

# **NORTH CAROLINA**

# **REGISTER**

**VOLUME 40 • ISSUE 14 • Pages 1192 – 1228**

**January 15, 2026**

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**PUBLISHED BY**

*The Office of Administrative Hearings*  
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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.**

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NC Association of County Commissioners  
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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 <sup>th</sup> 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

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

## **EXPLANATION OF THE PUBLICATION SCHEDULE**

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

### **GENERAL**

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

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

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

### **FILING DEADLINES**

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

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

### **NOTICE OF TEXT**

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

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

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



# State of North Carolina

**JOSH STEIN**  
GOVERNOR

December 22, 2025

**EXECUTIVE ORDER NO. 30**

**EXTENDING THE STATE EMERGENCY RESPONSE COMMISSION**

**WHEREAS**, Congress enacted the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 – 11050, to provide communities with the necessary resources to prepare for, respond to, mitigate, and address public health and safety emergencies (the “Act”); and

**WHEREAS**, 42 U.S.C. § 11001(a) requires the Governor of each state to appoint a State Emergency Response Commission to supervise and coordinate the activities of local emergency planning committees and receive and process public information requests under 42 U.S.C. § 11044, including Tier II information under 42 U.S.C. § 11022; and

**WHEREAS**, on April 20, 2017, then-Governor Cooper issued Executive Order No. 6, 31 N.C. Reg. 2204-06 (May 15, 2017), which establishes the North Carolina Emergency Response Commission (“Commission”); and

**WHEREAS**, Governor Cooper extended the Commission several times, most recently by Executive Order No. 299, 38 N.C. Reg. 963-66 (Feb. 1, 2024); and

**WHEREAS**, Executive Order No. 299 is set to expire December 31, 2025, and pursuant to N.C. Gen. Stat. § 147-16.2, the duration of this Commission must be extended to continue its important work.

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

**Section 1. Extension.**

Pursuant to N.C. Gen. Stat. § 147-16.2, Executive Order No. 299 is extended as modified below.

**Section 2. Technical Corrections.**

The membership of the Commission as listed in Section 1 of Executive Order No. 299 shall remain unchanged except to reflect that the following three members are no longer administratively housed in the state agencies identified in Executive Order No. 299:

- a. Commander of the State Highway Patrol;
- b. State Fire Marshal, Office of State Fire Marshal;
- c. Executive Director, North Carolina Center for Safer Schools.

In addition, the following change is made to one of the eight (8) members from local government, private industry, and the public to reflect the replacement of Presidential Policy Directive 21:

- a. A private citizen of North Carolina representing one of the critical infrastructure sectors as identified by National Security Memorandum 22.

The Commission's functional structure, responsibilities, administration, and duties shall remain unchanged.

**Section 3. Effect and Duration**

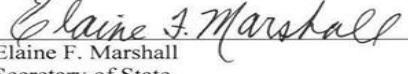
This Executive Order is effective December 31, 2025. This Executive Order shall supersede any prior conflicting executive order, including Executive Order No. 299. It shall remain in effect until December 31, 2027, or until rescinded or superseded by another applicable Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 22nd of December in the year of our Lord two thousand and twenty-five.

  
Josh Stein

Governor

ATTEST:

  
Elaine F. Marshall  
Secretary of State



North Carolina License and Theft Bureau

**PUBLIC NOTICE**

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

**Applicant's Name:** BELMONT TRAILERS, LLC

**Applicant's Address:** 40 HESS ROAD  
LEOLA, PA 17540

**Application Date:** 12/22/2025

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

Jake King, Managing Partner

Aaron King, Member

Amos King, Member

**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 08 – STATE BOARD OF ELECTIONS

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 23 .0101-.0104.

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

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

**Public Hearing:**

**Date:** February 2, 2026

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

**Location:** State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

**Reason for Proposed Action:** The State Board of Elections is authorized by G.S. 163-82.14 to conduct list maintenance and remove the names of ineligible voters from the voter rolls, and the State Board is authorized by G.S. 163-82.26 to adopt rules regarding list maintenance. The State Board has proposed a series of four rules that direct the county boards of elections on carrying out procedures for conducting list maintenance based on a registered voter's possible ineligibility due to not being a citizen of the United States. These rules direct the county boards to follow procedures already in statute for conducting voter registration challenges while providing structure to the process. Proposed Rule 08 NCAC 23 .0101 is a definitions rule. Proposed Rule 08 NCAC 23 .0102 covers the first stage of the process after a county board receives a notice from the State Board that a voter registered in the county may not be a citizen. Proposed Rule 08 NCAC 23 .0103 covers the next stage of the process—a preliminary hearing where the county board decides whether there is probable cause to advance to an evidentiary hearing. Proposed Rule 08 NCAC 23 .0104 covers the final stage of the process—a challenge hearing where evidence and testimony is received before the county board makes a final decision.

**Comments may be submitted to:** Adam Steele, P.O. Box 27255, Raleigh, NC 27611; email [rulemaking.sboe@ncsbe.gov](mailto:rulemaking.sboe@ncsbe.gov) (Comments may be submitted online at <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>)

**Comment period ends:** March 16, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives

written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

## CHAPTER 23 – LIST MAINTENANCE

### SECTION .0100 – NON-CITIZEN LIST MAINTENANCE

#### 08 NCAC 23 .0101 DEFINITIONS

For purposes of this Section:

- (1) "Chair" means a member appointed to be the chair of a county board of elections pursuant to G.S. 163-30.
- (2) "Challenge" means a challenge entered by a county board under Rule .0102 of this Section.
- (3) "Challenge hearing" means the hearing conducted under Rule .0104 of this Section.
- (4) "Challenged voter" means a presumptive noncitizen whose eligibility to remain registered to vote has been challenged pursuant to the procedures in this Section.
- (5) "Director of elections" means the county director of elections for a county appointed pursuant to G.S. 163-35.
- (6) "Documentation of citizenship" means an original or copy of a document issued by a state, federal, or tribal government showing the citizenship of the person to whom the document was issued. Documentation of citizenship shall include, but is not limited to, a birth certificate, a document showing place of birth issued by a vital records office, a passport or passport card issued by the United States Department of State, a consular report of birth abroad issued

by the United States Department of State, or a certificate of citizenship or naturalization issued by the Department of Homeland Security's United States Citizenship and Immigration Services.

(7) "Notice of non-citizenship" means a written notice sent by the State Board of elections to a county board of elections identifying a registered voter in the county as a presumptive noncitizen.

(8) "Preliminary hearing" means the hearing conducted under Rule .0103 of this Section.

(9) "Presumptive noncitizen" means a registered voter who has been identified by the State Board of Elections as potentially not being a United States citizen based on information obtained by the State Board from official government records and databases and which identifies a registered voter as not being a United States citizen.

Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-86.

**08 NCAC 23 .0102 ENTRY OF CHALLENGE**

(a) No later than five business days after receiving a notice of non-citizenship from the State Board of Elections, county board staff shall review the county board's records to determine if the presumptive noncitizen has previously provided documentation of citizenship. If county board staff cannot locate documentation of citizenship for the presumptive noncitizen in the county board's records, then the director of elections for the county board receiving the notice or their designee on the county board staff shall enter a challenge to the presumptive noncitizen's eligibility to remain registered to vote under G.S. 163-85(c)(7). The challenge shall be entered by filing at the county board office a form provided by the State Board, which shall include the following:

(1) the physical address, mailing address, telephone number, and email address for the county board;

(2) the printed name and signature of the official entering the challenge;

(3) the date the challenge is entered;

(4) the challenged voter's name and current residential address contained in their registration record; and

(5) the following statement: "The voter's eligibility to remain registered to vote in North Carolina is being challenged because the county board of elections has been notified by the State Board of Elections that information available from official government records or databases indicates that the voter is not a U.S. citizen."

(b) Within three business days of the challenge being entered, the county board shall set a date for the preliminary hearing in accordance with Rule .0103(a) of this Section and send notice of the challenge to the challenged voter along with the date, time, and location of the preliminary hearing. The notice of the challenge shall be in writing and sent by U.S. mail using a method

of delivery that documents receipt. The notice shall also be provided by any email address that the county board possesses for the challenged voter. The following shall be included with the notice of the challenge:

(1) a copy of the entered challenge;

(2) the information contained within the notice of non-citizenship;

(3) information about the qualifications to vote in North Carolina;

(4) a copy of the rules in this Section;

(5) instructions for how the challenged voter may respond to the challenge, which shall include examples of documentation of citizenship or information the challenged voter may submit for the county board's consideration, how the challenged voter can submit such documentation or information, and how to voluntarily cancel their registration should they desire to do so; and

(6) the following statement: "If the information we have that you are not a U.S. citizen is incorrect or outdated, please contact the county board of elections to provide proof of citizenship, so that we can update our records. If you are a U.S. citizen and meet all other qualifications to vote, then you can remain registered and vote."

Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85.

**08 NCAC 23 .0103 PRELIMINARY HEARING**

(a) A preliminary hearing shall be held no later than 15 business days after the notice of preliminary hearing is mailed to the challenged voter in accordance with Rule .0102 of this Section. The preliminary hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The written notice required by G.S. 143-318.12(b)(2) shall be emailed at least five business days before the preliminary hearing to the county board's notice list and any other person who has requested that the county board give them notice of proceedings under this Section.

(b) The county board shall follow the procedures in G.S. 163-85(d) for the receipt of evidence at the preliminary hearing, but the official entering the challenge shall not be required to present sworn testimony. At the conclusion of the preliminary hearing, the county board shall make the probable cause determination required under G.S. 163-85(d) as to whether the challenged voter is a United States citizen. The county board's determination of probable cause shall be based on only the following:

(1) the notice of non-citizenship;

(2) official government documents and information from official government records and databases obtained by the county board; and

(3) any documentation of citizenship or information that can be used to determine the challenged voter's citizenship that is submitted to the county board by the challenged voter.

(c) The county board's determination of probable cause under Paragraph (b) of this Rule shall be announced at the preliminary hearing and the county board shall then proceed as follows:

(1) If the county board determines that probable cause exists that the challenged voter is not a United States citizen, then the county board shall set a date for the challenge hearing and send notice of the challenge hearing to the challenged voter in accordance with Rule .0104(b) of this Section.

(2) If the county board determines that probable cause does not exist that the challenged voter is not a United States citizen, then the county board shall dismiss the challenge and proceed in accordance with G.S. 163-90.2(b). The grounds for the county board's decision shall be recorded in a written decision within ten business days of the preliminary hearing and a copy of the written decision shall be provided to the challenged voter using the same method of delivery used to send the notice of the challenge under Rule .0102(b) of this Section. The official entering the challenge shall have no right of appeal of the county board's dismissal of the challenge.

Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-90.1, 163-90.2.

**08 NCAC 23 .0104 CHALLENGE HEARING**

(a) A challenge hearing shall be held no later than 20 business days after the county board has ordered the challenge to proceed to a challenge hearing under Rule .0103(d)(1) of this Section. The challenge hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The written notice required by G.S. 143-318.12(b)(2) shall be emailed at least 10 business days before the challenge hearing to the county board's notice list and any other person who has requested that the county board give them notice of proceedings under this Section.

(b) The county board shall send written notice of the challenge hearing to the challenged voter no later than three business days after the county board has ordered the challenge to proceed to a challenge hearing under Rule .0103(d)(1) of this Section. The notice to the challenged voter shall include the information required under G.S. 163-86(b) and shall be sent by U.S. mail using a method of delivery that documents receipt. The notice shall also be provided by any email address that the county board possesses for the challenged voter.

(c) The county board shall conduct the challenge hearing using the procedures in G.S. 163-86(c) and (d) as well as the following additional procedures:

(1) The challenge hearing shall be recorded by a court reporter or by mechanical means.

(2) Upon request by the challenged voter, the chair or any two members of the county board shall issue subpoenas for witnesses or documents, when the chair or two members of the county board conclude that the witnesses or documents are likely to provide information that is both relevant and material to the challenged voter's citizenship, the information sought is not unnecessarily duplicative of other available

evidence, and the subpoena is not likely to subject the recipient to undue burden or expense. Such subpoenas shall be served in the same manner as allowed in the North Carolina Rules of Civil Procedure.

(3) After the challenged voter has been administered the first oath under G.S. 163-86(c), the county board shall provide the challenged voter with the information and documents included with the notice of the challenge under Rule .0102(b) of this Section as well as any additional information and documents considered by the county board at the preliminary hearing.

(4) The challenged voter shall be permitted the opportunity to present documentation of citizenship and sworn testimony as to their citizenship before being tendered the second oath under G.S. 163-86(c). The county board shall continue the challenge hearing to a later date upon oral or written request to do so by the challenged voter if that request is accompanied by documentation showing the challenged voter has made a request to a government agency to obtain documentation of citizenship.

(5) If the challenged voter or an authorized representative does not appear at the challenge hearing, and the challenged voter has not submitted any documentation of citizenship for the county board's consideration, then the notice of non-citizenship shall be treated by the county board as affirmative proof necessary to sustain the challenge under G.S. 163-90.1(b).

(6) If the challenged voter has not submitted documentation of citizenship but has provided sworn testimony or other evidence regarding their citizenship, then the county board shall consider that testimony or other evidence when determining whether to sustain or overrule the challenge.

(d) The county board's decision on the challenge shall be announced at the conclusion of the challenge hearing and the grounds for the county board's decision shall be recorded in a written decision within five business days of the challenge hearing. A copy of the written decision shall be sent to the challenged voter using the same method of delivery used to send the notice of the challenge under Rule .0102(b) of this Section. In making its decision on the challenge, the county board shall do one of the following:

(1) If the challenged voter refuses to take the second oath under G.S. 163-86(c) or submit to the county board the affidavit required by G.S. 163-86(d), or if the county board finds that the challenged voter is not a United States citizen, then the county board shall sustain the challenge and proceed in accordance with G.S. 163-90.2(a). The time in which the voter has the right to appeal under G.S. 163-90.2(c) shall be measured from the date on which the written

(2)

decision is recorded and sent to the challenged voter in accordance with this Paragraph.  
If the county board decides that the challenge cannot be substantiated by affirmative proof, or finds that the challenged voter is a United States citizen, then the county board shall overrule the challenge and proceed in accordance with G.S. 163-90.2(b). The official entering the challenge shall have no right of appeal of the county board's decision to overrule the challenge.

Authority G.S. 163-22; 163-82.14; 163-82.26; 163-86; 163-90.1, 163-90.2.

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## TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to amend the rules cited as 10A NCAC 09 .1101, .1102, .1703, .1729, and .2101.

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://ncchildcare.ncdhhs.gov/Home/Child-Care-Commission>

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

### Public Hearing:

**Date:** February 2, 2026

**Time:** 11:30 a.m.

**Location:** 1915 Health Services Way, Raleigh NC 27607

**Reason for Proposed Action:** This set of rule amendments is being submitted in order to come into full compliance with requirements of the federal Child Care Development Block Fund Grant, 42 U.S.C. §9858 (CCDBG). The CCDBG Act is the primary federal law supporting child care programs for low-income working families. It provides discretionary funding to state, territorial, and tribal agencies to subsidize child care costs for eligible children and enhance the quality and availability of child care. Discretionary CCDBG funds are combined with mandatory Child Care Entitlement to States (CCES) funds, which are permanently authorized under Section 418 of the Social Security Act and must follow CCDBG rules. Together, these funding streams form the Child Care and Development Fund (CCDF), which is administered by the U.S. Department of Health and Human Services. The CCDF provides federal subsidies for low-income families with a parent who is working or continuing their education and training. These subsidies help families pay for child care services.

To receive CCDF funds, states must set educational, health, and safety standards in 11 areas, which CCDF child care providers must follow. States must have both pre-service (or during an orientation period) and on-going minimum health and safety training requirements (appropriate to the provider setting) for providers serving CCDF children in the topic areas listed above. The CCDBG law does not require any specific number of pre-service and ongoing training hours for CCDF health and safety

training. The NC Child Care Commission addressed the CCDBG requirements by stating all health and safety topics are covered over a specified period of time but maintain the currently required number of on-going training hours. The health and safety standards required by CCDF are designed to benefit children, parents, child care workers, and the State. The benefit to children and parents is avoiding illness and injury to children in care. The benefit to child care workers is improved quality of child care and support for the child care workforce. Finally, the benefit to the State is ensuring continued federal CCDF Discretionary funds, which are used for child care subsidies and for activities to improve the quality and accessibility of child care.

In 2017, the NC Child Care Commission adopted rules to support the federal requirements. A recent federal audit of NC's program and rules found that NC was not in compliance with some CCDF requirements, including requiring all persons who are expected to have contact with children to complete the required health and safety training as part of their orientation. This must include all employees, substitute providers, and volunteers. For child care centers, NC's existing rules exempt substitute providers who provide services for less than 10 days in a 12-month period as well as staff members who do not have caregiving responsibilities for children. The existing rule for child care centers does not address volunteers and, as such, effectively exempts volunteers from these training requirements as well. The proposed amendments to 10A NCAC 09 .1101 and .1102 will expand the health and safety training requirement to volunteers and all substitute providers in child care centers. For family child care homes, NC's existing rules exempt substitute providers who provide services for less than 10 days in a 12-month period. The existing rule for family child care homes does apply to volunteers. The proposed amendments to 10A NCAC 09 .1703 and .1729 will expand the health and safety training requirements to all substitute providers in family child care homes. NC was also determined to be out of compliance with CCDF requirement to require in rule that the topic of child development is covered in an employee's orientation and health and safety trainings. NC's existing rules do not specifically list child development as a topic area for new staff orientation. The proposed rule amendments will add child development to the new staff orientation requirements that must be provided within six weeks of employment to all staff (including substitutes and volunteers) at child care centers and family child care homes as required and outlined in our response to a federal audit.

In addition to the above rule changes required to comply with federal CCDF requirements, the Child Care Commission is proposing an amendment to 10A NCAC 09 .2101 to clarify that religious-sponsored child care centers are not exempt from the health and safety training requirements if they participate in the child care subsidy assistance program. By law, religious-sponsored child care centers are exempt from other requirements related to licensing and employee qualifications. The proposed amendment to 10A NCAC 09 .2101 will align the rule with a declaratory ruling and longstanding practice. As such, this change will have no impact other than from incremental improvement to rule clarity.

**Comments may be submitted to:** Julie Peck, 2201 Mail Service Center, Raleigh, NC 27699-2201; email [julie.peck@dhhs.nc.gov](mailto:julie.peck@dhhs.nc.gov)

**Comment period ends:** March 16, 2026

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

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

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

## CHAPTER 09 - CHILD CARE RULES

### SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

#### 10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

(a) Each center shall ensure that each new employee and volunteer who is expected to have contact with children receives 16 hours of on-site orientation within the first six weeks of employment. As part of this orientation, each new employee and volunteer shall complete six hours of orientation within the first two weeks of employment.

(b) New staff orientation shall include an overview of the following topics, focusing on the operation of the center:

|  |  |
|--|--|
| New staff orientation within first two (2) weeks of employment   | New staff orientation within first six (6) weeks of employment   |
| Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301 | <u>Firsthand observation of the center's daily operations</u><br><u>Overview of child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and</u> |

|  |  |
|--|--|
| New staff orientation within first two (2) weeks of employment   | New staff orientation within first six (6) weeks of employment   |
|  | <u>Physical Development, Language Development and Communication, and Cognitive Development.</u>  |
| Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan | Instruction in the employee's assigned duties  |
| Adequate supervision of children in accordance with 10A NCAC 09 .1801  | Instruction in the maintenance of a safe and healthy environment   |
| Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment  | Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803   |
| Prevention and control of infectious diseases, including immunization  | Review of the center's purposes and goals  |
| <u>Firsthand Observation of the center's daily operations</u>  | Review of the child care licensing law and rules   |
|  | Review of <u>Quality Rating Improvement System standards</u> Section .2800 of this Chapter if the center has a two- through five- star license at the time of employment             |
|  | An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource |
|  | An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations                                |
|  | Prevention of and response to emergencies due to food and allergic reactions   |
|  | Review of the center's handling and storage of   |

|  |  |
|--|--|
| New staff orientation within first two (2) weeks of employment | New staff orientation within first six (6) weeks of employment   |
|  | hazardous materials and the appropriate disposal of biocontaminants  |
| New staff orientation within first two (2) weeks of employment | New staff orientation within first six (6) weeks of employment   |
|  | Review of the center's handling and storage of hazardous materials and the appropriate disposal of biocontaminants |

- (6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- (7) Precautions in transporting children, if applicable;
- (8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (9) CPR and First Aid training as required in Paragraphs (c) and (d) of this Rule;
- (10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
- (11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(c) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in First Aid appropriate to the ages of children in care. The training shall be completed by June 30, 2018, or for new staff hired on or after September 1, 2017, training must be completed within 90 days of employment. Distance learning shall not be permitted for First Aid training. At all times when children are in care at least one staff member present must have successfully completed First Aid training, as evidenced by a certificate or card from an approved training organization. First Aid training shall be renewed on or before expiration of the certification. "Successfully completed" is defined as demonstrating competency, as evaluated by the instructor. Verification of each required staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at

[http://ncchildcare.nc.gov/providers/pv\\_sn2\\_ov\\_pd.asp](http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp).

(d) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in a cardiopulmonary resuscitation (CPR) course appropriate to the ages of children in care. At all times when children are in care one staff member present must have successfully completed CPR training. The training shall be completed by June 30, 2018 or for new staff hired on or after September 1, 2017 training must be completed within 90 days of employment. Distance learning shall not be permitted for CPR training. CPR training shall be renewed on or before the expiration of the certification. Verification of each staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at

[http://ncchildcare.nc.gov/providers/pv\\_sn2\\_ov\\_pd.asp](http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp).

(e) One staff member shall complete training in playground safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor learning environment, and age and developmentally appropriate playground materials and equipment. Distance learning shall not be permitted for playground safety training. Completion of playground safety training shall be included in the number of hours needed to meet annual on-going training requirements in this Section. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. A certificate of each designated staff member's completion of this course shall be maintained in the staff member's file in the center.

Authority G.S. 110-85; 110-91(11); 143B-168.3.

## **10A NCAC 09 .1102     HEALTH AND SAFETY TRAINING REQUIREMENTS**

(a) Child care administrators and staff members shall complete health and safety training within one year of employment. unless the staff member has completed the training Any administrator or staff member who has completed the health and safety trainings as a result of prior employment, and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1103. Any administrator or staff who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09.1103(b), and can provide proof of completion, shall not be required to repeat the course already completed 10A NCAC 09 .1103, within the year prior to beginning employment. Health and safety training shall be in addition to the new staff orientation requirements set forth in Rule .1101 of this Section. The following persons Service providers such as speech therapists, occupational therapists, and physical therapists shall be exempt from this requirement:

- (1) ~~staff members that do not have caregiving responsibilities for a child or group of children;~~
- (2) ~~service providers such as speech therapists, occupational therapists, and physical therapists; and~~
- (3) ~~substitute providers who provide services for less than 10 days in a 12 month period.~~

(b) The health and safety training shall include the following topic areas:

- (1) Prevention and control of infectious diseases, including immunization;
- (2) Administration of medication, with standards for parental consent;
- (3) Prevention of and response to emergencies due to food and allergic reactions;
- (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;

(f) In centers that are licensed to care for infants, the child care administrator and any child care provider scheduled to work in the infant room shall complete ITS-SIDS training. ITS-SIDS training shall be completed within two months of an individual assuming responsibilities in the infant room and every three years thereafter. Child care administrators, as defined in G.S. 110-86(2a), shall complete ITS-SIDS training within 90 days of employment and every three years thereafter. Completion of ITS-SIDS training shall be included once every three years in the number of hours needed to meet on-going training requirements in this Section. At all times, one child care provider who has completed ITS-SIDS training shall be present in the infant room while children are in care. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

(g) The child care administrator and all staff members shall complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of employment. This training shall count toward requirements set forth in Rule .1103 of this Section. Recognizing and Responding to Suspicions of Child Maltreatment training is available at <https://www.preventchildabusenc.org/services/trainings-and-professional-development/rrcourse>. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

Authority G.S. 110-85; 110-91(1),(8), (11); 143B-168.3.

**10A NCAC 09 .1703 ON-GOING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS**

(a) After receiving a license, family child care home operator shall:

- (1) Update the health questionnaire annually. The Division may request an evaluation of the operator's emotional and physical fitness to care for children when there is reason to believe that there has been a deterioration in the operator's emotional or physical fitness to care for children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel. The Division may require the operator to obtain written proof that he or she is free of active tuberculosis when the Division determines that the operator was exposed to a person with active tuberculosis;
- (2) Renew First Aid training on or before expiration of the certification appropriate for the ages of children in care;
- (3) Renew CPR course on or before the expiration of the certification appropriate for the ages of children in care;
- (4) Renew ITS-SIDS training every three years from the completion of previous ITS-SIDS training; and
- (5) Complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of licensure. This training shall count toward requirements set forth in

Paragraph (d) of this Rule. Recognizing and Responding to Suspicions of Child Maltreatment training is available at <https://www.preventchildabusenc.org/>.

(b) Family child care home operators, additional caregivers and substitutes and staff members shall complete health and safety training within one year of employment. Any family child care home operator or staff member who has completed the health and safety trainings as a result of prior employment and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by this Rule. Any family child care home operator, additional caregiver or substitute who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in Subparagraph (d)(2) of this Rule, and can provide proof of completion, shall not be required to repeat the courses already completed, except as required by this Rule, unless the operator or staff member has completed the training within the year prior to beginning employment or within the year prior to receiving a license. Health and safety training shall be in addition to orientation topics reviewed during the pre-licensing visit and new staff orientation requirements set forth in Rules .1702(d) and Rule .1729(c) of this Section. The following persons shall be exempt from this requirement:

- (1) service providers such as speech therapists, occupational therapists, and physical therapists, therapists; and
- (2) substitutes who provide services for less than 10 days in a 12 month period.

(c) The health and safety training shall include the following topic areas:

- (1) Prevention and control of infectious diseases, including immunization;
- (2) Administration of medication, with standards for parental consent;
- (3) Prevention of and response to emergencies due to food and allergic reactions;
- (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
- (6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- (7) Precautions in transporting children, if applicable;
- (8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (9) CPR and First Aid training as required in Rule .1102(c) and (d) of this Chapter;
- (10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
- (11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(d) After the first year of employment, the family child care home operator, and staff who work with children shall complete on-going training activities as follows:

(1)

| Education and Experience  | Required Training |
|---|-------------------|
| Four-year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university  | 5 clock hours     |
| Two-year degree in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential | 8 clock hours     |
| Certificate or diploma in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Credential         | 10 clock hours    |
| 10 years documented experience as a teacher, director, or caregiver in a licensed child care arrangement  | 15 clock hours    |
| If none of the other criteria in this chart apply   | 20 clock hours    |

- (2) complete health and safety training as part of on-going training so that every five years, all the topic areas set forth in Paragraph (c) of this Rule will have been covered;
- (3) cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training activities in Subparagraph (d)(1) of this Rule;
- (4) any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (d)(1) of this Rule or the training requirement may be prorated as follows:

| WORKING HOURS PER WEEK | CLOCK HOURS REQUIRED |
|------------------------|----------------------|
| 0-10                   | 5                    |
| 11-20                  | 10                   |
| 21-30                  | 15                   |
| 31-40                  | 20                   |

(e) For purposes of this Rule, "regionally accredited" means a college or university accredited by one of the following accrediting bodies:

- (1) Middle States Association of Colleges and Schools;
- (2) New England Association of School and Colleges;
- (3) North Central Association of Colleges and Schools;
- (4) Northwest Accreditation Commission;
- (5) Southern Association of Colleges and Schools; or

(6) Western Association of Schools and Colleges.

(f) For every three hours of countable technical assistance provided, one hour may be counted toward annual training requirements set forth in Subparagraph(d)(1) of this Rule, not to exceed 50 percent of the total required so long as:

- (1) the family child care home has a 3-5 star rated license; and
- (2) the participating operator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purposes of this Rule, "countable technical assistance" means technical assistance provided to operator or caregiving staff members at a family child care home by a person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider and shall include:

- (1) a cycle of observation;
- (2) identified goals based on the observation;
- (3) a timeline for completion of identified goals;
- (4) evaluation and feedback for each participant;
- (5) technical assistance time in the family child care home; and
- (6) one-on-one consultation with each participant at a time when they are not responsible for a child or group of children.

(h) A combination of college coursework, Continuing Education Units (CEU's), clock hours, or countable technical assistance shall be used to complete the requirements in Subparagraph (d)(1) of this Rule.

(i) The family child care home operator and staff members shall complete a professional development plan within one year of employment and at least thereafter. The plan shall:

- (1) document the individual's professional development goals;
- (2) be appropriate for the ages of children in their care;
- (3) include the continuing education, coursework or training needed to meet the individual's planned goals;
- (4) be completed by the operator and staff member in a collaborative manner; and
- (5) be maintained in their personnel file.

Sample professional development plan templates may be found on the Division's website at

[http://ncchildcare.nc.gov/providers/pv\\_provideforms.asp](http://ncchildcare.nc.gov/providers/pv_provideforms.asp).

Another form may be used other than the sample templates provided by the Division as long as the form includes the information set forth in this Rule.

(j) Each family child care home operator shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

(k) Each family child care home operator shall have a record of countable technical assistance in which the operator and each staff member participates, including copies of documentation, observations and evaluations provided by the person who has been endorsed by the NC Institute for Child Development

Professionals as a technical assistance provider. That record shall include the dates and times of technical assistance with the operator or staff, names of all participating staff members and the name of the technical assistance provider. This documentation shall be on file and current.

(l) The family child care home operator and staff members may meet on-going training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

- (1) Prior approval from the Division shall not be required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state, or international professional organization or its affiliates, provided the content complies with G.S. 110-91(11). Government agencies or state or national professional organizations who provide training shall submit an annual training plan for review by the Division. The plan is not required for any state, national, or international conferences sponsored by a professional child care organization.
- (2) Prior approval from the Division shall be required for any agencies, organizations, or individuals not specified in Subparagraph (1) of this Paragraph who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall:
  - (A) complete and submit on-going training approval forms provided by the Division 15 business days prior to the training event that includes the name and qualifications of the trainer, name of training, target audience and content of the training;
  - (B) submit a training roster, to the Division, listing the attendees' name, the county of employment, and day time phone number no later than 15 days after the training event;
  - (C) provide training evaluations to be completed by attendees; and
  - (D) keep the training rosters and evaluations on file for two years.
- (3) Distance learning shall be permitted from trainers approved by the Division or offered by an accredited post-secondary institution, as listed on the United States Department of Education's Database of Accredited Post-Secondary Institutions and Programs at <http://ope.ed.gov/accreditation/>. Distance learning shall not be permitted for Cardiopulmonary Resuscitation (CPR) and First Aid.

(m) The Division shall approve training based upon the following factors:

- (1) the trainer's education, training, and experience relevant to the training topic;

- (2) content that is in compliance with G.S. 110-91(11); and
- (3) contact hours for the proposed content and scope of the training session.

(n) The Division shall deny approval of training to:

- (1) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
- (2) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.

(o) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division pursuant to this Rule shall be permanently ineligible to apply for approval of training.

(p) Denial of approval of training or a determination of falsification is appealable pursuant to G.S. 110-94 and the North Carolina Administrative Procedure Act, G.S. 150B-23.

*Authority G.S. 110-85; 110-88; 110-91; 143B-168.3.*

**10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS**

(a) An individual who provides care for five hours or more in a week during planned absences of the family child care home operator shall:

- (1) be 21 years old;
- (2) have a high school diploma or GED;
- (3) have completed a First Aid and cardiopulmonary resuscitation (CPR) course within 12 months prior to caring for children;
- (4) have completed a health questionnaire;
- (5) have proof of negative results of a tuberculosis test or screening completed within 12 months prior to the first day of providing care;
- (6) have submitted criminal background check forms as required in Rule .2703 of this Chapter;
- (7) have documentation of annual on-going training as described in Rule .1703(d) of this Section after the first year of employment;
- (8) have completed ITS-SIDS training, if licensed to care for infants;
- (9) have completed Recognizing and Responding to Suspicions of Child Maltreatment training; and
- (10) have documentation that the operator has reviewed the requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7.

While the individual provides care at a family child care home, copies of information required by Subparagraphs (1) through (10) of this Paragraph shall be on file in the home and available for review by the Division.

(b) An individual who provides care for less than five hours in a week during planned absences of the operator shall be literate and meet all requirements listed in Paragraph (a) of this Rule except the requirements for annual training and a high school diploma or GED.

(c) The operator shall conduct 16 hours of orientation with all caregivers, prior to the individual caring for children, including substitute providers, volunteers, and uncompensated providers, who are providing care. The orientation shall include an overview of the following topics, specifically focusing on the operation of the facility:

- (1) recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;
- (2) Overview of child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language and Development and Communications, and Cognitive Development; review of the home's operational policies, including the written plan of care, safe sleep policy, the transportation policy, identification of building and premises safety issues, the emergency medical care plan, and the Emergency Preparedness and Response Plan;
- (2)(3) (3) adequate supervision of children in accordance with Rule .1711(a) of this Section;
- (4)(5) information regarding prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (5)(6) prevention and control of infectious diseases, including immunization;
- (6)(7) firsthand observation of the home's daily operations;
- (7)(8) instruction regarding assigned duties;
- (8)(9) instruction in the maintenance of a safe and healthy environment;
- (9)(10) instruction in the administration of medication to children in accordance with Rule .1720(b) of this Section;
- (10)(11) review of the home's purposes and goals;
- (11)(12) review of G.S. 110, Article 7 and 10A NCAC 09;
- (12)(13) review of Section .2800 of this Chapter Quality Rating Improvement System standards if the operator has a two- through five- star license at the time of employment;
- (13)(14) an explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource;
- (14)(15) an explanation of the individual's obligation to cooperate with representatives of State and local government agencies during visits and investigations;
- (15)(16) prevention of and response to emergencies due to food and allergic reactions; and
- (16)(17) review of the home's handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

The operator and individual providing care shall sign and date a statement that attests that this review was completed. This

statement shall be kept on file in the home and available for review by the Division.

(d) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be 18 years old and submit criminal records check forms as required in Rule .2703(j) of this Chapter. The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

(e) After the first year of employment, additional caregivers and substitutes shall complete ongoing training as outlined in Rule.1703 of this Section.

*Authority G.S. 110-85; 110-88; 110-91; 143B-168.3.*

## SECTION .2100 - RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS

### 10A NCAC 09 .2101 CENTERS OPERATING UNDER G.S. 110-106

(a) At least 30 days prior to the first day of operation of a new religious-sponsored child care center, the prospective operator shall send a "Letter of Intent to Operate" to the Division. That letter shall include the following:

- (1) the name, address, and telephone number of the operator and the center, if known;
- (2) the proposed number and age range of children to be served;
- (3) the center's scheduled opening date; and
- (4) required criminal history records check documentation for the prospective operator and all known staff members as set forth in G.S. 110-90.2.

A representative of the Division shall contact the prospective operator no later than seven calendar days after the Letter of Intent is received to advise the prospective operator of the applicable requirements and procedures in G.S. 110, Article 7 and this Chapter.

(b) A prospective operator who has not previously operated a religious-sponsored child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the center's opening date. Prospective operators shall download, complete, and submit the pre-licensing registration form to the Division. The Division provides regularly scheduled pre-licensing workshops for potential operators. A schedule of these workshops may be found online at [https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing\\_Workshops\\_Child\\_Care\\_Centers.pdf?ver=2019-06-05-112026-907](https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907). The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form can be found online at [https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing\\_Workshops\\_Child\\_Care\\_Centers.pdf?ver=2019-06-05-112026-907](https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907).

(c) The Division shall conduct an announced pre-licensing visit prior to the opening of the center, an unannounced visit within 30 days after the facility opens, and unannounced visits annually thereafter in order to ensure compliance with applicable requirements in G.S. 110, Article 7 and this Section.

(d) Within 30 days of opening, the prospective operator shall submit reports indicating that the facility meets the minimum standards for facilities as specified in G.S. 110-91 regarding local ordinances, including a building inspection, a fire inspection, and a sanitation inspection.

(e) The Division shall send a Notice of Compliance letter to the prospective operator when compliance with minimum standards for facilities as specified in G.S. 110, Article 7 has been determined. The Notice of Compliance letter shall be issued instead of a star rated license. The Notice of Compliance is not required to be posted at the child care facility.

(f) Religious-sponsored child care centers shall comply with all child care center requirements in this Chapter except as follows:

|  |   |
|--|---|
| Age Appropriate Activities                                     | Rules .0508, through <u>.0510</u> , <u>.0510</u> , <u>.0513</u> through <u>.0516</u> and .2508  |
| Staff Qualifications and Training Requirements                 | Rules .0703(c) through (f), .0704, .0710, .0711, .0714(a) through (d) and .1101, .1102(a), (b), (e), and (g), and .1103 through .1106. <u>For programs enrolled in the Subsidized Child Care Assistance Program, the exemption related to Rules .1101, .1102, and .1103(b) do not apply and the requirements must be met.</u> |
| Staff Qualifications if working with school aged children only | Rule .2510  |

Compliance shall be documented annually using the same forms and in the same manner as for all other centers.

(g) The Division shall notify the prospective operator in writing as to whether the facility complies or does not comply with the requirements.

*Authority G.S. 110-85; 110-88; 110-106; 143B-168.3.*

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

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Coastal Resources Commission intends to readopt with substantive changes the rule cited as 15A NCAC 07B .0702, and readopt without substantive changes the rules cited as 15A NCAC 07B .0601, .0701 and .0801-.0804.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.deq.nc.gov/about/divisions/division-coastal-management/coastal-resources-commission/crc-proposed-rules>

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

**Public Hearing:**

**Date:** February 25, 2026

**Time:** 4:30 p.m.

**Location:** Dunes Club, 710 E. Fort Macon Road, Atlantic Beach, NC 28512

**Reason for Proposed Action:** *This Subchapter establishes the rules that local governments shall follow in developing and adopting a land use plan or comprehensive plan that meets the Coastal Resources Commission's (CRC) planning requirements.*

**Comments may be submitted to:** Tancred Miller, 400 Commerce Avenue, Morehead City, NC 28557; email [CRrulemaking@deq.nc.gov](mailto:CRrulemaking@deq.nc.gov)

**Comment period ends:** March 16, 2026

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

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

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

## **CHAPTER 07 - COASTAL MANAGEMENT**

### **SUBCHAPTER 07B – STATE GUIDELINES FOR LAND USE PLANNING**

#### **SECTION .0600 - INTRODUCTION**

##### **15A NCAC 07B .0601 AUTHORITY**

This Subchapter establishes the rules that local governments shall follow in developing and adopting a land use plan or comprehensive plan, hereinafter referred to as "the plan", that meets the Coastal Resources Commission's (CRC) planning requirements.

*Authority G.S. 113A-107(a); 113A-110; 113A-124.*

#### **SECTION .0700 – LAND USE PLANNING REQUIREMENTS**

**15A NCAC 07B .0701 PLANNING OPTIONS**

(a) Each county within the coastal area may prepare and adopt a land use plan or comprehensive plan, hereinafter referred to as "the plan", that meets the planning requirements adopted by the Coastal Resources Commission (CRC). The CRC shall prepare and adopt a plan that meets the CRC's planning requirements as set forth in Rule .0702 of this Section for each county that chooses not to prepare and adopt a plan. Municipalities may develop individual plans that meet the CRC's requirements if:

- (1) the county delegates this authority to the municipality; or
- (2) the CRC grants this authority upon written request from a municipality that is enforcing its zoning ordinance, its subdivision regulations and the State Building Code within its jurisdiction.

(b) A county shall accept a municipality's locally adopted policies and implementation actions for inclusion in the county plan for the municipality's jurisdiction if requested to do so by any municipality not preparing its own plan. Inclusion of a municipality's adopted policies and implementation actions shall occur either at the time of county plan preparation or a subsequent county plan amendment. The municipality's policies and implementation actions are limited to its jurisdiction and may differ from the county's policies and implementation actions.

(c) Municipalities may seek certification as set forth in Rule .0803 of this Subchapter for these plans if all requirements found in this Subchapter and G.S. 113A-110 are met.

Authority G.S. 113A-107(a); 113A-110; 113A-124.

**15A NCAC 07B .0702 LAND USE PLAN ELEMENTS**

(a) Organization of the Plan. The land use plan or comprehensive plan, hereinafter referred to as "the plan", shall include a matrix that shows the location of the required elements as set forth in this Rule.

(b) Community Concerns and Aspirations. The purpose of this element is to provide an understanding of the underlying planning needs and desires of the community to support the land use and development policies included in the plan. This element shall include:

- (1) Significant existing and emerging conditions: The plan shall describe the dominant growth-related conditions that influence land use, development, water quality, and other environmental concerns in the planning area.
- (2) Key issues: The plan shall describe the land use and development topics most important to the future of the planning area. This description shall include public access, land use compatibility, infrastructure carrying capacity, natural hazard areas, water quality, and may also include local areas of concern as described in Subparagraph (d)(2)(Land Use Plan Management Topics) of this Rule.
- (3) A community vision: The vision shall describe the general physical appearance and form that represents the local government's plan for the future. It shall include objectives to be achieved

by the plan and identify changes that may be needed to achieve the planning vision as determined by the local government.

(c) Existing and Emerging Conditions. The purpose of this element is to provide a sound factual basis necessary to support the land use and development policies included in the plan. It shall describe the following:

- (1) Population, Housing, and Economy. The plan shall include discussion of the following data and trends:
  - (A) Population: Permanent population growth trends using data from the two most recent decennial Censuses; current permanent and seasonal population estimates; key population characteristics, including age and income; and thirty-year projections of permanent and seasonal population in five-year increments.
    - (i) Permanent population growth trends using data from the two most recent decennial Censuses;
    - (ii) Current permanent and seasonal population estimates;
    - (iii) Key population characteristics, including age and income, and
    - (iv) Thirty year projections of permanent and seasonal population in five-year increments.
  - (B) Housing stock: The plan shall include an estimate of current housing stock, including permanent and seasonal units, tenure, and types of units (single-family, multifamily, and manufactured).
  - (C) Local economy: The plan shall describe employment by major sectors and community economic activity.

Natural systems. The plan shall describe the natural features and discuss the environmental conditions of the planning jurisdiction to include:

  - (A) Natural features as follows. Areas of Environmental Concern (AECs) as set forth in 15A NCAC 07H;
  - (B) Soil characteristics, including limitations for septic tanks, erodibility, and other factors related to development;
  - (C) Environmental Management Commission (EMC) water quality classifications (SC, SB, SA, HQW, and ORW) and related use support designations located at 15A NCAC 02B and are incorporated by reference

including subsequent amendments at no cost located here: <http://reports.oah.state.nc.us/ncac.asp?folderName=Title%201A%20-%20Environmental%20Quality\Chapter%2002%20-%20Environmental%20Management>. And the Marine Fisheries Commission shellfish growing areas in 15A NCAC 18A .0900 and 15A NCAC 18A .3400 which are incorporated by reference including subsequent amendments located at no cost here: <http://reports.oah.state.nc.us/ncac.asp?folderName=Title%201A%20-%20Environmental%20Quality\Chapter%2018%20-%20Environmental%20Health>. Water quality conditions can be found on the Division of Marine Fisheries website at <https://www.deq.nc.gov/about/divisions/marine-fisheries/shellfish-sanitation-and-recreational-water-quality>;

(D) Flood and other natural hazard areas;  
(E) Storm surge areas;  
(F) Non-coastal wetlands, including forested wetlands, shrub-scrub wetlands and freshwater marshes;  
(G) Water supply watersheds or wellhead protection areas;  
(H) Primary nursery areas;  
(I) Environmentally fragile areas, such as wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or marine forests; and  
(J) Additional natural features or conditions identified by the local government.

(i) Areas of Environmental Concern (AECs) as set forth in 15A NCAC 07H;  
(ii) Soil characteristics, including limitations for septic tanks, erodibility, and other factors related to development;  
(iii) Environmental Management Commission (EMC) water quality classifications (SC, SB, SA, HQW, and ORW) and related use support designations located at <http://portal.nedelnr.org/web/q/pesu/classifications> and provided at no fee; and Division of Marine Fisheries

(DMF) shellfish growing areas and water quality conditions located at <http://portal.nedelnr.org/web/mf/shellfish-sanitation-and-recreational-water-quality> and provided at no fee;

(iv) Flood and other natural hazard areas;  
(v) Storm surge areas;  
(vi) Non-coastal wetlands, including forested wetlands, shrub-scrub wetlands and freshwater marshes;  
(vii) Water supply watersheds or wellhead protection areas;  
(viii) Primary nursery areas;  
(ix) Environmentally fragile areas, such as wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or maritime forests; and  
(x) Additional natural features or conditions identified by the local government.

(B) Environmental conditions. The plan shall provide an assessment of the following environmental conditions and features:

(1) Water quality:  
(i) Status and changes of surface water quality, including impaired streams from the most recent N.C. Division of Water Resources Basin Planning Branch Reports, Clean Water Act 303(d) List, and other comparable data;

(II) Current situation and trends on permanent and temporary closures of shellfishing waters as determined by the Report of Sanitary Survey by the Shellfish Sanitation and Recreational Water Quality Section of the N.C.

Division of Marine Fisheries;

(III) Areas experiencing chronic wastewater treatment system malfunctions; and

(IV) Areas with water quality or public health problems related to non point source pollution.

(iii) Natural hazards:

(I) Areas subject to recurrent flooding, storm surges and high winds; and

(II) Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities.

(iii) Natural resources:

(I) Environmentally fragile areas (as defined in Sub Part (e)(2)(A)(ix) of this Rule) or areas where resource functions are impacted as a result of development; and

(II) Natural resource areas that are being impacted or lost as a result of incompatible development. These may include, but are not limited to the following: coastal wetlands, protected open space, and agricultural land.

(3) Environmental conditions: The plan shall provide an assessment of the following environmental conditions and features:

(A) Status and changes of surface water quality, including impaired streams from the most recent N.C. Division of Water Resources Basin Planning Branch Reports, Clean Water Act 303(d) List, and other comparable data;

(B) Current situation and trends on permanent and temporary closures of shellfishing waters as determined by

(C) Areas experiencing chronic wastewater treatment system malfunctions;

(D) Areas with water quality or public health problems related to non-point source pollution;

(E) Areas subject to recurrent flooding, storm surges and high winds;

(F) Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities;

(G) Environmentally fragile areas as defined in Part (C)(2)(I) of this Rule or areas where resource functions are impacted as a result of development; and

(H) Natural resource areas that are being impacted or lost as a result of incompatible development. These may include, but are not limited to the following: coastal wetlands, protected open space, and agricultural land.

(3)(4) Existing Land Use and Development. The plan shall include a map and descriptions of the following:

(A) Existing land use patterns, which may include the following categories: Residential, commercial, industrial, institutional, public, dedicated open space, vacant, agriculture, and forestry. Land use descriptions shall include estimates of the land area allocated to each land use and characteristics of each land use category.

(B) Historic, cultural, and scenic areas designated by a state or federal agency or by local government.

(4)(5) Community Facilities. The plan shall evaluate existing and planned capacity, location, and adequacy of community facilities that serve the community's existing and planned population and economic base; as well as those that protect important environmental factors such as water quality; and that guide land development in the coastal area. The evaluation shall include:

(A) Public and private water supply and wastewater systems. The plan shall describe existing public and private systems, including existing condition and capacity. It shall describe any documented overflows, bypasses, or other problems that may degrade water quality or constitute a threat to

public health as documented by the Division of Water Resources (DWR). It shall indicate future needs based on population projections. The plan shall include a map of existing and planned service areas.

(B) Transportation systems. The plan shall include a map of the existing and planned multimodal systems and port and airport facilities. It shall describe any highway segments deemed by the North Carolina Department of Transportation (NCDOT) as having unacceptable service as documented in the most recent NCDOT Transportation and/or Thoroughfare Plan. It shall describe highway facilities on the current thoroughfare plan or facilities on the current transportation improvement plan. It shall describe the impact of existing facilities on land use patterns.

(C) Stormwater systems. The plan shall describe the existing public stormwater management system. It shall identify existing drainage problems and water quality issues related to point-source discharges of stormwater runoff.

(d) Future Land Use. This element of the plan is intended to guide the development and use of land in a manner that achieves the goals of the Coastal Area Management Act through local government land use and development policies, including a future land use map. This element shall include:

(1) Policies.

(A) Community Concerns and Aspirations and Existing and Emerging Conditions shall be considered in the development of local government plan policies as required in Rule 0702(b) and (e) of this Section. Paragraphs (b) and (c) of this Rule.

(B) Policies shall be consistent with the goals of the CAMA, shall address the Land Use Plan Management Topics set forth in Subparagraph (d)(2) of this Rule, and comply with all state and federal rules.

(C) Policies that exceed use standards and permitting requirements found in Subchapter 7H, 07H, State Guidelines for Areas of Environmental Concern, shall be identified in the plan.

(2) Land Use Plan Management Topics. The purposes of the CRC management ~~topics~~ topics, public access, land use compatibility, infrastructure carrying capacity, natural hazard areas, and water quality, are to ensure that plans support the goals of the CAMA, define the

CRC's expectations for land use policies, and provide a basis for plan review and certification by the CRC. In addition to the management topics outlined below, plans may also include policies to address local areas of concern. Each management topic includes two components: a management goal and planning objectives.

(A) Public Access: Access Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.

(B) Public Access Planning Objectives: The plan shall include policies that address access needs and opportunities, with strategies to develop public access and provisions for all segments of the community, including persons with disabilities. Oceanfront communities shall establish access policies for beach areas targeted for nourishment.

(i) Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.

(ii) Planning Objectives: The plan shall include policies that address access needs and opportunities, with strategies to develop public access and provisions for all segments of the community, including persons with disabilities. Oceanfront communities shall establish access policies for beach areas targeted for nourishment.

(B)(C) Land Use Compatibility: Compatibility Management Goal: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoids risks to public health, safety, and welfare.

(D) Land Use Planning Objectives: The plan shall include policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.

(i) Management Goal: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoids risks to

public health, safety, and welfare.

(ii) Planning Objectives: The plan shall include policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.

(C)(E) Infrastructure Carrying Capacity: Capacity Management Goal: Ensure that public infrastructure systems are sized, located, and managed so the quality and productivity of AECs and other fragile areas are protected and restored.

(F) Infrastructure Carrying Capacity Planning Objectives: The plan shall include policies that establish service criteria and ensure improvements minimizing impacts to AECs and other fragile areas.

(i) Management Goal: Ensure that public infrastructure systems are sized, located, and managed so the quality and productivity of AECs and other fragile areas are protected or restored.

(ii) Planning Objectives: The plan shall include policies that establish service criteria and ensure improvements minimize impacts to AECs and other fragile areas.

(D)(G) Natural Hazard Areas: Areas Management Goal: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.

(H) Natural Hazard Areas Planning Objectives: The plan shall include policies that establish mitigation and adaptation concepts and criteria for development and redevelopment, including public facilities, and that minimize threats to life, property, and natural resources resulting from erosion, high winds, storm surge, flooding, and other natural hazards.

(i) Management Goal: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.

(ii) Planning Objectives: The plan shall include policies that establish mitigation and adaptation concepts and criteria for development and redevelopment, including public facilities, and that minimize threats to life, property, and natural resources resulting from erosion, high winds, storm surge, flooding, or other natural hazards.

(E)(I) Water Quality: Quality Management Goal: Maintain, protect, and where possible enhance water quality in all coastal wetlands, rivers, streams, and estuaries.

(J) Water Quality Planning objectives: The plan shall include policies that establish strategies and practices to prevent or control nonpoint source pollution and maintain or improve water quality.

(i) Management Goal: Maintain, protect, and where possible enhance water quality in all coastal wetlands, rivers, streams, and estuaries.

(ii) Planning Objectives: The plan shall include policies that establish strategies and practices to prevent or control nonpoint source pollution and maintain or improve water quality.

(3) Future land use map. The plan shall include a map that depicts the policies for growth and development, and the desired future patterns of land use and land development with consideration given to natural system constraints and infrastructure. The plan shall include map designations with descriptions of land uses and development.

(e) Tools for Managing Development. The purpose of this element is to describe the management tools and actions the local government will use to implement the plan. This element shall include:

(1) Guide for land use decision-making. The plan shall describe the role of the plan policies, including the future land use map, in local decisions regarding land use and development.

(2) Development program. The plan shall describe the community's development management program, including local ordinances, codes, other plans and policies.

(3) Action plan and implementation schedule. The plan shall describe the actions that will be taken by the local government to implement policies that meet the CRC's management topic goals and objectives. It shall specify the fiscal year(s) in which each action is anticipated to start and finish. It shall describe the specific steps the local government plans to take to implement the policies, including the adoption and amendment of local ordinances, other plans, and special projects. The action plan shall be used to prepare the implementation status report for the plan.

*Authority G.S. 113A-102; 113A-107(a); 113A-110; 113A-111; 113A-124.*

## **SECTION .0800 –LAND USE PLAN AND AMENDMENT REVIEW AND CERTIFICATION**

### **15A NCAC 07B .0801 STATE REVIEW AND COMMENT ON DRAFT PLAN**

The Division of Coastal Management shall review all draft land use plans or comprehensive plans, hereinafter referred to as plans, for consistency with the CRC's requirements for plans prior to local adoption, as set forth in Rule .0702 of this Subchapter. The Division shall provide written notice to the CRC, other State and Federal Agencies, and adjacent jurisdictions (including non-CAMA areas and if applicable, out of state areas) that the plan is available for review and comment. The review period shall be 30 calendar days and shall begin upon receipt of a plan accepted as complete by the Division, as set forth in Rule .0702 of this Subchapter. The Division shall provide written comments to the local government within 45 calendar days after the end of the review period.

*Authority G.S. 113A-106; 113A-107.*

### **15A NCAC 07B .0802 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS**

(a) Notice of Public Hearing. The local government shall provide the Secretary or his or her designee written notice of the public hearing for local adoption and a copy of the proposed land use plan or comprehensive plan, hereinafter referred to as "the plan", or amendment no less than five business days prior to publication of a public hearing notice. The public hearing notice shall include, as set forth in Rule .0803(a)(2) of this Section, disclosure of the public's opportunity to provide written comment to the Secretary following local adoption of the plan.

(b) Final Plan Content. The final plan or amendment shall be adopted by the elected body of each participating local government.

(c) Transmittal to the Division for Certification. The local government shall provide the Executive Secretary of the CRC or his or her designee the locally adopted plan, a certified statement of the local government adoption action, and documentation that it has followed the public hearing process required in G.S. 113A-110.

(d) For joint plans originally adopted by each participating jurisdiction, each government retains its sole and independent authority to make amendments to the plan as it affects its jurisdiction.

*Authority G.S. 113A-107(a); 113A-110; 113A-124.*

### **15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN**

(a) Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally adopted land use plans or comprehensive plans, hereinafter referred to as "the plan," or plan amendments. The procedures shall be as follows:

(1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.

(2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered in the certification of the local plan or amendment.

(3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify plans and amendments following the procedures and conditions specified in this Rule, and that the plans and amendments meet the following conditions:

- (A) are consistent with the Coastal Area Management Act G.S. 113A-110;
- (B) are consistent with the rules of the CRC;
- (C) do not violate State or federal law; and
- (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.

(4) If the plan or amendment does not meet certification requirements, the applicant shall be informed by the Division of Coastal Management within 45 calendar days regarding how the plan or amendment does not meet the procedures and conditions for certification.

(b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.

(c) Use of the Plan. Once certified, the plan shall be utilized in the review of the CAMA permits in accordance with G.S. 113A-111. Local governments shall have the option to exercise their enforcement responsibility by choosing from the following:

- (1) Local administration: The local government reviews the CAMA permits for consistency with the plan;
- (2) Joint administration: The local government identifies policies, including the future land use map and implementation actions that will be used by the Division for the CAMA permit consistency reviews or;
- (3) Division administration: The Division reviews the CAMA permits for consistency with the plan policies, including the future land use map and implementation actions.

(d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan updates and amendments.

Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124.

#### **15A NCAC 07B .0804 REQUIRED PERIODIC IMPLEMENTATION STATUS REPORTS**

Jurisdictions with a locally adopted and certified land use plan shall submit an Implementation Status Report to the Division of Coastal Management every two years from the date of initial certification by the CRC. This report shall be based on implementation actions that meet the CRC's Management Topic goals and objectives, as indicated in the action plan pursuant to Rule .0702(e)(3) of this Subchapter. The Implementation Status Report shall also identify:

- (1) All local, state, federal, and joint actions that have been undertaken successfully to implement its certified land use plan;
- (2) Any actions that have been delayed and the reasons for the delays;
- (3) Any unforeseen land use issues that have arisen since certification of the land use plan; and
- (4) Consistency of existing land use and development ordinances with current land use plan policies.

Authority G.S. 113A-106; 113A-107.

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**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0305.

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

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

**Public Hearing:**

**Date:** February 5, 2026

**Time:** 2:00PM

**Location:** Virtual public hearing via Zoom, pre-registration is required:  
[https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_K1EuclSdRF2pXFXhGTST7Q](https://ncwildlife-org.zoomgov.com/webinar/register/WN_K1EuclSdRF2pXFXhGTST7Q) or join by telephone toll free: (833) 568-8864, Webinar ID: 160 989 8053

**Reason for Proposed Action:** Proposed amendments to 15A NCAC 10F .0305 create a no-wake zone in the Intracoastal Waterway (ICW) at Oak Island, 50 yards west and 50 yards east of the G.V. Barbee Bridge, otherwise known as the Oak Island bridge, in Brunswick County and designate responsibility for placement of regulatory markers.

The U.S. Army Corps of Engineers Wilmington District was consulted about rulemaking in the federal channel. They concur with rulemaking for a no-wake zone 50 yards west and 50 yards east of the G.V. Barbee Bridge

**Comments may be submitted to:** Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.gov](mailto:regulations@ncwildlife.gov)

**Comment period ends:** March 16, 2026

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

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

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

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

**SECTION .0300 - LOCAL WATER SAFETY REGULATIONS**

**15A NCAC 10F .0305 BRUNSWICK COUNTY**

(a) Regulated Areas. This Rule applies to the waters described as follows:

- (1) ~~Lockwood Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp located at the end of S.R. 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwood Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;~~
- (2) ~~Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep sea fishing docks at 33.88344 N, 78.56751 W;~~
- (3) ~~Morningstar Marinas Southport, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;~~
- (4) ~~Shallotte River east of S.R. 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;~~
- (5) ~~Montgomery Slough, otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;~~
- (6) ~~the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;~~
- (7) ~~Town Creek east of S.R. 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;~~
- (8) ~~Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island;~~
- (9) ~~Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;~~
- (10) ~~Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at 33.89551 N, 78.44077 W;~~
- (11) ~~Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;~~
- (12) ~~Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;~~
- (13) ~~Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;~~
- (14) ~~within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;~~
- (15) ~~within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;~~
- (16) ~~within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow; and~~
- (17) ~~within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash.~~

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

(c) Placement and Maintenance of Markers. The following agencies shall place or place and maintain markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) ~~the Board of Aldermen of Varnamtown for placement in the area indicated in Subparagraph (a)(1) of this Rule;~~
- (2) ~~the Board of Commissioners of Brunswick County for placement in areas indicated in~~

~~Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; and~~

(3) ~~the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) through (17) of this Rule.~~

(a) Regulated Areas. This Rule applies to the following waters in Brunswick County:

(1) Varnamtown. Lockwood Folly River in the Town of Varnamtown from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp at the end of S.R. 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwood Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;

(2) Calabash. Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;

(3) Southport. Morningstar Marinas Southport, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;

(4) Town Creek Township. Town Creek east of S.R. 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;

(5) Shallotte:

(A) Shallotte River east of S.R. 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;

(B) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W; and

(C) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte.

(6) Ocean Isle Beach:

(A) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at 33.89551 N, 78.44077 W; and

(B) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach.

(7) Oak Island:

(A) Montgomery Slough, otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;

(B) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island;

(C) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Oak Island; and

(D) Intracoastal Waterway 50 yards east and 50 yards west of the G.V. Barbee Bridge otherwise known as the Oak Island Bridge, in Oak Island.

(8) Sunset Beach. Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;

(9) Bolivia. The waters within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;

(10) Holden Beach. Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;

(11) Winnabow. The waters within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow; and

(12) Ash. The waters within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash.

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

(c) Placement of Markers.

(1) the Board of Aldermen of Varnamtown shall be the designated agency implementing Part (a)(1) of this Rule;

(2) the Board of Commissioners of Brunswick County shall be the designated agency implementing Subparagraphs (a)(2) through (4), (a)(5)(A) and (B), (a)(6)(B), and (a)(7)(A), (B), and (D) of this Rule;

(3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Subparagraphs (a)(5)(C), (a)(6)(A), (a)(7)(C), and (a)(8) through (12) of this Rule.

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

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## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 50 - PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors intends to adopt the rule cited as 21 NCAC 50 .0521, and amend the rules cited as 21 NCAC 50 .0301, .0306, and .1101.

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

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

#### Public Hearing:

**Date:** February 12, 2026

**Time:** 8:30 a.m.

**Location:** 1109 Dresser Court, Raleigh, NC 27609

**Reason for Proposed Action:** Rule 21 NCAC 50 .1101 is being proposed for amendment as the application fees have been unchanged for many years. During that time costs for processing exam applications have risen and Session Law 2025-94 has added requirements to verify social security numbers of applicants with the Social Security Administration which will add new costs.

Rule 21 NCAC 50 .0301 is being proposed for amendment to list a new category of limited license, Limited Plumbing Water Heater Replacement, which is the subject of rule 21 NCAC 50 .0521 that is proposed for adoption. The Limited Plumbing Water Heater Replacement classification will enable this classification of license to replace water heaters only in detached residential settings and only where the water heater remains in the same area and no more than 10 lineal feet water piping is installed as part

of the replacement. The purpose of this rule is to allow regulatory flexibility while ensuring public safety by confirming the individuals have demonstrated the skill and knowledge to perform this task safely and to code with no threat to the potable water supply. The amendment also cites to a proposed amendment to 21 NCAC 50 .0306 as to the experience requirements to obtain this classification and that applicants must satisfy testing requirements set forth in this rule, as amended. Another amendment to this rule allows for a second path to demonstrated sufficient experience for Fire Inspection Contractors and Technicians by accepting certification criteria from Academy Certification Exams as well as the existing path through the National Institute for Certification in Engineering Technologies. The Board has compared those 2 pathways and determined them to be equivalent and believes the alternative path will open licensure as an option for more applicants.

Rule 21 NCAC 50 .0306 is being proposed for amendment to set forth the requirements for an applicant to obtain a new category of limited license, Limited Plumbing Water Heater Replacement, which is the subject of rule 21 NCAC 50 .0521 that is proposed for adoption. The purpose of this rule is to allow regulatory flexibility without compromising public safety. The amendment also allows for a second path to demonstrated sufficient experience for Fire Inspection Contractors and Technicians by accepting certification criteria from Academy Certification Exams as well as the existing path through the National Institute for Certification in Engineering Technologies. The Board has compared those 2 pathways and determined them to be equivalent and believes the alternative path will open licensure as an option for more applicants.

Rule 21 NCAC 50 .0521 is proposed for adoption to establish a Limited Plumbing Water Heater Replacement classification. This classification of license will be allowed to replace water heaters in detached residential settings where the water heater remains in the same area and no more than 10 lineal feet water piping is installed as part of the replacement. The qualification of this classification are set forth in the proposed amendment to Rule 21 NCAC 50 .0306. The purpose of this rule is to allow regulatory flexibility to allow contractors that hold heating or fuel piping contractor or technician licenses for a minimum of 2 years, remain in good standing and have completed a 6-hour course to install replacement water heater in limited circumstances which would otherwise require the installation to be performed by a licensed plumber. These already licensed individuals have demonstrated the skill and knowledge to perform this task safely and to code.

**Comments may be submitted to:** Dale Dawson, 1109 Dresser Court, Raleigh, NC 27609; phone (919) 875-3612; email [ddawson@nclicensing.org](mailto:ddawson@nclicensing.org)

**Comment period ends:** March 16, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives

written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

## SECTION .0300 - EXAMINATIONS

### 21 NCAC 50 .0301      QUALIFICATIONS

#### DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall administer a written or computer-based examination covering the following categories:

- (1) Plumbing Contracting, Class I
- (2) Plumbing Contracting, Class II
- (3) Heating, Group No. 1 - Contracting, Class I
- (4) Heating, Group No. 1 - Contracting, Class II
- (5) Heating, Group No. 2 - Contracting, Class I
- (6) Heating, Group No. 3 - Contracting, Class I
- (7) Heating, Group No. 3 - Contracting, Class II
- (8) Fuel Piping Contractor
- (9) Fire Sprinkler Installation Contractor
- (10) Fire Sprinkler Inspection Contractor
- (11) Residential Fire Sprinkler Installation Contractor
- (12) Restricted Limited Plumbing Contractor
- (13) Fire Sprinkler Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician, Class I
- (16) Plumbing Technician, Class II
- (17) Heating Group No. 1 Technician, Class I
- (18) Heating Group No. 1 Technician, Class II
- (19) Heating Group No. 2 Technician
- (20) Heating Group No. 3 Technician, Class I
- (21) Heating Group No. 3 Technician, Class II
- (22) Fuel Piping Technician
- (23) Private Educational Institution Plumbing Technician
- (24) Private Educational Institution Heating Group 1 Technician
- (25) Private Educational Institution Heating Group 2 Technician

(26) Private Educational Institution Heating Group 3 Technician

(27) Residential Fire Sprinkler Design Contractor  
(28) Limited Plumbing Water Heater Replacement

(b) Each person being examined by the Board for a contractor license, other than a Fire Sprinkler Installation or Fire Sprinkler Inspection Contractor license, shall be required to pass both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a Fire Sprinkler Installation Contractor shall submit evidence of current certification by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System Layout as a prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor shall pass the business and law part of the examination administered by the Board. Persons licensed based upon NICET certification shall maintain such certification as a condition of license renewal.

(d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification shall pass the technical examination offered by the Board. The Board shall accept the results of NICET examinations resulting in Level II Certification in "Inspection and Testing of Water-based Systems" by NICET or from Academy Certification Exams (ACE) examination resulting in Level II Certification in "Inspection and Testing of Water-based Systems". Persons who obtain a license as a Fire Sprinkler Inspection Technician based on NICET or ACE certification shall maintain such certification as a condition of license renewal.

(e) Applicants for licensure as a Fire Sprinkler Inspection Contractor shall submit evidence of Level III certification in "Inspection and Testing of Water-based Fire Systems" by NICET or by Academy Certification Exams (ACE) in lieu of the technical part of the Board-administered examination. Applicants for licensure as a Fire Sprinkler Inspection Contractor shall also pass the business and law part of the examination administered by the Board. Contractors who obtain a license by NICET or ACE certification shall maintain such certification thereafter as a condition of license renewal.

(f) Applicants for licensure in the Limited Fire Sprinkler Maintenance Technician classification shall obtain a license based on maintenance experience, education, and job classification, as set forth in Rule .0306 of this Section and pass a test administered by the Board.

(g) Applicants for licensure as a Residential Fire Sprinkler Installation Contractor shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall pass the technical part of the Residential Fire Sprinkler Installation Contractor examination.

(h) Applicants for licensure as a Plumbing, Heating, or Fuel Piping Technician shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall pass the Class I or the Class II technical and Board laws and rules parts of the Board-administered examination related to the category for which a technician license is sought.

(i) Applicants who hold an active Plumbing, Heating, or Fuel Piping Technician Class I or Class II license obtained by examination, may obtain the Plumbing, Heating or Fuel Piping Contractor Class I or Class II license in the same category and class by meeting the experience requirement listed in Rule .0306

of this Section for the specific contractor license sought and by passing only the business portion of the examination.

(j) Applicants for licensure as a Restricted Limited Plumbing Contractor shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall be required to pass both the business and law part and the technical part of the Restricted Limited Plumbing Contractor examination.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active certification as an On-site Wastewater Contractor, issued by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, may take the examination, provided the applicant demonstrates that he or she has attended a minimum of 8 semester hours of education in a plumbing program through a North Carolina Community College program or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(m) Applicants for a license as a Limited Plumbing Water Heater Replacement Contractor license shall obtain a license based on experience set forth in Rule .0306 of this Section and shall be required to pass both the business and law part and the technical part of the Limited Plumbing Water Heater Replacement Contractor examination.

Authority G.S. 87-18; 87-21(a); 87-21(b).

## **21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE**

(a) All applicants for licensure or examination shall submit an application, setting forth the information required in G.S. 87-21 and the rules of this Chapter, on a form available on the Board website, <http://www.nclicensing.org>, or at the Board office.

(b) Applicants for a plumbing or heating examination shall present evidence when submitting an application to establish completion of two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for a fuel piping examination shall present evidence when submitting an application to establish completion of one year of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with the National Institute for Certification in Engineering Technologies (NICET) examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

(1) 4000 hours of experience in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25: Standard for the Inspection Testing and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference, including all subsequent editions and amendments, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;

(2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, which is hereby incorporated by reference, including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;

(3) 4000 hours of experience in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or

(4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with the National Institute for Certification in Engineering Technologies (NICET) or the Academy Certification Exams (ACE) certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with experience in periodic maintenance of fire protection systems, as described in Rule .0515 of this Chapter. Applicants who have held a Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active Plumbing Class I or Class II Contractor license issued by the

Board for a minimum of two years and shall document attendance at a 16-hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference, including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors shall maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire Sprinkler Installation Contractor license.

(i) Applicants for Licensure as a plumbing or heating Class I technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a plumbing or heating Class II technician shall present evidence adequate to establish 2500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class I technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class II technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) Applicants for license based on completion of an apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirements for the category of license sought as is set forth in this Rule.

(m) Applicants for a license as a Limited Plumbing Water Heater Replacement Contractor license shall present evidence at the time of application to establish that they have held a heating or fuel

piping technician or contractor license for a minimum of two years, in good standing with the board and has attended and completed a six-hour course approved by the board that covers North Carolina State Residential Plumbing codes requirements, sizing and installation techniques that relate to the replacement of an existing potable water heaters.

Authority G.S. 87-18; 87-21(b).

## SECTION .0500 - POLICY STATEMENTS AND INTERPRETATIVE RULES

### 21 NCAC 50 .0521 LIMITED PLUMBING WATER HEATER REPLACEMENT CONTRACTOR LICENSE

Licensure in the Limited Plumbing Water Heater Replacement classification is required of persons who do not possess a license as a plumbing contractor, but contract the replacement of a potable water heater under the following limitations:

- (1) The water heater is being installed in a single family detached residential dwelling.
- (2) The contractor shall install the water heater in the same area as the water heater being replaced and can install no more than a total of 10 lineal feet of water distribution piping to properly connect the water heater to the existing water distribution system.
- (3) The Restricted Water Heater Replacement Contractor licensee cannot install recirculating loop piping but may reconnect to existing loop piping as long as the total lineal footage of water distribution pipe for the water heater replacement does not exceed 10 lineal feet.
- (4) All work meets the minimum standard of the North Carolina Building Codes and permitting requirements.

Authority G.S. 87-18; 87-21.

## SECTION .1100 - FEES

### 21 NCAC 50 .1101 EXAMINATION FEES

- (a) An application to reissue or transfer a license to a different corporation, partnership or individual name requires a fee of twenty-five dollars (\$25.00).
- (b) An application to issue or transfer a license to the license of an existing licensee requires a fee of twenty-five dollars (\$25.00).
- (c) An application for a license by examination requires a fee of one hundred dollars (\$100.00), one hundred-fifty dollars (\$150.00), consisting of an application fee of twenty five dollars (\$25.00) seventy-five dollars (\$75.00) and an examination fee of seventy-five dollars (\$75.00), which is nonrefundable. Upon passage of the examination, the license fee set forth in 21 NCAC 50. 1102 must be paid to obtain the license within 45 days of notification of the result of the examination, except that anyone passing the examination on or after October 1 of any year may elect to obtain a license for the following year rather than the year in which the exam was passed.

Authority G.S. 87-18; 87-22.1; 87-22; 87-26.

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## **CHAPTER 53 - CLINICAL MENTAL HEALTH COUNSELORS**

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Licensed Clinical Mental Health Counselors intends to adopt the rule cited as 21 NCAC 53 .0505.

**Link to agency website pursuant to G.S. 150B-19.1(c):** [www.ncblcmhc.org](http://www.ncblcmhc.org)

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

**Instructions on How to Demand a Public Hearing:** (must be requested in writing within 15 days of notice): *A request for public hearing may be requested within 15 days of publication of these rules in the Register by submitting a request in writing to: Melonie Davis, PO Box 77819, Greensboro, NC 27417; ncfaq@ncblcmhc.org.*

**Reason for Proposed Action:** *21 NCAC 53 .0505 is a proposed rule to establish the fees charged to those individuals seeking the privilege to practice in this State pursuant the Professional Counseling Licensure Compact as set forth in Article 24A of Chapter 90 of the General Statutes.*

**Comments may be submitted to:** *Melonie Davis, PO Box 77819, Greensboro, NC 27417; email ncfaq@ncblcmhc.org*

**Comment period ends:** *March 16, 2026*

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

1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

## **SECTION .0500 - FEES**

### **21 NCAC 53 .0505 PROFESSIONAL COUNSELING LICENSURE COMPACT FEES AND EXAMINATION**

(a) Pursuant to G.S. 90-349.3(c), individuals seeking the privilege to practice in this State pursuant the Professional Counseling Licensure Compact as set forth in Article 24A of Chapter 90 shall pay the initial non-refundable application fee set forth in Rule .0501 of this Section, and thereafter, shall pay the non-refundable renewal fee set forth in Rule .0503 of this Section.

(b) The individual practicing pursuant to the Compact shall pay the required non-refundable application and renewal fees set forth in Paragraph (a) of this Rule to the Counseling Compact Commission and the Commission shall thereafter remit the applicant's fee to the Board.

(c) Pursuant to G.S. 90-349.4(a)(8), Individuals seeking the privilege to practice in this State pursuant to the Professional Counseling Licensure Compact shall complete a jurisprudence exam published on the Board website. Individuals seeking the privilege to practice in this State or to renew the privilege shall submit documentation of completion of the jurisprudence exam, taken within six months prior to seeking the privilege to practice or within six months prior to the expiration of the privilege. The exam administrator's fees for such exam shall be paid directly to the administrator of that exam.

*Authority G.S. 90-334; 90-339; 90-349.3; 90-394.4.*

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

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL AND NATURAL QUALITY

**Rule-making Agency:** Wildlife Resources Commission

**Rule Citation:** 15A NCAC 10F .0314

**Effective Date:** December 29, 2025

**Findings Reviewed and Approved by the Codifier:** December 16, 2025

**Reason for Action:** The agency was recently notified of a serious safety hazard caused by work being performed in the Cape Fear River, south of the Cape Fear Memorial Bridge, by a NCDOT contractor. This work required a drill machine to be attached to a barge and affixed to specific points at proposed bridge bent locations. The barge is held in place laterally using two spuds driven into the river bottom, and moves vertically with the tide. Boats passing the barge can create large wakes that have the potential to rock the barge enough to throw workers into the water or the drilling machine itself and/or knock over heavy drilling steel that could fall on or near the barge.

The proposed amendment creates a no-wake zone in the waters of the Cape Fear River in Wilmington, 160 yards southwest of the Cape Fear Memorial Bridge on Business US Hwy 17, to reduce barge movement and ensure the safety of the public and NC DOT contractors working in the river.

### 15A NCAC 10F .0314 NEW HANOVER COUNTY

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

- (1) the area bounded on the north by the U.S. Highway 74-76 bridge crossing the Intracoastal Waterway, on the south by a line shore to shore intersecting Intracoastal Waterway channel marker number 127, on the west by the shore of Wrightsville Sound, and on the east by a line perpendicular to U.S. Highway 74-76 and intersecting channel marker number 25 in Motts Channel;
- (2) the area of Motts Channel between channel marker number 25 at the Intracoastal Waterway on the west and channel marker number 16 at the entrance from Banks Channel on the east;
- (3) Wilmington. The waters shore to shore in that portion of Bradley Creek in the City of

Wilmington between the U.S. Highway 76 bridge crossing Bradley Creek and a point at 34.20794 N, 77.82158 W, near the mouth of Bradley Creek;

(4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W, to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W; Town of Wrightsville Beach. The unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville Beach and an unnamed island located approximately 500 feet northeast of the U.S. Highway 74 bridge over Banks Channel; and Castle Hayne. The waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area, 6418 Orange Street, Castle Hayne.

(5) the waters of the Cape Fear River in Wilmington shore to shore, 160 yards southwest of the Cape Fear Memorial Bridge on Business US Hwy 17, north of a line from a point on the west shore at 34.22675 N, 77.95400 W, to a point on the east shore at 34.22567 N, 77.95109 W.

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

(c) Placement of Markers. The Board of Commissioners of New Hanover County shall place the no-wake markers implementing Subparagraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

(d) Placement and Maintenance of Markers. The Wildlife Resources Commission shall place and maintain markers for the area designated in Subparagraph (a)(6) of this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

(e) Placement of Markers. The North Carolina Department of Transportation shall be the designated agency implementing Subparagraph (a)(7) of this Rule.

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

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## RULES REVIEW COMMISSION

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*This Section contains information for the meeting of the Rules Review Commission on January 29, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.*

### RULES REVIEW COMMISSION MEMBERS

#### **Appointed by Senate**

Bill Nelson (2<sup>nd</sup> Vice-Chair)  
Jeanette Doran  
John Hahn  
Jeff Hyde  
Wyatt Dixon, III

#### **Appointed by House**

Jake Parker (Chair)  
Paul Powell (1st Vice-Chair)  
Wayne R. Boyles, III  
Christopher Loutit  
Randy Overton

#### **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  | March 26, 2026 |
| February 26, 2026 | April 28, 2026 |

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### **AGENDA**

#### **RULES REVIEW COMMISSION**

**Thursday, January 29, 2026, 10:00 A.M.  
1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  1. Commission for Public Health -10A NCAC 43D .0205, .0304 (Ascher)
  2. Alcoholic Beverage Control Commission - 14B NCAC 15C .0201, .0202, .0203, .0204, .0205, .0206, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308 (Ascher)
  3. State Human Resources Commission - 25 NCAC 01E .1006 (Miller)
- IV. Review of Log of Filings (Permanent Rules) for rules filed November 21, 2025 through December 20, 2025
  1. Board of Agriculture (Wiggs)
  2. Criminal Justice Education and Training Standards Commission (Miller)
  3. Department of Public Safety(Wiggs)
  4. Alcoholic Beverage Control Commission (Ascher)
  5. Wildlife Resources Commission (Wiggs)
  6. State Board of Education (Ascher)
  7. Interpreter and Transliterator Licensing Board (Wiggs)
  8. Board of Licensed Clinical Mental Health Counselors (Wiggs)
  9. Board of Examiners for Engineers and Surveyors (Wiggs)
- V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting
  1. Medical Board – 21 NCAC 32B .2101 (Wiggs)
- VI. Existing Rules Review
  - Review of Reports
    1. 01 NCAC 01, 04, 25 – Department of Administration (Wiggs)
    2. 01 NCAC 26 - Veterans Affairs Commission (Ascher)
    3. 10A NCAC 01 - Department of Health and Human Services (Ascher)
    4. 10A NCAC 13P - Medical Care Commission (Ascher)

5. 10A NCAC 17 - HHS - Division of Services for the Deaf and Hard of Hearing (Ascher)
6. 10A NCAC 26E, 26F - Commission for Mental Health DD/SAS (Wiggs)
7. 15A NCAC 04 - Sedimentation Control Commission (Wiggs)
8. 20 NCAC 09 - Capital Facilities Finance Agency (Wiggs)
9. 21 NCAC 18 - Board of Examiners of Electrical Contractors (Ascher)
10. 21 NCAC 29 - Locksmith Licensing Board (Wiggs)

- Readoptions
  1. 20 NCAC 03 – Local Government Commission (Wiggs)
  2. 21 NCAC 48 - Board of Physical Therapy Examiners (Wiggs)

VII. Review of the 2026 State Medical Facilities Plan (Miller)

VIII. Commission Business

- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
- Next meeting: Thursday, February 26, 2026

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**Commission Review**  
**Log of Permanent Rule Filings**  
**November 21, 2025 through December 20, 2025**

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other

**AGRICULTURE, BOARD OF**

The rules in Chapter 37 concern agronomic services.

|                                  |    |      |    |       |
|----------------------------------|----|------|----|-------|
| <u>Soil Testing Service</u>      | 02 | NCAC | 37 | .0201 |
| Amend*                           |    |      |    |       |
| <u>Plant Analysis Service</u>    | 02 | NCAC | 37 | .0202 |
| Amend*                           |    |      |    |       |
| <u>Nematode Advisory Service</u> | 02 | NCAC | 37 | .0203 |
| Amend*                           |    |      |    |       |

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs). The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

|  |    |      |     |       |
|--|----|------|-----|-------|
| <u>Medical Examination</u>                                       | 12 | NCAC | 09B | .0104 |
| Amend*   |    |      |     |       |
| <u>Certification Training for Radar Operators</u>                | 12 | NCAC | 09B | .0212 |
| Amend*   |    |      |     |       |
| <u>Certification Training for Radar/Time-Distance</u>            | 12 | NCAC | 09B | .0213 |
| Repeal*  |    |      |     |       |
| <u>Certification Training for Time-Distance Operators</u>        | 12 | NCAC | 09B | .0214 |
| Repeal*  |    |      |     |       |
| <u>Supplemental SMI Training</u>                                 | 12 | NCAC | 09B | .0215 |
| Amend*   |    |      |     |       |
| <u>Re-Certification Course for Radar Operators</u>               | 12 | NCAC | 09B | .0220 |
| Repeal*  |    |      |     |       |
| <u>Re-Certification Course for Radar/Time-Distance Operators</u> | 12 | NCAC | 09B | .0221 |
| Repeal*  |    |      |     |       |

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**RULES REVIEW COMMISSION**

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|   |    |      |     |       |
|---|----|------|-----|-------|
| <u>Re-Certification Course for Time-Distance Operators</u>          | 12 | NCAC | 09B | .0222 |
| Repeal*   |    |      |     |       |
| <u>Certification Training for LIDAR Operators</u>                   | 12 | NCAC | 09B | .0238 |
| Amend*  |    |      |     |       |
| <u>Re-Certification Training Course for Lidar Operators</u>         | 12 | NCAC | 09B | .0240 |
| Repeal*   |    |      |     |       |
| <u>Certification Training for Radar/Lidar Operators</u>             | 12 | NCAC | 09B | .0242 |
| Amend*  |    |      |     |       |
| <u>Re-Certification Training Course for Radar/Lidar Operators</u>   | 12 | NCAC | 09B | .0243 |
| Repeal*   |    |      |     |       |
| <u>Certification Training for Radar/Time-Distance/Lidar Oper...</u> | 12 | NCAC | 09B | .0244 |
| Repeal*   |    |      |     |       |
| <u>Re-Certification Training Course for Radar/Time-Distance/...</u> | 12 | NCAC | 09B | .0245 |
| Repeal*   |    |      |     |       |
| <u>Certification of Instructors</u>                                 | 12 | NCAC | 09B | .0301 |
| Amend*  |    |      |     |       |
| <u>Terms and Conditions of Specialized Instructor Certification</u> | 12 | NCAC | 09B | .0305 |
| Amend*  |    |      |     |       |
| <u>Instructor Certification Renewal</u>                             | 12 | NCAC | 09B | .0312 |
| Repeal*   |    |      |     |       |
| <u>Comprehensive Written Examination - Basic SMI Certification</u>  | 12 | NCAC | 09B | .0408 |
| Amend*  |    |      |     |       |
| <u>Satisfaction of Training - SMI Operators</u>                     | 12 | NCAC | 09B | .0409 |
| Amend*  |    |      |     |       |
| <u>Certification of School Directors</u>                            | 12 | NCAC | 09B | .0501 |
| Amend*  |    |      |     |       |

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

|  |    |      |     |       |
|--|----|------|-----|-------|
| <u>Post Delivery Report of Training Course Presentation</u>          | 12 | NCAC | 09C | .0212 |
| Repeal*  |    |      |     |       |
| <u>Speed Measurement Instrument (SMI) Operators Certification...</u> | 12 | NCAC | 09C | .0308 |
| Amend*   |    |      |     |       |
| <u>Recertification Following Separation</u>                          | 12 | NCAC | 09C | .0311 |
| Amend*   |    |      |     |       |
| <u>Approved Speed-Measuring Instruments</u>                          | 12 | NCAC | 09C | .0601 |
| Amend*   |    |      |     |       |
| <u>Speed-Measuring Instrument Accuracy Tests and Operational...</u>  | 12 | NCAC | 09C | .0607 |
| Amend*   |    |      |     |       |
| <u>Speed-Measuring Instrument Operating Procedures</u>               | 12 | NCAC | 09C | .0608 |
| Repeal*  |    |      |     |       |

The rules in Subchapter 9D concern professional certificate programs including law enforcement officers' professional certificate program (.0100); and criminal justice officers' professional certificate program (.0200).

|   |    |      |     |       |
|---|----|------|-----|-------|
| <u>Law Enforcement Professional Certificate Program</u> | 12 | NCAC | 09D | .0101 |
| Amend*  |    |      |     |       |
| <u>General Provisions</u>                               | 12 | NCAC | 09D | .0102 |
| Repeal*   |    |      |     |       |
| <u>Intermediate Law Enforcement Certificate</u>         | 12 | NCAC | 09D | .0104 |

|  |    |      |     |       |  |
|--|----|------|-----|-------|--|
| Repeal*  |    |      |     |       |  |
| <u>Advanced Law Enforcement Certificate</u>              | 12 | NCAC | 09D | .0105 |  |
| Repeal*  |    |      |     |       |  |
| <u>Method of Application</u>                             | 12 | NCAC | 09D | .0106 |  |
| Repeal*  |    |      |     |       |  |
| <u>Juvenile Justice Professional Certificate Program</u> | 12 | NCAC | 09D | .0201 |  |
| Amend*   |    |      |     |       |  |
| <u>General Provisions</u>                                | 12 | NCAC | 09D | .0202 |  |
| Repeal*  |    |      |     |       |  |
| <u>Intermediate Criminal Justice Certificate</u>         | 12 | NCAC | 09D | .0204 |  |
| Repeal*  |    |      |     |       |  |
| <u>Advanced Law Enforcement Certificate</u>              | 12 | NCAC | 09D | .0205 |  |
| Repeal*  |    |      |     |       |  |
| <u>Method of Application</u>                             | 12 | NCAC | 09D | .0206 |  |
| Repeal*  |    |      |     |       |  |

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

|   |    |      |     |       |  |
|---|----|------|-----|-------|--|
| <u>Medical Examination</u>  | 12 | NCAC | 09G | .0205 |  |
| Amend*  |    |      |     |       |  |
| <u>Terms and Conditions of Specialized Instructor Certification</u> | 12 | NCAC | 09G | .0311 |  |
| Amend*  |    |      |     |       |  |
| <u>State Corrections Professional Certificate Program</u>           | 12 | NCAC | 09G | .0601 |  |
| Amend*  |    |      |     |       |  |
| <u>General Provisions</u>   | 12 | NCAC | 09G | .0602 |  |
| Repeal*   |    |      |     |       |  |
| <u>Intermediate State Corrections Certificate</u>                   | 12 | NCAC | 09G | .0604 |  |
| Repeal*   |    |      |     |       |  |
| <u>Advanced State Corrections Certificate</u>                       | 12 | NCAC | 09G | .0605 |  |
| Repeal*   |    |      |     |       |  |
| <u>Method of Application</u>  | 12 | NCAC | 09G | .0606 |  |
| Repeal*   |    |      |     |       |  |

The rules in Subchapter 9G are the forms for use in training programs and instructor certification (.0100).

|   |    |      |     |       |  |
|---|----|------|-----|-------|--|
| <u>Instructor and Professional Lecturer Certification Forms</u> | 12 | NCAC | 09I | .0101 |  |
| Adopt*  |    |      |     |       |  |
| <u>Course Management Forms</u>                                  | 12 | NCAC | 09I | .0102 |  |
| Adopt*  |    |      |     |       |  |
| <u>Basic Law Enforcement Training (BLET) Course Forms</u>       | 12 | NCAC | 09I | .0103 |  |
| Adopt*  |    |      |     |       |  |
| <u>Commission-Accredited Delivery Site Administration Forms</u> | 12 | NCAC | 09I | .0104 |  |
| Adopt*  |    |      |     |       |  |
| <u>Medical Forms</u>  | 12 | NCAC | 09I | .0105 |  |
| Adopt*  |    |      |     |       |  |
| <u>Speed Measurement Instrument (SMI) Forms</u>                 | 12 | NCAC | 09I | .0106 |  |
| Adopt*  |    |      |     |       |  |
| <u>Professional Certificates Forms</u>                          | 12 | NCAC | 09I | .0107 |  |
| Adopt*  |    |      |     |       |  |

**PUBLIC SAFETY, DEPARTMENT OF**

The rules in Chapter 3 concern emergency management including the North Carolina search and rescue program (.0400); and North Carolina hazardous material regional response program (.0500).

|                                 |     |      |    |       |
|---------------------------------|-----|------|----|-------|
| <u>Purpose</u>                  | 14B | NCAC | 03 | .0601 |
| Adopt*                          |     |      |    |       |
| <u>Required Foot Conversion</u> | 14B | NCAC | 03 | .0602 |
| Adopt*                          |     |      |    |       |

**ALCOHOLIC BEVERAGE CONTROL COMMISSION**

The rules in Subchapter 15C concern industry members, retail/industry member relationships, ship chandlers, air carriers, and fuel alcohol including definitions and application procedures (.0100); product approvals, listing procedures and product lists (.0200); packaging and labeling of malt beverages and wine (.0300); standards of identity for wine containers (.0400); general provisions for industry members (.0500); sales and deliveries of malt beverages and wine (.0600); alcoholic beverages, retailer/industry member relationship and trade practices (.0700); ships chandler's permit (.0800); distillers and representatives (.0900); air carriers (.1000); fuel alcohol permits (.1100); administrative action by commission (.1200); and special event permits (.1300).

|  |     |      |     |       |
|--|-----|------|-----|-------|
| <u>Application of Standards</u>                            | 14B | NCAC | 15C | .0401 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Prohibited Practices</u>                                | 14B | NCAC | 15C | .0402 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Containers</u>  | 14B | NCAC | 15C | .0403 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Seizure of Substandard Wine</u>                         | 14B | NCAC | 15C | .0404 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Inspection of Premises</u>                              | 14B | NCAC | 15C | .0501 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Record Keeping Requirements: Sales Tickets</u>          | 14B | NCAC | 15C | .0502 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Sanitation</u>  | 14B | NCAC | 15C | .0503 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Operation of Licensed Premises: Employees</u>           | 14B | NCAC | 15C | .0504 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Off-Site Storage Location</u>                           | 14B | NCAC | 15C | .0505 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Approved Brands Only</u>                                | 14B | NCAC | 15C | .0601 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Sales and Purchase Restrictions: Records</u>            | 14B | NCAC | 15C | .0602 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Holding of Checks Prohibited</u>                        | 14B | NCAC | 15C | .0603 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Collection of Amount of Sale</u>                        | 14B | NCAC | 15C | .0604 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Platform Sales</u>                                      | 14B | NCAC | 15C | .0605 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Draught Malt Beverage Sales: Accessories Deliveries</u> | 14B | NCAC | 15C | .0606 |
| Readopt with Changes*                                      |     |      |     |       |
| <u>Malt Beverage and Wine Shipments to Military Bases</u>  | 14B | NCAC | 15C | .0607 |
| Readopt with Changes*                                      |     |      |     |       |

**WILDLIFE RESOURCES COMMISSION**

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10D are game lands rules.

Paynes Branch Game Land in Forsyth and Stokes Counties 15A NCAC 10D .0295  
Adopt\*

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

Catawba, Iredell, Lincoln, and Mecklenburg Counties 15A NCAC 10F .0307  
Amend\*

Davidson County 15A NCAC 10F .0324  
Amend\*

Caldwell County 15A NCAC 10F .0338  
Amend\*

The rules in Subchapter 10G concern distribution and sale of hunting: fishing: and trapping license including license agents (.0100); boat registration agents (.0200); fur tag agents (.0300); wildlife service agents (.0400); licensee requirements (.0500) and license eligibility (.0600).

Purpose of Wildlife Service Agents 15A NCAC 10G .0401  
Readopt/Repeal\*

Appointment of Wildlife Service Agents 15A NCAC 10G .0402  
Readopt with Changes\*

Wildlife Service Agent Agreement 15A NCAC 10G .0403  
Readopt/Repeal\*

Wildlife Service Agent Terms and Conditions 15A NCAC 10G .0405  
Readopt with Changes\*

Appointment Termination 15A NCAC 10G .0406  
Adopt\*

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised waterfowl and game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), reptiles and amphibians (.1300), wildlife captivity and rehabilitation (.1400), wildlife and alligator control agents (.1500) field trials and dog training (.1700) and commercial activity permitting (.1800)..

Application for Licensure 15A NCAC 10H .1101  
Amend\*

Cages 15A NCAC 10H .1104  
Amend\*

Records 15A NCAC 10H .1107  
Amend\*

**EDUCATION, STATE BOARD OF**

The rules in Subchapter 6D cover instruction including curriculum (.0100), textbooks (.0200), testing programs (.0300), and accountability standards and graduation requirements (.0500).

North Carolina Read to Achieve Program 16 NCAC 06D .0508  
Amend\*

The rules in Subchapter 6H concern federal programs.

|  |    |      |     |       |
|--|----|------|-----|-------|
| <u>Definitions</u>                               | 16 | NCAC | 06H | .0101 |
| Readopt with Changes*                            |    |      |     |       |
| <u>Operation Of Federal Programs</u>             | 16 | NCAC | 06H | .0102 |
| Readopt with Changes*                            |    |      |     |       |
| <u>Complaint Procedures for Federal Programs</u> | 16 | NCAC | 06H | .0103 |
| Readopt with Changes*                            |    |      |     |       |
| <u>Child Nutrition Procedures</u>                | 16 | NCAC | 06H | .0104 |
| Readopt with Changes*                            |    |      |     |       |

#### **INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

The rules in Chapter 25 are from the Interpreter and Transliterator Board including general provisions (.0100); licensing (.0200); moral fitness for licensure (.0300); reporting and disclosure requirements (.0400); continuing education (.0500); administrative procedure (.0600); and sanctions (.0700).

|   |    |      |    |       |
|---|----|------|----|-------|
| <u>The Application Package and Requirements for Licensure</u> | 21 | NCAC | 25 | .0202 |
| Amend*  |    |      |    |       |

#### **CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED**

The rules in Chapter 53 are from the Board of Licensed Professional Counselors and include general information (.0100); definitions and clarification of terms (.0200); how to obtain licensure (.0300); disciplinary procedures (.0400); fees (.0500); renewal of license (.0600); rules specific to licensed professional counselor associates (.0700); licensed professional counselor supervisors (.0800); and registration for a professional entity (.0900).

|  |    |      |    |       |
|--|----|------|----|-------|
| <u>Definitions</u>   | 21 | NCAC | 53 | .1001 |
| Adopt*   |    |      |    |       |
| <u>Board Agreements with Programs</u>                            | 21 | NCAC | 53 | .1002 |
| Adopt*   |    |      |    |       |
| <u>Program Operations and Procedures for All Participants</u>    | 21 | NCAC | 53 | .1003 |
| Adopt*   |    |      |    |       |
| <u>Program Operations and Procedures for Board Referrals</u>     | 21 | NCAC | 53 | .1004 |
| Adopt*   |    |      |    |       |
| <u>Confidentiality</u>   | 21 | NCAC | 53 | .1005 |
| Adopt*   |    |      |    |       |
| <u>Periodic Reporting of Anonymized Information to the Board</u> | 21 | NCAC | 53 | .1006 |
| Adopt*   |    |      |    |       |

#### **ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR**

The rules in Chapter 56 concern the organization of the board (.0100); instructional programs (.0300); records and reports of the board, retention and dispositions (.0400); professional engineer (.0500); professional land surveyor (.0600); rules of professional conduct (.0700); firm registration (.0800); general business entities (.0900); temporary permit (.1000); seal (.1100); rulemaking proceedings (.1200); board disciplinary procedures (.1300); contested cases (.1400); fees (.1500); standards of practice for land surveying in North Carolina (.1600); and continuing professional competency (.1700).

|                                   |    |      |    |       |
|-----------------------------------|----|------|----|-------|
| <u>Requirements for Licensing</u> | 21 | NCAC | 56 | .0501 |
| Amend*                            |    |      |    |       |

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#### **Commission Review**

***Log of Temporary Rule Filings***  
***January 01, 2026 through January 12, 2026***

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other

**MEDICAL BOARD**

The rules in Chapter 32 are from the Medical Board. The rules in Subchapter 32B concern license to practice medicine including prescribing (.1000); general (.1300); resident's training license (.1400); faculty limited license (.1500); purpose license (.1600); other business (.1700); and expedited license for physician license (.2000).

Interstate Medical Licensure Compact  
Adopt\*

21 NCAC 32B .2101