member serves a term or some portion thereof in the General Assembly, so long as the member notifies the Department of Public Instruction of the exemption during that renewal cycle.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-333.1.

**16 NCAC 06C .0361 RENEWAL REQUIREMENTS
FOR AN EDUCATOR WHO HAS NOT
DEMONSTRATED PROFICIENCY ON THE ANNUAL
EVALUATION LICENSE RENEWAL FOR STUDENT
SERVICES PERSONNEL**

(a) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year may

be placed on a mandatory improvement plan by the employing Local Education Agency (LEA).

(b) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year and who is placed on a mandatory improvement plan may be eligible to receive an Initial Professional License (IPL) provided all other licensure requirements are met.

(c) The term of the mandatory improvement plan shall be 90 instructional days or before the beginning of the next school year for teachers in schools identified as low performing and at least 60 instructional days for teachers in schools not identified as low performing.

(d) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year and who is not placed on a mandatory improvement plan shall be deemed to have an "expired" teaching license.

(e) An educator whose license has expired pursuant to Paragraph (d) of this Rule shall be eligible to apply for an IPL after a 30 day waiting period.

(a) Each person holding a student services personnel license must renew that license every five years.

(b) Student services personnel must complete eight CEUs during each renewal cycle consisting of the following:

(1) Four CEUs that align with the North Carolina standards for the relevant professional discipline.

(2) Four general CEUs that are germane to the K-12 educational environment.

(c) A person serving as a school audiologist or school speech-language pathologist shall be exempt from the continuing education requirements of Paragraph (b) of this Rule so long as the licensee continues to satisfy the requirements of 16 NCAC 06C .0306(g) or 06C .0306(h), respectively.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-333; 115C-333.1.

16 NCAC 06C .0362 RENEWAL CREDIT REQUIREMENTS TO RENEW A CONTINUING PROFESSIONAL LICENSE FOR TEACHERS AND SUPPORT SERVICE PERSONNEL LICENSE RENEWAL FOR ADMINISTRATORS

A teacher or student services personnel who holds a Continuing Professional License (CPL) shall meet the following renewal credit requirements:

(1) A teacher with a K-12 license must meet the licensure renewal requirements as set forth in this Rule for the grade span corresponding to their teaching assignment.

(2) A teacher of grades K-5 must complete 8.0 renewal credits during the term of his or her license that meet the following requirements:

(a) 3 renewal credits in their academic subject area;

(b) 3 renewal credits addressing literacy pursuant to G.S. 115C 270.30(b)(2); and

(c) 2 renewal credits addressing the Digital Learning Competencies.

(3) A teacher of grades 6-12 must complete 8.0 renewal credits during the term of his or her license that meet the following requirements:

(a) 3 renewal credits in their academic subject areas;

(b) 2 renewal credits addressing the Digital Learning Competencies; and

(c) 3 general credits at the discretion of the employing LEA, other than credit for teaching experience.

(4) Student services personnel must complete 8.0 renewal credits during each five year renewal cycle that meet the following requirements:

(a) 3 renewal credits that align with the expectations of the North Carolina standards for their professional discipline area;

(b) 2 renewal credits addressing the Digital Learning Competencies; and

(c) 3 general credits at the discretion of the employing LEA, other than credit for teaching experience.

(5) Educators completing the National Board for Professional Teaching Standards certification process shall earn all 8.0 renewal credits for completion of the process and certification. Educators who are in the national board renewal cycle shall earn two credits.

(a) Each person holding an administrator license must renew that license every five years.

(b) Administrators must complete eight CEUs during each renewal cycle consisting of the following:

(1) Four CEUs focused on the administrator's leadership role in instruction, human resources, and management.

(2) Four general CEUs that are germane to the K-12 educational environment.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.1; 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-284.

16 NCAC 06C .0363 RENEWAL CREDIT REQUIREMENTS TO RENEW A CONTINUING PROFESSIONAL LICENSE FOR SCHOOL ADMINISTRATORS GENERAL LICENSE RENEWAL REQUIREMENTS

School administrators must complete 8.0 renewal credits during the term of the license that meet the following requirements:

(1) 3 renewal credits that focus on the school executive's role as instructional, human resources, and managerial leader;

(2) 2 renewal credits addressing the Digital Learning Competencies; and

(3) 3 general credits at the discretion of the employing LEA, not to include years of work experience.

(a) A professional educator may receive CEUs through any of the following means:

- (1) College or university credit.
- (2) Professional development programs.
- (3) A teacher who receives certification from the National Board for Professional Teaching Standards ("National Board Certification") shall receive credit for all eight CEUs for the renewal cycle in which the teacher receives the certification. A teacher who renews a National Board Certification shall receive credit for two CEUs for the renewal cycle in which the teacher renews the certification.

(b) The governing body of a public school unit may request that the State Board of Education validate an expired CPL issued to an applicant under the employment of the PSU governing body, even if the educator does not have the requisite CEUs, provided that the educator was not employed by any PSU during the preceding fiscal year. A validated CPL shall be effective for three years, and the educator must complete the relevant renewal requirements in this Section by the end of the third year to renew the CPL for a new five-year renewal cycle.

(c) Hours spent attending mandatory training programs shall contribute toward the calculation of continuing education credits for a professional educator if:

- (1) The mandatory training program is required by State law or by a local board of education as a condition of employment; and
- (2) The professional educator has otherwise met any applicable requirements provided by this Section.

(d) Each PSU shall adopt rules, regulations, and procedures for ensuring that the activities completed for renewal credit by licensed professional educators in its employment meet the criteria set forth in this Section and are appropriate for each individual educator. In determining the appropriateness of the activity, the PSU shall consider the following:

- (1) Direct relationship between the activity and the educator's work responsibilities;
- (2) Any school improvement plan in effect for the educator's assigned school, if applicable; and
- (3) Strategic priorities of the State Board of Education.

(e) Nothing in this Section shall preclude a PSU or its governing body from establishing additional continuing education requirements based for its employees based on local needs and in accordance with local policies, rules, and regulations.

Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-12(9); 115C-270.5; 115C-270.20; 115C-270.30; 115C-284.

SECTION .0600 – STANDARDS OF PROFESSIONAL CONDUCT AND EDUCATOR DISCIPLINE

16 NCAC 06C .0610 CRIMINAL HISTORY CHECKS

(a) The criminal history reporting requirements for local boards of education under G.S. 115C-332(e) shall be governed by 16 NCAC 06C .0608.

(b) If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks consistent with G.S. 115C-332, the board of directors of the charter school shall report the results of a criminal history check for a licensed professional educator under its employment to the State Board of Education in accordance with 16 NCAC 06C .0608.

Authority G.S. 115C-12(18); 115C-218.90; 115C-270.35; 115C-332; 115C-326.20.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 42 - OPTOMETRY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Examiners in Optometry intends to readopt with substantive changes the rule cited as 21 NCAC 42B .0107.

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

Proposed Effective Date: *May 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org*

Reason for Proposed Action: *The National Board of Examiners in Optometry changed their Part III examination, thus requiring this Board to modify the Rule.*

Comments may be submitted to: *Janice Peterson, N.C. State Board of Examiners in Optometry, 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org*

Comment period ends: *March 3, 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**SUBCHAPTER 42B - LICENSE TO PRACTICE
OPTOMETRY**

SECTION .0100 - LICENSE BY EXAMINATION

**21 NCAC 42B .0107 NATIONAL BOARD
EXAMINATIONS**

(a) Each applicant shall direct the National Board of Examiners in Optometry (NBEO) to release his or her official score report to the Board as evidence of having achieved a passing score as determined by the NBEO on:

- (1) Parts I, II, and III I and II of the National Board of Examiners in Optometry (NBEO)

Examinations ~~if as~~ offered in the calendar year the applicant graduated from an accredited school or college of optometry;

NBEO's Treatment and Management of Ocular Disease Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry; ~~and~~

Part III of the NBEO's Clinical Skills Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry;

Part III of the NBEO's Patient Encounters Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry; and

~~(3)(5)~~ NBEO's Injection Skills Examination.

(b) The applicant shall authorize the release of his or her official NBEO score report to the Board prior to the approval by the Board of his or her application to take the North Carolina clinical practicum examination.

Authority G.S. 90-117.5; 90-118.

*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 November 20, 2025 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****PUBLIC HEALTH, COMMISSION FOR**

<u>Description</u>	10A NCAC	43D	.0201	39:23 NCR
<u>Definitions</u>	10A NCAC	43D	.0202	39:23 NCR
<u>References</u>	10A NCAC	43D	.0203*	39:23 NCR
<u>Contract with FNS</u>	10A NCAC	43D	.0204	39:23 NCR
<u>Local WIC Agency Agreement and Budget</u>	10A NCAC	43D	.0207	39:23 NCR
<u>Participant Violations and Sanctions</u>	10A NCAC	43D	.0410*	39:23 NCR
<u>Dual Participation</u>	10A NCAC	43D	.0411	39:23 NCR
<u>Supplemental Foods</u>	10A NCAC	43D	.0501*	39:23 NCR
<u>Issuance of Food Benefits</u>	10A NCAC	43D	.0702*	39:23 NCR
<u>Vendor Applicants</u>	10A NCAC	43D	.0707*	39:23 NCR
<u>Authorized Vendors</u>	10A NCAC	43D	.0708	39:23 NCR
<u>Local WIC Agency</u>	10A NCAC	43D	.0709*	39:23 NCR
<u>Continuation of Participation</u>	10A NCAC	43D	.0804*	39:23 NCR
<u>General Conditions</u>	10A NCAC	43D	.0902	39:23 NCR
<u>Notification Of The Right To A Fair Hearing</u>	10A NCAC	43D	.0904	39:23 NCR
<u>Request For A Fair Hearing</u>	10A NCAC	43D	.0905*	39:23 NCR
<u>Denial Or Dismissal Of A Request</u>	10A NCAC	43D	.0906*	39:23 NCR
<u>Continuation Of Benefits</u>	10A NCAC	43D	.0907	39:23 NCR
<u>Notice of Hearing</u>	10A NCAC	43D	.0908	39:23 NCR
<u>Hearing Officer</u>	10A NCAC	43D	.0909	39:23 NCR
<u>Decision</u>	10A NCAC	43D	.0911*	39:23 NCR

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Probationary Certification Requirement</u>	12 NCAC	10B	.0403*	40:04 NCR
<u>Certification of a Former Sheriff</u>	12 NCAC	10B	.0407	40:04 NCR
<u>Department Head Responsibilities - Critical Incident Repo...</u>	12 NCAC	10B	.0412*	40:03 NCR
<u>General Provisions</u>	12 NCAC	10B	.1002*	40:03 NCR
<u>Intermediate Law Enforcement Certificate</u>	12 NCAC	10B	.1004	40:03 NCR
<u>Advanced Law Enforcement Certificate</u>	12 NCAC	10B	.1005	40:03 NCR
<u>How to Apply</u>	12 NCAC	10B	.1006	40:03 NCR
<u>General Provisions</u>	12 NCAC	10B	.1202	40:03 NCR
<u>Intermediate Detention Officer Professional Certificate</u>	12 NCAC	10B	.1204	40:03 NCR
<u>Advanced Detention Officer Professional Certificate</u>	12 NCAC	10B	.1205	40:03 NCR
<u>How to Apply</u>	12 NCAC	10B	.1206*	40:03 NCR
<u>General Provisions</u>	12 NCAC	10B	.1402	40:03 NCR
<u>Intermediate Reserve Deputy Sheriff Certificate</u>	12 NCAC	10B	.1404	40:03 NCR
<u>Advanced Reserve Deputy Sheriff Certificate</u>	12 NCAC	10B	.1405	40:03 NCR
<u>How to Apply</u>	12 NCAC	10B	.1406	40:03 NCR

<u>Eligibility for Professional Certificates</u>	12 NCAC	10B	.1602	40:03 NCR
<u>Intermediate Telecommunicator Certificate</u>	12 NCAC	10B	.1604	40:03 NCR
<u>Advanced Telecommunicator Certificate</u>	12 NCAC	10B	.1605	40:03 NCR
<u>How to Apply</u>	12 NCAC	10B	.1606*	40:03 NCR
<u>Military and Military Spouse Transferees</u>	12 NCAC	10B	.1901	40:03 NCR

WILDLIFE RESOURCES COMMISSION

<u>White-Tailed Deer</u>	15A NCAC	10B	.0203	40:02 NCR
<u>Squirrels</u>	15A NCAC	10B	.0206	40:02 NCR
<u>CWD Surveillance Areas Defined</u>	15A NCAC	10B	.0502*	40:02 NCR
<u>Surveillance Area</u>	15A NCAC	10B	.0503*	40:02 NCR
<u>Primary Surveillance Area</u>	15A NCAC	10B	.0504	40:02 NCR
<u>Public Mountain Trout Waters</u>	15A NCAC	10C	.0205*	40:02 NCR
<u>Spawning Areas</u>	15A NCAC	10C	.0208	40:02 NCR
<u>Possession of Certain Fishes</u>	15A NCAC	10C	.0211*	40:02 NCR
<u>Largemouth Bass</u>	15A NCAC	10C	.0305	40:02 NCR
<u>Mountain Trout</u>	15A NCAC	10C	.0316	40:02 NCR
<u>White Bass</u>	15A NCAC	10C	.0318	40:02 NCR
<u>Smallmouth Bass</u>	15A NCAC	10C	.0321	40:02 NCR
<u>Alabama Bass and Spotted Bass</u>	15A NCAC	10C	.0322	40:02 NCR
<u>Trout</u>	15A NCAC	10C	.0325	40:02 NCR
<u>General Regulations Regarding Use</u>	15A NCAC	10D	.0102*	40:02 NCR
<u>Fishing on Game Lands</u>	15A NCAC	10D	.0104	40:02 NCR
<u>Bladen Lakes State Forest Game Land in Bladen County</u>	15A NCAC	10D	.0205	40:02 NCR
<u>Butner-Falls of Neuse Game Land in Durham, Granville, and...</u>	15A NCAC	10D	.0211	40:02 NCR
<u>Buxton Woods Game Land in Dare County</u>	15A NCAC	10D	.0212	40:02 NCR
<u>Wayne Bailey-Caswell Game Land in Caswell County</u>	15A NCAC	10D	.0215	40:02 NCR
<u>Chowan Game Land in Chowan County</u>	15A NCAC	10D	.0217	40:02 NCR
<u>Chowan Swamp Game Land in Bertie, Gates, and Hertford...</u>	15A NCAC	10D	.0218	40:02 NCR
<u>Goose Creek Game Land in Beaufort and Pamlico Counties</u>	15A NCAC	10D	.0229*	40:02 NCR
<u>Gull Rock Game Land in Hyde County</u>	15A NCAC	10D	.0232*	40:02 NCR
<u>Holly Shelter Game Land in Pender County</u>	15A NCAC	10D	.0236	40:02 NCR
<u>Johns River Game Land in Burke County</u>	15A NCAC	10D	.0239	40:02 NCR
<u>Jordan Game Land in Chatham, Durham, Orange, and Wake...</u>	15A NCAC	10D	.0240	40:02 NCR
<u>Juniper Creek Game Land in Brunswick and Columbus Counties</u>	15A NCAC	10D	.0241	40:02 NCR
<u>Mayo Game Land in Person County</u>	15A NCAC	10D	.0249	40:02 NCR
<u>Pee Dee River Game Land in Anson, Montgomery, Richmond, a...</u>	15A NCAC	10D	.0258	40:02 NCR
<u>Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Hay...</u>	15A NCAC	10D	.0260	40:02 NCR
<u>Roanoke River Wetlands in Bertie, Halifax, Martin, and No...</u>	15A NCAC	10D	.0265*	40:02 NCR
<u>Robeson Game Land in Robeson County</u>	15A NCAC	10D	.0267	40:02 NCR
<u>Sandhills Game Land in Hoke, Moore, Richmond, and...</u>	15A NCAC	10D	.0271*	40:02 NCR
<u>Shocco Creek Game Land in Franklin, Halifax, Nash, and...</u>	15A NCAC	10D	.0275	40:02 NCR
<u>South Mountains Game Land in Burke, Cleveland, McDowell, ...</u>	15A NCAC	10D	.0276	40:02 NCR
<u>Suggs Mill Pond Game Land in Bladen and Cumberland Counties</u>	15A NCAC	10D	.0278	40:02 NCR
<u>Thurmond Chatham Game Land in Alleghany and Wilkes Counties</u>	15A NCAC	10D	.0283	40:02 NCR
<u>Whitehall Plantation Game Land in Bladen and Pender County</u>	15A NCAC	10D	.0291	40:02 NCR
<u>North Bend Game Land in Burke County</u>	15A NCAC	10D	.0294	40:02 NCR
<u>Definitions and General Requirements for Captivity License</u>	15A NCAC	10H	.1401*	40:01 NCR

<u>Captivity License for Rehabilitation</u>	15A NCAC	10H	.1402*	40:01 NCR
<u>Captivity License for Holding</u>	15A NCAC	10H	.1403	40:01 NCR
<u>Minimum Standards Captivity License for Holding</u>	15A NCAC	10H	.1404	40:01 NCR
<u>Captivity License Revocation and Enforcement</u>	15A NCAC	10H	.1405	40:01 NCR
<u>Form an Captivity Licenses</u>	15A NCAC	10H	.1406	40:01 NCR

DENTAL EXAMINERS, BOARD OF

<u>Update Course for General Anesthesia and Moderate...</u>	21 NCAC	16Q	.0105*	40:03 NCR
<u>Credentials and Permits for Moderate Conscious Sedation</u>	21 NCAC	16Q	.0301*	40:03 NCR

FUNERAL SERVICE, BOARD OF

<u>Preneed Sales License</u>	21 NCAC	34D	.0202*	40:02 NCR
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ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

<u>Expirations and Renewals of Certificates</u>	21 NCAC	56	.0505*	39:24 NCR
<u>Requirements for Licensing</u>	21 NCAC	56	.0601*	39:24 NCR
<u>Expirations and Renewals of Certificates</u>	21 NCAC	56	.0606*	39:24 NCR
<u>Rules of Professional Conduct</u>	21 NCAC	56	.0701*	39:24 NCR
<u>Annual Renewal and 30-Day Reporting of Violations and Cha...</u>	21 NCAC	56	.0804*	39:24 NCR

STATE HUMAN RESOURCES COMMISSION

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TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (1) An "administrative appeal" is an appeal in accordance with Section .0800 of this Subchapter through which a local WIC agency, potential local WIC agency, authorized WIC vendor, or WIC vendor applicant may appeal the adverse actions listed in 7 C.F.R. 246.18(a)(1)(i), (a)(1)(ii), and (a)(3)(i).
- (2) An "authorized store representative" includes an owner, manager, assistant manager, head cashier, or chief fiscal officer.
- (3) An "authorized WIC vendor" is a food retailer or free-standing pharmacy that has executed a currently effective North Carolina WIC Vendor Agreement, as set forth in 7 C.F.R 246.12(h)(3).
- (4) A "chain store" is a store that is owned or operated by a corporation, partnership, cooperative association, or other business entity that has 20 or more stores owned or operated by the business entity.
- (5) An "Electronic Benefit Transfer (EBT) Processor" is an entity contracted by a government agency for the implementation, maintenance, and operation of the State WIC agency's WIC EBT system that acts as the agent

SECTION .0200 - WIC PROGRAM GENERAL INFORMATION**10A NCAC 43D .0201 DESCRIPTION**

The North Carolina Department of Health and Human Services, Division of Child and Family Well-Being, Community Nutrition Services Section is responsible for the administration of the WIC Program in North Carolina.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246; Eff. July 1, 1981; Amended Eff. October 1, 2009; December 6, 1991; November 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017; Amended Eff. April 1, 2026.

10A NCAC 43D .0202 DEFINITIONS

(a) For the purposes of this Subchapter, all definitions set forth in 7 C.F.R. Part 246.2 are hereby incorporated by reference, including subsequent amendments and editions, with the following additions and modifications:

of the State WIC agency to process and settle EBT transactions.

(6) "eWIC" is the term used for EBT by the North Carolina WIC Program.

(7) A "fair hearing" is the informal dispute resolution process in Section .0900 of this Subchapter through which any individual may appeal a State or local agency action that results in a claim against the individual for repayment of the cash value of issued benefits by which the individual is not eligible or results in the individual's denial of participation or disqualification from the WIC Program, as set forth in Rule .0410 of this Subchapter. This process must be complied with prior to requesting a contested case hearing in accordance with G.S. 150B, as set forth in 7 CFR 246.9.

(8) "First date to spend" means "first date of use" as defined in 7 C.F.R. 246.12, hereby incorporated by reference with all subsequent amendments and editions.

(9) "FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.

(10) "Food benefits" are the prescribed amounts of WIC authorized foods and formulas or a fixed dollar amount prescribed to WIC customers to receive fruits and vegetables.

(11) "Food benefit balance" means the unspent food benefits for the current month that are available to use by the cardholder.

(12) "Free-standing pharmacy" means a pharmacy that does not operate within another retail store. Free-standing pharmacy includes free-standing pharmacies that are chain stores and free-standing pharmacies participating under a WIC corporate agreement.

(13) "Last date to spend" means "last date of use" as defined in 7 C.F.R. 246.12, hereby incorporated by reference with all subsequent amendments and editions.

(14) The "local WIC agency" is the local agency that enters into an agreement with the Division of Child and Family Well-Being to operate the Special Supplemental Nutrition Program for Women, Infants, and Children.

(15) A "local WIC program plan" is a written compilation of information on the local WIC agency policies concerning program operation, including administration, nutrition education, personnel functions, costs and other information prepared by the local WIC agency and submitted to the Community Nutrition Services Section.

(16) "New authorized WIC vendor" is an authorized WIC vendor that has been approved to accept WIC for the first time and does not include vendors that have a previous WIC authorization history.

(17) A "personal identification number" (PIN) is a numeric password selected and used by a WIC participant to authenticate the participant to the EBT system.

(18) A "point of sale terminal" (POS) is an electronic device used to process EBT card payments at authorized vendor locations.

(19) A "predominantly WIC vendor" is an "above-50-percent vendor" as defined in 7 C.F.R. 246.2.

(20) A "product look-up (PLU) code" is an identification number placed on produce sold at authorized vendor locations.

(21) "Redeemed food benefits" means the benefits that have been used by the WIC customer.

(22) "Redemption" is the process by which a vendor receives payment from the State agency or its financial agent for food benefits transacted at that vendor location.

(23) "Shelf price" is the price listed on the shelf for the WIC supplemental food.

(24) "SNAP-eligible food sales" means "food sales" as defined in 7 C.F.R. 246.2, which are those foods that can be purchased with Supplemental Nutrition Assistance Program ("SNAP") benefits.

(25) The "State agency" is the Community Nutrition Services Section, Division of Child and Family Well-Being, North Carolina Department of Health and Human Services.

(26) "Store" means a food retailer or free-standing pharmacy operating at a single, fixed location.

(27) "Supplemental food" or "WIC supplemental food" is a food that satisfies the requirements of 10A NCAC 43D .0501.

(28) "Support costs" are clinic costs, administrative costs, and nutrition education costs.

(29) "Transaction" is the process by which a WIC customer tenders food benefits at an authorized vendor in exchange for authorized supplemental foods.

(30) "Universal Product Code (UPC)" means an identification code printed on the packaging of WIC approved foods sold at WIC authorized vendor locations.

(31) "Vendor applicant" is a store that has submitted an application to become an authorized WIC vendor but is not yet authorized.

(32) A "vendor overcharge" is intentionally or unintentionally charging more for supplemental food provided to a WIC customer than to a non-WIC customer or charging more than the current shelf price for supplemental food provided to a WIC customer.

(33) A "WIC corporate agreement" is a single WIC Vendor Agreement with a corporate entity that has 20 or more stores authorized as WIC vendors under the Agreement.

(34) "WIC customer" means a WIC participant, parent, or caretaker of an infant or child participant, proxy for the eligible participant, or compliance investigator who transacts food benefits at a vendor in exchange for WIC supplemental food.

(35) "WIC program" means the Special Supplemental Nutrition Program for Women, Infants, and Children authorized by 42 U.S.C. 1786 of the Child Nutrition Act of 1966 as amended.

(b) A copy of 7 C.F.R. Part 246 is available free of charge at <https://www.ecfr.gov>.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786; Eff. July 1, 1981;
Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;
Temporary Amendment Eff. May 17, 2000;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2004;
Temporary Amendment Eff. July 1, 2006;
Amended Eff. October 1, 2017; February 1, 2013; October 1, 2009; April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026; March 1, 2020.

10A NCAC 43D .0203 REFERENCES

(a) The State agency shall administer the WIC program in accordance with:

- (1) 42 U.S.C. 1786; and
- (2) 7 C.F.R. 246.1 through 246.28, United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children.

(b) The documents listed in Paragraph (a) of this Rule are incorporated by reference, including subsequent amendments and editions. 7 C.F.R. 246 is available for free at <https://www.ecfr.gov/current/title-7 subtitle-B chapter-II subchapter-A part-246>. 42 U.S.C. 1786 is available for free at <https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap13A-sec1786>.

History Note: Authority G.S. 130A-361;
Eff. July 1, 1981;
Amended Eff. October 1, 2017; October 1, 2009; April 1, 1984; April 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.

10A NCAC 43D .0204 CONTRACT WITH FNS

(a) The Department of Health and Human Services shall maintain the Federal-State Special Supplemental Nutrition Program Agreement with the United States Department of Agriculture, Food and Nutrition Service.

(b) The state agency shall prepare, submit to FNS, and maintain the North Carolina State WIC Program Plan of Operations to fulfill the requirements of 7 C.F.R. 246.4. This plan is available for inspection at the state agency during business hours.

History Note: Authority G.S. 130A-361;
Eff. July 1, 1981;
Amended Eff. October 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.

10A NCAC 43D .0207 LOCAL WIC AGENCY AGREEMENT AND BUDGET

(a) The state agency shall enter into an agreement and negotiate a budget with each local WIC agency in accordance with 7 C.F.R. 246.6.

(b) The availability of budgeted support cost funds for each local WIC agency is contingent upon the availability of WIC program support cost funds.

(c) Since local support cost funds are allocated according to the assigned number of participants to be served, in the event a local WIC agency is unable to serve the assigned number of participants, the state agency shall reduce the amount of support cost funds provided to the local WIC agency by a portion reflective of the level of underperformance.

(d) The state agency shall notify the local WIC agency in writing of any reduction of support cost funds available to the local WIC agency.

History Note: Authority G.S. 130A-361;
Eff. April 1, 1982;
Amended Eff. October 1, 2009; April 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.

10A NCAC 43D .0410 PARTICIPANT VIOLATIONS AND SANCTIONS

(a) The State agency shall assess a claim for the full value of Program benefits that have been obtained or disposed of improperly as the result of a participant violation. "Participant violation" means those violations listed in 7 C.F.R. 246.2. A claim shall not be paid by offsetting the claim against future Program benefits.

(b) The following participant violations committed by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a one-year disqualification of the participant from the WIC Program, except as provided in Paragraphs (c) and (d) of this Rule:

- (1) Exchanging eWIC card, benefits, or supplemental food for cash;
- (2) Exchanging eWIC card, benefits, or supplemental food for alcohol, alcoholic beverages, tobacco products, firearms, ammunition, explosives, or controlled substances as incorporated by reference, including subsequent amendments and editions in 21 U.S.C. 802;

- (3) A claim for dual participation resulting from intentional misrepresentation;
- (4) Intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain Program benefits;
- (5) Any participant violation for which a claim of one hundred dollars (\$100.00) or more is assessed;
- (6) A second or subsequent claim assessed for any participant violation, regardless of the dollar amount. The second or subsequent claim does not have to be for the same participant violation as the initial claim to result in a one-year disqualification; and
- (7) Physical harm to clinic or vendor staff.

(c) The one-year disqualification referenced in Paragraph (b) of this Rule shall not be imposed against the participant if a claim is assessed and full payment is made, or a repayment schedule is agreed upon within 30 days of receipt of a written demand for repayment of the claim for the improperly obtained or disposed of Program benefits.

(d) The one-year disqualification referenced in Paragraph (b) of this Rule shall not be imposed against the participant if the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant. Designation of a proxy shall be approved if the proxy:

- (1) is at least 18 years of age;
- (2) presents proof of identification in the form of a government-issued photo identification card, work or school identification card, health benefits or social services program card, social security card, birth certificate, or a pay stub or utility bill no more than 60 days old;
- (3) has written authorization from the participant or the parent or caretaker of an infant or child participant; and
- (4) will be the person who transacts the supplemental food benefits or cash-value benefits.

(e) Except as provided in Subparagraphs (b)(5) and (b)(6) of this Rule, the following participant violations committed by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a written warning for the first violation and the assessment of a claim for the full amount of any improperly obtained or disposed of Program benefits:

- (1) Exchanging eWIC card, benefits or supplemental food for credit;
- (2) Exchanging eWIC card, benefits or supplemental food for non-food items, other than alcohol, alcoholic beverages, tobacco products, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802; and
- (3) Exchanging eWIC card, benefits or supplemental food for unauthorized food items, including supplemental foods in excess of those listed on the participant's available benefit balance.

For the violations listed in this Paragraph, failure to pay a claim in full or agree to a repayment schedule within 30 days of receipt of a written demand for repayment of a claim, shall result in a 90-day disqualification of the participant, unless the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.

(f) The occurrence of a second or subsequent participant violation listed in Paragraph (e) of this Rule shall result in a one-year disqualification of the participant and the assessment of a claim for the full amount of any improperly obtained or disposed of Program benefits. The second or subsequent violation does not have to be the same as the initial violation to result in a one-year disqualification. The one-year disqualification shall not be imposed against the participant if full payment is made, or a repayment schedule is agreed upon within 30 days of receipt of a written demand for repayment of a claim. Additionally, the one-year disqualification shall not be imposed against the participant if the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.

(g) Threatening physical harm to or verbal abuse of clinic or vendor staff by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a written warning for the first occurrence of this violation. A second occurrence within a 12-month period shall result in a 90-day disqualification of the participant, unless the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.

(h) For any disqualification imposed under this Rule, a participant may reapply for Program participation if during the period of the disqualification full payment is made or a repayment schedule is agreed upon, or in the case of a participant who is an infant, child, or under age 18, the state or local agency approves the designation of a proxy in accordance with Paragraph (d) of this Rule.

(i) The participant has a right to a fair hearing in accordance with Section .0900 of this Subchapter for sanctions imposed under this Rule.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;

Eff. July 1, 1983;

Amended Eff. November 1, 1990;

Temporary Amendment Eff. July 1, 2002;

Amended Eff. October 1, 2009; August 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. April 1, 2026.

10A NCAC 43D .0411 DUAL PARTICIPATION

(a) A WIC participant shall not participate simultaneously in one or more than one WIC clinic during the same period of time. For purposes of this Rule, to participate means certification in the WIC Program receiving WIC food or cash-value benefits.

(b) The state agency shall immediately terminate the participation in one of the clinics or the simultaneous participation in a single clinic, in accordance with 7 C.F.R. 246.7 (l) when a participant is found to be in violation of Paragraph (a) of this Rule.

(c) In the case of dual participation resulting from intentional misrepresentation, the participant, parent or caretaker of an infant or child participant, or proxy shall repay Program benefits improperly issued and transacted, and the participant shall be disqualified from participation in WIC in accordance with 7 C.F.R. 246.7 (l) and Paragraph (b) of Rule .0410 of this Section. For purposes of this Paragraph, receiving WIC food or cash-value benefits under two or more participant identities in a single WIC clinic during the same issuance period and transacting one or more of the food or cash-value benefits received under two or more of the identities constitutes dual participation based on intentional misrepresentation. Receiving WIC food or cash-value benefits from more than one WIC clinic during the same issuance period and transacting one or more of the food or cash-value benefits received from two or more of the clinics constitutes dual participation based on intentional misrepresentation.

*History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
Temporary Adoption Eff. July 1, 2002;
Eff. July 1, 2004;
Amended Eff. October 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.*

SECTION .0500 – WIC PROGRAM FOOD PACKAGE

10A NCAC 43D .0501 SUPPLEMENTAL FOODS

(a) The foods that may be provided to WIC program participants are specified in 7 C.F.R. 246.10.
(b) The State agency may exclude foods if it determines such foods to be inappropriate for provision as supplemental foods through the WIC Program as a result of their cost, nutritional composition, packaging, statewide availability, participant redemption data, or promotion in a manner which is contrary to the purpose of the program as contained in 7 C.F.R. 246.1.

*History Note: Authority G.S. 130A-361; 7 C.F.R. 246.10; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. October 1, 1993; October 1, 1990; July 1, 1989;
October 1, 1988;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. October 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026; March 1, 2020.*

10A NCAC 43D .0702 ISSUANCE OF FOOD BENEFITS

(a) Local WIC agencies shall issue WIC program food benefits to program participants in a manner which ensures that participants can receive the supplemental foods that have been prescribed for them in accordance with 7 C.F.R. 246.10.
(b) Local WIC agencies shall issue food benefits and shall retain documentation of issuance.
(c) Food benefits shall be issued only to the participant, the participant's parent, the participant's guardian, the participant's

caretaker, a proxy, or a representative of the program completing a compliance buy.

*History Note: Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.10; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. October 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026; March 1, 2020.*

10A NCAC 43D .0707 VENDOR APPLICANTS

To become authorized as a WIC vendor, a vendor applicant shall comply with the following vendor selection criteria:

- (1) A vendor applicant shall complete a WIC Vendor Application, as set forth in Item (20) of this Rule, a WIC Price List, as set forth in Item (4) of this Rule, and a WIC Vendor Agreement, as set forth in 7 C.F.R. 246.12(h)(3). A vendor applicant shall submit its current highest shelf price for each WIC supplemental food listed on the WIC Price List, as set forth in Item (4) of this Rule.
- (2) A vendor applicant, at the time of application and throughout the term of authorization, shall submit all completed forms to the local WIC agency, except that a corporate entity operating under a WIC corporate agreement shall submit one completed WIC corporate agreement and the WIC Price Lists to the State agency and a separate WIC Vendor Application for each store to the local WIC agency. A corporate entity operating under a WIC corporate agreement may submit a single WIC Price List for those stores that have the same prices for WIC supplemental foods in each store, rather than submitting a separate WIC Price List for each store.
- (3) A vendor applicant shall purchase all infant formula, exempt infant formula, and WIC-eligible nutritionals directly from:
 - (a) The sources specified in 42 U.S.C 1786(h)(8)(A)(ix);
 - (b) Retail food stores that purchase directly from the sources referenced in Sub-item (3)(a) of this Item; or
 - (c) A source on another state's list of approved infant formula sources as verified by that state's agency.A vendor applicant shall make available to the State or local WIC agency invoices or receipts documenting purchases of all infant formula, exempt infant formula, and WIC-eligible nutritionals. Receipts and invoices shall satisfy the requirements of Sub-items (24)(a) through (24)(c) of Rule .0708 of this Section. A vendor applicant shall not be authorized if within the

last year the vendor applicant had a previous WIC Vendor Agreement terminated for failure to purchase infant formula, exempt infant formula, or WIC-eligible nutritionals from the sources specified in this Item. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for providing infant formula, exempt infant formula, or WIC-eligible nutritionals to WIC customers that was not purchased from the sources specified in this Item.

(4) A vendor applicant's current highest shelf price for each WIC supplemental food listed on the WIC Price List shall not exceed the maximum price set by the State agency for each supplemental food within that vendor applicant's peer group, except as provided in Sub-item (4)(b) of this Item. The maximum price for each supplemental food shall be established as follows:

(a) The most recent prices submitted through the EBT system by authorized vendors within the same peer group shall be used to determine the maximum price for each supplemental food. The maximum price shall be two standard deviations above the average current highest shelf price of each supplemental food within a vendor peer group. The State agency shall reassess the maximum price set for each supplemental food at least four times a year.

(b) If any of the vendor applicant's price(s) on its WIC Price List exceed the maximum price(s) set by the State agency for that applicant's peer group, the State agency shall send the applicant written notice. Within 30 days of the date of receipt of the written notice, the vendor applicant may resubmit price(s) that it will charge the State WIC Program for those foods that exceeded the maximum price(s). If none of the vendor applicant's resubmitted prices exceed the maximum prices set by the State agency, the vendor applicant shall be deemed to have met the requirements of Item (4) of this Rule. If any of the vendor applicant's resubmitted prices still exceed the maximum prices set by the State agency, or the vendor applicant does not resubmit prices within 30 days of the date of receipt of the written notice, the agency shall send the applicant a written notice of denial.

(5) The vendor applicant shall wait 90 days from the date of receipt of the written denial to reapply for authorization.

(6) A vendor applicant shall pass an announced monitoring review by the local WIC agency to determine whether the store has minimum inventory of supplemental foods as specified in Item (17) of Rule .0708 of this Section. A vendor applicant that fails this review shall be allowed a second opportunity for an unannounced monitoring review within 14 days. If the applicant fails both reviews, the application shall be denied in writing and the applicant shall wait 90 days from the date of the second monitoring review before submitting a new application

(7) A vendor applicant shall either attend or cause a manager or another authorized store representative to attend WIC Vendor Training provided by the local WIC agency prior to vendor authorization and ensure that the vendor applicant's employees receive instruction in WIC program procedures and requirements.

(8) An applicant shall mark the current shelf prices of all WIC supplemental foods on the foods or have the prices posted on the shelf or display case at all times.

(9) The store shall be at a single, fixed location within North Carolina. The store shall be located at the address indicated on the WIC vendor application and shall be the site where WIC supplemental foods are selected by the WIC customer.

(10) A vendor applicant shall use point of sale (POS) terminals to support the WIC Program that are deployed in accordance with the minimum lane coverage provisions of 7 C.F.R. 246.12(z)(2)(ii).

(11) The store shall be open throughout the year for business with the public at least six days a week for at least 40 hours per week between 8:00 a.m. and 11:00 p.m.

(12) The store shall not use the acronym "WIC" or the WIC logo, including facsimiles, in total or in part, in the official name under which the business is registered or in the name under which it does business.

(13) A vendor applicant shall not submit false, erroneous, or misleading information in an application to become an authorized WIC vendor or in subsequent documents submitted to the state or local WIC agency. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for submitting false, erroneous, or misleading information.

(13) The owner(s), officer(s), or manager(s) of a vendor applicant shall not be employed, or have a spouse, child, or parent who is employed by the State WIC program, or the local WIC program serving the county where the vendor applicant conducts business. A vendor applicant shall not have an employee who handles or transacts WIC food benefits who is employed, or has a spouse, child, or parent who is employed by the State WIC program or the local WIC program serving the county where the vendor applicant conducts business. Such situations present a conflict of interest.

(14) WIC vendor authorization shall be denied if in the last six years any of the vendor applicant's current owners, officers, or managers have been convicted of or had a civil judgment entered against them for any activity indicating a lack of business integrity, including fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, and obstruction of justice, as set out in 7 C.F.R 246.12(g)(3)(ii). For purposes of this Item, "convicted" or "conviction" includes:

- (a) a plea of guilty;
- (b) a verdict or finding of guilt by a jury, judge, magistrate, or adjudicating body, tribunal, or official, either civilian or military;
- (c) a plea of no contest, nolo contendere, or the equivalent; or
- (d) entry of a prayer for judgment continued following a conviction as defined in this Item is the same as a conviction for purposes of this Item.

(15) A vendor applicant shall not be authorized if it is currently disqualified from the NC Food and Nutrition Services (FNS)(formerly known as the Supplemental Nutrition Assistance Program ["SNAP"]) or it has been assessed a FNS/SNAP civil money penalty for hardship and the disqualification period that otherwise would have been imposed has not expired.

(16) A vendor applicant, excluding chain stores and stores under a WIC corporate agreement that have a separate manager on site for each store, shall not have an owner who holds a financial interest in any of the following:

- (a) a FNS/SNAP vendor that is disqualified from participation in FNS/SNAP or has been assessed a civil money penalty for hardship in lieu of disqualification and the time period during which the disqualification would have run, had a penalty not been paid, has not expired; or

(b) another WIC vendor that is disqualified from participation in the WIC Program or has been assessed a monetary or civil money penalty pursuant to G.S. 130A-22(c1), Paragraph (e) or Paragraph (f) of Rule .0710 of this Section as the result of violation of Paragraphs (a) or (b) of Rule .0710 of this Section and if assessed a penalty, the time during which the disqualification would have run, had a penalty not been assessed, has not expired.

The requirements of this Item shall not be met by the transfer or conveyance of financial interest during the period of disqualification. Additionally, the requirements of this Item shall not be met even if such transfer or conveyance of financial interest in a FNS/SNAP vendor under Sub-item (16)(a) of this Item ends the disqualification period applicable to that FNS/SNAP vendor earlier than the disqualification period otherwise would have expired. The requirements of this Item shall apply until the time the FNS/SNAP vendor disqualification otherwise would have expired.

(17) A vendor applicant, excluding free-standing pharmacies, shall have FNS/SNAP authorization for the store as a prerequisite for WIC vendor authorization and shall provide its FNS/SNAP authorization number to the State agency.

(18) A vendor applicant shall not become authorized as a WIC vendor if the store has been disqualified from participation in the WIC Program and the disqualification period has not expired. A vendor applicant shall not be authorized as a WIC vendor if any of the vendor applicant's owner(s), officer(s) or manager(s) currently has or previously had a financial interest in a WIC vendor that was assessed a claim by the WIC Program and the claim has not been paid in full.

(19) A vendor applicant shall enter into contract with the State WIC Program's EBT processor or a certified third party processor prior to WIC authorization and comply with all requirements detailed in the EBT or third party processor's Vendor Agreement.

(20) A WIC Vendor Application shall include the following information:

- (a) The store name, physical address, and hours of operation;
- (b) The type of ownership under which the vendor operates;
- (c) The names and contact information of owners or officers;
- (d) Annual food sales data and percentages for the following tender

types: cash, credit, debit, FNS/SNAP, and WIC;

(e) The store's FNS/SNAP authorization number and history of FNS/SNAP participation, if a retail grocery store; and

(f) Other information that the store is required to provide to the State agency in accordance with 7 C.F.R. 246.12.

For a food retailer or free-standing pharmacy to participate in the WIC Program, a current WIC Vendor Agreement shall be signed by the vendor, the local WIC agency, and the State agency. If an application for status as an authorized WIC vendor is denied, the applicant is entitled to an administrative appeal as described in Section .0800 of this Subchapter.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 7 C.F.R. 246.12(g)(3); 7 C.F.R. 246.12(g)(3)(ii); 7 C.F.R. 246.12(h)(3)(xix); 7 C.F.R. 246.12(t); 42 U.S.C. 1786; Eff. February 1, 2013;

Amended Eff. October 1, 2017;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. April 1, 2026; March 1, 2020.

10A NCAC 43D .0708 AUTHORIZED VENDORS

By signing the WIC Vendor Agreement, the vendor agrees to:

(1) Process WIC Program food benefits in accordance with the terms of the WIC Vendor Agreement and 42 U.S.C. 1786, 7 C.F.R. 246.1-246.28, and the rules of this Subchapter;

(2) Accept eWIC benefits in exchange for WIC supplemental foods. Supplemental foods are those foods that satisfy the requirements of 10A NCAC 43D .0501;

(3) Provide the WIC customer with only the approved supplemental foods, fruits, and vegetables contained in the authorized product list (APL) after it has been determined that the WIC customer has an available balance on the date of the transaction. The WIC customer is not required to get all of the supplemental foods listed on his or her food benefit balance. However, a WIC customer may obtain more fruits and vegetables than the full dollar value of his or her cash-value benefit if the WIC customer pays the difference, as set forth in 7 C.F.R. 246.12(h)(3)(xi);

(4) Transmit only the current shelf price of all WIC-approved supplemental foods purchased in the correct sizes, quantities, and the total dollar amount of all WIC-approved supplemental foods purchased in the EBT system and shall not charge or collect sales taxes for the supplemental food provided;

(5) Charge no more for supplemental food provided to a WIC customer than to a non-WIC

(6) customer or no more than the current shelf price, whichever is less; Accept payment from the State WIC Program only up to the maximum price set by the State agency for each supplemental food within that vendor's peer group. The maximum price for each supplemental food shall be based on the maximum prices set by the State agency for each supplemental food, as described in Sub-item (4)(a) of Rule .0707 of this Section. A request for payment submitted over the maximum price allowed by the State agency will only be paid up to the maximum price for that supplemental food;

(7) Accept payment from the State WIC Program only up to the full dollar value of the cash-value benefit;

(8) Not charge the State WIC Program more than the maximum price set by the State agency under Item (4)(a) of Rule .0707 of this Section for each supplemental food within the vendor's peer group;

(9) Provide to WIC customers infant formula, exempt infant formula, and WIC eligible nutritionals purchased only from the sources specified in Item (3) of Rule .0707 of this Section. Providing infant formula, exempt infant formula, or WIC eligible nutritionals that have not been purchased from the sources specified in Item (3) of Rule .0707 of this Section shall result in termination of the WIC Vendor Agreement;

(10) For free-standing pharmacies, provide only exempt infant formula and WIC-eligible nutritionals;

(11) Excluding free-standing pharmacies, redeem at least two thousand dollars (\$2,000) annually in WIC supplemental food sales. Failure to redeem at least two thousand dollars (\$2,000) annually in WIC supplemental food sales shall result in termination of the WIC Vendor Agreement. The store shall wait 180 days to reapply for authorization;

(12) Ensure that a personal identification number (PIN) is used by the WIC customer to complete the EBT transaction in lieu of a signature;

(13) Ensure that the WIC customer enters the PIN to initiate the EBT transaction. The vendor shall not enter the PIN for the WIC customer;

(14) Not transact food benefits as a whole or in part for cash, credit, unauthorized foods, or non-food items;

(15) Not provide refunds or permit exchanges for authorized supplemental foods obtained with food benefits, except for exchanges of an identical authorized supplemental food when the original authorized supplemental food is defective, spoiled, or has exceeded its "sell by," "best if used by," or other date limiting the sale

or use of the food. An "identical authorized supplemental food" means the exact brand, type and size as the original authorized supplemental food obtained and returned by the WIC customer;

(16) Notify the local WIC agency of misuse (attempted or actual) of WIC Program food benefits;

(17) Maintain a minimum inventory of supplemental foods in the store for purchase. Supplemental foods that are outside of the manufacturer's expiration date do not count towards meeting the minimum inventory requirement. Free-standing pharmacies are not required to maintain a minimum inventory of supplemental foods. The following items and sizes constitute the minimum inventory of supplemental foods for vendors:

Food Item	Type of Inventory	Quantities Required
Milk	Whole fluid: gallon -and- Skim/low fat fluid: gallon	2 gallons 6 gallons
Cheese	1 pound package	2 packages
Cereals	2 types: whole grain (minimum package size 12 ounce)	6 packages total
Eggs	Grade A, large, white: 1 dozen size carton	2 dozen
Juice	Single strength: 64 ounce: 2 varieties	6 containers
Legumes	1 pound package or 4 15-16 ounce cans: 2 varieties	2 packages or 8 cans OR 1 package and 4 cans
Peanut Butter	16 to 18 ounce container	2 containers
Tuna	5 to 6 ounce can	6 cans
Bread/Tortillas	16 to 24 ounce loaf of whole wheat/whole grain bread or package of tortillas	2 loaves or 2 packages OR 1 loaf and 1 package
Rice	14 to 24 ounce package, whole grain	2 packages
Infant Cereal	8 ounce box	6 boxes
Infant Fruits and Vegetables	3.5 to 4 ounce container 1 type of fruit and 1 type of vegetable	64 ounces
Infant Formula	milk-based powder; 11.0 to 14.0 ounce -and- soy-based powder; 11.0 to 14.0 ounce Brands must be the primary contract infant formulas	8 cans 4 cans

Fruits	14 to 16 ounce can: 2 varieties	10 cans total
Vegetables (Excludes foods in Legumes category)	14 to 16 ounce can: 3 varieties	10 cans total

All vendors, except free-standing pharmacies, shall supply milk or soy-based infant formula in 32 ounce ready-to-feed or powder within 48 hours of request by the State or local WIC agency. Free-standing pharmacies shall only supply exempt infant formula or WIC-eligible nutritionals. Free-standing pharmacies shall supply exempt infant formula or WIC-eligible nutritionals within 48 hours of a request;

(18) Ensure that all supplemental foods in the store for purchase are within the manufacturer's expiration date;

(19) Permit the purchase of supplemental food without requiring other purchases;

(20) Comply with the following EBT provisions:

(a) Sign the WIC Vendor Agreement of the EBT Processor selected by the State WIC Program or a third-party processor that has been certified according to criteria established by the EBT Processor selected by the State WIC Program. Failure by a vendor to sign and retain a WIC Vendor Agreement with the State WIC Program's EBT Processor or a third-party processor that has been certified by the State WIC Program's EBT Processor shall result in termination of the WIC Vendor Agreement. Vendors shall notify the WIC Program within 24 hours of any periods of time during which they do not maintain an Agreement with the State WIC Program's EBT Processor or a third-party processor that has been certified by the State WIC Program's EBT Processor;

(b) Process EBT transactions in accordance with the terms of the North Carolina WIC Vendor Agreement, WIC Program State Rules, federal regulations, and statutes;

(c) Maintain Point of Sale (POS) terminals used to support the WIC Program in accordance with the minimum lane provisions of 7 C.F.R. 246.12(z)(2);

(d) Maintain a North Carolina EBT Processor certified in-store EBT system that is available for WIC redemption processing during all hours the store is open;

(e) Request the North Carolina EBT Processor re-certify its in-store system if the vendor alters or revises the system in any manner that impacts the EBT redemption or claims processing system after initial certification is completed;

(f) For vendors with integrated systems, obtain EBT card readers to support EBT transactions within their store(s). The vendor shall ensure that the EBT card readers they obtain meet all EBT and North Carolina EBT Processor requirements;

(g) Require an owner, manager, or other authorized store representative to complete training on WIC EBT procedures. The vendor shall ensure that all cashiers and staff are trained on WIC EBT requirements, including training in the acceptance and processing of WIC EBT transactions;

(h) Require the WIC customer to approve the WIC transaction. Vendors shall ensure that the vendor's staff does not approve the WIC transactions for WIC customers under any circumstances;

(i) Release supplemental food to WIC customers when the transaction has been completed to include receipt of transaction approval by the EBT processing system, printing of the receipt, and updated balance of the WIC customer's account;

(j) Scan or manually enter Universal Product Codes (UPC) only from approved supplemental foods being purchased by the WIC customer in the types, sizes, and quantities available on the WIC customer's EBT account. The vendor shall not scan codes from UPC codebooks or reference sheets;

(k) Return any EBT card found on the vendor's property and unclaimed for 24 hours to the WIC Program. The vendor shall not hold or use a WIC customer's EBT card and PIN for any purpose whatsoever;

(l) Connect the vendor's in-store system for each outlet covered by the WIC Vendor agreement to the State's WIC EBT system at least once each 24-hour period to download reconciliation files and the WIC Authorized Product UPC/Product Look-Up (PLU) list.

(21) Attend or cause a manager or other authorized store representative to attend, annual vendor training upon notification by the local WIC agency. Failure to attend annual vendor training

(22) by September 30 of each year shall result in termination of the WIC Vendor Agreement; Inform and train vendor's cashiers and other staff on WIC Program requirements;

(23) Be accountable for the actions of its owners, officers, managers, agents, and employees who commit vendor violations;

(24) Allow monitoring and inspection by State and local WIC Program staff of the store premises and procedures to ensure compliance with the agreement and State, and federal WIC Program rules, regulations, and applicable law. This includes providing access to all program-related records, including access to all WIC food instruments and cash-value vouchers at the store; vendor records pertinent to the purchase and sale of WIC supplemental foods, including invoices, receipts, copies of purchase orders, and any other proofs of purchase; federal and state corporate and individual income tax and sales and use tax returns and all records pertinent to these returns; and books and records of all financial and business transactions. These records shall be retained by the vendor for a period of three years or until any audit pertaining to these records is resolved, whichever is later. Notwithstanding any other provision of this Rule and Rules .0707 and .0710 of this Section, failure or inability to provide these records for an inventory audit or providing false records for an inventory audit shall be deemed a violation of 7 C.F.R. 246.12(l)(1)(iii)(B) and Subparagraph (a)(1) of Rule .0710 of this Section. Invoices, receipts, purchase orders, and any other proofs of purchase for WIC supplemental foods shall include:

(a) the name of the seller and be prepared entirely by the seller without alteration by the vendor or on the seller's business letterhead;

(b) the date of purchase and the date the authorized vendor received the WIC supplemental food at the store if different from the date of purchase; and

(c) a description of each WIC supplemental food item purchased, including brand name, unit size, type or form, and quantity;

(25) Maintain a record of all SNAP-eligible food sales and provide to the State agency upon request a statement of the total amount of revenue derived from SNAP-eligible food sales and written documentation to support the amount of sales claimed by the vendor, such as sales records, financial statements, reports, tax documents, or other verifiable documentation;

(26) Submit a current completed WIC Price List when signing this agreement, and within two weeks of any written request by the State or local WIC agency;

(27) Reimburse the State agency in full or agree to a repayment schedule with the State agency within 30 days of written notification of a claim assessed due to a vendor violation that affects payment to the vendor. Failure to reimburse the State agency in full or agree to a repayment schedule within 30 days of written notification of a claim shall result in termination of the WIC Vendor Agreement. Payment of a claim by the vendor for a vendor violation(s) shall not absolve the vendor of the violation(s). The vendor shall also be subject to any vendor sanctions authorized under Rule .0710 of this Section for the vendor violation(s);

(28) Not seek restitution from the WIC customer for reimbursement paid by the vendor to the State agency or for WIC food benefits not paid or partially paid by the State agency. Additionally, the vendor shall not charge the WIC customer for authorized supplemental foods obtained with food benefits;

(29) Not contact a WIC customer outside the store regarding the transaction or redemption of WIC food benefits;

(30) Notify the local WIC agency in writing at least 30 days prior to a change of ownership, change in store location, cessation of operations, or withdrawal from the WIC Program. Change of ownership, change in store location of more than three miles from the store's previous location, cessation of operations, withdrawal from the WIC Program, or disqualification from the WIC Program shall result in termination of the WIC Vendor Agreement by the State agency. Change of ownership, change in store location, ceasing operations, withdrawal from the WIC Program, or nonrenewal of the WIC Vendor Agreement shall not stop a disqualification period applicable to the store;

(31) Not discriminate on the basis of WIC participation, such as failing to offer WIC customers the same courtesies, as set forth in 7 C.F.R. 246.12(h)(3)(iii), offered to other customers or requiring separate WIC lines;

(32) Reapply to continue to be authorized beyond the period of its current WIC Vendor Agreement. Additionally, a store shall reapply to become authorized following the expiration of a disqualification period or termination of the Agreement. In all cases, the vendor applicant is subject to the vendor peer group criteria set forth in 7 CFR 246.12(g)(4), 7 CFR 246.12(h)(3), and the vendor selection criteria of Rule .0707 of this Section; and

(33) Comply with all the requirements for vendor applicants of Items (3), (4), and (7) through (17), and (19) of Rule .0707 of this Section throughout the term of authorization. The State agency may reassess a vendor at any time during the vendor's period of authorization to determine compliance with these requirements. The State agency shall terminate the WIC Vendor Agreement of any vendor that fails to comply with Items (3), (4), (8), (9), (10), (11), (12), (13), (14), (16), (17), or (19) of Rule .0707 of this Section during the vendor's period of authorization and terminate the agreement of or sanction or both any vendor that fails to comply with Items (7), (15), (17), or (19) of Rule .0707 of this Section during the vendor's period of authorization.

(34) Permit the State agency to reassess the peer group designation at any time during the vendor's agreement period and place the vendor in a different peer group if upon reassessment the State agency determines that the vendor is no longer in the appropriate peer group.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246.12; 42 U.S.C. 1786;
Eff. March 1, 2013;
Amended Eff. October 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest *Eff.* December 23, 2017;
Amended Eff. April 1, 2026; March 1, 2020; July 1, 2018.

10A NCAC 43D .0709 LOCAL WIC AGENCY

By signing the WIC Vendor Agreement, the local WIC agency agrees to the following:

- (1) Provide annual vendor training on WIC procedures and rules;
- (2) Conduct routine monitoring, as set forth in 7 C.F.R. 246.2 and 7 C.F.R. 246.12(j)(2), of the vendor's performance under the agreement to ensure compliance with the agreement and state and federal WIC program rules, regulations, and applicable law. A minimum of one-third of all authorized vendors shall be monitored within a fiscal year (October 1 through September 30) and all vendors shall be monitored at least once within three consecutive fiscal years. Any vendor shall be monitored within one week of written request by the state agency;
- (3) Provide vendors with directions on how to access the North Carolina WIC Vendor Manual online at <https://www.ncdhhs.gov/wicvendorsconnection>, all Vendor Manual amendments, blank WIC Price Lists, and the authorized WIC vendor ID indicated on the signature page of the WIC Vendor Agreement; and

(4) Assist the vendor with questions which may arise under the agreement or through the vendor's participation in the WIC Program.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;

Eff. February 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. April 1, 2026.

10A NCAC 43D .0804 CONTINUATION OF PARTICIPATION

Except as provided in 42 U.S.C. 1786(o)(2) and 7 C.F.R. 246.18(a)(2) and (a)(3)(iii), the participation of a local WIC agency or authorized WIC vendor in the WIC program may continue during an administrative appeal. Except as provided in 42 U.S.C. 1786(o)(2) and 7 C.F.R. 246.18(a)(2) and (a)(3)(iii), the adverse action shall become effective upon issuance of a final agency decision pursuant to G.S. 150B-42 which upholds the adverse action.

History Note: Authority G.S. 130A-361; 7 C.F.R. 246.18; 42 U.S.C. 1786;

Eff. July 1, 1981;

Amended Eff. July 1, 1986;

Temporary Amendment Eff. July 1, 2002;

Amended Eff. July 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. April 1, 2026.

10A NCAC 43D .0902 GENERAL CONDITIONS

(a) This Section shall be carried out in accordance with 7 C.F.R. 246.9 and G.S. 150B-22. The fair hearing procedures set out in this Section establish an informal dispute resolution process which must be complied with prior to making a formal appeal in accordance with G.S. 150B.

(b) For the purposes of this Section, agency official shall mean the Assistant Director for the Division of Child and Family Well-Being, Community Nutrition Services Section or his or her designee.

History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;

Eff. July 1, 1981;

Amended Eff. December 6, 1991; November 1, 1990; July 1, 1987;

Temporary Amendment Eff. July 1, 2002;

Amended Eff. July 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. April 1, 2026.

10A NCAC 43D .0904 NOTIFICATION OF THE RIGHT TO A FAIR HEARING

(a) Every current or potential WIC participant shall be informed by the local WIC agency of his or her right to a fair hearing:

(1) in writing at the time of application;

(2) in writing whenever he or she is determined ineligible;

(3) in writing if disqualified due to abuse of the program;

(4) in writing at the time of assessment of a claim for repayment of the cash value of improperly issued Program benefits; and

(5) orally or in writing at least 15 days before the expiration of each certification period.

(b) The content of the notice of fair hearing shall include:

(1) a statement of the right to a fair hearing;

(2) the method by which a fair hearing may be requested, including the time limit;

(3) who may represent the individual, and

(4) the civil rights statement.

(c) In order to notify current and potential participants of the fair hearing process, a simplified summary of the steps involved in obtaining a fair hearing shall be posted in a visible place at every WIC site where certifications are performed, eWIC benefits are issued or applications are accepted. This notification shall contain:

(1) notice of right to a fair hearing;

(2) a simplified explanation of the definition and purpose of a fair hearing;

(3) the method by which a fair hearing may be requested, including the time limit; and

(4) who may represent the individual at the fair hearing and in requesting a fair hearing.

History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;

Eff. July 1, 1981;

Temporary Amendment Eff. July 1, 2002;

Amended Eff. July 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. April 1, 2026.

10A NCAC 43D .0905 REQUEST FOR A FAIR HEARING

(a) A request for a fair hearing is any expression that conveys a desire to present a case contesting an action that results in an individual's denial of participation, or disqualification from the program or a claim against an individual for repayment of the cash value of improperly issued Program benefits. This request may be made to any of the following:

(1) the agency official;

(2) the agency director of the local WIC agency;

(3) the WIC director of the local WIC agency;

(4) any person serving in one of the above three roles in the absence of the agency official, agency director or WIC director.

(b) If the request is not made directly to the agency official, the individual receiving the request shall immediately notify the agency official of the request by email.

(c) All requests shall be documented in writing.

(1) If the original request is made in writing, the individual receiving the request shall retain a

photocopy and send the original copy to the agency official immediately.

(2) If a verbal request is received, the individual receiving the request shall document the request in writing, including:

- (A) the applicant's or participant's name;
- (B) the name of the individual making the request:
 - (i) their mailing address;
 - (ii) telephone number; and
 - (iii) relation to the applicant or participant;
- (C) the date of the request; and
- (D) the cause for the request along with the name, title, and signature of the person writing the documentation.

(d) The request for a fair hearing may be made by the individual affected by the action or the individual's parent, caretaker, or any other person acting on his or her behalf.

(e) If an individual or an individual's parent, caretaker, or any other person acting on his or her behalf expresses verbally the desire for a fair hearing to a state or local agency staff member not authorized to accept a request, that staff member shall provide assistance in contacting the individuals who can accept a fair hearing request.

(f) The request for a fair hearing must be made within 60 days from the date the applicant or participant is given notice of the action. If the notification is mailed, this time period shall begin on the date the notification was mailed.

History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786; Eff. July 1, 1981; Amended Eff. November 1, 1990; Temporary Amendment Eff. July 1, 2002; Amended Eff. July 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017; Amended Eff. April 1, 2026.

10A NCAC 43D .0906 DENIAL OR DISMISSAL OF A REQUEST

The hearing officer shall deny or dismiss a hearing if:

- (1) the request is not received within 60 days of the date of notification of the action;
- (2) the request is withdrawn in writing by the appellant or their representative;
- (3) the request is verbally withdrawn by the appellant or the appellant's parent, caretaker, or any other person acting on his or her behalf during conversation with the agency Official. Within 10 days of this verbal withdrawal request the agency official shall send a letter to the appellant and the local WIC agency summarizing the events which lead to the withdrawal of the request. This letter shall include notification of the appellant's right to reinstate the request for a fair hearing;

- (4) the appellant or the appellant's parent, caretaker, or any other person acting on their behalf fails to appear at the scheduled hearing, unless the failure to appear was due to circumstances beyond the control of the appellant or their representative;
- (5) the request is made in reference to the tailoring of the food package;
- (6) the initial action assessing a claim for the cash value of improperly issued Program benefits or denying participation or disqualifying from the program has been reversed by the local WIC agency or the state agency, resulting in the provision of program benefits to the appellant, or
- (7) the individual has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to Program eligibility have changed in such a way as to justify a hearing.

History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786; Eff. July 1, 1981; Amended Eff. November 1, 1990; Temporary Amendment Eff. July 1, 2002; Amended Eff. July 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017; Amended Eff. April 1, 2026.

10A NCAC 43D .0907 CONTINUATION OF BENEFITS

(a) WIC program benefits shall be continued during the appeal of the following actions when the request for a hearing is received within 15 days of notification of the action:

- (1) disqualification from the program for abuse during a certification period; or
- (2) determination of ineligibility during a certification period due to a change in income eligibility or residential eligibility.

(b) WIC program benefits shall not be continued when a fair hearing is requested:

- (1) in any of the situations in Paragraph (a) of this Rule if the request is made more than 15 days after the date of notification; or
- (2) by determination of ineligibility during a certification period due to categorical ineligibility; or
- (3) by applicants who are denied benefits at the initial or subsequent determination of WIC eligibility if the previous certification period has expired.

(c) When benefits are continued due to a request for a fair hearing as specified above, the individual shall continue to receive benefits until an adverse hearing decision is reached or the certification period expires, whichever occurs first.

History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;

*Eff. July 1, 1981;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.*

10A NCAC 43D .0908 NOTICE OF HEARING

(a) The local or State agency official shall notify the appellant, or his or her representative, the local WIC agency, and the Community Nutrition Services Section in writing that a request for a hearing has been received.

(b) Notice of the time, date, and place of the hearing shall be given to all parties at least 10 days in advance of the hearing.

(c) The notice to the appellant, or his or her representative, shall include a stamped envelope with the return address of the agency official with a request for response using the stamped envelope or by email indicating whether the time, date, and place for the hearing is satisfactory. If a response is not received at least 24 hours prior to the time proposed for the hearing, it shall be assumed that the time, date, and place are satisfactory.

(d) The notice shall contain:

- (1) an explanation of the procedure for the hearing;
- (2) a statement of the time, date, place and nature of the hearing;
- (3) a reference to the particular sections of the statutes and rules involved; and
- (4) a statement of the factual allegations.

(e) If the appellant, or his or her representative, indicates that he or she desires another time and date, the agency official shall set a new time and date for the hearing. The hearing shall be accessible to the appellant, or his or her representative.

(f) The hearing shall be held within 21 days from the date the agency official receives the request.

*History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. November 1, 1990;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026; March 1, 2020.*

10A NCAC 43D .0909 HEARING OFFICER

The Director of the Division of Child and Family Well-Being shall designate a representative who did not participate in taking the action under appeal to be the hearing officer. The hearing officer shall:

- (1) preside over the informal proceeding;
- (2) ensure that all relevant issues are considered;
- (3) request, receive and insert into the hearing record all evidence determined necessary to reach a decision;
- (4) conduct the meeting in accordance with due process and ensure an orderly hearing;
- (5) order, if relevant and necessary, an independent medical assessment or professional evaluation

(6) for the appellant from a source mutually satisfactory to all parties to the hearing; and issue a decision.

*History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. July 1, 1995; July 1, 1987;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.*

10A NCAC 43D .0911 DECISION

(a) The fair hearing decision shall be made by the hearing official and shall be based only on the oral and documentary evidence presented at the hearing and applicable state statutes and rules, and federal laws and regulations and shall be made as part of the hearing record by the hearing officer.

(b) The hearing official shall notify in writing the aggrieved party, any designated representative of the aggrieved party, the local WIC agency and the Community Nutrition Services Section of the decision within 45 days from the date of the request for the hearing.

(c) If the decision is in favor of the aggrieved party and benefits were denied or discontinued, benefits shall begin within two business days after the issuance of the decision.

(d) If the decision is in favor of the agency, as soon as administratively feasible any continued benefits shall be terminated as decided by the hearing official.

(e) The hearing officer shall prepare a recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing which, together with all papers and requests filed in the proceeding and the written fair hearing decision, shall constitute the exclusive hearing record.

(f) If the fair hearing results are unsatisfactory to the aggrieved party, they may petition for judicial review in Superior Court.

(g) The decision shall be binding on the local WIC agency.

(h) All hearing records shall be retained for three years.

(i) Upon request by any member of the public a copy of all hearing records and decisions in a form that does not identify individuals (appellant or local agency) shall be prepared by the Community Nutrition Services Section and be available for inspection and copying.

*History Note: Authority G.S. 130A-361; ; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. December 6, 1991;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.*

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 10B .0403 PROBATIONARY

CERTIFICATION REQUIREMENT

(a) For certification as a deputy sheriff or detention officer, a Report of Appointment (Form F-4) shall be submitted to the Division. For certification as a telecommunicator, a Report of Appointment (Form F-4T) shall be submitted to the Division.

(b) Report of Appointment forms shall be submitted to the Division by the employing agency no later than 10 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been appointed.

(c) The Division shall forward the justice officer's certification to the employing agency.

(d) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

(1) If the applicant for probationary certification is authorized by the sheriff to carry a firearm pursuant to the provisions of Rule .2104 of this Subchapter, the employing agency shall submit evidence of satisfactory completion of the employing agency's in-service firearms training and qualification program pursuant to Section .2100 of this Subchapter; or

(2) If the applicant for probationary certification is not authorized by the sheriff to carry a firearm pursuant to the provisions of Rule .2104 of this Subchapter, the employing agency shall notify the Division, in writing, that the applicant is not authorized by the sheriff to carry a firearm.

(e) After documentation has been submitted to the Division pursuant to Paragraph (a) of this rule, a deputy sheriff who has not completed Basic Law Enforcement Training is only authorized to exercise the powers of a deputy sheriff when such action is:

(1) While accompanied by and under the direct supervision of the sheriff or designee; or

(2) While accompanied by and under the direct supervision of another deputy sheriff or law enforcement officer who has successfully completed Basic Law Enforcement Training; or

(3) Necessary to:

(A) Defend themselves or another from what the deputy sheriff believes to be imminent use of deadly force; or

(B) Prevent serious bodily harm to themselves or another; or

(C) Prevent the escape from custody a person the deputy sheriff believes is attempting to escape by means of a deadly weapon, or who by this conduct or any other means indicates an imminent threat of death or serious physical injury to others unless apprehended without delay; or is convicted of a felony; or

(4) Taken when the deputy sheriff has probable cause to believe in their presence:

(A) a felony; or

(B) a breach of the peace; or
(C) a crime involving physical injury to another person; or
(D) a crime involving theft or destruction of property is being committed.

History Note: Authority G.S. 17E-4; 17E-7;

Eff. January 1, 1989;

Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991;

Temporary Amendment Eff. March 1, 1998;

Amended Eff. August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. July 1, 2024, December 1, 2025.

12 NCAC 10B .0407 CERTIFICATION OF FORMER SHERIFF

(a) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or telecommunicator who has previously served as an elected or appointed sheriff for a minimum of eight years, if the person:

(1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff; and

(2) left the office of sheriff in good standing.

(b) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or telecommunicator who has previously served as an elected or appointed sheriff, if the person:

(1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff;

(2) held a General Certification as deputy sheriff, detention officer, or telecommunicator with the North Carolina Sheriffs' Education and Training Standards Commission or has held a General Certification as a sworn officer with the North Carolina Criminal Justice Commission, with a break in service not to exceed one year prior to serving as an elected or appointed sheriff; and

(3) left the office of sheriff in good standing.

(c) In order for an officer to be certified under this Rule, the employing agency shall:

(1) comply with the Report of Appointment form requirement of Rule .0403 of this Section;

(2) submit to the Division, a copy of the Oath of Office for applicants requesting certification as a deputy sheriff; and

(3) submit to the Division verification that the applicant meets the requirement of this Rule .0407(a)(2).

History Note: Authority G.S. 17E-4; 17E-7;

Eff. January 1, 1991;

Amended Eff. January 1, 1996;

Temporary Amendment Eff. March 1, 1998;

Amended Eff. August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025; July 1, 2020.

12 NCAC 10B .0412 DEPARTMENT HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all law enforcement agencies in the State that employ personnel certified by the North Criminal Sheriffs' Education and Training Standards Commission, the Department Head shall submit the Critical Incident Report, Form F-27, to the Sheriff's Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

- (1) date and time of incident;
- (2) location of incident;
- (3) officer involved; and
- (4) whether the incident involved serious bodily injury or death
- (5) notice that the officer has 30 days after receipt to request a hearing in superior court for a determination of whether the officer's involvement was properly placed in the database described in Paragraph (d) of this Rule, and that if a copy of that filing is not provided to the Division within the 30 days, the officer's name will be placed in the database.

(b) Information contained in the submitted Critical Incident Report, (F-27), that is confidential under state or federal law shall remain confidential.

(d) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data in North Carolina that is reported to the Division.

*History Note: Authority G.S. 17E-15;
Adoption Eff. December 1, 2025.*

12 NCAC 10B .1002 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the professional certificates, a sheriff or deputy sheriff who is a full-time sworn law enforcement officer of a North Carolina sheriff's office shall first meet the following preliminary qualifications:

- (1) be an elected or appointed sheriff or be a deputy sheriff who holds valid general or grandfather certification as defined in G.S. 17E-7(a). A deputy sheriff serving under a probationary certification is not eligible for consideration.

Educational Degrees	None	None	None	Associate	Bachelor
Years of Law Enforcement Experience	8	6	4	4	2
Minimum Law Enforcement	20	35	50	24	23
Training Points					
Minimum Total	39	69	99	24	23

Any justice officer subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, is not eligible for professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation; and

- (2) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .0500 of this Subchapter.

(b) Employees of a North Carolina Sheriff's Office who have previously held general or grandfather law enforcement officer certification but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

(c) Only training or experience gained in an officer's area of expertise as described in Paragraph (d) of this Rule is eligible for application to this program.

(d) Certificates shall be awarded based upon a formula that combines formal education, law enforcement training, and experience in a sworn law enforcement position as defined in Rule .0103(19) of this Subchapter. These professional certificates shall be for sworn sheriffs and full-time deputy sheriffs. Points are computed in the following manner:

- (1) each semester hour of college credit shall equal one education point and each quarter hour shall equal two-thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution, as set out in Rule .1004(b) of this Section, credits the courses towards a degree;
- (2) 20 hours of law enforcement training shall equal one training point; and
- (3) experience as a sworn law enforcement officer as defined in Rule .0103(19) of this Subchapter is acceptable.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points, and years of law enforcement experience:

**Education and
Training Points**

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points, and years of law enforcement experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Law Enforcement Experience	12	9	9	6	4
Minimum Law Enforcement Training Points	35	50	33	27	23
Minimum Total Education and Training Points	69	99	33	27	23

(g) Educational points or degrees claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(h) No more than 160 hours of training obtained by completing an accredited basic law enforcement training program required to serve in a sworn law enforcement position as defined in Rule .0103(19) of this Subchapter shall be credited toward training points.

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;

Amended Eff. January 1, 2013; January 1, 2006; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1992; January 1, 1991; January 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025; December 1, 2023.

12 NCAC 10B .1004 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12);

Eff. January 1, 1989;

Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002, August 1, 1998; January 1, 1996; January 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1005 ADVANCED LAW ENFORCEMENT CERTIFICATE

History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12);

Eff. January 1, 1989;

Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002, August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1006 HOW TO APPLY

(a) All applicants for an award of the intermediate or advanced professional certificates for sheriffs and deputy sheriffs shall complete the "Application for Professional Certificate/Service Award," Form F-6.

(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.

(c) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion.

(d) Military Police Officers shall provide a military DD214, Certificate of Release from Active Duty form, for verification of service. Federal government employees with service in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter, shall provide letters of verification of dates of employment on the agency letterhead signed by the department head or their designee.

(e) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, oaths of office may be requested of the applicant if confirmation of dates of service is required. Documentation shall be provided by letters of verification of employment from present or former out-of-state employers where the applicant served in a

sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter.

(f) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;

Amended Eff. August 1, 1998; January 1, 1992; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025.

12 NCAC 10B .1202 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the detention officer professional certificates, a detention officer shall first meet the following preliminary qualifications:

- (1) be a full-time detention officer who holds a valid general or grandfather certification as defined in G.S. 17E-7(a). A detention officer serving under a probationary certification is not eligible for consideration.
- (2) any detention officer subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation;
- (3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .0600 of this Subchapter.

(b) Employees of a North Carolina sheriff's office who have previously held a general or grandfather detention officer certification, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification, are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with a sheriff's office from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(c) Only training and experience gained in an officer's area of expertise, as described in Paragraph (d) of this Rule, shall be eligible for application to this program.

(d) Certificates shall be awarded based upon a formula contained herein that combines formal education, training, and experience as a detention officer. Points are computed in the following manner:

- (1) each semester hour of college credit shall equal one education point and each quarter hour of college credit shall equal two thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited

institution, as set out in Paragraph (g) of this Rule, credits the courses towards a degree; 20 hours of detention officer training shall equal one training point; and experience as a member of a correctional or detention facility in North Carolina, as defined in Rule .0103(6) of this Subchapter.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Detention Officer Professional Certificate shall have acquired the following combination of educational points or degrees, detention officer or corrections training points, and years of detention officer experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Detention Officer Experience	8	6	4	4	2
Minimum Detention Officer Training Points	6	12	16	24	23
Minimum Total Education and Training Points	13	23	33	24	23

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Detention Officer Professional Certificate shall possess or be eligible to possess the Intermediate Detention Officer Professional Certificate and shall have acquired the following combination of educational points or degrees, detention officer or corrections training points, and years of detention officer experience:

Education Degrees	Non	Non	Associate	Bachelor	Doctoral, Professional or Master
Years of Detention Officer Experience	12	9	9	6	4
Minimum Detention Officer Training Points	12	16	27	26	26
Minimum Total Education and Training Points	23	33	27	26	26

Training
Points

(g) Educational points or degrees claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, or a national or regional accrediting body. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(h) No more than 80 hours of training obtained by completing the detention officer certification course, as set out in Rule .0601 of this Subchapter, shall be credited toward training points.

*History Note: Authority G.S. 17E-4;
Eff. January 1, 1990;
Amended Eff. January 1, 2013; January 1, 2006; August 1, 1998;
February 1, 1998; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025; December 1, 2023.*

**12 NCAC 10B .1204 INTERMEDIATE DETENTION
OFFICER PROFESSIONAL CERTIFICATE**

*History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12);
Eff. January 1, 1990;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002;
August 1, 1998; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.*

**12 NCAC 10B .1205 ADVANCED DETENTION
OFFICER PROFESSIONAL CERTIFICATE**

*History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12);
Eff. January 1, 1990;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002;
August 1, 1998; January 1, 1996; January 1, 1994; January 1,
1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.*

12 NCAC 10B .1206 HOW TO APPLY

(a) All applicants for an award of the detention officer intermediate or advanced professional certificates shall complete the "Application for Professional Certificate/Service Award," Form F-6.

(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.

(c) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion. No out-of-state training shall be accepted, unless the officer is employed in North Carolina as a justice officer as defined in G.S. 17E-2 during the time of training.

(d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, certified letters of verification of employment from present or former employers may be requested of an applicant if confirmation of dates of service is required. No out-of-state length of service shall be applicable to this certificate program.

(e) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

*History Note: Authority G.S. 17E-4;
Eff. January 1, 1990;
Amended Eff. August 1, 1998; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.*

**12 NCAC 10B .1402 ELIGIBILITY FOR
PROFESSIONAL CERTIFICATES**

(a) In order to be eligible for one or more of the professional certificates, a reserve deputy sheriff shall first meet the following preliminary qualifications:

- (1) be an appointed reserve deputy sheriff who holds a valid general or grandfather certification as defined in G.S. 17E-7(a). A reserve deputy sheriff serving under a probationary certification is not eligible for consideration.
- (2) any reserve deputy sheriff subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation;
- (3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .0500 of this Subchapter;
- (4) the applicant shall be a sworn law enforcement officer, as defined in Rule .0103(19) of this Subchapter, of a North Carolina sheriff's office.

(b) Only training or experience gained in an officer's area of expertise, as described in Paragraph (c) of this Rule, shall be eligible for application to this program.

(c) Certificates shall be awarded based upon a formula that combines law enforcement training and experience as a reserve deputy sheriff in a law enforcement position, as defined in Rule .0103(19) of this Subchapter. Points are computed in the following manner:

- (1) a minimum of 96 hours worked as a reserve deputy sheriff over a one-year period shall equal one year of reserve service;
- (2) 20 hours of law enforcement training shall equal one training point; and

(3) service as a reserve deputy sheriff in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter. An officer who is otherwise ineligible to receive an equivalent certificate through the Professional Certificate Program for sheriffs and deputy sheriffs, as set out in Section .1000 of this Subchapter, may receive a certificate under this program. One year of full-time service may be substituted for one year of reserve service in computing eligibility under this Section.

(d) In addition to the qualifications set forth in Paragraphs (a), (b), and (c) of this Rule, applicants for the Intermediate Reserve Deputy Sheriff Professional Certificate shall have acquired the following law enforcement training points and years of service as a reserve law enforcement officer:

- (1) 8 years of reserve officer law enforcement experience; and
- (2) 35 minimum law enforcement training points.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), and (c) of this Rule, applicants for the Advanced Deputy Sheriff Professional Certificate shall possess or be eligible to possess the Intermediate Reserve Deputy Sheriff Professional Certificate and shall have acquired the following law enforcement training points and years of service as a reserve law enforcement officer:

- (1) 12 years of reserve officer law enforcement experience; and
- (2) 50 minimum law enforcement training points.

(f) No more than 160 hours of training obtained by completing an accredited basic law enforcement training program required to serve in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter, shall be credited toward training points for the Intermediate or Advanced Reserve Deputy Sheriff Professional Certificate.

History Note: Authority G.S. 17E-4

Eff. August 1, 2000;

Amended Eff. January 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025.

12 NCAC 10B .1404 INTERMEDIATE RESERVE DEPUTY SHERIFF CERTIFICATE

History Note: Authority G.S. 17E;

Eff. August 1, 2000;

Amended Eff. August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Repealed Eff. December 1, 2025.

12 NCAC 10B .1405 ADVANCED RESERVE DEPUTY SHERIFF CERTIFICATE

History Note: Authority G.S. 17E;

Eff. August 1, 2000;

Amended Eff. August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1406 HOW TO APPLY

(a) All applicants for an award of the intermediate or advanced reserve officer professional certificates shall complete the "Application for Professional Certificate/Service Award," Form F-6R.

(b) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion.

(c) Verification of the applicant's length of service as a reserve deputy sheriff, as required in Rule .1402(c)(1) of this Section, shall be documented by providing certified letters, signed by the employing sheriff or his or her authorized designee.

(d) The "Application for Professional Certificate/Service Award," Form F-6R, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: Authority G.S. 17E-4;

Eff. August 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

12 NCAC 10B .1602 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the telecommunicator professional certificates, a telecommunicator shall first meet the following preliminary qualifications:

- (1) be a full-time telecommunicator who holds a valid general or grandfather certification, as defined in G.S. 17E-7(a). A telecommunicator serving under a probationary certification is not eligible for consideration;
- (2) any telecommunicator subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any telecommunicator professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation; and
- (3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .1300 of this Subchapter.

(b) Employees of a North Carolina sheriff's office or other agency who have previously held general or grandfather telecommunicator certification under the Commission, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification, are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office or

agency from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(c) Only training and experience gained in a telecommunicator's area of expertise, as described in Paragraph (d) of this Rule, shall be eligible for application to this program.

(d) Certificates shall be awarded based upon a formula contained herein that combines formal education, training, and experience as a telecommunicator. Points are computed in the following manner:

(1) each semester hour of college credit shall equal one education point and each quarter hour of college credit shall equal two thirds of an education point. No correspondence or vocational courses shall be credited towards

education points unless an accredited institution, as set out in Paragraph (g) of this Rule, credits the courses towards a degree; 20 hours of telecommunicator training shall equal one training point; and experience as a full-time telecommunicator, as defined in Rule .0103(20) of this Subchapter.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Telecommunicator Professional Certificate shall have acquired the following combination of educational points or degrees, telecommunicator training points, and years of telecommunicator experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Telecommunicator Experience	8	6	4	4	2
Minimum Telecommunicator Training Points	5	10	14	12	10
Minimum Total Education and Training Points	12	20	28	12	10

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Telecommunicator Professional Certificate shall possess or be eligible to possess the Intermediate Telecommunicator Professional Certificate and shall have acquired the following combination of educational points or degrees, telecommunicator training points, and years of telecommunicator experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Telecommunicator Experience	12	9	9	6	4
Minimum Telecommunicator Training Points	10	12	17	14	12
Minimum Total Education and Training Points	20	23	17	14	12

(g) Educational points or degrees claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, or a national or regional accrediting body. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(h) No more than 40 hours of training obtained by completing the telecommunicator certification course, as set out in Rule .1302 of this Subchapter, shall be credited toward training points.

History Note: Authority G.S. 17E-4;

Eff. April 1, 2001;

Amended Eff. January 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025.

**12 NCAC 10B .1604 INTERMEDIATE
TELECOMMUNICATOR CERTIFICATE**

History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12); Eff. April 1, 2001; Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Repealed Eff. December 1, 2025.

**12 NCAC 10B .1605 ADVANCED
TELECOMMUNICATOR CERTIFICATE**

History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12); Eff. April 1, 2001; Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Repealed Eff. December 1, 2025.

12 NCAC 10B .1606 HOW TO APPLY

(a) All applicants for an award of the telecommunicator intermediate or advanced professional certificates shall complete the "Application for Professional Certificate/Service Award," Form F-6.

(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.

(c) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion. No out-of-state training shall be accepted, unless the officer is employed in North Carolina as a justice officer as defined in G.S. 17E-2 during the of training.

(d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, certified letters of verification of employment from present or former employers may be requested of an applicant if confirmation of dates of service is required. No out-of-state length of service shall be applicable to this certificate program.

(e) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: Authority G.S. 17E-4; Eff. April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. December 1, 2025.

**12 NCAC 10B .1901 MILITARY AND MILITARY
SPOUSE TRANSFEREES**

(a) An individual who applies for justice officer certification as a military trained applicant pursuant to G.S. 93B-15.1 shall meet and submit, along with other documentation required in Rule .0408, documentation verifying his or her compliance with the following requirements:

- (1) Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training requirements required for certification and performed in the occupational specialty;
- (2) Completed a military program of training, completed testing or equivalent training and experience as determined by Paragraph (c) of this Rule;
- (3) Engaged in the active practice of that occupation for at least two of the five years prior to the date of appointment; and
- (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this State at the time the act was committed.

(b) An individual who applies for justice officer certification as a military spouse pursuant to G.S. 93B-15.1 shall meet and submit, along with other documentation required in Rule .0408, the following requirements:

- (1) Hold a current license, certification or registration from another jurisdiction which is substantially equivalent to or exceeds the training requirements required for certification;
- (2) Be in good standing with the issuing agency and not have been disciplined by the agency that has the jurisdiction to issue the license, certification or permit; and
- (3) Demonstrate competency in the occupation by:
 - (A) Having completed continuing education comparable to the education and training required for the type of certification for which application is being made, as determined by Paragraph (c) of this Rule; or
 - (B) Having engaged in the active practice of that occupational specialty for at least two of the five years prior to the date of appointment.

(c) The Division shall review the documents received to determine if any additional training is required to satisfy the certification requirements as set out in Rule .0504 of this Subchapter. Where training provided by the military or in other states require approval of prior training, such approval by the appropriate entity shall also be documented.

(d) In the event the applicant's prior training is not equivalent to the Commission's standards, the Commission shall prescribe as a condition of certification, supplementary or remedial training deemed necessary to equate previous training with current standards.

(e) Where certifications issued by the Commission require satisfactory performance on a written examination as part of the training, the Commission shall require such examinations for the certification of military trained and military spouse applicants.

History Note: Authority G.S. 17E-4; 17E-7; 93B-15.1; Eff. March 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10B .0203 WHITE-TAILED DEER

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

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

(A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.

(B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.

(C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Gaston, Iredell, Lincoln, Polk, Rutherford, and Watauga counties.

(D) Saturday after Thanksgiving Day through January 1 in Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.

(E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

(F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank

counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National Wildlife Refuge.

(2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during the open seasons and in the counties and portions of counties listed in Parts (A) through (E) of this Subparagraph.

(A) The open antlered or antlerless deer hunting dates established by the U.S. Fish and Wildlife Service from the Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.

(B) The open antlered or antlerless deer hunting dates established by the military commands at the military installations listed in this Paragraph, from Saturday on or nearest October 15 through January 1 in the part of Brunswick County known as the Sunny Point Military Ocean Terminal, in the part of Craven County known and marked as Cherry Point Marine Base, in the part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) The first open Saturday of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule in Cherokee, Clay, Haywood, Jackson,

Macon, Swain, and Transylvania counties.

(D) The first open day of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in Buncombe, Henderson, and McDowell counties, except in the areas described in Subparts (a)(2)(E)(i) and (ii) of this Rule.

(E) Open days of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule in and east of Avery, Burke, Rutherford, and Polk counties and in Madison, Mitchell, and Yancey counties, and the following parts of counties:

(i) The part of Buncombe County east of N.C. 191, south of the French Broad and Swannanoa Rivers, west of U.S. 25, and north of N.C. 280; and

(ii) The part of Henderson County east of N.C. 191 and north and west of N.C. 280.

(b) Open Archery Seasons for hunting deer:

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (f) of this Rule, deer may be taken with archery equipment from Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(1) of this Rule, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(2) Restrictions

(A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the Archery Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

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

(C) Antlered or antlerless deer may be taken during Archery Season specified by Part (b)(1) of this Rule.

(c) Open Blackpowder Firearms Seasons for hunting deer:

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment from two Saturdays preceding the first day of the open season for

(2) Deer with Visible Antlers described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the second Friday thereafter including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

Restrictions

(A) Antlered or antlerless deer may be taken during Blackpowder Firearms Season in a county or county part set forth in Part (a)(2)(D), (E) of this Rule that has one or more open days within the All Lawful Weapons Season to legally harvest antlerless deer.

(B) Antlered or antlerless deer may be taken during the second open Saturday of the Blackpowder Firearms Season thru the first Friday thereafter in any county or county part set forth in Part (a)(2)(C) of this Rule.

(C) Antlered or antlerless deer may be taken on the second open Saturday of the Blackpowder Firearms Season in any county or county part not set forth in Subparagraph (a)(2) of this Rule.

(D) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Blackpowder Firearms Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

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

(d) Open Urban Season for hunting deer:

(1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (f) of this Rule, antlered or antlerless deer may be taken with archery equipment in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on game lands within a city boundary.

(2) Participation. Cities that intend to participate in the Urban Season shall send a letter to that

effect no later than April 1 of the year prior to the start of the Urban Season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the Urban Season shall apply.

(3) Restrictions:

(A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Urban Season except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

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

(e) Open Youth Days for hunting deer. Antlered or antlerless deer may be taken with all lawful weapons by individuals under 16 years of age during the following days:

(1) The fourth Saturday in September and the Sunday immediately thereafter in all counties; and

(2) Thanksgiving Day and the Friday immediately thereafter in the counties listed in Part (a)(1)(D) of this Rule.

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

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

(h) Seasons for counties identified as Chronic Wasting Disease Management Areas shall be as specified in Rule .0502 of this Subchapter.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;

August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;

June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;

Readopted Eff. August 1, 2022;

Amended Eff. August 1, 2026; June 1, 2025; August 1, 2024; August 1, 2023.

15A NCAC 10B .0206 SQUIRRELS

(a) The open season for gray and red squirrels is the Monday on or closest to October 15 through the last day of February. Gray squirrels may also be taken by hunting on the Monday following the closing of the open season for wild turkey in 15A NCAC 10B .0209(a) through the second Monday thereafter.

(b) The daily bag limit for gray and red squirrels is eight in aggregate and there are no season or possession limits. (c) The open season for fox squirrels is the Monday on or nearest October 15 through January 31.

(d) The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.

History Note Authority G.S. 113-134; 113-291.2;

Eff. February 1, 1976;

Amended Eff. August 1, 2022; August 1, 2013; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2006; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;

Readopted Eff. August 1, 2019;

Amended Eff. August 1, 2026; August 1, 2022.

15A NCAC 10B .0502 CHRONIC WASTING DISEASE MANAGEMENT AREAS

(a) The following counties are Chronic Wasting Disease (CWD) Management Areas:

- (1) Cumberland;
- (2) Forsyth;
- (3) Stokes;
- (4) Surry;
- (5) Wilkes; and
- (6) Yadkin.

(b) Prohibitions specified in Rule .0503 of this Subchapter apply to the counties identified in Paragraph (a) of this Rule.

(c) Open seasons for hunting deer are as follows:

- (1) Special Early Season. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin, may be taken on the fourth Saturday in August and the Sunday immediately following with a lawful weapon, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (2) All Lawful Weapons.
 - (A) Antlered or Antlerless deer may be taken in Forsyth, Stokes, Surry, Wilkes, and Yadkin counties two Saturdays before Thanksgiving Day through January 1, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
 - (B) Antlered or Antlerless deer may be taken in Cumberland County the Saturday on or nearest October 15 through January 1, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (3) Archery Seasons. Antlered or Antlerless deer may be taken with archery equipment as authorized in 15A NCAC 10B .0116 on the Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(4) of this Rule.
- (4) Blackpowder Firearms Seasons. Antlered or Antlerless deer may be taken with archery equipment as authorized in 15A NCAC 10B .0116, and blackpowder firearms as defined in 15A NCAC 10B .0203(c)(3), from two Saturdays preceding the first day of the All Lawful Weapons Season described in Subparagraph (c)(2) of this Rule through the second Friday thereafter, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(d) Seasons, bag limits, and programs specified in Paragraphs (d) through (g) of Rule 10B .0203 of this Subchapter shall apply in the counties identified in Paragraph (a) of this Rule.

History Note: Authority G.S. 113-134; 113-306; Temporary Adoption Eff. July 1, 2022; Temporary Adoption Eff. July 1, 2023; Temporary Adoption Expired Eff. April 12, 2024; Eff. August 1, 2026.

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Inside a Surveillance Area, placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from January 2 through August 31 inside a Surveillance Area, except that:

- (1) bird feeders specifically designed for nongame birds shall be allowed;

- (2) placement of bait, food, or food products to hunt during the urban archery season shall be allowed within the established season in participating municipalities; and
- (3) the placement of food specifically permitted by the Commission for scientific research, population management, and wildlife control is allowed.

(b) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(c) White-tailed deer fawns originating from within a Surveillance Area shall not be transported alive outside the Surveillance Area.

(d) No person shall possess or use a substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluids for the purpose of taking or attempting to take, attracting, or scouting wildlife inside a surveillance area. This prohibition shall not apply to the following substances:

- (1) products labeled as containing synthetic analogs of cervid excretions;
- (2) natural substances labeled as being collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Services;
- (3) natural deer urine products labeled as containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services; and
- (4) natural deer urine products labeled as containing excretions from facilities that meet all the following requirements:
 - (A) determined to be free of Chronic Wasting Disease (CWD) based on testing by an independent laboratory using a method that is designed to detect the presence of CWD prions;
 - (B) complies with a federally approved CWD herd certification program and any federal CWD protocols. The USDA Animal and Plant Health Inspection Service CWD Herd Certification Program Standards are incorporated by reference, including subsequent amendments and editions, and can be found at no cost at <https://www.aphis.usda.gov>; and
 - (C) participates in additional herd management requirements as specified by the Wildlife Resources Commission.

History Note: Authority G.S. 113-134; 113-306; Temporary Adoption Eff. July 1, 2022; Emergency Adoption Eff. September 1, 2022; Temporary Adoption Eff. November 29, 2022; Temporary Adoption Eff. July 1, 2023;

*Eff. January 1, 2024;
Amended Eff. August 1, 2026.*

15A NCAC 10B .0504 DISPOSAL OF CERVID CARCASSES

(a) The final disposition of non-edible portions of cervid carcasses and carcass parts originating from North Carolina shall be:

- (1) in a lined landfill;
- (2) buried 3 feet below ground and 300 feet from a waterbody; or
- (3) lawfully left on the ground within the county of origin.

(b) This section shall not apply to cervid carcass parts that are lawful to possess pursuant to Rule .0124 of this Subchapter.

*History Note: Authority G.S. 113-134; 113-306;
Temporary Adoption Eff. July 2, 2022;
Temporary Adoption Eff. July 1, 2023;
Temporary Adoption Expired Eff. April 12, 2024;
Eff. August 1, 2026.*

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

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

- (1) "Natural bait" means a living or dead plant or animal, or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
- (2) "Single hook" means a fish hook with only one point.
- (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by a substance that attracts fish by the sense of taste or smell.
- (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or a similar material to which no additional hook, spinner, spoon, or similar device is added.

(b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications and restrictions apply:

- (1) "Public Mountain Trout Waters" are the waters included in Paragraph (d) of this Rule and those designated in 15A NCAC 10D .0104.
- (2) "Catch and Release Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial flies and lures having one single hook may be used. Waters with this designation include tributaries unless otherwise noted.
- (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful to possess natural bait or use more than one single hook on an artificial lure. From the first Saturday in June until September 30, anglers may fish these waters with no bait or

lure restrictions. Waters with this designation do not include tributaries unless otherwise noted.

"Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters with this designation do not include tributaries unless otherwise noted. Fishing is prohibited from March 1 until 7 a.m. on the first Saturday in April, except in the impounded waters of the following reservoirs:

- (A) Bear Creek Lake;
- (B) Buckeye Creek Reservoir;
- (C) Calderwood Reservoir;
- (D) Cedar Cliff Lake;
- (E) Cheoah Reservoir;
- (F) Cliffside Lake;
- (G) Cullowhee Dam Impoundment, from the S.R. 1731 bridge downstream to the Cullowhee Dam;
- (H) Tanassee Creek Lake;
- (I) Queens Creek Lake; and
- (J) Wolf Lake.

"Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters with this designation do not include tributaries unless otherwise noted.

"Wild Trout Waters" are Public Mountain Trout Waters identified in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters with this designation do not include tributaries unless otherwise noted.

"Undesignated Waters" are the other waters in the State. These waters have no bait or lure restrictions.

(c) Seasons, creel, and size limits for trout are listed in Rule .0316 of this Subchapter.

(d) This Paragraph designates waters in each county that have a specific classification. Waters on game lands are designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. The other waters are classified as Undesignated Waters.

(1) **Alleghany**
(A) Hatchery Supported Trout Waters are as follows:
Big Pine Creek
Bledsoe Creek
Brush Creek from the N.C. 21 bridge to the confluence with the Little River, except where posted against trespassing
Cranberry Creek
Glade Creek
Little River from 400 yards upstream of the S.R. 1128 bridge, marked by a sign on each bank, to McCann Dam
Meadow Fork

	Pine Swamp Creek		
	Piney Fork		
	Prathers Creek		
(B)	Wild Trout Waters are as follows: The waters located on Stone Mountain State Park	(B)	Lost Cove Creek, the game land portion, excluding Gragg Prong and Rockhouse Creek
(2)	Ashe County		Wilson Creek, the game land portion
	(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows: Big Horse Creek from the Virginia state line to Mud Creek at S.R. 1363, excluding tributaries		Hatchery Supported Trout Waters are as follows: Boyde Coffey Lake
	(B) Delayed Harvest Trout Waters are as follows: Big Horse Creek from the S.R. 1324 bridge to the North Fork New River Helton Creek from 900 yards upstream of the S.R. 1372 bridge, marked by a sign on both banks to a point adjacent to intersection of N.C. 16 and S.R. 1536 South Fork New River from the upstream end of Todd Island to the S.R. 1351 bridge		Elk River from the S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line
	Trout Lake		Linville River from S.R. 1504 to the Blue Ridge Parkway boundary line, except where posted against trespassing
(C)	Hatchery Supported Trout Waters are as follows: Beaver Creek from N.C. 221 to the confluence of Beaver Creek and South Beaver Creek Big Horse Creek from Mud Creek at S.R. 1363 to the S.R. 1324 bridge Big Laurel Creek from the S.R. 1315 bridge to the confluence with the North Fork New River Buffalo Creek from the S.R. 1133 bridge to the N.C. 194-88 bridge Cranberry Creek from the Alleghany Co. line to the South Fork New River Nathans Creek North Fork New River from the Watauga Co. line to Sharp Dam Old Fields Creek from N.C. 221 to the South Fork New River Peak Creek from the upper boundary of the NCDA-NCSU Upper Mountain Research Station to Trout Lake Roan Creek Three Top Creek		Milltimber Creek North Toe River from Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing North Toe River from S.R. 1164 to Mitchell Co. line, except where posted against trespassing Squirrel Creek Wildcat Lake
		(C)	Wild Trout Waters are as follows: Birchfield Creek Cow Camp Creek Cranberry Creek from the headwaters to the U.S. 19E, N.C. 194, bridge Gragg Prong Horse Creek Kentucky Creek North Harper Creek Plumtree Creek Roaring Creek Rockhouse Creek Shawneehaw Creek, the portion adjacent to Banner Elk Greenway South Harper Creek Webb Prong
(3)	Avery County	(4)	Buncombe County
	(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows: Elk River, the portion on Lees-McRae College property, excluding the millpond	(A)	Catch and Release Artificial Flies and Lures Only Trout Waters are as follows: Carter Creek, the game land portion
		(B)	Hatchery Supported Trout Waters are as follows: Bent Creek from Rich Branch to the N.C. Arboretum boundary line Cane Creek from S.R. 2785 bridge to the S.R. 3138 bridge Dillingham Creek from Corner Rock Creek to Ivy Creek Ivy Creek from Dillingham Creek to the U.S. 19-23 bridge Lake Powhatan Reems Creek from Sugar Camp Fork to the U.S. 19-23 bridge, except where posted against trespassing

Stony Creek from the confluence of Carter Creek and Mineral Creek downstream to Dillingham Creek

Swannanoa from River Walk Park in Black Mountain to the Wood Avenue bridge, at the intersection of N.C. 81 and U.S. 74A in Asheville, except where posted against trespassing

(5) Burke County

(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:

Henry Fork, the portion on South Mountains State Park

(B) Delayed Harvest Trout Waters are as follows:

Jacob Fork from Shinny Creek to the lower South Mountains State Park boundary

(C) Hatchery Supported Trout Waters are as follows:

Carroll Creek, the game land portion above S.R. 1405

Linville River, the portion below Lake James powerhouse from the upstream bridge on S.R. 1223 to Muddy Creek

(D) Special Regulation Trout Waters are as follows:

Catawba River from Muddy Creek to the City of Morganton water intake dam

(E) Wild Trout Waters are as follows:

The waters located on South Mountains State Park, except those waters identified in Parts (A) and (B) of this Subparagraph

(6) Caldwell County

(A) Delayed Harvest Trout Waters are as follows:

Wilson Creek, the game land portion below Lost Cove Creek to Philips Branch

(B) Hatchery Supported Trout Waters are as follows:

Boone Fork Pond

Buffalo Creek from the mouth of Joes Creek to McCloud Branch

Joes Creek from the first falls upstream of S.R. 1574 to the confluence with Buffalo Creek

Wilson Creek from Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing

Yadkin River from the Happy Valley Ruritan Community Park to S.R. 1515

(C) Wild Trout Waters are as follows:

Buffalo Creek from the Watauga Co. line to Long Ridge Branch including game land tributaries

(7) Cherokee County

(A) Hatchery Supported Trout Waters are as follows:

Davis Creek from the confluence of Bald Creek and Dockery Creek to Hanging Dog Creek

Hyatt Creek from Big Dam Branch to the Valley River

Junaluska Creek from Ashturn Creek to the Valley River

Shuler Creek from the Joe Brown Hwy, S.R. 1325 bridge, to the Tennessee state line

Valley River from S.R. 1359 to the U.S. 19 Business bridge in Murphy

(B) Special Regulation Trout Waters are as follows:

Apalachia Reservoir

(8) Clay County

(A) Delayed Harvest Trout Waters are as follows:

Fires Creek from Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area

(B) Hatchery Supported Trout Waters are as follows:

Buck Creek, the game land portion downstream of the U.S. 64 bridge

Fires Creek from the foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300

Tusquitee Creek from Compass Creek to the lower S.R. 1300 bridge

(9) Graham County

(A) Delayed Harvest Trout Waters are as follows:

Snowbird Creek from the USFS footbridge at the old railroad junction to USFS Rd. 2579

(B) Hatchery Supported Trout Waters are as follows:

Calderwood Reservoir from Cheoah Dam to the Tennessee state line

Cheoah Reservoir

Panther Creek from the confluence of Stand Creek and Rock Creek to Lake Fontana

Santeetlah Creek from Johns Branch to Lake Santeetlah

Snowbird Creek from USFS Rd. 2579 to the S.R. 1127 bridge

Stecoah Creek from the upper game land boundary to Lake Fontana

Tulula Creek from S.R. 1201 to the lower bridge on S.R. 1275

West Buffalo Creek from the confluence of Squally Creek and Little Buffalo Creek downstream to Lake Santeetlah

Yellow Creek from Lake Santeetlah hydropower pipeline to the Cheoah River

(C) Wild Trout Waters are as follows:

Little Buffalo Creek

South Fork Squally Creek

Squally Creek

(10) Haywood County

(A) Delayed Harvest Trout Waters are as follows:

West Fork Pigeon River from Queen Creek to the first game land boundary upstream of Lake Logan

(B) Hatchery Supported Trout Waters are as follows:

Cold Springs Creek from Fall Branch to the Pigeon River

Jonathan Creek from upstream of the S.R. 1302 bridge to the Pigeon River, except where posted against trespassing

Pigeon River from Stamey Cove Branch to the upstream U.S. 19-23 bridge

Richland Creek from the Russ Avenue, U.S. 276, bridge to the U.S. 19 bridge

West Fork Pigeon River from Tom Creek to Queen Creek

(11) Henderson County

(A) Delayed Harvest Trout Waters are as follows:

North Fork Mills River, the game land portion below the Hendersonville watershed dam

(B) Hatchery Supported Trout Waters are as follows:

Broad River from the end of S.R. 1611 to the Rutherford Co. line

Cane Creek from the railroad bridge upstream of the S.R. 1551 bridge to the U.S. 25 bridge

Clear Creek from Laurel Fork to S.R. 1582

Green River from the Lake Summit powerhouse to the game land boundary

Hungry River from Little Hungry River to the Green River

(12) Jackson County

(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:

Flat Creek

(B) Tuckasegee River, the game land portion upstream of Tanasee Creek Lake, including the Duke Energy powerline corridor

Tuckasegee River the portion upstream from the Clark property

Delayed Harvest Trout Waters are as follows:

Tuckasegee River from downstream of the N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge, marked by a sign on both banks

(C) Hatchery Supported Trout Waters are as follows:

Balsam Lake

Bear Creek Lake

Cedar Cliff Lake

Cullowhee Creek from Tilley Creek to the Tuckasegee River

Dark Ridge Creek from Jones Creek to Scott Creek

Greens Creek from Greens Creek Baptist Church on S.R. 1370 to Savannah Creek

Savannah Creek from Shell Branch to Cagle Branch

Scott Creek from Dark Ridge Creek to the Tuckasegee River, except where posted against trespassing

Tanasee Creek Lake

Tuckasegee River from John Brown Branch to the downstream N.C. 107 bridge

Tuckasegee River from the falls located 275 yards upstream of the U.S. 23-441 bridge, marked by a sign on both banks, to the S.R. 1534 bridge at Wilmont

Wolf Creek Lake

(D) Wild Trout Waters are as follows:

Gage Creek

North Fork Scott Creek

Tanasee Creek

Whitewater River from Silver Run Creek to the South Carolina state line

Wolf Creek except Balsam Lake and Wolf Creek Lake

(13) Macon County

(A) Delayed Harvest Trout Waters are as follows:

Nantahala River from Whiteoak Creek to the Nantahala hydropower discharge canal

(B) Hatchery Supported Trout Waters are as follows:

Burnington Creek from Left Prong to the Little Tennessee River

Cartoogechaye Creek from downstream of the U.S. 64 bridge to the Little Tennessee River
Cliffside Lake
Cullasaja River from Sequoyah Dam to the U.S. 64 bridge near the junction of S.R. 1672
Nantahala River from Dicks Creek to Whiteoak Creek
Nantahala River from the Nantahala hydropower discharge canal to the Swain Co. line
Queens Creek Lake

(14) Madison County

(A) Delayed Harvest Trout Waters are as follows:
Big Laurel Creek from the N.C. 208 bridge to the U.S. 25-70 bridge
Shelton Laurel Creek from the N.C. 208 bridge at Belva to the confluence with Big Laurel Creek
Spring Creek from the N.C. 209 bridge at the Hot Springs city limits to the iron bridge at end of Andrews Ave.

(B) Hatchery Supported Trout Waters are as follows:
Big Laurel Creek from Puncheon Fork to the S.R. 1318, Big Laurel Rd., bridge downstream of Bearpen Branch
Big Pine Creek from the S.R. 1151 bridge to the French Broad River
Little Ivy Creek from the confluence of Middle Fork and Paint Fork at Beech Glen to the confluence with Ivy Creek at Forks of Ivy
Max Patch Pond
Meadow Fork Creek from Meadow Fork Campground to Spring Creek
Puncheon Fork from Wolf Laurel Branch to Big Laurel Creek
Roaring Fork from Fall Branch to Meadow Fork
Shelton Laurel Creek from the confluence of Big Creek and Mill Creek to the N.C. 208 bridge at Belva
Shut-in Creek from the confluence of East Fork Shut-in Creek and West Fork Shut-in Creek to the French Broad River
Spillcorn Creek from Baker Creek to the S.R. 1330 bridge
Spring Creek from the junction of N.C. 209 and N.C. 63 to the confluence with Meadow Fork
West Fork Shut-in Creek from the lower game land boundary to the confluence with East Fork Shut-in Creek

(15) McDowell County

(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
Newberry Creek, the game land portion
Delayed Harvest Trout Waters are as follows:
Catawba River, the portion adjacent to the Marion Greenway
Curtis Creek, the game land portion downstream of the USFS boundary at Deep Branch
Mill Creek from the U.S. 70 bridge to the I-40 bridge
Hatchery Supported Trout Waters are as follows:
Armstrong Creek from the Cato Holler line downstream to the upper Greenlee line
Catawba River from the Catawba Falls Campground to the Old Fort Recreation Park
Little Buck Creek, the game land portion
North Fork Catawba River from the headwaters to North Cove School at the S.R. 1569 bridge

(16) Mitchell County

(A) Delayed Harvest Trout Waters are as follows:
Cane Creek from the N.C. 226 bridge to the S.R. 1189 bridge
North Toe River from the U.S. 19E bridge to the N.C. 226 bridge

(B) Hatchery Supported Trout Waters are as follows:
Big Rock Creek from the headwaters to the S.R. 1325 bridge
Cane Creek from S.R. 1219 to the N.C. 226 bridge
East Fork Grassy Creek
Grassy Creek from East Fork Grassy Creek to the mouth
North Toe River from the Avery Co. line to the S.R. 1121 bridge
Wild Trout Waters are as follows:
Green Creek from the headwaters to the Green Creek bridge, except where posted against trespassing
Little Rock Creek the portion upstream of the Green Creek bridge, including the tributaries, except where posted against trespassing
Wiles Creek from the game land boundary to the mouth

(17) Polk County

(A) Delayed Harvest Trout Waters are as follows:

Green River from the Fishtop Falls Access Area to the confluence with Cove Creek

(B) Hatchery Supported Trout Waters are as follows:
Green River from the mouth of Cove Creek to the natural gas pipeline crossing
North Pacolet River from Joels Creek to the N.C. 108 bridge

(18) Rutherford County
(A) Hatchery Supported Trout Waters are as follows:
Broad River from the Henderson Co. line to the U.S. 64/74 bridge, except where posted against trespassing

(19) Stokes County
(A) Hatchery Supported Trout Waters are as follows:
Dan River from the Virginia state line downstream to a point 200 yards below the end of S.R. 1421

(20) Surry County
(A) Delayed Harvest Trout Waters are as follows:
Ararat River, the portion adjacent to the Ararat River Greenway downstream of the N.C. 103 bridge
Mitchell River from 0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R. 1330
(B) Hatchery Supported Trout Waters are as follows:
Ararat River, the portion adjacent to the Ararat River Greenway upstream of the N.C. 103 bridge
Big Elkin Creek from the dam 440 yards upstream of the N.C. 268 bridge to a point 265 yards downstream of N.C. 268, marked by a sign on both banks
Fisher River from the Virginia state line to the I-77 bridge
Little Fisher River from the Virginia state line to the N.C. 89 bridge
Lovills Creek from the U.S. 52 Business bridge to the Ararat River
Pauls Creek from the Virginia state line to 0.3 miles below the S.R. 1625 bridge

(21) Swain County
(A) Delayed Harvest Waters Trout Waters are as follows:
Tuckasegee River from the U.S. 19 bridge to the Slope Street bridge
(B) Hatchery Supported Trout Waters are as follows:
Alarka Creek from the game land boundary to Fontana Reservoir

Calderwood Reservoir from Cheoah Dam to the Tennessee state line
Cheoah Reservoir
Connelly Creek from Camp Branch to the Tuckasegee River
Deep Creek from the Great Smoky Mountains National Park Boundary line to the Tuckasegee River
Nantahala River from the Macon Co. line to the existing Fontana Lake water level

(22) Transylvania County
(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
Davidson River from the headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek, Grogan Creek, Cedar Rock Creek and John Rock Branch
(B) Delayed Harvest Trout Waters are as follows:
East Fork French Broad River from East Fork Baptist Church to 350 yards downstream of Whitmire Falls, marked by a sign on both banks
Little River from the confluence of Lake Dense to 100 yards downstream of Hooker Falls
(C) Hatchery Supported Trout Waters are as follows:
Davidson River from Avery Creek to the lower USFS boundary
French Broad River from the confluence of the North Fork French Broad River and West Fork
French Broad River to the Island Ford Rd., S.R. 1110, Access Area
Middle Fork French Broad River from upstream of the U.S. 178 bridge to the French Broad River
West Fork French Broad River from S.R. 1312 to confluence with North Fork French Broad River
(D) Wild Trout Waters are as follows:
The waters located on Gorges State Park
Whitewater River from Silver Run Creek to the South Carolina state line

(23) Watauga County
(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
Laurel Creek from the confluence of North Fork Laurel Creek and South Fork Laurel Creek to Elk Creek, excluding tributaries

	Pond Creek from the headwaters to the Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake		Winkler Creek from the lower bridge on S.R. 1549 to the confluence with the South Fork New River
(B)	Delayed Harvest Trout Waters are as follows: Lake Coffey Watauga River from the S.R. 1114 bridge to the Valle Crucis Community Park lower boundary Watauga River from the S.R. 1103 bridge to the confluence with Laurel Creek	(24)	Wilkes County (A) Delayed Harvest Trout Waters are as follows: East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower boundary Elk Creek from the Watauga Co. line to the lower boundary of the Blue Ridge Mountain Club Elk Creek, the portion on Leatherwood Mountains development Reddies River from the Town of North Wilkesboro water intake dam to the confluence with the Yadkin River Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the East Prong Roaring River and Bullhead Creek
(C)	Hatchery Supported Trout Waters are as follows: Beaverdam Creek from the confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203 Beech Creek Buckeye Creek from Buckeye Creek Reservoir dam to Grassy Gap Creek Buckeye Creek Reservoir Cove Creek from the S.R. 1233 bridge at Zionville to the S.R. 1214 bridge at Sherwood Dutch Creek from the second S.R. 1136 bridge to the mouth Elk Creek from the S.R. 1510 bridge at Triplett to the Wilkes Co. line, except where posted against trespassing Laurel Creek from the S.R. 1123 bridge at the S.R. 1157 intersection to the Watauga River Meat Camp Creek from the S.R. 1340 bridge at the S.R. 1384 intersection to N.C. 194 Middle Fork New River from adjacent to the intersection of S.R. 1539 and U.S. 321 to the South Fork New River Norris Fork Creek South Fork New River from the canoe launch 70 yards upstream of U.S. 421 bridge to the lower boundary of Brookshire Park Stony Fork from the S.R. 1500 bridge at the S.R. 1505 intersection to the Wilkes Co. line	(B)	Hatchery Supported Trout Waters are as follows: Basin Creek from the S.R. 1730 bridge to the confluence with Lovelace Creek Bell Branch Pond Boundary Line Pond Cub Creek from 0.5 miles upstream of the S.R. 2460 bridge to the S.R. 1001 bridge Darnell Creek from the downstream ford on S.R. 1569 to the confluence with the North Fork Reddies River East Prong Roaring River from the Stone Mountain State Park lower boundary to the Low Meadows Lane bridge Fall Creek from the S.R. 1300 bridge to the confluence with South Prong Lewis Fork, except where posted against trespassing Middle Fork Reddies River from the headwaters to the bridge on S.R. 1580 Middle Prong Roaring River from the headwaters to the second bridge on S.R. 1736 North Fork Reddies River from the headwaters to the Union School bridge on S.R. 1559 Pike Creek Pike Creek Pond South Fork Reddies River from the S.R. 1355 bridge to the confluence with the Middle Fork Reddies River South Prong Lewis Fork from Fall Creek to the U.S. 421 bridge adjacent to the S.R. 1155 intersection
(D)	Wild Trout Waters are as follows: Dutch Creek from the headwaters to the second S.R. 1136 bridge Howard Creek Maine Branch from the headwaters to the North Fork New River North Fork New River from the confluence with Maine Branch and Mine Branch to the Ashe Co. line	(C)	Wild Trout Waters are as follows:

The waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply

(25) Yancey County

(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
South Toe River from the headwaters to Upper Creek

Upper Creek
(B) Delayed Harvest Trout Waters are as follows:
Cane River from Blackberry Ridge Rd. to the downstream boundary of Cane River County Park

(C) Hatchery Supported Trout Waters are as follows:
Bald Mountain Creek, except where posted against trespassing
Cane River from Bee Branch, S.R. 1110, to Bowlens Creek

Price Creek from the junction of S.R. 1120 and S.R. 1121 to Indian Creek
South Toe River from Clear Creek to the lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing

(D) Wild Trout Waters are as follows:
Cattail Creek from the bridge at Mountain Farm Community Rd. to the N.C. 197 bridge
Lickskillet Creek
Middle Creek from the game land boundary to the mouth

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;
Readopted Eff. August 1, 2019;
Amended Eff. August 1, 2026; August 1, 2025; August 1, 2024; August 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020.

15A NCAC 10C .0208 SPAWNING AREAS

(a) No person shall fish from March 1 to May 31 in the following restored floodplain sloughs in Henderson County:

- (1) Mud Creek slough 1 at 35.403687 N, 82.531970 W connected to the French Broad River, located 0.25 miles upstream of Butler Bridge Rd. (S.R. 1345).
- (2) Mud Creek slough 2 at 35.398380 N, 82.528750 W connected to the French Broad River, located 1.0 miles upstream of Butler Bridge Rd.
- (3) Mud Creek slough 3 at 35.396449 N, 82.525462 W connected to Mud Creek, located 0.1 miles upstream from confluence with the French Broad River.
- (4) Pleasant Grove slough at 35.298384 N, 82.584716 W connected to the French Broad River, located 0.25 miles upstream from S.R. 1205, Etowah School Road.
- (5) King's Bridge slough at 35.377100 N, 82.530389 W connected to the French Broad River, located 0.6 miles downstream from N.C. Hwy 191, Haywood Road.

(b) Each slough shall be marked with signs on both banks.

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

Eff. February 1, 1976;

Amended Eff. May 1, 2009; August 1, 2004; July 1, 1993; July 1, 1989; July 1, 1985; July 1, 1984;

Readopted Eff. October 1, 2022;

Amended Eff. August 1, 2026; August 1, 2024.

15A NCAC 10C .0211 POSSESSION OF CERTAIN FISHES

(a) It shall be unlawful to transport, purchase, possess, sell, or stock in the public or private waters of North Carolina any live individuals of:

- (1) African longfin eel (*Anguilla mossambica*);
- (2) amur sleeper (*Percottus glenii*);
- (3) applesnail (any species of the genus *Pomacea*);
- (4) Asian pond mussel (any species of the genus *Sinanodonta*);
- (5) Asian swamp eel, swamp or rice eel (*Monopterus albus*);
- (6) Australian red claw crayfish or red claw (*Cherax quadricarinatus*, or other species in the genus *Cherax*);
- (7) bigclaw crayfish (*Faxonius placidus*);
- (8) bighead carp (*Hypophthalmichthys nobilis*);
- (9) black carp (*Mylopharyngodon piceus*);
- (10) brown hoplo (*Hoplosternum littorale*);

History Note: Authority G.S. 113-272; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2001;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

(11) Chinese mysterysnail (*Cipangopaludina chinensis*);
(12) Creole painted crayfish (*Faxonius palmeri creolanus*);
(13) Crucian Carp (*Carassius carassius*);
(14) European eel (*Anguilla anguilla*);
(15) European minnow (*Phoxinus phoxinus*);
(16) European perch (*Perca fluviatilis*);
(17) golden mussel (any species of the genus *Limnoperna*);
(18) Japanese mysterysnail (*Cipangopaludina japonica*);
(19) marbled Crayfish or Marmorkrebs (*Procambarus virginalis* or *Procambarus fallax f. virginalis*);
(20) olive mysterysnail (*Viviparus subpurpureus*);
(21) Oriental weatherfish (*Misgurnus anguillicaudatus*);
(22) piranha (any species of the genera *Pristobrycon*, *Pygocentrus*, *Pygopristis*, or *Serrasalmus*);
(23) Prussian Carp (*Carassius gibelio*);
(24) quagga mussel (*Dreissena rostriformis bugensis*) or any mussel in the family *Dreissenidae*;
(25) red shiner (*Cyprinella lutrensis*);
(26) red-rim melania (*Melanoides tuberculatus* or *Melanoides tuberculata*);
(27) redtail catfish (*Phractocephalus hemioliopterus*);
(28) round goby (*Neogobius melanostomus*);
(29) rudd (*Scardinius erythrophthalmus* or *Scardinius erythrophthalmus*);
(30) ruffe (*Gymnocephalus cernuus* or *Gymnocephalus cernua*);
(31) rusty crayfish (*Faxonius rusticus*);
(32) shortfin eel (*Anguilla australis*);
(33) silver carp (*Hypophthalmichthys molitrix*);
(34) snakehead fish (from the Family *Channidae*, formerly *Ophiocephalidae*);
(35) tubenose goby (*Proterorhinus marmoratus*, *Proterorhinus semilunaris*, and *Proterorhinus semipellucidus*);
(36) virile crayfish (*Faxonius virilis*);
(37) walking catfish (any member of the genus *Batrachus*);
(38) white amur or grass carp (*Ctenopharyngodon idella*), except for triploid individuals as permitted in Paragraph (b) of this Rule;
(39) yellow bass (*Morone mississippiensis*); or
(40) zebra mussel (*Dreissena polymorpha*).

(b) A person may buy, possess, or stock grass carp that have been certified to be triploid or sterile, only for the purpose of controlling aquatic vegetation under a permit issued by the Executive Director or his or her designee based on an evaluation of the potential for escapement and threat to sensitive aquatic habitats. Permit applications are available at www.ncwildlife.gov.
(c) It shall be unlawful to transport, possess, or release live river herring, also known as alewife or blueback herring, in the waters of the Little Tennessee River in and upstream of Lake Santeetlah

and Cedar Cliff Lake, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.

History Note: Authority G.S. 113-134; 113-274(c)(1c); 113-292; Eff. February 1, 1976; Amended Eff. September 1, 1984; Temporary Amendment Eff. July 1, 2001; Amended Eff. July 18, 2002; Temporary Amendment Eff. September 1, 2002; Amended Eff. August 1, 2013; August 1, 2011; June 1, 2009, June 1, 2005; August 1, 2004; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2026; August 1, 2021; August 1, 2020.

15A NCAC 10C .0305 LARGEMOUTH BASS

(a) The daily creel limit for Largemouth Bass is five fish, except in waters identified in Paragraphs (d), (e), (f), (l), (m), (n), and (o) of this Rule.

(b) There is no minimum size limit for Largemouth Bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (d) through (o) of this Rule.

(c) There is no closed season, except in waters identified in Paragraph (n) of this Rule.

(d) In Lake Holt in Granville County, the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(e) In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish in aggregate.

(f) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate. The minimum size limit for Largemouth Bass is 12 inches.

(g) The minimum size limit for Largemouth Bass is 14 inches in the following waters:

- (1) Lake Raleigh in Wake County;
- (2) Lake Sutton in New Hanover County;
- (3) Pungo Lake in Washington and Hyde counties;
- (4) New Lake in Hyde County; and
- (5) Currituck, Roanoke, Croatan, Albemarle sounds, and their tributaries, including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River, Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the N.C. Hwy 264/45 bridge, and the other associated tributaries and canals in these river systems.

(h) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.

(i) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit for Largemouth Bass is 14 inches, and no fish between 16 and 20 inches may be possessed.

(j) In Lake Hampton in Yadkin County, there is no minimum size limit for Largemouth Bass. No more than two Largemouth Bass less than 14 inches and no Largemouth Bass between 16 and 20 inches may be possessed.

(k) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Largemouth Bass is 18 inches.

(l) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth Bass and Smallmouth Bass is five fish in aggregate. There is no minimum size limit for Largemouth Bass, but no fish between 14 and 22 inches in length may be possessed and one Largemouth Bass or Smallmouth Bass greater than 22 inches may be possessed.

(m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and one Largemouth Bass greater than 20 inches may be possessed.

(n) In Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds associated with Martin Marietta Park in Craven County, no Largemouth Bass may be possessed.

(o) In Lake Cammack in Alamance County, there is no daily creel limit for Largemouth Bass, and only five Largemouth Bass greater than 14 inches may be possessed.

History Note: Authority G.S. 113-134; 113-292; Eff. February 1, 1976; Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990; Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990; Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991; Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; Temporary Amendment Eff. November 1, 1998; Amended Eff. April 1, 1999; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent amendment effective July 1, 2002 and approved by RRC in May 2001]; Amended Eff. August 1, 2002 (approved by RRC in April 2002); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; November 1, 2013; August 1, 2012; March 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; July 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2026; August 1, 2024; March 15, 2023; August 1, 2021; August 1, 2020.

15A NCAC 10C .0316 MOUNTAIN TROUT**(a) Hatchery-Supported Trout Waters.**

- (1) The daily creel limit for trout is seven fish.
- (2) There is no minimum size limit.
- (3) The open season is from 7 a.m. on the first Saturday in April until March 1, except in the reservoirs identified in 15A NCAC 10C .0205 where trout may be taken year-round.

(b) Wild Trout Waters.

- (1) The daily creel limit for trout is four fish.
- (2) The minimum size limit is seven inches.
- (3) There is no closed season.

(c) Catch and Release/Artificial Flies and Lures Only Trout Waters. No trout shall be harvested or possessed while fishing these waters.**(d) Delayed Harvest Trout Waters.**

- (1) From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or possessed while fishing these waters.
- (2) Only individuals under 16 years of age may fish from 6:00 a.m. on the first Saturday in June until 12:00 p.m. that same day.
 - (A) The daily creel limit for trout is seven fish.
 - (B) There is no minimum size limit.
- (3) The open season is from 12:00 p.m. on the first Saturday in June until September 30.
 - (A) The daily creel limit for trout is seven fish.
 - (B) There is no minimum size limit.

(e) Special Regulation Trout Waters.

- (1) Apalachia Reservoir (Cherokee County)
 - (A) The daily creel limit for trout is three fish.
 - (B) There is no minimum size limit, but only one may be greater than 14 inches.
 - (C) There is no closed season.
- (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam
 - (A) The daily creel limit for trout is two fish.
 - (B) The minimum size limit is 14 inches.
 - (C) There is no closed season.

(f) Undesignated Waters.

- (1) The daily creel limit for trout is seven fish.
- (2) There is no minimum size limit.
- (3) There is no closed season.

(g) Trout water classifications and manners of take are set forth in 15A NCAC 10C .0205.

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

Eff. November 1, 2013;

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;

Readopted Eff. August 1, 2019;

Amended Eff. August 1, 2026; June 1, 2025; August 1, 2024; August 1, 2021; August 1, 2020.

15A NCAC 10C .0318 WHITE BASS

- (a) The daily creel limit for white bass is 10 fish.
- (b) There is no minimum size limit.
- (c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; Eff. November 1, 2013.

Amended Eff. August 1, 2017; Readopted Eff. March 15, 2023; Amended Eff. August 1, 2026.

15A NCAC 10C .0321 SMALLMOUTH BASS

- (a) The daily creel limit for smallmouth bass is five fish, except in waters identified in Paragraphs (d) through (f) of this Rule.
- (b) There is no minimum size limit for smallmouth bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (d) through (f) of this Rule.
- (c) There is no closed season.
- (d) In Lake Santeetlah in Graham County, there is no daily creel limit for largemouth bass and smallmouth bass less than 14 inches. The daily creel limit for largemouth bass and smallmouth bass greater than 14 inches is five fish in aggregate.
- (e) In Lake Chatuge in Clay County, the daily creel limit for largemouth bass, smallmouth bass, Alabama bass, and spotted bass is 10 fish in aggregate. There is no minimum size limit for smallmouth bass.
- (f) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for largemouth bass and smallmouth bass is five fish in aggregate. There is no minimum size limit for smallmouth bass, but no fish between 14 and 22 inches in length may be possessed and only one largemouth bass or smallmouth bass greater than 22 inches may be possessed.

History Note: Authority G.S. 113-134; 113-292; Eff. August 1, 2020; Amended Eff. August 1, 2026; March 15, 2023; August 1, 2021.

15A NCAC 10C .0322 ALABAMA BASS AND SPOTTED BASS

- (a) There is no daily creel limit for Alabama bass or spotted bass, except for waters identified in Paragraph (d) of this Rule.
- (b) There is no minimum size limit.
- (c) There is no closed season.
- (d) In Lake Chatuge in Clay County, the daily creel limit for largemouth bass, smallmouth bass, Alabama bass, and spotted bass is 10 fish in aggregate.

History Note: Authority G.S. 113-134; 113-292; Eff. August 1, 2020; Amended Eff. August 1, 2026; March 15, 2023; August 1, 2021.

15A NCAC 10C .0325 SEA TROUT

- (a) The daily creel limit for sea trout (spotted or speckled) is three fish.
- (b) The minimum size limit is 14 inches, but no fish between 20 and 26 inches in length may be possessed and only one sea trout greater than 26 inches may be possessed.
- (c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305; Temporary Adoption Eff. September 1, 2022; Eff. March 15, 2023; Temporary Amendment Eff. July 7, 2025; May 2, 2025; Amended Eff. January 1, 2026.

15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE

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

- (1) "Permanent Hunting Blind" means a structure that is used for hunter concealment, constructed from manmade or natural materials, and that is not disassembled and removed at the end of the day's hunt.
- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" means individuals under 16 years of age.
- (b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:
 - (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to archery equipment and falconry. During the open deer seasons for these areas, antlered and antlerless deer may be taken.
 - (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on a game land. Falconry is exempt from this provision.
 - (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
 - (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to use by the public, and entry on these areas is prohibited without written approval from the Wildlife Resources Commission. The Commission may authorize entry when the primary purpose for the Restricted Zone shall not be compromised and the persons requesting entry demonstrate a valid need, or official business of the Commission is being conducted by a contractor or agent of the Commission. Valid needs may include access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
 - (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to use by the public, and entry is prohibited without written approval from the Wildlife Resources Commission. An area of a

game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public.

(6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.

(7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).

(8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the public shall be prohibited from sunset to sunrise.

(9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to use by the public during the dates specified on the sign, and entry is prohibited without written approval from the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit litter, trash, garbage, or other refuse on any game land except in receptacles provided for disposal of refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on a game land by a person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. Except for archery equipment, as defined in 15A NCAC 10B .0116, no person shall discharge a weapon within 150 yards of:

(1) a game land building or designated game land camping area, except where posted otherwise; or

(2) a residence located on or adjacent to game lands.

No person shall hunt with or have in possession a shotgun shell containing lead or toxic shot while hunting on a posted waterfowl impoundment on a game land, except shotgun shells containing lead buckshot may be used while deer hunting. Individuals carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that

is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;
- (2) the firearm is cased or not immediately available for use;
- (3) the firearm is used by persons participating in field trials on field trial areas; or
- (4) the firearm is possessed in designated camping areas for defense of persons and property.

(e) Game Lands License: Hunting and Trapping

- (1) Except as provided in Subparagraph (4) of this Paragraph, a person entering a game land to hunt, trap, run dogs, or train dogs using wildlife shall have in his or her possession a valid North Carolina hunting or trapping license.
- (2) For Commission-sanctioned field trials, active participants, as defined in 15A NCAC 10B .0114, in a field trial using wildlife shall possess a North Carolina hunting license, except non-residents may substitute hunting licenses from their state(s) of residence.
- (3) For other field trials using wildlife occurring on game lands, judges and active participants shall possess a North Carolina hunting license.

(4) Exceptions:

- (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
- (B) on the game lands described in Rule .0103 (j)(1) of this Section, the game lands license is required for hunting doves; other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. An individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file an application with the Commission to use the area with the facility use fee computed at the rate of three hundred dollars (\$300.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which trials are not run but the building or facilities are used or occupied. A fee of one hundred dollars (\$100.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or other entity shall enter or use the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without written approval from an authorized agent of the Wildlife Resources Commission, and no entry or use of a facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 20 days of field trials may be

scheduled for occurrence on the Sandhills facilities during a calendar month, and no more than five days may be scheduled during a calendar week. A field trial requiring more than five days may be scheduled during one week with reduction of the maximum number of days allowable during some other week so that the monthly maximum of 20 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between the Wednesday on or nearest October 18 and the second Friday before Thanksgiving and between the first Monday following Thanksgiving and March 31 shall submit its proposed schedule of use to the Wildlife Resources Commission for consideration and approval. Training dogs is prohibited at the Sandhills Field Trial facilities. Unless otherwise specified in Rules of this Subchapter and except when participating in field trials sanctioned by the Wildlife Resources Commission, dogs shall not be trained or permitted to run unleashed from April 1 through August 15 on game lands located west of I-95, or from March 15 through June 15 on game lands located east of I-95. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when the field trial does not conflict with other planned activities on the game land or field trial facilities, and the applying organization demonstrates their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0300, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the open trapping seasons for those areas, established by rule. Foxes may be trapped on game lands from October 1 through the end of February in a county with an open fox trapping season that falls between October 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during a fox trapping season that occurs outside the dates of October 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

- (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- (2) in posted "safety zones" located on a game land;
- (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (4) on the DuPont State Forest Game Lands; and
- (5) from April 1 through September 31.

At a trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in G.S. 113-294(r), is less than 3 cubic inches and is covered to prevent it from being seen from above. Feathers,

including those with attached skin or entire bird wings, hair with or without skin or hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on a game land except on roads constructed, maintained, and opened for vehicular travel and on trails posted for vehicular travel, unless the person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (l) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (l) of this Rule and is abiding by the rules described in Paragraph (k).

(i) Camping.

- (1) No person shall camp on a game land except on an area posted by the landowner for camping. Camping on posted camping areas is allowed from September 1 through the last day of February and from March 31 through May 31 unless otherwise specified in rules of this Subchapter.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at a designated camping area is 14 days within any 30-day period, unless otherwise specified in rules of this Subchapter. After 14 consecutive days of camping, personal belongings shall be removed from the game land.
- (3) A hunting, fishing, trapping or Game Lands License is required for individuals age 16 or older to camp on game lands in areas posted for camping except when camping within 100 yards of the Roanoke River on the state-owned portion of the Roanoke River Wetlands Game Land, within 100 yards of the Neuse River on that portion of the game land west of NC-43, and in posted areas along the Mountains-to-Sea Trail on Butner-Falls of Neuse Game Land.

(j) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without written authorization. It is unlawful to move wild fish from one stream to another on game lands without written authorization. Written authorization shall be given when release of animals is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and is in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on game lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (l) of this Rule and people who have obtained a Disabled Access Program permit are exempt from

this restriction but shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other all-terrain wheelchairs on areas where foot travel is allowed. Off road vehicles including ATVs, UTVs, and ebikes are not permitted.

(l) **Disabled Access Program.** Disabled individuals who meet the requirements of G.S. 113-296 may obtain a Disabled Access Permit and Disabled Sportsman Hunt Certification online at ncwildlife.org. The Disabled Access Permit allows individuals to operate electric wheel chairs, all-terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to that use. Those game lands, or parts thereof, where this Paragraph applies are designated online, at www.ncwildlife.org. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or cover. One companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is constantly in visual or verbal contact with the disabled person. The companion may participate in lawful activities while assisting a disabled person, provided license requirements are met. A vehicle used by a qualified disabled person for access to game lands under this provision shall have the Disabled Access Permit available for inspection by wildlife enforcement officers upon request. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land. It is unlawful for anyone other than disabled persons holding a Disabled Access Permit, during waterfowl season, to hunt within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind. The Disabled Sportsman Hunt Certification allows individuals to apply for available Disabled sportsman permit hunting opportunities as prescribed in G.S. 113-296.

(m) **Public nudity.** Public nudity, including nude sunbathing, is prohibited on game lands, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

(n) **Shooting Ranges.** On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for purposes other than for firearm or bow and arrow marksmanship, development of shooting skills, or for other safe uses of firearms and archery equipment. Other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, unless written authorization is obtained from the Commission. No person, when using any shooting range, shall deposit debris or refuse on the grounds of the range. This includes items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person

shall shoot items made of glass on the grounds of the range. No person may leave a vehicle or other obstruction in a location or position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall leave a vehicle or other object parked in a place on the shooting range other than the place or zone that is designated and posted or marked as an authorized parking zone. No person shall handle firearms or bow and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to a person. Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission employees. No person shall handle firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at least one sign shall be posted at the entrance to each shooting range. No person, when using a shooting range, shall do an act that is prohibited or neglect to do an act that is required by signs or markings placed on the area under authority of this Rule for regulating the use of the area.

(o) **Limited-access Roads.** During the months of June, July, and August, roads posted as "Limited-access Roads" are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. These roads shall be posted with the opening and closing times.

(p) No person shall attempt to obscure the sex or age of a bird or animal taken by severing the head or any other part thereof, or possess a bird or animal that has been so mutilated.

(q) **Baiting.** Except as provided in Paragraph (g) of this Rule, no person shall place, or cause to be placed on a game land, salt, grain, fruit, or other foods without written authorization from an agent of the Commission. Written authorization may be provided for Commission authorized projects or Commission contractors to meet specific objectives. Except as authorized by rule, no person shall take or attempt to take wild birds or wild animals attracted to these foods.

History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10;

Eff. February 1, 1976;

Amended Eff. July 1, 1993; April 1, 1992;

Temporary Amendment Eff. October 11, 1993;

Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. August 31, 2001;

Amended Eff. August 1, 2002;

Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;

Temporary Amendment Eff. July 1, 2014;

Amended Eff. February 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020; August 1, 2017; August 1, 2016; May 1, 2015; August 1, 2014;

Readopted Eff. August 1, 2023;

Amended Eff. August 1, 2026; June 1 2025; November 1, 2023.

15A NCAC 10D .0104 FISHING ON GAME LANDS

(a) Game lands are open to public fishing except:

- (1) restocked ponds when posted against fishing;
- (2) Hunting Creek Swamp Waterfowl Refuge;
- (3) Cedar Rock Creek, Grogan Creek, and John Rock Branch, in Transylvania County; and
- (4) private ponds where fishing is prohibited by the owners.

(b) No trotline, set-hook, net, trap, gig, or other special fishing device mentioned in 15A NCAC 10C .0404(b),(c),(d), and (f) may be used in impounded waters located entirely on game lands.

(c) Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands except for those waters mentioned in 15A NCAC 10C .0404(a).

(d) Waters located on the following game lands are designated as public mountain trout waters:

- (1) Cold Mountain Game Land in Haywood County.
- (2) DuPont State Forest Game Lands in Henderson and Transylvania counties, except:
 - (A) Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest boundary;
 - (B) Lake Imaging;
 - (C) Lake Dense;
 - (D) Lake Alfred;
 - (E) Lake Julia; and
 - (F) Fawn Lake.
- (3) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline crossing.
- (4) Headwaters State Forest Game Land in Transylvania County.
- (5) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee Lake.
- (6) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except:
 - (A) Cedar Rock Creek, Grogan Creek, and John Rock Branch;
 - (B) North Fork Catawba River downstream of the mouth of Armstrong Creek;

- (C) Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River;
- (D) Mill Ridge Pond;
- (E) Nolichucky River;
- (F) Pigeon River downstream of Waterville Reservoir to the Tennessee state line; and
- (G) Spring Creek below US Forest Service road 223.

- (7) Pond Mountain Game Land in Ashe County.
- (8) Little Fork State Forest Game Land in Wilkes County.

- (9) South Mountains Game Land in Burke, Cleveland, McDowell, and Rutherford counties.

- (10) Three Top Mountain Game Land in Ashe County.

- (11) Thurmond Chatham Game Land in Wilkes County.

- (12) Toxaway Game Land in Transylvania County.

- (13) William H. Silvers Game Land in Haywood County.

(e) The designated public mountain trout waters identified in Paragraph (d) of this Rule are Wild Trout Waters unless classified otherwise in 15A NCAC 10C .0205(d).

History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;

Eff. February 1, 1976;

Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015; August 1, 2014; August 1, 2010; May 1, 2009; August 1, 2004;

Readopted Eff. August 1, 2023;

Amended Eff. August 1, 2026.

15A NCAC 10D .0205 BLADEN LAKES STATE FOREST GAME LAND IN BLADEN COUNTY

Bladen Lakes State Forest Game Land is a Three Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Except for blackpowder firearms, rifles larger than .22 caliber rimfire shall not be used.
- (3) On the Singletary Lake Tract, the use of dogs for hunting deer and bear is prohibited.
- (4) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (5) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

(6) The use of dogs for pursuing or taking foxes shall be prohibited from February 15 through August 1.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. November 1, 2022;

Amended Eff. August 1, 2026.

15A NCAC 10D .0211 BUTNER-FALLS OF NEUSE GAME LAND IN DURHAM, GRANVILLE, AND WAKE COUNTIES

Butner-Falls of Neuse Game Land is a Six Days per Week Area, in which the following applies:

(1) Antlered or antlerless deer may be taken the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Friday thereafter.

(2) Waterfowl shall be taken only on:

- (a) the opening and closing days of the waterfowl seasons;
- (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (c) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.

On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.

(3) Horseback riding is prohibited.

(4) Target shooting is prohibited.

(5) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.

(6) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.

(7) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May 16 through August 31, and on Sundays only from September 1 through May 15.

(8) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

(9) Camping is allowed year-round in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. November 1, 2022;

Amended Eff. August 1, 2026; August 1, 2023.

15A NCAC 10D .0212 BUXTON WOODS GAME LAND IN DARE COUNTY

Buxton Woods Game Land is a Six Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (2) Target shooting is prohibited.
- (3) Horseback riding is prohibited except on designated trails.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. November 1, 2022;

Amended Eff. August 1, 2026.

15A NCAC 10D .0215 R. WAYNE BAILEY-CASWELL GAME LAND IN CASWELL COUNTY

(a) R. Wayne Bailey-Caswell Game Land is a Three Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken from the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Wednesday thereafter.
- (2) Horseback riding, including all equine species, is allowed seven days per week from May 16 through August 31, and on Sundays only, September 1 through May 15. Horseback riding is allowed on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older horseback riding on this game land shall possess a Game Lands license as required by G.S. 270.3(b)(3).
- (3) On the posted waterfowl impoundment, waterfowl hunting is by permit after November 1.
- (4) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (5) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.

(b) Hunting shall be by permit for the following species in the area posted as the Caswell Small Game Focal Area:

- (1) quail and woodcock; and
- (2) rabbit and squirrel on days outside of the three days per week framework.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. October 1, 2022;

Amended Eff. August 1, 2026; August 1, 2024; August 1, 2023.

15A NCAC 10D .0217 CHOWAN SWAMP GAME LAND

Chowan game land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.

(2) Bear shall not be harvested on Sunday.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. October 1, 2022.

15A NCAC 10D .0218 CHOWAN SWAMP GAME LAND IN BERTIE, CHOWAN, GATES, AND HERTFORD COUNTIES

Chowan Swamp game land is a Six Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Bear hunting is restricted to the first Saturday, Monday, and Tuesday of the November bear season and the second Saturday, Monday, and Tuesday of the December bear season except in that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (3) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (4) Horseback riding is prohibited except during May 16 through August 31 and on Sundays only September 1 through May 15 on those roads that are open to vehicular traffic and on those gated roads and trails posted for equestrian use.
- (5) Target shooting is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. October 1, 2022.

15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES

Goose Creek Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Except as provided in 15A NCAC 10D .0103(e), waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (a) the opening and closing days of the applicable waterfowl seasons;
 - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (3) Beginning on the first open waterfowl season day in October, through the end of all waterfowl

seasons, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.

- (4) On Spring Lake, Pamlico Point, and Campbell Creek Waterfowl Impoundments, all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (5) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (6) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- (7) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Beaufort County portion north of N.C. 33, except for that portion east of Smith Creek and south of Campbell Creek.
- (8) Bear shall not be harvested on Sunday.
- (9) Hunting for deer, bear, and turkey on the Bates-Bay Tract is by permit only.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Temporary Adoption Eff. December 1, 2022;
Eff. March 15, 2023;
Amended Eff. August 1, 2026; August 1, 2025.

15A NCAC 10D .0232 GULL ROCK GAME LAND IN HYDE COUNTY

Gull Rock Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Waterfowl on the E. Merle Edwards/Loop Road Impoundment shall be taken only on the following days:
 - (a) the opening and closing days of the applicable waterfowl seasons;
 - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (c) Tuesdays and Saturdays of the applicable waterfowl season.
- (3) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (4) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season, and the second Saturday, Monday, and Tuesday of the December Bear Season.

(5) Waterfowl hunting on posted waterfowl impoundments on the Willow Point tract is by permit only.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. October 1, 2022;

Temporary Amendment Eff. December 1, 2022;

Amended Eff. August 1, 2026; August 1, 2025; June 1, 2023.

15A NCAC 10D .0236 HOLLY SHELTER GAME LAND IN PENDER COUNTY

Holly Shelter Game Land is a Six Days per Week Area, in which the following applies:

(1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.

(2) Waterfowl may be taken only on the following days:

- (a) the opening and closing days of the applicable waterfowl seasons;
- (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (c) Tuesdays and Saturdays of the applicable waterfowl seasons.

(3) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

(4) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.

(5) The use of dogs for hunting deer and bear is prohibited:

- (a) all open days on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road; and
- (b) on Tuesdays, Thursdays, and Fridays, with the exception of Thanksgiving, Christmas, and New Year's days, and except for the area north of Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, where the use of dogs for deer and bear hunting is by permit only.

(6) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.

(7) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.

(8) Target shooting is prohibited, except on the Holly Shelter Shooting Range.

(9) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. November 1, 2022;

Amended Eff. August 1, 2026.

15A NCAC 10D .0239 JOHNS RIVER GAME LAND IN BURKE COUNTY

Johns River Game Land is hunting by permit only. The following shall apply:

- (1) During permitted deer hunts, antlered or antlerless deer may be taken by permit holders.
- (2) The construction of permanent hunting blinds is prohibited.
- (3) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (4) Target shooting is prohibited.
- (5) During the open days of the seasons for game birds and game animals, the use of bicycles is restricted to hunters engaged in the act of hunting.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. October 1, 2022;

Amended Eff. August 1, 2026; August 1, 2025; August 1, 2023.

15A NCAC 10D .0240 JORDAN GAME LAND IN CHATHAM, DURHAM, ORANGE, AND WAKE COUNTIES

Jordan Game Land is a Six Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken on open days of the All Lawful Weapons Season for Deer With Visible Antlers.
- (2) Waterfowl may be taken only on:
 - (a) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
 - (b) Thanksgiving, Christmas, and New Year's Days; and
 - (c) the opening and closing days of the applicable waterfowl seasons.
- (3) Horseback riding, including all equine species, is allowed only on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On other trails posted for equestrian use, horseback riding is

allowed seven days per week from May 16 through August 31, and on Sundays only from September 1 through May 15. People age 16 or older shall obtain a game land license prior to engaging in horseback riding on an area other than the American Tobacco Trail.

- (4) Target shooting is prohibited.
- (5) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (6) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (7) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Temporary Adoption Eff. October 1, 2022; Eff. March 15, 2023; Amended Eff. August 1, 2026; August 1, 2023.

15A NCAC 10D .0241 JUNIPER CREEK GAME LAND IN BRUNSWICK AND COLUMBUS COUNTIES

(a) Juniper Creek Game Land is a Seven Days per Week Area. The following applies:

- (1) Deer of either sex may be taken on all the open days of the Deer With Visible Antlers Season.
- (2) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (3) Bear shall not be harvested on Sunday.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2026.

15A NCAC 10D .0249 MAYO GAME LAND IN PERSON COUNTY

Mayo Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Waterfowl shall be taken only on:
 - (a) Tuesdays, Thursdays, and Saturdays of applicable waterfowl seasons;
 - (b) Christmas and New Year's Days; and
 - (c) the opening and closing days of the applicable waterfowl seasons.
- (3) Target shooting is prohibited.
- (4) Placement of docks, piers, and personal property for more than 24 consecutive hours on the shoreline or lakebed of Mayo Lake is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. January 1, 2026.

15A NCAC 10D .0258 PEE DEE RIVER GAME LAND IN ANSON, MONTGOMERY, RICHMOND, AND STANLY COUNTIES

Pee Dee River Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Friday thereafter.
- (2) Target shooting is prohibited.
- (3) Horseback riding is allowed seven days per week from May 16 through August 31, and on Sundays only September 1 through May 15 only on roads opened to vehicular traffic and gated roads and trails posted for equestrian use.
- (4) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting shall be prohibited, except on that portion north of US-74 and east of Pee Dee River where hunting shall be by permit only.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. October 1, 2022; Amended Eff. August 1, 2026; August 1, 2023.

15A NCAC 10D .0260 PISGAH GAME LAND IN AVERY, BUNCOMBE, BURKE, CALDWELL, HAYWOOD, HENDERSON, MADISON, MCDOWELL, MITCHELL, TRANSYLVANIA, WATAUGA, AND YANCEY COUNTIES

Pisgah Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (2) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (3) The use of bicycles shall be restricted to designated trails on the Linville River Tract (Burke County). Persons engaged in the act of hunting on the Linville River Tract during any open day of an applicable season for game birds or game animals shall be exempt from this restriction.
- (4) Alcohol and fires are prohibited on the Lutz Tract (Caldwell County).
- (5) Target shooting is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).

(6) Entry on the Lutz Tract (Caldwell County) for purposes other than hunting, fishing, trapping, and posted use of trails and parking areas is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. October 1, 2022;

Temporary Amendment Eff. July 7, 2025;

Amended Eff. January 1, 2026.

15A NCAC 10D .0265 ROANOKE RIVER WETLANDS IN BERTIE, HALIFAX, MARTIN, AND NORTHAMPTON COUNTIES

Upper and Lower Roanoke River Wetlands Game Lands are hunting and trapping by permit only, in which the following applies:

(1) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.

(2) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

(3) Target Shooting is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. November 1, 2022;

Amended Eff. August 1, 2026.

15A NCAC 10D .0267 ROBESON GAME LAND IN ROBESON COUNTY

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. October 1, 2022;

Repealed Eff. August 1, 2026.

15A NCAC 10D .0271 SANDHILLS GAME LAND IN HOKE, MOORE, RICHMOND, AND SCOTLAND COUNTIES

Sandhills Game Land is a Three Days per Week Area, in which the following applies:

(1) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from the Wednesday on or nearest October 18 through March 31 except as follows:

(a) Antlered or antlerless deer may be taken with archery equipment on the open days of the archery season through the fourth Friday before Thanksgiving Day; with blackpowder firearms and archery equipment the open days of the blackpowder firearms season through the third Wednesday before Thanksgiving Day; and only deer with visible antlers may be taken with all lawful weapons from the second Saturday before Thanksgiving

Day through the Saturday following Thanksgiving Day; dove may be taken on open days from the opening day of the dove season through the third Saturday thereafter; gray and fox squirrel may be taken on open days from the second Saturday before Thanksgiving Day through the Saturday following Thanksgiving Day; rabbit may be taken on open days from the second Saturday preceding Thanksgiving Day through the Saturday following Thanksgiving Day; waterfowl may be taken on open days during waterfowl season; wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt; and raccoon and opossum may be taken on open days from sunrise Monday on or nearest October 15 through the last day of February.

(2) Antlered or Antlerless deer may be taken with archery equipment on open hunting days from the Saturday on or nearest to September 10 to the fourth Friday before Thanksgiving Day.

(3) Antlered or Antlerless deer may be taken with blackpowder firearms or archery equipment on open hunting days from the fourth Saturday preceding Thanksgiving Day through the Wednesday of the second week thereafter.

(4) Antlered deer may be taken with all lawful weapons on open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day, except on the J. Robert Gordon Field Trial Grounds.

(5) Antlerless deer hunting during the All Lawful Weapons Season is by permit only.

(6) Antlered deer may be taken with blackpowder firearms or archery equipment, except on the J. Robert Gordon Field Trial Grounds, on open hunting days from the third Monday after Thanksgiving Day through January 1.

(7) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.

(8) Wild turkey hunting is by permit only.

(9) Horseback riding on field trial grounds from the Wednesday on or nearest October 18 through March 31 is prohibited unless participating in authorized field trials. Horseback riding is allowed on the remainder of the Sandhills Game Land seven days per week on roads that are open to vehicular traffic and gated roads and trails posted for equestrian use.

(10)	Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.	(2)	Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
(11)	Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.	(3)	Horseback riding is prohibited except on designated trails during the following dates:
(12)	Swimming is prohibited in the lakes.	(a)	January 2 through March 31;
(13)	Fox squirrel hunting is by permit only.	(b)	May 16 through August 31;
(14)	Hunting deer with dogs is by permit only.	(c)	Sundays only - April 1 through May 15; and
(15)	Training dogs for the purpose of pursuing or chasing deer is prohibited.	(d)	Sundays only - September 1 through January 1.
(16)	An individual convicted of a wildlife or trespass violation while hunting deer with dogs shall not be eligible to receive a permit for hunting deer with dogs the season following conviction.	(4)	Target shooting is prohibited.
		(5)	Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
		(6)	The maximum period of consecutive overnight camping at any posted and designated camping area is 14 days within any 30-day period.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. October 1, 2022;
Amended Eff. August 1, 2026; August 1, 2023.

15A NCAC 10D .0275 SHOCO CREEK GAME LAND IN FRANKLIN, HALIFAX, NASH, AND WARREN COUNTIES

Shocco Creek Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Horseback riding is prohibited.
- (3) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (4) Target Shooting is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. October 1, 2022;
Amended Eff. August 1, 2026.

15A NCAC 10D .0276 SOUTH MOUNTAINS GAME LAND IN BURKE, CLEVELAND, McDOWELL, AND RUTHERFORD COUNTIES

South Mountains Game Land is a Seven Days per Week Area, in which the following applies:

- (1) The Deer With Visible Antlers Season begins on the Saturday after Thanksgiving Day through January 1. Antlered or antlerless deer may be taken with archery equipment beginning the Saturday on or nearest September 10 through the day immediately preceding the Blackpowder Firearms Season described in this Rule. Antlered or antlerless deer may be taken with blackpowder firearms beginning two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule through the second Friday thereafter.

(2)	Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
(3)	Horseback riding is prohibited except on designated trails during the following dates:
(a)	January 2 through March 31;
(b)	May 16 through August 31;
(c)	Sundays only - April 1 through May 15; and
(d)	Sundays only - September 1 through January 1.
(4)	Target shooting is prohibited.
(5)	Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
(6)	The maximum period of consecutive overnight camping at any posted and designated camping area is 14 days within any 30-day period.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. October 1, 2022;
Temporary Amendment Eff. July 5, 2024;
Amended Eff. August 1, 2026; October 1, 2024.

15A NCAC 10D .0278 SUGGS MILL POND GAME LAND IN BLADEN AND CUMBERLAND COUNTIES

Suggs Mill Pond Game Land is hunting and trapping by permit only, in which the following applies:

- (1) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (2) Entry is prohibited on scheduled hunt or trapping days except for:
 - (a) hunters or trappers holding special hunt or trapping permits; and
 - (b) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- (3) During the period of November 1 through January 31, except on Sundays, the use of vessels on Suggs Mill Pond Lake and Little Singletary Lake is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (4) During the period of November 1 through March 15, the use of vessels on managed waterfowl impoundments is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Eff. November 1, 2022;

Amended Eff. August 1, 2026.

Amended Eff. August 1, 2026.

15A NCAC 10D .0283 THURMOND CHATHAM GAME LAND IN ALLEGHANY AND WILKES COUNTIES

Thurmond Chatham Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15. People age 16 or older horseback riding on this game land shall possess a Game Lands license as required by G.S. 270.3(b)(3).
- (3) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. October 1, 2022;

Amended Eff. August 1, 2026; August 1, 2024.

15A NCAC 10D .0291 WHITEHALL PLANTATION GAME LAND IN BLADEN AND PENDER COUNTIES

Whitehall Plantation Game Land is hunting and trapping by permit only, in which the following applies:

- (1) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (2) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Long Ridge Tract.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. November 1, 2022;

Amended Eff. August 1, 2026.

15A NCAC 10D .0294 NORTH BEND GAME LAND IN BURKE COUNTY

North Bend Game Land is hunting by permit only. The following shall apply:

- (1) The use of bicycles is restricted to designated trails, except for hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals.
- (2) Camping is allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (3) Horseback riding is prohibited.
- (4) Target shooting is prohibited.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. August 1, 2024;

SECTION .1400 – WILDLIFE CAPTIVITY AND REHABILITATION**15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

- (a) The rules in this Section apply to all captivity licenses issued by the Wildlife Resources Commission.
- (b) The possession of native wild animals or wild birds is unlawful, unless the individual obtains a captivity license from the Commission as provided by this Rule. This Rule shall not apply to farmed cervids as defined by G.S. 106-549.97.
- (c) Captivity licenses may be issued by the Commission to individuals meeting the requirements detailed in this Section for holding wild animals or wild birds alive in captivity for purposes specified in G.S. 113-272.5.
- (d) The following definitions shall apply to the Rules in this Section:

- (1) "Apprentice" means an individual applying for a captivity license for rehabilitation that has not held this license in North Carolina or a similar license in another state.
- (2) "Animal" means a wild animal and wild bird, as defined in this Rule.
- (3) "Category" means a designation on a captivity license for rehabilitation that defines a species or subset of species.
- (4) "Educational institution" or "scientific research institution" means any public or private school, facility, organization, or institution of vocational, professional, or higher education that uses live animals as part of a course of training, or for research, or other experiments, and is at least 50 percent funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of federal, State, or local government. These terms do not include elementary or secondary schools.
- (5) "Education" or "educational purposes" means providing instruction or information to the public about wild animals or wild birds.
- (6) "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape, protects the animal from injury, and is equipped with structural barriers to prevent any physical contact between the animal and the public.
- (7) "Exhibition" means any display of wild animals or wild birds for the public, whether for-profit or not-for-profit.
- (8) "Facility" means a designated location in North Carolina where wild animals or wild birds are held for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.
- (9) "Farmed cervid" means the term as defined in G.S. 106-549.97.
- (10) "Foster" or "surrogate" means a wild animal, or a wild bird held under a U.S. Fish and Wildlife Service federal migratory bird rehabilitation

permit, used to rear wild animals or wild birds being held under a captivity license for rehabilitation.

(11) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted.

(12) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.

(13) "Migratory birds" means the term as defined in G.S. 113-129.

(14) "Native" means a wild animal or wild bird that currently maintains, or historically maintained, populations naturally in North Carolina and whose range expansion was not solely dependent on human introduction.

(15) "Nest box" or "den" means a structure that provides a retreat area that is within, attached to, or adjacent to an enclosure.

(16) "Non-farmed cervid" means the term as defined in G.S. 106-549.97.

(17) "Pet" means an animal kept or used for amusement or companionship.

(18) "Publicly operated zoo" means a park or facility where living animals are kept and exhibited to the public, and that is operated by a federal, State, or local government agency.

(19) "Rabies species" are raccoon, skunk, fox, bat, bobcat, and coyote.

(20) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp, manufactured home, or any other place where people reside.

(21) "Shelter" means a structure or feature that protects captive wild animals or wild birds from direct sunlight and precipitation.

(22) "Scientific use" and "scientific purpose" means the use of wild animals or wild birds for application of the scientific method to investigate any relationships amongst natural phenomena or to solve a biological or medical problem. This definition applies only to educational or scientific research institutions unless otherwise approved by the Commission.

(23) "Unfit" means wild animals or wild birds that are:

- (A) incapacitated by injury or other means to the extent that they cannot feed or care for themselves without human assistance;
- (B) rendered imprinted by proximity to humans, pets, or objects; or
- (C) a non-native species.

(24) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals except feral swine or marine mammals found in coastal fishing waters.

(25) "Wild bird" means the term as defined in G.S. 113-129.(15a), excluding the species listed in 15A NCAC 10B .0121.

(e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.

(f) Applicants for either license shall meet the following requirements:

- (1) be 18 years of age at the time of application;
- (2) have no convictions for violations of the Rules of this Section in the previous three years;
- (3) have no criminal convictions under G.S. 113-294 or G.S. 14, Article 47 within 10 years of the date of application; and
- (4) have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of application.

(g) A captivity license shall not be transferable either by license holder or by site of holding facility.

(h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is issued.

(i) Except as otherwise provided in this Section, a transportation permit is not required to move wild animals or wild birds held under a captivity license within the State. A person transporting an animal held under a captivity license shall have the captivity license or a copy of the license in their possession.

(j) An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds into or out of the State.

(k) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer Services requirements for disclosing reportable diseases. A list of current reportable diseases as determined by the North Carolina Department of Agriculture and Consumer Services is available at no cost at www.ncagr.gov, and is incorporated by reference, including subsequent amendments and editions.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;

Eff. January 1, 2020;

Amended Eff. January 1, 2026.

15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION

(a) A captivity license for rehabilitation authorizes the lawful possession of injured, crippled, or orphaned native wild animals or wild birds for the purpose of providing short term care and eventual release into the animal's natural habitat. Possession of endangered, threatened, or special concern species specified in Rules 10I .0103 through .0105 of this Chapter also requires an endangered species permit from the Commission.

(b) A captivity license for rehabilitation shall not be issued for:

- (1) domestic animals;
- (2) feral swine;
- (3) nutria;
- (4) coyote;

(5) adult black bear;
(6) adult white-tailed deer;
(7) elk; or
(8) eggs of upland game birds.

(c) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- (1) as pets;
- (2) for education, exhibition, or scientific purposes;
- (3) for dog training;
- (4) for hunting; or
- (5) acquired unlawfully.

(d) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured, crippled, or orphaned wild animals or wild birds, except rabies species and black bear cubs, provided they are surrendered to a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

(e) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians without a captivity license for rehabilitation may treat wild animals or wild birds until the animal is medically stable. Once medically stable, the wild animal or wild bird shall be transferred to an individual with a valid captivity license for rehabilitation with the appropriate category for the given species.

(f) Apprenticeship. Individuals shall designate a rehabilitation mentor with a valid captivity license for rehabilitation in North Carolina on their application for a captivity license for rehabilitation and submit the Wildlife Rehabilitation Mentor Apprentice Agreement Form described in Rule .1406 of this Section. The following conditions apply to apprentices:

- (1) An apprentice may possess at their own facility squirrels, rabbits, opossums, and chipmunks approved by their mentor if the mentor is authorized to rehabilitate small mammals.
- (2) An apprentice shall keep records of small mammals at their facility. Records shall contain the following information:
 - (A) species;
 - (B) quantity;
 - (C) date acquired; and
 - (D) final disposition and date.

To remove the apprentice conditions from a captivity license for rehabilitation, an apprentice shall complete 12 months of supervised rehabilitation activities under a licensed rehabilitator and submit a completed Wildlife Rehabilitation Apprentice Upgrade Form described in Rule .1406 of this Section.

(g) Mentorship. Individuals who have held a valid captivity license for rehabilitation in North Carolina for two years may serve as a rehabilitation mentor to apprentices. Mentors shall:

- (1) have no convictions for violations of the Rules of this Section in the previous three years; and
- (2) keep records of the small mammals assigned to their apprentices for rehabilitation, if applicable. Records shall contain the following information:
 - (A) species;
 - (B) quantity;

(D) date acquired; and
(C) final disposition and date.

(h) Individuals seeking to rehabilitate migratory birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation permit for each category of migratory birds to be rehabilitated.

(i) Required facilities.

- (1) Individuals with a captivity license for rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the "Miller, E.A. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available free of charge at www.ncwildlife.gov. Wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.
- (2) Wild animals shall be kept in separate enclosures by species.
- (3) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.
- (4) Handling of wild animals and wild birds shall be for treatment only.

(j) Release of rehabilitated wild animals and wild birds.

- (1) Wild animals and wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release.
- (2) Rehabilitated wild animals and wild birds shall be released when the animal can be expected to survive in the wild or has attained full recovery from illness or injury.
- (3) Wild animals and wild birds may remain in a rehabilitation facility for 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.
- (4) Wild animals and wild birds shall not be released on the property of another unless the rehabilitator has written permission dated within the last 12 months from the landowner.

(k) Transfer of Animals.

- (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.
- (2) Wild animals received for rehabilitation shall not be exported outside the State for the purpose

of rehabilitation or release unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.

(3) Wild animals and wild birds being held under a captivity license for rehabilitation shall not be sold.

(4) Wild animals and wild birds may be transferred to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species.

(5) Wild animals and wild birds that are unfit for release shall be humanely euthanized, except that the Commission may consider transfer of wild animals and wild birds upon written request from the rehabilitator. The wild animal or wild bird unfit for release may be transferred to an individual or facility with a valid captivity license for holding as set forth in Rule .1403 of this Section after written authorization is obtained from the Commission.

(l) White-tailed Deer Fawns.

(1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may possess and rehabilitate white-tailed deer fawns.

(2) White-tailed deer fawns shall not be possessed until the applicant has constructed or acquired an enclosure for keeping fawns that complies with the standards set forth in Paragraph (i) of this Rule, and the facility has been verified by a representative of the Commission.

(3) White-tailed deer fawns held for more than 48 hours shall be permanently tagged using Commission-provided tags.

(4) Orphaned white-tailed deer fawns shall be held no longer than 90 days. Injured white-tailed deer fawns shall be held no longer than 180 days. No white-tailed deer fawns shall be possessed after December 31. Upon written request from the rehabilitator, the Commission may consider extended rehabilitation depending on the likelihood of rehabilitation success as determined by the Commission.

(5) Records of white-tailed deer fawn rehabilitation shall be submitted to the Commission on the Annual White-tailed Deer Fawn Rehabilitation Activity Form specified in Rule .1406 of this Section within 15 days of license expiration.

(6) White-tailed deer fawns shall not be rehabilitated on properties licensed for farmed cervids.

(m) Black Bear Cubs.

(1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.

(2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear cub category.

(3) No black bear cub shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear cubs that complies with the standards set forth in Paragraph (i) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

(1) Only individuals holding a captivity license for rehabilitation with the rabies species category may rehabilitate rabies species. In addition to the general captivity license for rehabilitation requirements, individuals requesting to rehabilitate rabies species shall:

(A) have held an active rehabilitation license within or outside of the State for the previous three years and have rehabilitated wild animals during that time;

(B) certify 12 hours of rabies or rabies species-specific training, or a combination thereof, for their initial application;

(C) certify up-to-date rabies pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for themselves, staff members, and volunteers who may contact rabies species;

(D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical treatment to the rabies species;

(E) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and location, and to coordinate future rabies testing activities;

(F) have separate enclosures from non-rabies species adequate for the species being rehabilitated, that are locked to prevent egress of the animal, and ingress of other wild mammals; and

(G) have a secondary barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (n)(2)(A) of this Rule, pets, and livestock.

(2) The following information shall be posted at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:

- (A) proof of immunization or titer checks for individuals who have contact with rabies species;
- (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
- (C) contact information for the local animal control authority and local health department; and
- (D) a written protocol for euthanasia and rabies testing.

(3) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies Vaccination (ORV) program is conducted, as specified by the United States Department of Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.

(4) Except as otherwise specified in this Section, rabies species shall not be removed from their containment except for treatment, release, maintenance of the enclosure, or euthanasia.

(5) Rehabilitated rabies species shall be released in the county where they were rehabilitated or the county where they were found.

(6) All rabies species shall be considered potentially infected with the rabies virus. If a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain or spinal cord material from a rabies species, the license holder shall contact the local health department immediately to report the incident. Rehabilitators shall abide by requests from public health department personnel, animal control, and Commission personnel regarding disposition of the animal. Rabies species that have scratched or bitten a human or domestic animal or die in captivity shall not be released or disposed of until the local health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within five business days of receipt from the health department.

(7) Records of rabies species rehabilitation shall be submitted to the Commission on the Annual Rabies Vector Species Rehabilitation Activity Report specified in Rule .1406 of this Section within 15 days of license expiration.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;
Eff. January 1, 2020;
Amended Eff. January 1, 2026; May 1, 2022.

15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING

- (a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native wild animals or wild birds for education, exhibition, or scientific purposes. Possession of endangered, threatened, or special concern species specified in Rules 10I .0103 through .0105 of this Chapter also requires an endangered species permit from the Commission.
- (b) A captivity license for holding shall not be issued for holding wild animals or wild birds:
 - (1) as pets;
 - (2) for breeding unless approved by the Commission;
 - (3) for dog training;
 - (4) for hunting; or
 - (5) acquired unlawfully.
- (c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.
- (d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining the animal.
- (e) Wild animals and wild birds shall not be possessed until an individual has an enclosure for keeping a wild animal or wild bird in captivity that complies with the standards set forth in Rule .1404 of this Section, and the individual has a valid, concurrent, and applicable U.S. Department of Agriculture license or exemption from licensing requirements, both verified by a representative of the Commission.
- (f) Changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10 business days.
- (g) The following conditions apply to captivity licenses for holding wild animals and wild birds:
 - (1) Wild animals and wild birds shall not comingle with pets, non-native animals, livestock, or wild animals or wild birds held under a captivity license for rehabilitation, except for surrogate wild animals or wild birds used to foster other wild animals and wild birds;
 - (2) Rabies species outside of their enclosure shall be kept restrained so the license holder or their designee is in control of the animal and it does not have physical contact with the public, domestic animals, non-native animals, livestock, or other wild animals or wild birds; and
 - (3) Wild animals outside their enclosure shall be kept restrained so the license holder or their designee is in control of the animal and it presents no danger to the public.
- (h) License holders with wild animals or wild birds used for education or exhibition outside of their facility shall maintain

records of all education and exhibition activities. Records shall be submitted to the Commission on the Captivity License for Holding Education and Exhibition Activity Form specified in Rule .1406 of this Section within 15 days of license expiration, and shall be retained for a period of 12 months following expiration of the license.

(i) Sale, transfer, and release of a wild animal or wild bird held under a captivity license for holding is prohibited, except that the wild animal or wild bird may be surrendered to an agent of the Commission or transferred to another individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor shall create a record for the wild animal or wild bird showing the transferor's name, address, tag number if available, license number, date of transfer, and transferor's signature, verifying that the information contained in the record is true and correct. A copy of the record shall be retained by the transferee for three years from the date of transfer.

(j) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule .1402 of this Section, except for white-tailed deer fawns, may be transferred to a captivity license for holding under the following conditions:

- (1) a North Carolina licensed veterinarian submits a written recommendation stating the reason why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;
- (2) the Commission authorizes the transfer or continued possession of the wild animal or wild bird; and
- (3) for an imprinted animal, the individual with the captivity license for holding shall not be the same individual that rehabilitated the animal.

(k) Rabies Species.

- (1) License holders with rabies species shall:
 - (A) certify up-to-date rabies pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for themselves, staff members and volunteers who may contact rabies species;
 - (B) provide the name and contact information of a North Carolina licensed veterinarian with whom the license holder has consulted and who agrees to provide necessary medical treatment to the rabies species;
 - (C) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and location, and to coordinate future rabies testing activities;

- (D) have separate enclosures from non-rabies species that are locked to prevent egress of the animal and ingress of other wild mammals; and
- (E) have a secondary barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (k)(2)(A) of this Rule, pets, and livestock.

(2) The following information shall be posted at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:

- (A) proof of immunization or titer checks for individuals who have contact with rabies species;
- (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
- (C) contact information for the local animal control authority and local health department; and
- (D) a written protocol for euthanasia and rabies testing.

(3) Rabies species shall be considered potentially infected with the rabies virus. If a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain or spinal cord material from a rabies species, the license holder shall immediately contact the local health department to report the incident. License holders shall abide by requests from public health department personnel, animal control, and Commission personnel regarding disposition of the animal. Rabies species that have scratched or bitten a human or domestic animal or die in captivity shall not be disposed of until the local health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within 5 business days of receipt from the health department.

(l) Black Bear.

- (1) In accordance with G.S. 19A-10 and G.S. 19A-11, captivity licenses for black bear may be issued to:
 - (A) a publicly operated zoo;
 - (B) an educational institution; or
 - (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule .1404(d) of this Section.

(2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport black bear without first obtaining a transportation permit from the Commission.

(m) Cougar.

(1) In accordance with G.S. 113-272.5, captivity licenses for cougars may be issued to:

(A) a publicly operated zoo;

(B) an educational or scientific institution; or

(C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule .1404(e) of this Section.

(2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport cougar without first obtaining a transportation permit from the Commission.

(n) Non-Farmed Cervids.

(1) No captivity licenses for holding shall be issued for cervids.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;
Eff. January 1, 2020;
Amended Eff. January 1, 2026.

same species in a single-animal enclosure until weaned. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures shall apply.

(E) Chains or tethers shall not be used as a method of confinement for wild animals inside an enclosure.

(F) Enclosures shall be equipped with one shelter, nest box, or den large enough to accommodate all animals in the enclosure at the same time.

(G) Enclosures shall have one elevated area large enough to accommodate all animals in the enclosure at the same time.

(3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or dimensional equivalents:

Animal	Length (ft.)	Width (ft.)	Height (ft.)	Total Square Footage
Wild Turkey	6	4	8	24
Coyote	8	8	6	64
Fox (Red and Gray)	8	4	4	32
Raccoon	8	4	4	32
Bobcat	10	5	5	50
Otter	10	5	5	50
Squirrel	4	2	2	8
Groundhog	8	4	4	32
Rabbit	6	3	3	18
Opossum	6	3	3	18
Skunk	6	3	3	18
Armadillo	8	6	4	48

15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING

(a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for holding. Each license holder shall comply with the following general requirements in addition to requirements specified by species.

(1) General Sanitation and Food Requirements.

(A) Clean drinking water shall be provided. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(B) Water disposal and waste disposal shall be in accordance with all applicable local, State, and federal laws.

(C) Food shall be of a type and quantity that is appropriate for the species and shall be provided in an unspoiled and uncontaminated condition.

(D) Fecal and food waste shall be removed from inside, under, and around enclosures and disposed of in a manner that prevents noxious odors or pests.

(2) General Enclosure Requirements.

(A) Enclosures constructed of chain link or other approved materials shall be braced and securely anchored.

(B) Enclosures shall be ventilated.

(C) Enclosures with a natural substrate shall have a dig barrier that prevents escape.

(D) The young of an animal may be kept with the parent or foster animal of the

For animals not mentioned elsewhere in this Rule, a single animal enclosure shall be a cage with one horizontal dimension being four times the nose-rump length of the animal and the other horizontal dimension being two times the nose-rump length of the animal. The vertical dimensions shall be two times the nose-rump length of the animal. No cages shall be less than four feet by two feet by two feet, or less than eight square feet.

(4) The minimum square footage for a multiple animal enclosure shall be determined by multiplying the required square footage for a single animal enclosure by a factor of 1.5 for one additional animal and that result by the same factor, successively, for each additional animal. Vertical dimensions may remain the same as for single animal enclosures.

(b) Alligators.

(1) The minimum land area of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions as long as the longest animal shall be provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land area.

(2) The enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the water from freezing solid.

(3) The enclosure shall have a structural barrier of sufficient strength to contain the animals, and shall prevent contact between an observer and the alligators.

(4) Enclosures shall be equipped with a shelter or shelters large enough to accommodate all alligators in the enclosure at the same time.

(5) The facility shall have a perimeter boundary eight feet in height, located three feet from the primary enclosure, and constructed of 11.5 gauge chain link or equivalent.

(c) Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is permitted by the U.S. Fish and Wildlife Service.

(1) Enclosures for wild birds shall be designed using the standards established by the National Wildlife Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of Program Animals," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for a fee at <https://national-wildlife-rehabilitators-association.myshopify.com/>.

(2) Enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors in Captivity: Guidelines for Care and Management," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for a fee at <https://www.hancockhouse.com/>.

(d) Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 19A-11.

(e) Cougar. Cougars held in captivity at facilities other than publicly operated zoos, educational, or scientific research institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 113-272.5(e)(4).

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;

Eff. January 1, 2020;

Amended Eff. January 1, 2026.

15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT

(a) Representatives of the Commission may enter the premises of a license holder's facility upon request or during the facility's business hours for inspection or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's captivity license if the license holder violates a provision of G.S. 14, Article 47, or G.S. 113, Subchapter IV, rules promulgated by the Commission in this Chapter, or any conditions of the license. The determination whether to warn, cite, suspend, or revoke a captivity license for rehabilitation or holding shall be based upon the seriousness of the violation, and may include:

- (1) failure to provide required facilities for the housing of wild animals and wild birds as specified in Rule .1402(i) and Rule .1404 of this Section;
- (2) providing false or inaccurate information on license applications or reports submitted to the Commission;
- (3) possessing wild animals or wild birds not permitted by the captivity license for rehabilitation, or the captivity license for holding;
- (4) using animals undergoing rehabilitation for education, exhibition, profit, or science;
- (5) allowing wild animals undergoing rehabilitation to have contact with or proximity to the public;
- (6) failure to comply with monitoring or record-keeping requirements;
- (7) taming, imprinting, or otherwise improperly handling animals held for rehabilitation;
- (8) failure to treat conditions that warrant medical attention;
- (9) failure to notify the appropriate agencies after a rabies exposure as described in Rules .1402 and .1403 this Section; or
- (10) allowing a wild animal held under a captivity license for holding to roam free unrestrained outside of its enclosure.

(c) An individual holding a captivity license for rehabilitation with apprenticeship conditions shall notify the Commission within 10 business days if he or she no longer has a mentor and provide a list of animals in their possession by species and quantity. The apprentice shall obtain another mentor within 30 days and notify the Commission with that individual's information. If the apprentice fails to obtain another mentor the Commission shall revoke their license and he or she shall be required to reapply for a license with apprenticeship conditions.

(d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for rehabilitation or holding, the Commission may seize and determine future treatment of the wild animal or wild bird, to include release, relocation, or euthanasia.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;

Eff. January 1, 2020;

Amended Eff. January 1, 2026.

15A NCAC 10H .1406 FORMS FOR CAPTIVITY**LICENSES**

(a) Individuals interested in obtaining a captivity license shall apply at www.gooutdoorsnorthcarolina.com.

(b) Information required from the applicant for a captivity license for rehabilitation shall include:

- (1) name, mailing address, residence address, telephone number, and date of birth;
- (2) facility site address;
- (3) organizational affiliation, if applicable;
- (4) categories of wild animals and wild birds to be rehabilitated;
- (5) a copy of a valid Federal Migratory Bird Permit, if applicable;
- (6) name of mentor, if applicable;
- (7) a completed Wildlife Rehabilitation Mentor-Apprentice Agreement Form or Wildlife Rehabilitation Apprentice Upgrade Form, if applicable;
- (8) certification of 12 hours of rehabilitation related training for rabies species application, if applicable; and
- (9) certification of up-to-date rabies pre-exposure prophylaxis, if applicable.

(c) Information required from the applicant for a captivity license for holding shall include:

- (1) name, mailing address, residence address, telephone number, and date of birth;
- (2) facility site address;
- (3) organizational affiliation, if applicable;
- (4) species information including quantity and source for all animals to be held;
- (5) purpose for holding animals in captivity; and
- (6) a copy of a valid Federal Migratory Bird Permit and USDA License, if applicable.

(d) Individuals rehabilitating white-tailed deer fawns shall record their name, license number, and the following information for each cervid on the Annual White-tailed Deer Fawn Rehabilitation Activity Form available at www.ncwildlife.gov:

- (1) date received;
- (2) sex;
- (3) tag number;
- (4) disposition and date;
- (5) name and license number of transferee, if applicable; and
- (6) county of release, if applicable.

(e) Individuals rehabilitating rabies species shall record their name, license number, and the following information for each animal on the Annual Rabies Vector Species Rehabilitation Activity Report available at www.ncwildlife.gov:

- (1) date received;
- (2) species;
- (3) county of origin, if known;
- (4) sex;
- (5) estimated age;
- (6) disposition and date;

(7) name and license number of transferee, if applicable;

(8) county of release, if applicable.

(f) Individuals holding species under a captivity license for holding for educational and exhibition purposes shall record the following information on the Captivity License for Holding Education and Exhibition Form available at www.ncwildlife.gov:

- (1) captivity license number;
- (2) date of educational or exhibition activity;
- (3) species and numbers of wild animals or wild birds used in the educational or exhibition activity;
- (4) organization or group involved in the educational or exhibition activity; and
- (5) description of educational or exhibition activity, if applicable.

(g) Information required from an apprentice on the Wildlife Rehabilitation Mentor-Apprentice Agreement Form, available at www.ncwildlife.gov shall include:

- (1) apprentice's name, facility address, phone number, and signature;
- (2) mentor's name, address, WRC number, rehabilitation license number, and signature.

(h) Wildlife rehabilitation mentors shall provide the following information on the Wildlife Rehabilitation Apprentice Upgrade Form, available at www.ncwildlife.gov, to certify compliance with requirements of Rule .1402(f) of this Section:

- (1) name, address, phone number, captivity license number, and signature;
- (2) apprentice name, address, phone number, and captivity license number; and
- (3) dates of mentorship.

(i) Reports and forms shall be submitted to raps@ncwildlife.gov, 1707 Mail Service Center, Raleigh NC 27699-1700, or through www.gooutdoorsnorthcarolina.com upon application or within 15 days of license expiration, as required by the Rules of this Section.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;

Eff. January 1, 2020;

Amended Eff. January 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**CHAPTER 16 - DENTAL EXAMINERS****21 NCAC 16Q .0105 UPDATE COURSE FOR GENERAL ANESTHESIA AND MODERATE CONSCIOUS SEDATION PERMIT HOLDERS**

(a) All general anesthesia permit holders, moderate conscious sedation permit holders, moderate pediatric conscious sedation permit holders, and all auxiliaries dedicated to patient monitoring for these sedation procedures, shall complete a Board-approved update course by December 31, 2030, and once every three years thereafter, that includes at least six total hours and covers the following topics:

- (1) patient assessment and selection;

(2) appropriate medications and dosages;
(3) different levels of sedation and anesthesia, including induction, recognition, and reversal;
(4) proper patient monitoring;
(5) effective airway management; and
(6) recognizing, diagnosing, and effectively managing medical emergencies.

(b) The update course shall incorporate an in-person simulation that includes induction of deep sedation, recognition of deep sedation, and reversal of deep sedation.

(c) The update course may apply toward fulfillment of the continuing education requirements for permit renewal set forth in Rules .0207, .0305, and .0407 of this Subchapter.

History Note: Authority G.S. 90-28; 90-30.1; 90-31.1; 90-48; Eff. December 1, 2025.

21 NCAC 16Q .0301 CREDENTIALS AND PERMITS FOR MODERATE PARENTERAL AND ENTERAL CONSCIOUS SEDATION

(a) Before a dentist licensed to practice in North Carolina may administer or supervise a CRNA employed to administer, or an RN employed to deliver, moderate conscious sedation, the dentist shall obtain a permit from the Board by completing the application requirements in this Rule and paying a fee of three hundred seventy-five dollars (\$375.00) that includes the one-hundred dollar (\$100.00) application fee and the two-hundred seventy-five dollar (\$275.00) inspection fee. The permit shall be renewed annually and shall be displayed with the current renewal at all times in the facility of the permit holder where it is visible to patients receiving treatment.

(b) The permit holder shall provide supervision to any CRNA employed to administer, or an RN employed to deliver, sedation, and shall ensure that the level of the sedation does not exceed the level of the sedation allowed by the permit holder's permit.

(c) A dentist applying for a permit to administer moderate conscious sedation shall provide documentation of the following:

(1) Training that may consist of either:

(A) Course: Completion of 60 hours of Board approved didactic training in intravenous conscious sedation, and 30 hours of clinical training that shall include a record of the applicant's individual management of all aspects of intravenous moderate sedation for a minimum of 20 live patients, under supervision of the course instructor. BLS training shall not count toward the required hours. Course training shall meet the requirements of the American Dental Association Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students for moderate sedation that are hereby incorporated by reference, including subsequent amendments and editions. The guidelines may be found at <https://www.ada.org/> /media/project/ada-organization/ada/ada-org/files/resources/library/oral-health-topics/ada_sedation_teaching_guidelines.pdf at no charge. The course director shall provide a written certification of the applicant's competence in moderate sedation techniques and medications, and in rescuing patients from a deeper level of sedation than moderate, including managing the airway, intravascular or intraosseous access, and use of reversal medications; or

(B) Program: Completion of a pre-doctoral dental or postgraduate program that included intravenous conscious sedation training equivalent to that defined in Part (c)(1)(A) of this Rule;

(2) Unexpired ACLS certification; and
(3) All auxiliaries involved in sedation procedures that have unexpired BLS certification.

(d) All applicants for a moderate conscious sedation permit shall be in good standing with the Board.

(e) Prior to issuance of a moderate conscious sedation permit, the applicant shall pass an evaluation and a facility inspection. The applicant shall be responsible for passing the evaluation and inspection of his or her facility.

(f) A dentist who holds a moderate conscious sedation permit shall not (i) intentionally administer deep sedation; (ii) otherwise administer medications in a manner that induces deep sedation more than two times in one year; or (iii) administer reversal agents without documented clinical justification.

(g) A moderate conscious sedation permit holder may provide moderate conscious sedation at the office of another licensed dentist, regardless of the permit, if any held, by the hosting dentist. The moderate conscious sedation permit holder shall ensure that the facility where the moderate conscious sedation is administered has been inspected and complies with the requirements set out in Rules .0103 and .0302 of this Subchapter. The moderate conscious sedation permit holder shall also obtain an itinerant moderate conscious sedation permit and comply with the requirements of Rule .0304 of this Section.

History Note: Authority G.S. 90-30.1; 90-39; 90-48; Eff. February 1, 1990; Amended Eff. April 1, 2001; August 1, 2000; January 1, 1994; Temporary Amendment Eff. December 11, 2002; Amended Eff. June 1, 2017; July 1, 2010, July 3, 2008; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. December 1, 2025; August 1, 2024; February 1, 2019; August 1, 2018.

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CHAPTER 34 - FUNERAL SERVICE

21 NCAC 34D .0202 PRENEED SALES LICENSE

(a) Individuals who hold either an active funeral director's license or an active funeral service license issued by the Board and who have taken two or more hours of continuing education on preneed statutes and rules within the preceding three calendar years are eligible for initial licensure as a preneed sales license upon application by a funeral establishment holding an active preneed establishment permit, as set forth in Paragraph (d) of this Rule.

(b) Only individuals who hold an active preneed sales license issued by the Board or resident trainees in funeral service or funeral directing registered with the Board as allowed by 21 NCAC 34B .0103 are permitted to engage in the following preneed funeral planning activities:

- (1) discuss with consumers written materials, including price lists and photographs, descriptive of the funeral services, funeral merchandise, the preneed funeral plan, or funeral contract being offered;
- (2) explain the various types of funeral ceremonies and services and the qualities and characteristics of various kinds of funeral merchandise;
- (3) sell, on a preneed basis, funeral services and merchandise;
- (4) record, on any form or otherwise, specific items of funeral services and merchandise selected on a preneed basis;
- (5) make funeral arrangements on a preneed basis; and
- (6) sign preneed contracts; provided, however, that the resident trainee and his or her licensed supervisor comply with 21 NCAC 34B .0103(e) when doing so.

(c) No preneed sales license is required for the sale of an insurance policy for which no funeral establishment or its representative is listed as the beneficiary or assignee of said policy. In connection with such a sale, the salesperson shall not be deemed to have engaged in preneed funeral planning if the salesperson shows only price lists of funeral services and merchandise to permit a prospective purchaser to make an informed decision as to the amount of insurance desired.

(d) An applicant shall apply for, renew, or surrender a preneed sales license in accordance with the following provisions:

- (1) A funeral establishment holding an active preneed establishment permit shall apply for, or renew, a preneed sales license by submitting the following to the Board on behalf of the applicant for a preneed sales license:
 - (A) the applicant's name, address, email address, and telephone number;
 - (B) the applicant's funeral director's or funeral service license number;
 - (C) the name, address, and preneed establishment permit number of the preneed funeral establishment licensee or licensees on whose behalf the

applicant will sell preneed funeral contracts;

(D) the applicant's employment or agency relationship with the preneed establishment licensee or licensees;

(E) the initial or renewal application fee required by 21 NCAC 34A .0201(c) for each preneed sales licensee;

(F) the date on which the applicant has taken the continuing education course required by Paragraph (a) of this Rule; and

(G) the applicant's signature and attestation that he or she has read and will comply with the statutes and rules governing the practice of preneed funeral service.

(2) Either the preneed sales licensee or the preneed funeral establishment on whose behalf the preneed sales licensee is engaged in preneed funeral planning activities may surrender a preneed sales license by submitting notification of such surrender in writing to the Board.

(e) If a preneed sales licensee proposes to engage in preneed funeral planning activities on behalf of multiple preneed funeral establishment licensees that are not wholly owned by or affiliated with common ownership, the preneed sales licensee shall submit the following to the Board:

(1) the date on which the preneed sales licensee will begin engaging in preneed funeral planning activities for multiple preneed funeral establishment licensees;

(2) the date on which the preneed sales licensee will stop engaging in preneed funeral planning activities for multiple preneed funeral establishment licensees, if known;

(3) the name, license number, and signature of the preneed sales licensee;

(4) the name and signature of the licensed manager of each preneed funeral establishment licensee for whom the preneed sales licensee will engage in preneed funeral planning activities; and

(5) an attestation from each of the individuals identified in Subparagraphs (3) and (4) of this Paragraph that:

(A) he or she consents to the preneed sales licensee engaging in preneed funeral planning activities on behalf of the identified preneed funeral establishment licensees; and

(B) the preneed sales licensee and the preneed funeral establishment licensee on whose behalf the preneed funeral planning activities are to be conducted shall comply with the statutes and rules governing preneed funeral planning activities.

(f) The Board shall issue to each preneed sales licensee a pocket card as certification of the preneed sales license. The preneed sales licensee shall carry the card while engaging in preneed funeral planning.

(g) The preneed sales licensee shall sign and affix his or her preneed sales license number to each preneed funeral contract, which he or she sells, in the presence of the purchaser of the contract at the time of sale, which may occur in person or via an electronic communication platform that allows the licensee and purchaser to hear and see each other in real time.

History Note: Authority G.S. 90-210.25(a)(4); 90-210.60(8); 90-210.67(a),(c); 90-210.69(a), (c);

Eff. July 1, 1993;

Amended Eff. January 1, 1996; June 1, 1994;

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

Amended Eff. December 1, 2025; January 1, 2023.

CHAPTER 56 - ENGINEERS AND SURVEYORS

21 NCAC 56 .0505 EXPIRATION AND RENEWAL OF CERTIFICATES

(a) Professional Engineer Licensure. A license to practice professional engineering expires on the last day of each calendar year. A licensee may renew their license through their online licensee portal on the Board's website during the renewal period beginning on the first day of December through the last day of January. An annual renewal fee of seventy-five dollars (\$75.00) shall be payable to the Board. During the renewal process, a licensee shall provide their physical places of business and residential addresses, report compliance with continuing education requirements, and report any criminal convictions or disciplinary actions described herein. A licensee shall give notice to the Board of a change of business or residential address within 30 days of the change. A licensee shall give notice to the Board of any criminal convictions, including DWI but not including minor traffic offenses (offenses that are not a misdemeanor or felony) within 30 days of the conviction. A nolo contendere plea is equated to a conviction for reporting purposes. A licensee shall give notice to the Board of any disciplinary actions received in any jurisdiction on any engineering license resulting in a restriction on the licensee's practice within 30 days of the disciplinary action. A disciplinary action which restricts a licensee's practice includes revocation, suspension, denial of licensure, refusal to renew, refusal to reinstate, put on probation, restriction of practice area, or a voluntary permanent surrender of a license.

(b) Engineering Intern Certificate. The Engineering Intern certificate does not expire and, therefore, does not have to be renewed.

(c) Professional Engineer, Retired. The Board shall approve the application for use of the title for a person who has been duly licensed as a professional engineer by the Board, who chooses to relinquish or not to renew a license and has had no disciplinary action or criminal conviction that would support a determination that the licensee is not of good character and reputation. Conduct

demonstrating lack of good character and reputation includes, but is not limited to:

- (1) Any felony conviction;
- (2) Any conviction involving fraud, dishonesty, false statements, or deceit;
- (3) Any disciplinary action by the Board involving fraud, deceit, gross negligence, incompetence, or misconduct directly related to the practice of engineering; or
- (4) Any prior finding by the Board that the Licensee knowingly provided materially false information to the Board.

History Note: Authority G.S. 89C-10; 89C-17; 89C-3(8a);89C-21;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2011; July 1, 2010; July 1, 2009; December 4, 2002; August 1, 2000; August 1, 1998; May 1, 1994;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;

Amended Eff. December 1, 2025.

21 NCAC 56 .0601 REQUIREMENTS FOR LICENSING

(a) Education. Pursuant to G.S. 89C-13(b), the Board shall consider the education of an applicant in determining eligibility for licensure as a Professional Land Surveyor. Certain terms concerning the educational requirements found in G.S. 89C-13(b)(1a) are defined as follows:

- (1) "Bachelor of Science degree in surveying or other equivalent curricula" are degrees that shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. Of the 45 semester hours, a minimum of 12 semester hours of surveying fundamentals, 12 semester hours of applied surveying practice, and 12 semester hours of advanced or theoretical surveying courses are required. The remainder of the required surveying courses may be elective-type courses in any of the categories; and
- (2) "Associate degree in surveying technology" are degrees that shall contain a minimum of 20 semester hours, or quarter-hour equivalents. Courses, completed with a passing grade, shall be in surveying fundamentals, applied surveying practice, and advanced or theoretical surveying courses, including courses in surveying practices, subdivision design and planning, surface drainage, and photogrammetry.
- (3) An applicant wishing to complete a "Land Surveyor Apprenticeship" contemplated in G.S. 89C-13(b)(1a)(d1) shall complete one of the following:
 - (A) Certified Survey Technician Program (CST) of the National Society of Surveyors (NSPS) levels I through IV.

(B) "Technologist" Certification Program of the American Society for Photogrammetry and Remote Sensing (ASPRS).

(C) The Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) by obtaining college semester credit hours, as modified to require the following 39 college semester hours:

(i) Twelve college semester hours in mathematics beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Course examples include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus; and

(ii) Twenty-seven college semester hours of surveying science and surveying practice. Courses shall be taught by surveying faculty qualified by education, training or experience to teach the subject matter. Examples of courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, legal principles of land surveying, boundary law, professional surveying and mapping, and remote sensing. Graduate-level surveying courses can be included to fulfill curricular requirements in this area.

(D) Apprenticeship program, administered through ApprenticeshipNC, or equivalent administrator, approved by the Board, as including elements equivalent to Parts (A), (B), or (C) of this Subparagraph.

(b) Experience. Pursuant to G.S. 89C-13(b), the Board shall consider the experience of an applicant in determining eligibility for licensure as a Professional Land Surveyor.

(1) Required Experience. In evaluating experience, the Board shall consider an applicant's total experience record and its progressive nature. Not less than half of the required land surveying experience shall be gained under the responsible charge of a Professional Land Surveyor, or if not, the applicant shall submit a written explanation to the Board explaining why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual shall be considered based upon the engineering or surveying education and experience credentials of the unlicensed supervisor. Experience gained in the armed services, typically while serving in an engineering or surveying related group, shall be accepted only if substantially equivalent to civilian work.

(2) Definition. "Progressive practical experience" requires that during the period of time provided as experience, an applicant made a practical utilization of their acquired knowledge of the principles of geometry and trigonometry in determining the shape, boundaries, position, and extent of the earth's surface; and demonstrated a continuous improvement, growth, and development in the utilization of that knowledge. The applicant shall show the continuous assumption of greater individual responsibility for the work product over that period of time. The progressive experience on surveying projects shall demonstrate an increasing quality and responsibility that shows the Board that the applicant is competent to practice surveying.

(3) Other Experience. The applicant shall document the nature and details of the work done in the following areas to evidence to the Board its equivalency to land surveying:

(A) construction layout;
(B) engineering surveying; or
(C) part-time surveying work.

(c) Exhibits, Drawings, Maps:

(1) Required Exhibit:

(A) General. The applicant shall submit, along with the application, an actual map of a boundary survey of an actual project prepared under the direct supervision and responsible charge of a Professional Land Surveyor who states that the applicant did the preparatory work of the survey; that shows, by its conformance, that the applicant is knowledgeable of the contents of the Standards of Practice

for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter; and that shows that the applicant is able to apply this knowledge by preparing a map in accordance with the various legal and professional requirements of land surveying.

(B) Physical Requirement. The map submitted shall be a clean, clear, legible print of an original map in the file of a Professional Land Surveyor.

(C) Specific Requirements. The details that shall be evaluated are those applicable to the particular project as described in the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, and as described in G.S. 47-30. In addition, the exhibit shall contain a statement that the field work, calculation, and mapping were performed by the applicant under the supervision of a Professional Land Surveyor, attested to by that Professional Land Surveyor.

(2) Requirements for Comity Applicant. The map submitted by an applicant under comity may be a representative map of an actual survey of a project or work performed in the state of licensure that is modified to meet the requirements in Subparagraph (c)(1) of this Rule and shall be evaluated in accordance with the requirements applicable to the particular project as described in the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, and as described in G.S. 47-30.

the Board. During the renewal process, a licensee shall provide their physical places of business and residential addresses, report compliance with continuing education requirements, and report any criminal convictions or disciplinary described herein. A licensee shall give notice to the Board of a change of business or residential address within 30 days of the change. A licensee shall give notice to the Board of any criminal convictions, including DWI but not including minor traffic offenses (offenses that are not a misdemeanor or felony), within 30 days of the conviction. A nolo contendere plea is equated to a conviction for reporting purposes. A licensee shall give notice to the Board of any disciplinary actions received in any jurisdiction on any surveyor license resulting in a restriction on the licensee's practice within 30 days of the disciplinary action. A disciplinary action which restricts a licensee's practice includes revocation, suspension, denial of licensure, refusal to renew, refusal to reinstate, put on probation, restriction of practice area, or a voluntary permanent surrender of a license.

(b) Surveyor Intern Certificate. The surveyor intern certificate does not expire and, therefore, does not have to be renewed.

(c) Professional Land Surveyor, Retired. The Board shall approve the application for use of the title for a person who has been duly licensed as a Professional Land Surveyor by the Board, who chooses to relinquish or not to renew a license and has had no disciplinary action that would support a determination that the licensee is not of good character and reputation. Conduct demonstrating lack of good character and reputation includes, but is not limited to:

- (1) Any felony conviction;
- (2) Any conviction involving fraud, dishonesty, false statements, or deceit;
- (3) Any disciplinary action by the Board involving fraud, deceit, gross negligence, incompetence, or misconduct directly related to the practice of land surveying; or
- (4) Any prior finding by the Board that the licensee knowingly provided materially false information to the Board.

History Note: Authority G.S. 89C-10; 89C-13; 89C-3(4a); Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. August 1, 2014; July 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992; April 1, 1989; December 1, 1984; January 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. July 1, 2020; Temporary Amendment Eff. July 1, 2022; Amended Eff. December 1, 2025; March 1, 2023.

21 NCAC 56 .0606 EXPIRATION AND RENEWAL OF CERTIFICATES

(a) Professional Land Surveyor Licensure. A license to practice surveying expires on the last day of each calendar year. A licensee may renew their license through their online licensee portal on the Board's website during the renewal period beginning on the first day of December through the last day of January. An annual renewal fee of seventy-five dollars (\$75.00) shall be payable to

History Note: Authority G.S. 89C-17; 89C-3(9a); 89C-21; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. August 1, 2011; July 1, 2010; July 1, 2009; December 4, 2002; August 1, 2000; August 1, 1998; May 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. December 1, 2025.

21 NCAC 56 .0701 RULES OF PROFESSIONAL CONDUCT

(a) In order to safeguard the life, health, property, and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the Rules of Professional Conduct in this Rule are adopted in accordance with G.S. 89C-20 and are binding upon every person holding a certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities authorized to offer or perform engineering or land surveying services in this state. All persons licensed under

the provisions of Chapter 89C of the General Statutes are charged with having knowledge of the Board Rules, including the Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them.

(b) A licensee shall conduct their practice in a manner that protects the public health, safety, and welfare by complying with the rules of this Chapter and G.S. 89C. The licensee shall at all times recognize the primary obligation to protect the public in the performance of their professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the health, safety, or welfare of the public are endangered, the licensee shall inform the employer, the client, the contractor, other affected parties, and any appropriate regulatory agency of the possible consequences of the situation.

(c) A licensee shall perform services only in areas of the licensee's competence and:

- (1) Shall undertake to perform engineering and land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved;
- (2) May accept an assignment or project requiring education or experience outside of the licensee's own areas of competence, but only to the extent that the services are restricted to those portions or disciplines of the assignment in which the licensee is qualified. All other portions or disciplines of such assignment shall be performed by associates, consultants, or employees who are licensed and competent in those portions or disciplines.

(d) A licensee shall not affix his or her signature or seal to any engineering or land surveying plan or document for which the licensee was not in responsible charge of the work through direct control and personal supervision. In order to exercise responsible charge of engineering or surveying work, either when delegating tasks to others, in circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard design plan under Rule 21 NCAC 56 .1106), the licensee must possess full professional knowledge of and control over the work and shall:

- (1) Have and exercise the authority to review and to change, reject or approve both the work in progress and the final work product, through examination, evaluation, communication and direction throughout the development of the work;
- (2) Be personally aware of the scope of the work, its needs, parameters, limitations and special requirements;
- (3) Be capable of answering questions relevant to the surveying or engineering decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of the proficiency in the work; and
- (4) Accept full responsibility for the work.
 - (A) The burden for demonstrating responsible charge lies with the

licensee, including maintaining records, calculations, drawings, surveys, specifications, and other documents associated with the work.

A licensee may affix his or her seal and signature to drawings and documents depicting the work of two or more professionals, provided it is designated by a note under the seal stating the specific subject matter for which each is responsible.

(e) A licensee shall issue public statements only in an objective and truthful manner and:

- (1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony;
- (2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony;
- (3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy on behalf of or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the matters; and
- (4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause, that are not objective and truthful, or that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Examiners in the form of a complaint.

(f) A licensee shall avoid conflicts of interest and:

- (1) Shall inform the employer or client, and any reviewing agency, of any business association, interests, or circumstances which could influence judgment or the quality of services;
- (2) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the

circumstances are disclosed to, and agreed to, in writing, by all interested parties;

(3) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;

(4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible;

(5) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's firm in private engineering and land surveying practices;

(6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the licensee's firm serves as a member; and

(7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

(g) A licensee shall solicit or accept work only on the basis of qualifications and:

(1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;

(2) Shall compete for employment on the basis of professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;

(3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.); and

(4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is stated that no degree or certificate was awarded. The licensee shall not misrepresent degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

(h) A licensee shall perform services in an ethical and lawful manner, as required by this Rule, and shall not knowingly associate with or permit the use of the licensee's name or firm name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed.

(i) If a licensee has knowledge of or reason to believe that any person or firm may be in violation of Board Rules or G.S. 89C, the licensee shall report such information to the Board as a complaint and shall cooperate with the Board by providing any additional information or assistance requested. A licensee under investigation shall timely respond to all inquiries and correspondence from the Board and shall timely claim any correspondence sent by U.S. Postal Service or other delivery service. For purposes of this Rule, "timely" means within the time specified in the correspondence, or if no time is specified, within 30 days of receipt. Certified mail is considered timely claimed if it is claimed before being returned by the U.S. Postal Service to the Board.

(j) A Professional Engineer or Professional Land Surveyor whose professional license is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board if the licensee's action constitutes a violation of G.S. 89C or the rules adopted by the Board.

History Note: Authority G.S. 89C-17; 89C-20; 89C-10; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. September 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982; March 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. December 1, 2025; May 1, 2024.

21 NCAC 56 .0804 ANNUAL RENEWAL AND 30-DAY REPORTING OF VIOLATIONS AND CHANGE OF ADDRESS

(a) Renewal. The certificate of licensure for a business shall be renewed annually.

(b) Expiration. The certificate of licensure expires on the last day of June following its issuance by the Board and becomes invalid on that date unless renewed.

(c) Application. A business may renew their license through an online portal on the Board's website beginning on the first day of June. During the renewal process, the business shall provide the information listed in paragraph (d) of this Rule, report any criminal convictions or disciplinary actions described in paragraph (d) of this Rule, and pay a renewal fee of seventy-five dollars (\$75.00). The Board shall renew the certificate of

licensure, provided that the business has complied with all rules of the Board and G.S. 55B, the Professional Corporation Act.

(d) Reporting. The business shall give notice to the Board on a change form within 30 days of any change of:

- (1) business address and branch locations;
- (2) resident professional or licensee in responsible charge;
- (3) business name;
- (4) officers, directors, or owners; or
- (5) the services being offered.

The business shall give notice to the Board of any criminal convictions within 30 days of the conviction. The business shall give notice to the Board of any disciplinary actions received in any jurisdiction on any engineering or surveying firm license resulting in a restriction on the business' practice within 30 days of the disciplinary action. A disciplinary action which restricts a business' practice includes revocation, suspension, denial of licensure, refusal to renew, refusal to reinstate, put on probation, restriction of practice area, or a voluntary permanent surrender of a license.

(e) If a business fails to renew its certificate of licensure within one year of the expiration date, the business shall submit a new application for a new certificate of licensure in accordance with all requirements of 21 NCAC 56 .0802.

(f) If any business that holds a current certificate of licensure ceases business because the professional licensee receives a waiver from paying the individual renewal fee under 21 NCAC 56 .0506 or 21 NCAC 56 .0607, the annual renewal fee for the business shall be waived for the same time period.

History Note: Authority G.S. 55B-11; 57D-2-01; 89C-10; 89C-14; 89C-17; 89C-24;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2011; July 1, 2010; July 1, 2009; December 4, 2002; April 1, 2001; February 1, 1996; May 1, 1994;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;

Amended Eff. December 1, 2025; July 1, 2020.

TITLE 25 - OFFICE OF STATE HUMAN RESOURCES

25 NCAC 01E .1801 POLICY

(a) Incentive leave may be used as a recruitment tool to assist in the employment of candidates employed outside of State government who are interested in accepting employment within North Carolina State government.

(b) An agency may award incentive leave to applicants who are newly appointed to a position that the agency has identified as critical to the agency mission and for which the agency has documented recruitment difficulty attracting qualified applicants, or who are newly appointed to an executive management position.

History Note: Authority G.S. 126-4(4), 126-4(5);

Eff. January 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;

Amended Eff. December 1, 2025.

25 NCAC 01E .1802 DEFINITIONS

As used in this Section:

- (1) "Employed Outside of State Government" means not employed with an organization for which the State currently accepts transferred accrued vacation leave upon hire.
- (2) "Executive Management Position" means a senior management position that reports directly to an appointed or elected agency head and is delegated authority to make decisions that impact the overall direction of the agency and whose duties typically involve planning, strategy, policy-making and line management. Typical job titles include chief executive officer, chief operating officer, chief financial officer, and deputy secretary.
- (3) "Newly Appointed" means the initial appointment as an employee of the State of North Carolina, or an appointment following a break in service of at least 12 months from a previous appointment as an employee of the State of North Carolina.
- (4) "Recruitment Difficulty" means positions that are highly competitive in the labor market due to specialized competencies, licenses, or certifications, or geographic location or those positions in which there is a high turnover which impacts the agency's efforts to recruit and provide services. Recruitment typically involves active recruitment efforts utilizing multiple recruitment resources that require an extended period of recruitment and results in a limited qualified applicant pool.

History Note: Authority G.S. 126-4(5);

Eff. January 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;

Amended Eff. December 1, 2025.

25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS

To be eligible for incentive leave, the employee must be newly appointed and have the following:

- (1) All qualification and competency requirements of the position; and
- (2) A full-time or part-time (half-time or more) permanent, probationary, or time-limited appointment.

History Note: Authority G.S. 126-4(5);

Eff. January 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;

Amended Eff. December 1, 2025.

25 NCAC 01E .1808 TRANSFER

Unused incentive leave may be transferred subject to the receiving agency's approval. If incentive leave is not transferred, it shall not be paid out in a lump sum.

History Note Authority G.S. 126-4(5);

Eff. February 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;

Amended Eff. December 1, 2025.

25 NCAC 01E .1809 USE OF LEAVE

Incentive leave shall be taken only upon authorization of the agency head or designee.

History Note: Authority G.S. 126-4(5);

Eff. February 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;

Amended Eff. December 1, 2025.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on November 20, 2025 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Bill Nelson (2nd Vice-Chair)
Jeanette Doran
John Hahn
Jeff Hyde
Wyatt Dixon, III

Appointed by House

Jake Parker (Chair)
Paul Powell (1st Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935

RULES REVIEW COMMISSION MEETING DATES

January 29, 2026	February 26, 2026
March 3, 2026	April 28, 2026

RULES REVIEW COMMISSION MEETING

MINUTES

November 20, 2025

The Rules Review Commission met on Thursday, November 20, 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, Jeanette Doran, John Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Bill Nelson, Jake Parker, and Paul Powell 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 item on the agenda would be taken up out of order at the end of the agenda: Follow-up matter from the Commission for Public Health.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the October 30, 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, .0207, .0410, .0411, .0501, .0702, .0707, .0708, .0709, .0804, .0902, .0904, .0905, .0906, .0907, .0908, .0909, and .0911 were unanimously approved.

The Commission unanimously voted to object to 10A NCAC 43D .0205 finding that the rule did not satisfy G.S. 150B-21.9(a). Specifically, the Commission adopted the staff opinion dated November 14, 2025 to object to the rule based on lack of

statutory authority, the rule is unnecessary, and for failure to comply with the APA. The Commission unanimously voted to object to 10A NCAC 43D .0304 finding that the rule did not satisfy G.S. 150B-21.9(a). Specifically, the Commission adopted the staff opinion dated November 14, 2025 to object to the rule finding the rule unnecessary.

Raj K. Premakumar, Deputy General Counsel with the agency, addressed the Commission.

Coastal Resources Commission

15A NCAC 07H .0508 – The agency is addressing the objection from the October meeting. No action is required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0403, .0407, .0412, .1002, .1004, .1005, .1006, .1202, .1204, .1205, .1206, .1402, .1404, .1405, .1406, .1602, .1604, .1605, .1606, and .1901 were unanimously approved.

Wildlife Resources Commission

15A NCAC 10B .0203, .0206, .0502, .0503, .0504; 10C .0205, .0208, .0211, .0305, .0316, .0318, .0321, .0322, .0325; 10D .0102, .0104, .0205, .0211, .0212, .0215, .0217, .0218, .0229, .0232, .0236, .0239, .0240, .0241, .0249, .0258, .0260, .0265, .0267, .0271, .0275, .0276, .0278, .0283, .0291, .0294; 10H .1401, .1402, .1403, .1404, .1405, and .1406 were approved.

Board of Dental Examiners

21 NCAC 16Q .0105 and .0301 were unanimously approved.

Board of Examiners of Electrical Contractors

21 NCAC 18B .0306 was withdrawn at the request of the agency. No action was required by the Commission.

Board of Funeral Service

21 NCAC 34D .0202 was unanimously approved.

Catherine E. Lee with Hedrick Gardner Kincheloe & Garofalo, LLP, and representing the agency, addressed the Commission.

Board of Examiners for Engineers and Surveyors

21 NCAC 56 .0505, .0601, .0606, .0701, and .0804 were unanimously approved.

State Human Resources Commission

25 NCAC 01E .1801, .1802, .1804, .1808, and .1809 were unanimously approved.

The Commission unanimously voted to object to 25 NCAC 01E .1006 finding that the rule did not satisfy G.S. 150B-21.9(a). Specifically, the Commission objected to the rule pursuant to G.S. 150B-21.9(a)(2) on the basis of clarity and ambiguity.

Blake Thomas, General Counsel with the agency, addressed the Commission.

LOG OF FILINGS (TEMPORARY RULES)

Licensing Board of General Contractors

21 NCAC 12A .0202 was unanimously approved.

EXISTING RULES REVIEW

Department of Natural and Cultural Resources

07 NCAC 13H - The Commission unanimously approved the report as submitted by the agency.

DHHS - Secretary & Medical Care Commission

10A NCAC 14A – The Commission unanimously approved the report as submitted by the agency.

DHHS - Division of Health Service Regulation

10A NCAC 14E – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 14G – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 14H – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 14J – The Commission unanimously approved the report as submitted by the agency.

Commission for Public Health

10A NCAC 46 – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 48 – The Commission unanimously approved the report as submitted by the agency.

Department of Labor

13 NCAC 15 - The Commission unanimously approved the report as submitted by the agency.

13 NCAC 20 - The Commission unanimously approved the report as submitted by the agency.

State Human Resources Commission

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

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

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

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

25 NCAC 01N - 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 April 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

Historical Commission

07 NCAC 04L, 04M, 04N, 04O, 04P, 04Q, 04R, 04T- As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Tryon Palace Commission

07 NCAC 04S – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

DHHS-Division of Health Benefits

10A NCAC 21A-22R – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Sheriffs' Education and Training Standards Commission

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

Alcoholic Beverage Control Commission

14B NCAC 15A – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than April 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Transportation – Division of Motor Vehicles

19A NCAC 03 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Cemetery Commission

21 NCAC 07 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

The meeting adjourned at 10:39 a.m.

The next regularly scheduled meeting of the Commission is Thursday, December 18, 2025, at 10:00 a.m.

Alexander Burgos, Paralegal

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

November 20, 2025

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Emily Wiley	NC DOT
William Casola	NCWRC
Elizabeth Pope	NCSWCB
Ian Courts	NC DOJ - Sheriffs Stand.
ANN ELMORE	NCSOS
BLAKE Thomas	Office of State Human Resources
SARAH Boyce	Gov. OFFICE
Anna Choi	NCLBGC
Robin Pendleton	NCDES
Wyatt Jordan	NC DHHS
Catherine Lee	NCBFS
Denise Mazzu	OSHR
Raj Imaiawane	DHHS
Wes Tripp	NCBELS
Hell Wade	NC DHHS
Shawn Egan	DHHS
Ama Haywalt	NCDA
Chris Werner	NC E&M Private Roads & Bridges

Rules Review Commission Meeting November 20, 2025

Via WebEx

Name	Agency
Rolf Lundberg	labor.nc.gov
William Casola	ncwildlife.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Brian Liebman	oah.nc.gov
Daron Barnes	ncwildlife.gov
Laura Rowe	nctreasurer.com
Carla Rose	labor.nc.gov
Alisha Benjamin	ncdoi.gov
Jennifer Everett	deq.nc.gov
Jonathan Avery	dnocr.nc.gov
Harper Buskirk	commerce.nc.gov
Julie Eddins	oah.nc.gov
Andrea Clinkscales	nc.gov
Gabby Decker	bcbnsnc.com
KJ Stancil	eagleeye-consulting.com
Misty Piekaar	dhhs.nc.gov
Eric Anderson	toyota.com
Jean Umstead	
Will Polk	ncdps.gov
Serena Jones	ncdoj.gov
Lorenzo Claxton	commerce.nc.gov
Cliff Isaac	nchba.org
KJ Stancil	eagleeye-consulting.com
Max D'Ercole	dhhs.nc.gov
Whitney Waldenberg	brockrlawfirm.com
Doug Brocker	brockerlawfirm.com
Chris Kreh - NCWRC	ncwildlife.gov
Elly Young	ncdoj.gov
Jennifer Bailey	dhhs.nc.gov
Joy Tribble	dhhs.nc.gov



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

November 20, 2025

Reginald Speight

Sent via email to: reginald.speight@commerce.nc.gov

Re: Readoption deadline for 04 NCAC 19L

Dear Mr. Speight:

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 November 20, 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 **April 1, 2028**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
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

RRC DETERMINATION
PERIODIC RULE REVIEW
June 26, 2025
APO Review: August 27, 2025
Commerce, Department of
Total: 61

RRC Determination: Necessary

04 NCAC 19L.0101	04 NCAC 19L.1004
04 NCAC 19L.0103	04 NCAC 19L.1006
04 NCAC 19L.0104	04 NCAC 19L.1007
04 NCAC 19L.0105	04 NCAC 19L.1008
04 NCAC 19L.0106	04 NCAC 19L.1009
04 NCAC 19L.0301	04 NCAC 19L.1010
04 NCAC 19L.0302	04 NCAC 19L.1011
04 NCAC 19L.0401	04 NCAC 19L.1012
04 NCAC 19L.0403	04 NCAC 19L.1013
04 NCAC 19L.0404	04 NCAC 19L.1101
04 NCAC 19L.0407	04 NCAC 19L.1102
04 NCAC 19L.0408	04 NCAC 19L.1103
04 NCAC 19L.0501	04 NCAC 19L.1104
04 NCAC 19L.0502	04 NCAC 19L.1105
04 NCAC 19L.0505	04 NCAC 19L.1201
04 NCAC 19L.0706	04 NCAC 19L.1202
04 NCAC 19L.0707	04 NCAC 19L.1203
04 NCAC 19L.0708	04 NCAC 19L.1801
04 NCAC 19L.0801	04 NCAC 19L.1802
04 NCAC 19L.0802	04 NCAC 19L.1803
04 NCAC 19L.0805	04 NCAC 19L.1804
04 NCAC 19L.0901	04 NCAC 19L.1805
04 NCAC 19L.0902	04 NCAC 19L.2001
04 NCAC 19L.0903	04 NCAC 19L.2002
04 NCAC 19L.0906	04 NCAC 19L.2003
04 NCAC 19L.0907	
04 NCAC 19L.0908	
04 NCAC 19L.0909	
04 NCAC 19L.0910	
04 NCAC 19L.0911	
04 NCAC 19L.0912	
04 NCAC 19L.0913	
04 NCAC 19L.0914	
04 NCAC 19L.1001	
04 NCAC 19L.1002	
04 NCAC 19L.1003	



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

November 21, 2025

Jonathan Avery

Sent via email to: jonathan.avery@dncr.nc.gov

Re: Readoption deadline for 07 NCAC 04M, 04N, 04O, 04P, 04Q, 04R, and 04T

Dear Mr. Avery:

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 November 20, 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 **November 1, 2030**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
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

RRC Determination
Periodic Rule Review
May 29, 2025
APO Review: July 30, 2025
Historical Commission
Total: 107

RRC Determination: Necessary

07	NCAC 04M	.0104	07	NCAC 04O	.0305	07	NCAC 04R	.0906
07	NCAC 04M	.0105	07	NCAC 04P	.0102	07	NCAC 04R	.0907
07	NCAC 04M	.0106	07	NCAC 04P	.0103	07	NCAC 04R	.0909
07	NCAC 04M	.0201	07	NCAC 04P	.0104	07	NCAC 04R	.0917
07	NCAC 04M	.0202	07	NCAC 04P	.0105	07	NCAC 04R	.0918
07	NCAC 04M	.0203	07	NCAC 04P	.0106	07	NCAC 04R	.0919
07	NCAC 04M	.0204	07	NCAC 04P	.0107	07	NCAC 04R	.0920
07	NCAC 04M	.0301	07	NCAC 04P	.0109	07	NCAC 04R	.0921
07	NCAC 04M	.0401	07	NCAC 04P	.0110	07	NCAC 04R	.0922
07	NCAC 04M	.0402	07	NCAC 04P	.0111	07	NCAC 04R	.0923
07	NCAC 04M	.0403	07	NCAC 04P	.0112	07	NCAC 04R	.0924
07	NCAC 04M	.0501	07	NCAC 04P	.0113	07	NCAC 04R	.0925
07	NCAC 04M	.0502	07	NCAC 04Q	.0102	07	NCAC 04R	.1401
07	NCAC 04M	.0503	07	NCAC 04Q	.0104	07	NCAC 04R	.1402
07	NCAC 04M	.0506	07	NCAC 04Q	.0105	07	NCAC 04R	.1403
07	NCAC 04M	.0507	07	NCAC 04Q	.0106	07	NCAC 04R	.1404
07	NCAC 04M	.0508	07	NCAC 04Q	.0107	07	NCAC 04R	.1503
07	NCAC 04M	.0509	07	NCAC 04Q	.0201	07	NCAC 04R	.1601
07	NCAC 04M	.0510	07	NCAC 04R	.0202	07	NCAC 04R	.1602
07	NCAC 04M	.0511	07	NCAC 04R	.0203	07	NCAC 04R	.1603
07	NCAC 04M	.0512	07	NCAC 04R	.0206	07	NCAC 04R	.1604
07	NCAC 04N	.0102	07	NCAC 04R	.0301	07	NCAC 04R	.1605
07	NCAC 04N	.0103	07	NCAC 04R	.0303	07	NCAC 04R	.1606
07	NCAC 04N	.0104	07	NCAC 04R	.0304	07	NCAC 04R	.1607
07	NCAC 04N	.0105	07	NCAC 04R	.0501	07	NCAC 04R	.1609
07	NCAC 04N	.0106	07	NCAC 04R	.0502	07	NCAC 04R	.1611
07	NCAC 04N	.0107	07	NCAC 04R	.0503	07	NCAC 04R	.1612
07	NCAC 04N	.0108	07	NCAC 04R	.0602	07	NCAC 04R	.1613
07	NCAC 04N	.0301	07	NCAC 04R	.0605	07	NCAC 04T	.0101
07	NCAC 04N	.0302	07	NCAC 04R	.0802	07	NCAC 04T	.0102
07	NCAC 04N	.0303	07	NCAC 04R	.0803	07	NCAC 04T	.0103
07	NCAC 04N	.0304	07	NCAC 04R	.0901	07	NCAC 04T	.0104
07	NCAC 04O	.0301	07	NCAC 04R	.0902	07	NCAC 04T	.0105
07	NCAC 04O	.0302	07	NCAC 04R	.0903	07	NCAC 04T	.0106
07	NCAC 04O	.0303	07	NCAC 04R	.0904	07	NCAC 04T	.0107
07	NCAC 04O	.0304	07	NCAC 04R	.0905			



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVEHEARINGS**

November 21, 2025

Jonathan Avery
Sent via email to: jonathan.avery@dncr.nc.gov
Re: Readoption deadline for 07 NCAC 04S

Dear Mr. Avery:

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 November 20, 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 **November 1, 2028**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
May 29, 2025
APO Review: July 30, 2025
Tryon Palace Commission
Total: 4

RRC Determination: Necessary

07	NCAC 04S	.0104
07	NCAC 04S	.0105
07	NCAC 04S	.0106
07	NCAC 04S	.0110



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVEHEARINGS**

November 21, 2025

Shazia Keller

Sent via email to: rpendergraft@ncdoj.gov

Re: Readoption deadline for 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Dear Ms. Keller:

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 November 20, 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, 2029**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (919) 236-1850 | Facsimile: (919) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
June 26, 2025
APO Review: August 27, 2025
HHS - Health Benefits, Division of
Total: 59

RRC Determination: Necessary

10A	NCAC 21A	.0301	10A	NCAC 22J	.0101
10A	NCAC 21A	.0302	10A	NCAC 22J	.0102
10A	NCAC 21A	.0303	10A	NCAC 22J	.0103
10A	NCAC 21A	.0304	10A	NCAC 22J	.0104
10A	NCAC 21B	.0204	10A	NCAC 22J	.0106
10A	NCAC 22A	.0101	10A	NCAC 22K	.0101
10A	NCAC 22B	.0101	10A	NCAC 22K	.0102
10A	NCAC 22B	.0102	10A	NCAC 22K	.0103
10A	NCAC 22B	.0103	10A	NCAC 22N	.0101
10A	NCAC 22B	.0104	10A	NCAC 22N	.0102
10A	NCAC 22B	.0201	10A	NCAC 22N	.0202
10A	NCAC 22B	.0202	10A	NCAC 22N	.0203
10A	NCAC 22F	.0101	10A	NCAC 22Q	.0101
10A	NCAC 22F	.0102	10A	NCAC 22Q	.0102
10A	NCAC 22F	.0103	10A	NCAC 22Q	.0103
10A	NCAC 22F	.0104	10A	NCAC 22Q	.0104
10A	NCAC 22F	.0106	10A	NCAC 22Q	.0105
10A	NCAC 22F	.0107	10A	NCAC 22Q	.0106
10A	NCAC 22F	.0202	10A	NCAC 22R	.0101
10A	NCAC 22F	.0203	10A	NCAC 22R	.0102
10A	NCAC 22F	.0301	10A	NCAC 22R	.0103
10A	NCAC 22F	.0302	10A	NCAC 22R	.0104
10A	NCAC 22F	.0402	10A	NCAC 22R	.0105
10A	NCAC 22F	.0601			
10A	NCAC 22F	.0602			
10A	NCAC 22F	.0603			
10A	NCAC 22F	.0701			
10A	NCAC 22F	.0702			
10A	NCAC 22F	.0704			
10A	NCAC 22G	.0108			
10A	NCAC 22G	.0109			
10A	NCAC 22G	.0110			
10A	NCAC 22H	.0201			
10A	NCAC 22I	.0101			
10A	NCAC 22I	.0102			
10A	NCAC 22I	.0103			



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVEHEARINGS**

November 21, 2025

Robin Pendergraft

Sent via email to: rpendergraft@ncdoj.gov

Re: Readoption deadline for 12 NCAC 10B

Dear Ms. Pendergraft:

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 November 20, 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 **December 1, 2028**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
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

RRC Determination
Periodic Rule Review
June 26, 2025
APO Review: August 27, 2025
Sheriffs" Education and Training Standards Commission
Total: 121

RRC Determination: Necessary

12	NCAC 10B	.0101	12	NCAC 10B	.0602	12	NCAC 10B	.0918
12	NCAC 10B	.0103	12	NCAC 10B	.0603	12	NCAC 10B	.0919
12	NCAC 10B	.0104	12	NCAC 10B	.0604	12	NCAC 10B	.0920
12	NCAC 10B	.0105	12	NCAC 10B	.0605	12	NCAC 10B	.1002
12	NCAC 10B	.0106	12	NCAC 10B	.0606	12	NCAC 10B	.1003
12	NCAC 10B	.0107	12	NCAC 10B	.0607	12	NCAC 10B	.1004
12	NCAC 10B	.0108	12	NCAC 10B	.0702	12	NCAC 10B	.1005
12	NCAC 10B	.0109	12	NCAC 10B	.0703	12	NCAC 10B	.1006
12	NCAC 10B	.0201	12	NCAC 10B	.0704	12	NCAC 10B	.1102
12	NCAC 10B	.0202	12	NCAC 10B	.0705	12	NCAC 10B	.1104
12	NCAC 10B	.0203	12	NCAC 10B	.0708	12	NCAC 10B	.1105
12	NCAC 10B	.0204	12	NCAC 10B	.0709	12	NCAC 10B	.1202
12	NCAC 10B	.0205	12	NCAC 10B	.0710	12	NCAC 10B	.1204
12	NCAC 10B	.0206	12	NCAC 10B	.0713	12	NCAC 10B	.1205
12	NCAC 10B	.0301	12	NCAC 10B	.0714	12	NCAC 10B	.1206
12	NCAC 10B	.0302	12	NCAC 10B	.0801	12	NCAC 10B	.1302
12	NCAC 10B	.0303	12	NCAC 10B	.0802	12	NCAC 10B	.1303
12	NCAC 10B	.0304	12	NCAC 10B	.0803	12	NCAC 10B	.1304
12	NCAC 10B	.0305	12	NCAC 10B	.0804	12	NCAC 10B	.1305
12	NCAC 10B	.0306	12	NCAC 10B	.0805	12	NCAC 10B	.1306
12	NCAC 10B	.0307	12	NCAC 10B	.0901	12	NCAC 10B	.1307
12	NCAC 10B	.0401	12	NCAC 10B	.0903	12	NCAC 10B	.1308
12	NCAC 10B	.0402	12	NCAC 10B	.0904	12	NCAC 10B	.1402
12	NCAC 10B	.0403	12	NCAC 10B	.0905	12	NCAC 10B	.1404
12	NCAC 10B	.0404	12	NCAC 10B	.0906	12	NCAC 10B	.1405
12	NCAC 10B	.0406	12	NCAC 10B	.0907	12	NCAC 10B	.1406
12	NCAC 10B	.0407	12	NCAC 10B	.0908	12	NCAC 10B	.1502
12	NCAC 10B	.0408	12	NCAC 10B	.0909	12	NCAC 10B	.1503
12	NCAC 10B	.0409	12	NCAC 10B	.0910	12	NCAC 10B	.1504
12	NCAC 10B	.0410	12	NCAC 10B	.0911	12	NCAC 10B	.1505
12	NCAC 10B	.0502	12	NCAC 10B	.0912	12	NCAC 10B	.1602
12	NCAC 10B	.0503	12	NCAC 10B	.0913	12	NCAC 10B	.1604
12	NCAC 10B	.0504	12	NCAC 10B	.0914	12	NCAC 10B	.1605
12	NCAC 10B	.0505	12	NCAC 10B	.0915	12	NCAC 10B	.1606
12	NCAC 10B	.0510	12	NCAC 10B	.0916	12	NCAC 10B	.1901
12	NCAC 10B	.0601	12	NCAC 10B	.0917	12	NCAC 10B	.2002

12	NCAC 10B	.2003
12	NCAC 10B	.2004
12	NCAC 10B	.2005
12	NCAC 10B	.2006
12	NCAC 10B	.2007
12	NCAC 10B	.2008
12	NCAC 10B	.2009
12	NCAC 10B	.2101
12	NCAC 10B	.2102
12	NCAC 10B	.2103
12	NCAC 10B	.2104
12	NCAC 10B	.2105
12	NCAC 10B	.2201



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVEHEARINGS**

November 21, 2025

Renee Metz
Sent via email to: renee.metz@abc.nc.gov
Re: Readoption deadline for 14B NCAC 15A

Dear Ms. Metz:

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 November 20, 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 **April 1, 2029**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
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

RRC DETERMINATION
PERIODIC RULE REVIEW
June 26, 2025
APO Review: August 27, 2025
Alcoholic Beverage Control Commission
Total: 94

RRC Determination: Necessary

14B NCAC 15A .0101	14B NCAC 15A .1006	14B NCAC 15A .1804
14B NCAC 15A .0102	14B NCAC 15A .1101	14B NCAC 15A .1805
14B NCAC 15A .0103	14B NCAC 15A .1102	14B NCAC 15A .1901
14B NCAC 15A .0104	14B NCAC 15A .1103	14B NCAC 15A .1903
14B NCAC 15A .0201	14B NCAC 15A .1201	14B NCAC 15A .1904
14B NCAC 15A .0202	14B NCAC 15A .1202	14B NCAC 15A .2001
14B NCAC 15A .0203	14B NCAC 15A .1203	14B NCAC 15A .2002
14B NCAC 15A .0204	14B NCAC 15A .1301	14B NCAC 15A .2003
14B NCAC 15A .0301	14B NCAC 15A .1302	14B NCAC 15A .2101
14B NCAC 15A .0302	14B NCAC 15A .1303	14B NCAC 15A .2201
14B NCAC 15A .0401	14B NCAC 15A .1304	14B NCAC 15A .2202
14B NCAC 15A .0402	14B NCAC 15A .1305	14B NCAC 15A .2203
14B NCAC 15A .0403	14B NCAC 15A .1402	14B NCAC 15A .2204
14B NCAC 15A .0404	14B NCAC 15A .1403	14B NCAC 15A .2205
14B NCAC 15A .0501	14B NCAC 15A .1404	14B NCAC 15A .2206
14B NCAC 15A .0601	14B NCAC 15A .1405	14B NCAC 15A .2301
14B NCAC 15A .0602	14B NCAC 15A .1406	14B NCAC 15A .2302
14B NCAC 15A .0603	14B NCAC 15A .1407	14B NCAC 15A .2303
14B NCAC 15A .0605	14B NCAC 15A .1501	14B NCAC 15A .2304
14B NCAC 15A .0606	14B NCAC 15A .1502	14B NCAC 15A .2305
14B NCAC 15A .0607	14B NCAC 15A .1503	14B NCAC 15A .2306
14B NCAC 15A .0608	14B NCAC 15A .1601	14B NCAC 15A .2307
14B NCAC 15A .0801	14B NCAC 15A .1602	
14B NCAC 15A .0803	14B NCAC 15A .1603	
14B NCAC 15A .0804	14B NCAC 15A .1604	
14B NCAC 15A .0805	14B NCAC 15A .1605	
14B NCAC 15A .0901	14B NCAC 15A .1606	
14B NCAC 15A .0902	14B NCAC 15A .1701	
14B NCAC 15A .0903	14B NCAC 15A .1702	
14B NCAC 15A .0904	14B NCAC 15A .1703	
14B NCAC 15A .0905	14B NCAC 15A .1704	
14B NCAC 15A .0907	14B NCAC 15A .1705	
14B NCAC 15A .1001	14B NCAC 15A .1707	
14B NCAC 15A .1002	14B NCAC 15A .1708	
14B NCAC 15A .1003	14B NCAC 15A .1802	
14B NCAC 15A .1004	14B NCAC 15A .1803	



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVEHEARINGS**

November 21, 2025

Emily Wiley
Sent via email to: renee.metz@abc.nc.gov
Re: Readoption deadline for 19A NCAC 03

Dear Ms. Wiley:

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 November 20, 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 **October 1, 2030**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
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: (919) 236-1850 | Facsimile: (919) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review

May 29, 2025

APO Review: July 30, 2025

Transportation - Motor Vehicles, Division of
Total: 238

RRC Determination: Necessary

19A	NCAC 03A	.0105	19A	NCAC 03C	.0233	19A	NCAC 03D	.0229
19A	NCAC 03B	.0101	19A	NCAC 03C	.0235	19A	NCAC 03D	.0230
19A	NCAC 03B	.0201	19A	NCAC 03C	.0237	19A	NCAC 03D	.0231
19A	NCAC 03B	.0601	19A	NCAC 03C	.0301	19A	NCAC 03D	.0232
19A	NCAC 03B	.0602	19A	NCAC 03C	.0302	19A	NCAC 03D	.0233
19A	NCAC 03B	.0701	19A	NCAC 03C	.0303	19A	NCAC 03D	.0234
19A	NCAC 03B	.0702	19A	NCAC 03C	.0304	19A	NCAC 03D	.0235
19A	NCAC 03B	.0703	19A	NCAC 03C	.0305	19A	NCAC 03D	.0236
19A	NCAC 03B	.0704	19A	NCAC 03C	.0420	19A	NCAC 03D	.0301
19A	NCAC 03B	.0705	19A	NCAC 03C	.0421	19A	NCAC 03D	.0302
19A	NCAC 03B	.0706	19A	NCAC 03C	.0423	19A	NCAC 03D	.0401
19A	NCAC 03B	.0707	19A	NCAC 03C	.0424	19A	NCAC 03D	.0402
19A	NCAC 03B	.0708	19A	NCAC 03C	.0425	19A	NCAC 03D	.0403
19A	NCAC 03B	.0709	19A	NCAC 03C	.0426	19A	NCAC 03D	.0405
19A	NCAC 03B	.0710	19A	NCAC 03C	.0427	19A	NCAC 03D	.0517
19A	NCAC 03B	.0711	19A	NCAC 03C	.0428	19A	NCAC 03D	.0518
19A	NCAC 03B	.0712	19A	NCAC 03C	.0431	19A	NCAC 03D	.0519
19A	NCAC 03B	.0713	19A	NCAC 03C	.0432	19A	NCAC 03D	.0520
19A	NCAC 03B	.0714	19A	NCAC 03C	.0433	19A	NCAC 03D	.0521
19A	NCAC 03B	.0715	19A	NCAC 03C	.0501	19A	NCAC 03D	.0522
19A	NCAC 03B	.0716	19A	NCAC 03C	.0521	19A	NCAC 03D	.0523
19A	NCAC 03C	.0102	19A	NCAC 03D	.0101	19A	NCAC 03D	.0524
19A	NCAC 03C	.0201	19A	NCAC 03D	.0215	19A	NCAC 03D	.0525
19A	NCAC 03C	.0202	19A	NCAC 03D	.0216	19A	NCAC 03D	.0526
19A	NCAC 03C	.0220	19A	NCAC 03D	.0217	19A	NCAC 03D	.0529
19A	NCAC 03C	.0221	19A	NCAC 03D	.0218	19A	NCAC 03D	.0530
19A	NCAC 03C	.0222	19A	NCAC 03D	.0219	19A	NCAC 03D	.0531
19A	NCAC 03C	.0223	19A	NCAC 03D	.0220	19A	NCAC 03D	.0532
19A	NCAC 03C	.0224	19A	NCAC 03D	.0221	19A	NCAC 03D	.0533
19A	NCAC 03C	.0225	19A	NCAC 03D	.0223	19A	NCAC 03D	.0534
19A	NCAC 03C	.0226	19A	NCAC 03D	.0224	19A	NCAC 03D	.0535
19A	NCAC 03C	.0227	19A	NCAC 03D	.0225	19A	NCAC 03D	.0536
19A	NCAC 03C	.0228	19A	NCAC 03D	.0226	19A	NCAC 03D	.0537
19A	NCAC 03C	.0229	19A	NCAC 03D	.0227	19A	NCAC 03D	.0538
19A	NCAC 03C	.0232	19A	NCAC 03D	.0228	19A	NCAC 03D	.0539

19A	NCAC 03D	.0540	19A	NCAC 03G	.0207	19A	NCAC 03I	.0803
19A	NCAC 03D	.0541	19A	NCAC 03G	.0208	19A	NCAC 03I	.0804
19A	NCAC 03D	.0542	19A	NCAC 03G	.0209	19A	NCAC 03J	.0101
19A	NCAC 03D	.0543	19A	NCAC 03G	.0210	19A	NCAC 03J	.0102
19A	NCAC 03D	.0544	19A	NCAC 03G	.0211	19A	NCAC 03J	.0201
19A	NCAC 03D	.0545	19A	NCAC 03G	.0213	19A	NCAC 03J	.0202
19A	NCAC 03D	.0549	19A	NCAC 03G	.0301	19A	NCAC 03J	.0203
19A	NCAC 03D	.0550	19A	NCAC 03G	.0401	19A	NCAC 03J	.0204
19A	NCAC 03D	.0551	19A	NCAC 03G	.0402	19A	NCAC 03J	.0205
19A	NCAC 03D	.0552	19A	NCAC 03G	.0601	19A	NCAC 03J	.0206
19A	NCAC 03D	.0553	19A	NCAC 03I	.0101	19A	NCAC 03J	.0207
19A	NCAC 03D	.0601	19A	NCAC 03I	.0102	19A	NCAC 03J	.0301
19A	NCAC 03D	.0602	19A	NCAC 03I	.0104	19A	NCAC 03J	.0302
19A	NCAC 03D	.0701	19A	NCAC 03I	.0201	19A	NCAC 03J	.0303
19A	NCAC 03D	.0703	19A	NCAC 03I	.0202	19A	NCAC 03J	.0304
19A	NCAC 03D	.0704	19A	NCAC 03I	.0203	19A	NCAC 03J	.0305
19A	NCAC 03D	.0901	19A	NCAC 03I	.0204	19A	NCAC 03J	.0306
19A	NCAC 03D	.0902	19A	NCAC 03I	.0205	19A	NCAC 03J	.0307
19A	NCAC 03D	.0903	19A	NCAC 03I	.0207	19A	NCAC 03J	.0308
19A	NCAC 03D	.0904	19A	NCAC 03I	.0208	19A	NCAC 03J	.0401
19A	NCAC 03E	.0302	19A	NCAC 03I	.0209	19A	NCAC 03J	.0402
19A	NCAC 03E	.0401	19A	NCAC 03I	.0301	19A	NCAC 03J	.0403
19A	NCAC 03E	.0501	19A	NCAC 03I	.0302	19A	NCAC 03J	.0501
19A	NCAC 03E	.0502	19A	NCAC 03I	.0303	19A	NCAC 03J	.0502
19A	NCAC 03E	.0503	19A	NCAC 03I	.0305	19A	NCAC 03J	.0503
19A	NCAC 03E	.0504	19A	NCAC 03I	.0306	19A	NCAC 03J	.0504
19A	NCAC 03E	.0505	19A	NCAC 03I	.0307	19A	NCAC 03J	.0507
19A	NCAC 03E	.0506	19A	NCAC 03I	.0308	19A	NCAC 03J	.0508
19A	NCAC 03E	.0507	19A	NCAC 03I	.0401	19A	NCAC 03J	.0601
19A	NCAC 03E	.0508	19A	NCAC 03I	.0402	19A	NCAC 03J	.0602
19A	NCAC 03E	.0509	19A	NCAC 03I	.0403	19A	NCAC 03J	.0603
19A	NCAC 03E	.0513	19A	NCAC 03I	.0501	19A	NCAC 03J	.0604
19A	NCAC 03E	.0517	19A	NCAC 03I	.0502	19A	NCAC 03J	.0605
19A	NCAC 03E	.0518	19A	NCAC 03I	.0503	19A	NCAC 03J	.0606
19A	NCAC 03E	.0519	19A	NCAC 03I	.0504	19A	NCAC 03J	.0701
19A	NCAC 03F	.0101	19A	NCAC 03I	.0507	19A	NCAC 03J	.0702
19A	NCAC 03F	.0601	19A	NCAC 03I	.0601	19A	NCAC 03J	.0703
19A	NCAC 03F	.0602	19A	NCAC 03I	.0602	19A	NCAC 03J	.0801
19A	NCAC 03G	.0101	19A	NCAC 03I	.0603	19A	NCAC 03J	.0802
19A	NCAC 03G	.0102	19A	NCAC 03I	.0701	19A	NCAC 03J	.0803
19A	NCAC 03G	.0203	19A	NCAC 03I	.0702	19A	NCAC 03J	.0901
19A	NCAC 03G	.0204	19A	NCAC 03I	.0703	19A	NCAC 03J	.0907
19A	NCAC 03G	.0205	19A	NCAC 03I	.0801	19A	NCAC 03K	.0101
19A	NCAC 03G	.0206	19A	NCAC 03I	.0802	19A	NCAC 03K	.0102

19A NCAC 03K .0103



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVEHEARINGS**

November 21, 2025

Gantt Stephens
Sent via email to: stephens@nccemetary.org
Re: Readoption deadline for 21 NCAC 07

Dear Mr. Stephens:

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 November 20, 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 **September 1, 2028**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
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

RRC DETERMINATION
PERIODIC RULE REVIEW
June 26, 2025
APO Review: August 27, 2025
Cemetery Commission
Total: 32

RRC Determination: Necessary

21 NCAC 07A .0101
21 NCAC 07A .0106
21 NCAC 07A .0107
21 NCAC 07B .0101
21 NCAC 07B .0103
21 NCAC 07B .0104
21 NCAC 07B .0105
21 NCAC 07C .0101
21 NCAC 07C .0102
21 NCAC 07C .0103
21 NCAC 07C .0104
21 NCAC 07C .0105
21 NCAC 07C .0201
21 NCAC 07C .0202
21 NCAC 07C .0301
21 NCAC 07C .0303
21 NCAC 07C .0304
21 NCAC 07C .0305
21 NCAC 07C .0306
21 NCAC 07C .0307
21 NCAC 07C .0308
21 NCAC 07D .0101
21 NCAC 07D .0102
21 NCAC 07D .0103
21 NCAC 07D .0104
21 NCAC 07D .0105
21 NCAC 07D .0106
21 NCAC 07D .0107
21 NCAC 07D .0108
21 NCAC 07D .0201
21 NCAC 07D .0202
21 NCAC 07D .0203

LIST OF APPROVED PERMANENT RULES

November 20, 2025 Meeting

PUBLIC HEALTH, COMMISSION FOR

<u>Description</u>	10A NCAC	43D	.0201
<u>Definitions</u>	10A NCAC	43D	.0202
<u>References</u>	10A NCAC	43D	.0203
<u>Contract with FNS</u>	10A NCAC	43D	.0204
<u>Local WIC Agency Agreement and Budget</u>	10A NCAC	43D	.0207
<u>Participant Violations and Sanctions</u>	10A NCAC	43D	.0410
<u>Dual Participation</u>	10A NCAC	43D	.0411
<u>Supplemental Foods</u>	10A NCAC	43D	.0501
<u>Issuance of Food Benefits</u>	10A NCAC	43D	.0702
<u>Vendor Applicants</u>	10A NCAC	43D	.0707
<u>Authorized Vendors</u>	10A NCAC	43D	.0708
<u>Local WIC Agency</u>	10A NCAC	43D	.0709
<u>Continuation of Participation</u>	10A NCAC	43D	.0804
<u>General Conditions</u>	10A NCAC	43D	.0902
<u>Notification Of the Right to a Fair Hearing</u>	10A NCAC	43D	.0904
<u>Request For a Fair Hearing</u>	10A NCAC	43D	.0905
<u>Denial Or Dismissal of a Request</u>	10A NCAC	43D	.0906
<u>Continuation Of Benefits</u>	10A NCAC	43D	.0907
<u>Notice of Hearing</u>	10A NCAC	43D	.0908
<u>Hearing Officer</u>	10A NCAC	43D	.0909
<u>Decision</u>	10A NCAC	43D	.0911

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Probationary Certification Requirement</u>	12 NCAC	10B	.0403
<u>Certification of a Former Sheriff</u>	12 NCAC	10B	.0407
<u>Department Head Responsibilities - Critical Incident Repo...</u>	12 NCAC	10B	.0412
<u>General Provisions</u>	12 NCAC	10B	.1002
<u>Intermediate Law Enforcement Certificate</u>	12 NCAC	10B	.1004
<u>Advanced Law Enforcement Certificate</u>	12 NCAC	10B	.1005
<u>How to Apply</u>	12 NCAC	10B	.1006
<u>General Provisions</u>	12 NCAC	10B	.1202
<u>Intermediate Detention Officer Professional Certificate</u>	12 NCAC	10B	.1204
<u>Advanced Detention Officer Professional Certificate</u>	12 NCAC	10B	.1205
<u>How to Apply</u>	12 NCAC	10B	.1206
<u>General Provisions</u>	12 NCAC	10B	.1402
<u>Intermediate Reserve Deputy Sheriff Certificate</u>	12 NCAC	10B	.1404
<u>Advanced Reserve Deputy Sheriff Certificate</u>	12 NCAC	10B	.1405
<u>How to Apply</u>	12 NCAC	10B	.1406
<u>Eligibility for Professional Certificates</u>	12 NCAC	10B	.1602
<u>Intermediate Telecommunicator Certificate</u>	12 NCAC	10B	.1604
<u>Advanced Telecommunicator Certificate</u>	12 NCAC	10B	.1605
<u>How to Apply</u>	12 NCAC	10B	.1606
<u>Military and Military Spouse Transferees</u>	12 NCAC	10B	.1901

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<u>Squirrels</u>	15A NCAC	10B	.0206
<u>CWD Surveillance Areas Defined</u>	15A NCAC	10B	.0502
<u>Surveillance Area</u>	15A NCAC	10B	.0503
<u>Primary Surveillance Area</u>	15A NCAC	10B	.0504
<u>Public Mountain Trout Waters</u>	15A NCAC	10C	.0205
<u>Spawning Areas</u>	15A NCAC	10C	.0208
<u>Possession of Certain Fishes</u>	15A NCAC	10C	.0211
<u>Largemouth Bass</u>	15A NCAC	10C	.0305
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<u>White Bass</u>	15A NCAC	10C	.0318
<u>Smallmouth Bass</u>	15A NCAC	10C	.0321
<u>Alabama Bass and Spotted Bass</u>	15A NCAC	10C	.0322
<u>Trout</u>	15A NCAC	10C	.0325
<u>General Regulations Regarding Use</u>	15A NCAC	10D	.0102
<u>Fishing on Game Lands</u>	15A NCAC	10D	.0104
<u>Bladen Lakes State Forest Game Land in Bladen County</u>	15A NCAC	10D	.0205
<u>Butner-Falls of Neuse Game Land in Durham, Granville, and...</u>	15A NCAC	10D	.0211
<u>Buxton Woods Game Land in Dare County</u>	15A NCAC	10D	.0212
<u>Wayne Bailey-Caswell Game Land in Caswell County</u>	15A NCAC	10D	.0215
<u>Chowan Game Land in Chowan County</u>	15A NCAC	10D	.0217
<u>Chowan Swamp Game Land in Bertie, Gates, and Hertford...</u>	15A NCAC	10D	.0218
<u>Goose Creek Game Land in Beaufort and Pamlico Counties</u>	15A NCAC	10D	.0229
<u>Gull Rock Game Land in Hyde County</u>	15A NCAC	10D	.0232
<u>Holly Shelter Game Land in Pender County</u>	15A NCAC	10D	.0236
<u>Johns River Game Land in Burke County</u>	15A NCAC	10D	.0239
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<u>Juniper Creek Game Land in Brunswick and Columbus Counties</u>	15A NCAC	10D	.0241
<u>Mayo Game Land in Person County</u>	15A NCAC	10D	.0249
<u>Pee Dee River Game Land in Anson, Montgomery, Richmond, a...</u>	15A NCAC	10D	.0258
<u>Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Hay...</u>	15A NCAC	10D	.0260
<u>Roanoke River Wetlands in Bertie, Halifax, Martin, and No...</u>	15A NCAC	10D	.0265
<u>Robeson Game Land in Robeson County</u>	15A NCAC	10D	.0267
<u>Sandhills Game Land in Hoke, Moore, Richmond, and Scotland...</u>	15A NCAC	10D	.0271
<u>Shocco Creek Game Land in Franklin, Halifax, Nash, and Wake...</u>	15A NCAC	10D	.0275
<u>South Mountains Game Land in Burke, Cleveland, McDowell, ...</u>	15A NCAC	10D	.0276
<u>Suggs Mill Pond Game Land in Bladen and Cumberland Counties</u>	15A NCAC	10D	.0278
<u>Thurmond Chatham Game Land in Alleghany and Wilkes Counties</u>	15A NCAC	10D	.0283
<u>Whitehall Plantation Game Land in Bladen and Pender County</u>	15A NCAC	10D	.0291
<u>North Bend Game Land in Burke County</u>	15A NCAC	10D	.0294
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November 20, 2025 Meeting

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